

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WA 98802-4109

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP-22-03)	DECISION AND
GATEWAY MULTIFAMILY FACILITY)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on February 24, 2023, 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 Gateway Opportunity Zone Operating Business, LLC, PO Box 119 Wenatchee, WA 98801.
2. General Description: This is an application for a Conditional Use Permit (CUP) application for a multi-family apartment complex. The apartment complex will consist of approximately 116 units spread over 4 buildings. Associated project applications include a binding site plan (BSP), various commercial building permits and several utility extension agreements.
3. Location: The subject property is located at the corner of Grant Road and S. Nile Ave, East Wenatchee, in the Light Commercial (C-L) zoning district and is further described as being located within Section 18, Township 22N, Range 21E, W.M. Douglas County Assessor's Parcel Number: 22211810014.
4. Site Information:

Total Property Size:	13.9 Acres
No. of Units:	116
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
5. Site Characteristics: The subject property is relatively flat and includes an existing cell tower on the south east corner of the property. Uses adjacent to the subject properties:
North: Single family dwellings
South: Vacant land/ single family dwellings

East: Single family dwellings
West: Vacant land/ single family dwellings

6. **Site Access:** The subdivision will be accessed via 1st St SE. All transportation improvements will be the responsibility of the developer and compliant with the East Wenatchee Road Standards and Specifications.
7. **Zoning:** The subject property is located within the Light Commercial (C-L) Zoning District under East Wenatchee Municipal Code (EWMC), which allows for multifamily development via conditional use permit. The Growth Management Act identifies that urban growth areas are lands intended for annexation by the adjacent city within 20 years. Based on this, Douglas County has adopted city development regulations within their urban growth areas in order to guide growth according to city standards and ease the transition during future annexations. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary.
8. The Greater East Wenatchee Area Comprehensive Plan designates this property as Light Commercial. The intent and objective of this classification and its application is to provide for the location of a grouping of uses which are considered compatible uses having common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail activities. This zone represents the primary commercial designation for small- to moderate-scale commercial activities and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers. The following goals and policies set forth in the comprehensive plan are relevant to this development:
 - 8.1 **URBAN GROWTH: 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
 - 8.2 **LAND USE: RESIDENTIAL:** 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
 - 8.2.1 **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.
 - 8.3 **HOUSING:**
 - 8.3.1 **GOAL:** To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.
 - 8.3.2 **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.

- 8.3.3 GOAL: To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.
- 8.3.4 POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.
- 8.3.5 POLICY H-4: Apply consistent standards in residential development to preserve residential character.
- 8.3.6 POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
- 8.3.7 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.
- 8.3.8 POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
- 8.3.9 POLICY H-25: Ensure that new developments provide adequate street illumination

8.4 UTILITIES

- 8.4.1 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.
- 8.4.2 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.
- 8.4.3 POLICY UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.
- 8.4.4 POLICY UT 4: Ensure that development take into account the timely provision of adequate and efficient utility systems.
- 8.4.5 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.
- 8.4.6 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.
- 8.4.7 POLICY UT 10: Require the under-grounding of utility wires, where feasible.
- 8.4.8 GOAL 4: Provide sewer service for the East Wenatchee Urban Growth Area.
- 8.4.9 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.
- 8.4.10 POLICY UT 23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.

- 8.4.11 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.
- 8.4.12 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
- 8.5 TRANSPORTATION:
 - 8.5.1 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.
 - 8.5.2 GOAL: Ensure adequate and safe access to property via a system of public and private roads.
 - 8.5.3 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
 - 8.5.4 POLICY T-7: Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.
 - 8.5.4.1 Provision for adequate parking must be included for all development
 - 8.5.4.2 Natural and artificial landscaping should be considered in the design of system facilities
 - 8.5.5 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.
 - 8.5.6 POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.
 - 8.5.7 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.
 - 8.5.8 POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
 - 8.5.9 POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.
 - 8.5.10 POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
 - 8.5.11 POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.
 - 8.5.12 POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.

- 8.5.13 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.
- 8.5.14 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.
- 8.5.15 POLICY T-40: Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards.

- 9. Douglas County issued a Determination of Non-Significance on 01/06/2022 in accordance with WAC 197-11-355 (Optional DNS). No appeal has been filed.
- 10. Applicable agencies have been given the opportunity to review this proposal. These agencies have identified mitigation or project design requirements for the project that have been included as conditions of approval where appropriate.

