

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-2022-07)	DECISION AND
Crosby Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 18, 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 and owner is Crosby Trust, 4055 Lake Washington Blvd., NE Kirkland, WA 98033.
2. This application is for a for a 45 lot major subdivision. The subject property is approximately 8.38 acres and located in the Residential Low density zoning district.
3. Location: The subject property is located at the corner of NW Cascade Ave and 31st St NW in East Wenatchee. The subject property is further described as being located within Section 26, Township 23N, Range 20E, W.M. Douglas County Assessor’s parcel number: 40600004001.
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: Vacant land/ single family dwellings
 West: Single family dwellings
5. Site Information:
 Total Project Size: 8.38
 No. of lots 45
 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 Cascade Ave and 31st St NW. The proposal includes an internal road system. All roadway improvements will 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 Policies:
 - 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 Policies: 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.
 - 11.1 POLICY 1: 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:

- 12.1.1 **GOAL:** To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.
- 12.1.2 **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.
- 12.1.3 **GOAL:** To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.
- 12.1.4 **POLICY H-1:** Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.
- 12.1.5 **POLICY H-4:** Apply consistent standards in residential development to preserve residential character.
- 12.1.6 **POLICY H-6:** Require the construction of sound, safe, and sanitary dwelling units.
- 12.1.7 **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.
- 12.1.8 **POLICY H-13:** New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
- 12.1.9 **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.
- 14.3 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.
- 14.4 POLICY T-7: Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.
 - 13.4.1 Provision for adequate parking must be included for all development
 - 13.4.2 Natural and artificial landscaping should be considered in the design of system facilities
- 14.5 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.
- 14.6 POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.
- 14.7 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.
- 14.8 POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
- 14.9 POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.
- 14.10 POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
- 14.11 POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.
- 14.12 POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.

- 14.13 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.
- 14.14 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.
- 14.15 POLICY T-40: Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards.

15. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as an attachment. Agency comments have been included as conditions of approval, as applicable:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	10/3/2022	Dept. of Arch. & Historical Preservation	01/23/2022
Douglas County PUD	09/08/2022	Douglas County GIS/Addressing	09/13/2022
WA State Dept. of Ecology	09/21/2022	Douglas County Assessor	09/07/2022
Douglas County Fire District #2	09/27/2022	East Wenatchee Water District	09/19/2022
Douglas County Sewer District	09/22/2022	Douglas County Transportation & Stormwater	09/28/2022
Douglas County Land Services	09/08/2022	Douglas County Treasurer	N/R
Washington State Department of Transportation	N/R	Wenatchee Reclamation Irrigation District	09/15/2022

16. Public comments were received from multiple members of the public. The comments raised concerns related to traffic issues, dust control, and impacts to existing irrigation lines. One comment expressed an interest in connecting to the public sewer system, as well as having a fence installed adjacent to an existing development.

17. 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 the Hearing Examiner's analysis and consistency review for the subject application:
- 17.1 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.
- 17.2 Consistency with the provisions of Title 17, "Subdivision", Douglas County Code. As conditioned, the proposed subdivision is consistent with the provision of this title.
- 17.3 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.
- 17.4 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 conditioned, the proposal is consistent with the provisions of this chapter.
- 17.5 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. The applicant has elected to pursue the optional payment in lieu of providing open space/ recreation. As conditioned, the proposal is consistent with the provisions of this chapter.
- 17.5 Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage. As conditioned, the proposal is consistent with the provisions of this chapter.
- 17.6 Consistency with the provisions of DCC Title 12 Road Standards. As conditioned, the proposal is consistent with the provisions of this chapter.
18. The applicant has submitted the following:
- 18.1 Land Use Master Application prepared by the applicant, dated August 15, 2022.

- 18.2 SEPA Checklist prepared by the applicant, dated August 15, 2022.
 - 18.3 Preliminary Plat prepared by Dan Beardslee, dated April 26, 2023
 - 18.4 Preliminary Civil Plans prepared by Torrence Engineering, dated May 8 2023.
 - 18.5 Preliminary Stormwater Report prepared by Torrence Engineering, dated April 1, 2022.
 - 18.6 Traffic Impact Analysis prepared by TENW, dated May 11, 2023.
 - 18.7 Response to Notice of Additional Information prepared by the applicant, dated January 31, 2023The subject property is located within the Rock Island Urban Growth Area.
19. The subject property is located within the East Wenatchee Urban Growth Area.
 20. The subject property is designated Residential Low Density by the Greater East Wenatchee Area Comprehensive Plan.
 21. The subject property is located in the Residential Low Density (R-L) zoning district which allows for subdivisions as permitted uses.
 22. Douglas County issued a Determination of Non-Significance on 02/23/2023 in accordance with WAC 197-11-355 (Optional DNS).
 23. 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.
 24. 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.
 25. The following road names are approved for the three new roads being proposed. The approved names are as follows: Road A: NW Boston Ave Road B: 30th Street NW Road C: NW Boston Court.
 26. The Washington State Department of Ecology has provided comment stating the sampling results for the subject property indicate lead and/or arsenic contamination are above Washington State cleanup standards and remediation is required prior to occupancy under the Model Toxics Control Act (Chapter 173-340 WAC). Due to elevated concentrations of lead and arsenic in soil, and the proximity of this project to other residences, it is critical to maintain adequate dust abatement during construction. Ecology also provides information regarding NPDES permit requirements.
 27. The Washington State Department of archeology and Preservation (DAHP) submitted comments recommending the applicant conduct a Cultural Resource Survey of the property. Per DAHP, a statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present.
 28. Per the East Wenatchee Water District, water service is available to serve the proposed subdivision.

29. Per the Douglas County Sewer District, Sewer is not presently available as defined in the East Wenatchee Municipal Code (EWMC) Section 17.72.260(C)(3). An extension of the public sewer collection system will be required to serve the subdivision.
30. The preliminary civil plans depict frontage improvements along NW Cascade Avenue and 31st Street NW in general accordance with pre-application comments provided by the Transportation and Stormwater Department.
31. NW Cascade Ave was re-classified to an arterial rather than a collector since the pre-application meeting was completed. Arterials require a standard roadway surfacing width of 48 feet (between curb faces). Existing improvements along this corridor in the project vicinity are have been constructed to the collector standard. For consistency, this project shall provide road improvements to meet the standards of the collector classification, which require 22 feet from right-of-way (ROW) centerline to face of curb. Required ROW width for arterials is 70 feet, however this project will not be required to dedicate 5 feet of property to Douglas County for ROW purposes as the existing 60-foot ROW is sufficient.
32. 31st Street NW is classified as an Urban Local access and has sufficient ROW from centerline to property line to accommodate the required frontage improvements.
33. The Riedel Short Plat SS-2021-012 (AFN 3253304) was completed in 2021 to create the parcel on which the Crosby Plat is proposed. Plat note 2 from the Riedel Short Plat requires frontage improvements across the entire parent parcel at the time of further development on either parcel. As such, frontage improvements shall extend across both parcels 40600004001 and 40600004002.
34. The horizontal curves shown on the preliminary plans have radii that are less than the minimum per AASHTO design requirements for 25 mph design speed: 181 feet (centerline radii). The county would support a reduced design speed if the applicant's engineer submits a request for alternate to code acceptable to the County Engineer during the construction plan review process. If the alternate is not approved, the design shall be revised