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	N/R	Dept. of Arch. & Historical Preservation	N/R
Douglas County PUD	12/13/2022	Douglas County GIS/Addressing	N/R
WA State Dept. of Ecology	12/08/2022	Douglas County Assessor	11/23/2022
Douglas County Fire District	12/09/2022	East Wenatchee Water District	N/R
Douglas County Sewer District	12/07/2022	Douglas County Transportation & Stormwater	12/12/2022
Douglas County Land Services	02/06/2023	Douglas County Treasurer	N/R

Eastmont School District	N/R	Confederated Tribes of the Colville Reservation	N/R
Washington State Department of Fish and Wildlife	02/09/2022	Greater Wenatchee Irrigation District	N/R

11. No public comments were received.
12. 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.
13. Consistency with the provisions of the C-L Zoning District, Chapter 17.43, EWMC as adopted by Douglas County: The proposed multifamily facility will meet all development standards of the C-L zoning district including density, setback standards, building height, etc. The applicant has provided parking and landscaping plans meeting the requirements of EWMC. As conditioned, the proposal is consistent with the provisions of this chapter.
14. Consistency with the provisions of EWMC 17.72.230 On-Site Recreation, adopted by Douglas County: The application triggers the requirement to provide on-site recreation components for future residents. The application materials indicate various on-site recreation components including a dog park, pool/ pool building, picnic/ bbq area, and a sports court. A final recreation plan must be included with the construction drawings. As conditioned, the proposal is consistent with the provisions of this chapter
15. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage. As conditioned, the proposal is consistent with the provisions of this chapter.
16. Consistency with the provisions of DCC Title 12 Road Standards. As conditioned, the proposal is consistent with the provisions of this chapter.
17. Initial application materials reviewed by Douglas County Transportation and Land Services and admitted into the record at the open record public hearing include:
 - 17.1 Ex. 1 Project Narrative prepared by Cascade Central Construction, dated July 25, 2022.
 - 17.2 Ex. 2 Preliminary Civil Plans prepared by CPH Consultants, dated August 2, 2022.
 - 17.3 Ex. 3 Preliminary Storm Report prepared by CPH Consultants, dated August 23, 2022.
 - 17.4 Ex. 4 Traffic Impact Analysis prepared by TENW, dated October 16, 2022.
 - 17.5 Ex. 5 SEPA checklist prepared by the applicant, dated July 25, 2022.

- 17.6 Ex. 6 Revised site plan prepared by the applicant dated February 6, 2023.
- 17.7 Ex. 7 Cultural Resource Assessment prepared by Cultural Resource Consultants, dated June 9, 2022.
- 17.8 Ex. 8 Parking plan prepared by Fusion Architecture dated February 6, 2023.
- 17.9 Ex. 9 Landscaping plan prepared by CPH Consultants dated August 2, 2022
- 17.10 Ex. 10 Staff Report.
18. Douglas County issued a Determination of Non-Significance on 01/06/2022 in accordance with WAC 197-11-355 (Optional DNS).
19. 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.
20. The Gateway Binding Site Plan BSP-2021-01 is currently in process to create the parcel on which the Gateway Apartments are proposed. The conditions of approval for the Gateway Binding Site Plan require frontage improvements be installed and right of way be dedicated along the S Nile Ave frontage and that 1st St SE be constructed and right of way be dedicated along the northern limits of the proposed apartments being considered in this CUP.
21. Access to the apartments is proposed from S Nile Avenue via 1st St SE. A gated emergency vehicle access is proposed on S Nile Ave. The S Nile Ave frontage improvements and 1st Street SE shall be constructed and right of way dedicated prior to occupancy for the proposed apartments.
22. The traffic impact analysis (TIA) identifies the intersection of Grant Rd and S Nile Ave as operating at the horizon year of 2025 below the level of service thresholds adopted in the Greater East Wenatchee Area Comprehensive Plan Transportation element. In order to facilitate this development or any other developments that will utilize this intersection, an intersection improvement is required to improve the level of service to meet the minimum adopted standards. Douglas County is currently in the design phase for an intersection improvement to construct a roundabout at this intersection. With the roundabout improvement, the intersection will operate at an acceptable level of service. In accordance with transportation concurrency requirements, the intersection improvements are to be constructed within 6 years of the completion of the development. Douglas County is currently scheduled to build the roundabout in 2023/2024.
23. Douglas County's 6 year Transportation Improvement Plan includes intersection improvements at the intersections of Grant Rd & S Nile Ave, Grant Rd & S Nevada Ave, and Grant Rd & S Mary Ave.
24. The TIA identifies proportionate share percentages for each of these intersections as follows:
- 24.1 Grant Rd & S Nile Ave – 2.5%
- 24.2 Grant Rd & S Nevada Ave – 1.9%
- 24.3 Grant Rd & S Mary Ave – 1.9%
25. The property owner shall enter into deferred improvement agreements with Douglas County for the proportionate share contributions for each of the three (3) subject intersections prior to occupancy (temporary or final) for each of the proposed apartment buildings. The amount of each individual deferred improvement agreement will be based on the number of units in the

building seeking occupancy divided by the total number of units for all the buildings multiplied by the percentages listed above.

26. The preliminary stormwater report adequately demonstrates stormwater management feasibility for the subject property through the use of qualitative analysis, sub-basin delineation, and calculations.
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 EWC 19.07.
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. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
32. After due legal notice an open record public hearing was held on February 24, 2023.
33. The entire Planning Staff file was admitted into the record at the public hearing.
34. Appearing and testifying on behalf of the Applicant was Charlie Underwood. Mr. Underwood testified that he was the agent for the Applicant and property owner and was authorized to appear and testify on its behalf. Mr. Underwood stated that he agreed with all the representations in the staff report and had no objection to any of the proposed Conditions of Approval. The proposed Conditions of Approval, including the revision as set forth in the February 23, 2023 memo from Mike Neer to Tanner Ackley.
35. No member of the public testified at this hearing.
36. 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 will not adversely affect the general public, health, safety and general welfare.
3. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee area Comprehensive Plan.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public use and interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance # 07-01H.

7. As conditioned, the proposal is consistent with Title 17 “Subdivision”, Title 19 “Environment”, and Title 20 “Development Standards”, of the Douglas County Code.
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, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that CUP No. 2022-03 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. 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.
3. 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.
4. The project shall proceed consistent with the application materials on file. Any changes or modifications to the approved plans shall be reviewed by Douglas County for continued compliance with all applicable regulations.
5. Landscaping plans shall be modified to account for the revisions to the emergency vehicle access/ structure location.
6. Final recreation plans shall be submitted with commercial building permits. Final recreation plans shall detail all recreation components and construction standards.
7. Final construction plans designed by a Professional Engineer licensed in the State of Washington shall be submitted to Douglas County at the time of building permit submittal. Construction plans shall be prepared in accordance with the requirements of the Douglas County Code.
8. The frontage and transportation system improvements required per the Gateway Binding Site Plan Conditions of Approval shall be completed prior to occupancy (temporary/final) for any of the proposed apartments.

9. The right of way dedication on 1st St SE and S Nile Ave associated with the Gateway Binding Site Plan (BSP-2021-01) shall be completed prior to occupancy (temporary/final) for any of the proposed apartments.
10. The property owner shall enter into deferred improvement agreements for each of the following intersection improvement projects on Douglas County's 6 year Transportation Improvement Plan at the proportionate share percentages identified in the TIA:
 - 10.1 Grant Rd & S Nile Ave – 2.5%
 - 10.2 Grant Rd & S Nevada Ave – 1.9%
 - 10.3 Grant Rd & S Mary Ave – 1.9%
11. The property owner shall enter into deferred improvement agreements with Douglas County for the proportionate share contributions for each of the three subject intersections prior to occupancy (temporary or final) for each of the proposed apartment buildings. The amount of each individual deferred improvement agreement shall be based on the number of units in the building seeking occupancy divided by the total number of units for all the buildings multiplied by the percentages listed above.
12. Access shall be from 1st St SE. A secondary gated emergency vehicle access is proposed from S Nile Ave. Direct access from S Nile Ave is prohibited with the exception of the secondary gated emergency vehicle access.
13. 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 current edition of the Stormwater Management Manual for Eastern Washington (SWMM EW) shall be submitted to and accepted by Douglas County prior to building permit issuance.
14. 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.
15. 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.
16. Prior to any on-site grading occurring or prior to building permit issuance (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.
17. 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.

18. Prior to occupancy, 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.
19. Individual/common plan development for this proposal may exceed 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.
20. The applicant shall complete an Application for Service and coordinate with the Douglas County PUD - Engineering to create an electrical/fiber design to serve the proposal.
21. 10 utility easements are required along roadways.
22. The Washington State Department of Ecology has indicated portions of the subject property fall within areas previously occupied by orchard during the period when lead arsenate was applied as a pesticide. The applicant shall conduct soil testing per Department of Ecology standards. If soil remediation is required by Ecology, all remediation must occur prior to final occupancy.
23. The applicant shall extend sewer infrastructure to the site to supply the proposed use. All sewer infrastructure improvements shall meet the standards of the Douglas County Sewer District.
24. Written approval from the East Wenatchee Water district is required prior to issuance of commercial building permits. If water infrastructure improvements are required, all improvements shall meet the standards of the East Wenatchee Water District.
25. Minimum Required Fire Flow is 1500 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 with the approval of the AHJ and / or Fire Marshal.
26. Buildings or facilities exceeding 30 feet or three stories in height shall have not fewer than two means of fire apparatus access for each structure. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. The highest roof surface shall be determined by the measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet wall, whichever is greater. Where two fire apparatus access roads are required, they

shall be placed a distance apart equal to not less than half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

27. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet exclusive of shoulders. Overhead clearance (covered parking) of less than 13' 6" in height shall not decrease the width of emergency access less than 26' or as required by code.
28. Per DCC 17.10.040.c, an all-weather access road approved by the fire marshal shall be provided to within one hundred fifty feet of every linear foot of the exterior wall on the first floor of each building prior to any construction.
29. Multi-family residential projects having less than 200 units shall have not fewer than one approved fire apparatus access road where all buildings are equipped with an automatic sprinkler system. Due to remoteness access to building a second fire apparatus road with an approved key box UL 1037 listed shall be required for emergency access gate.
30. During construction, temporary occupancy within individual units shall not be authorized until such time that the entire building is complete, inspected, and approved by the Fire Marshal for occupancy.
31. All dwelling units are required to be protected by an approved and monitored NFPA 13R Fire Sprinkler System.

Dated this 27 day of February, 2023.

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.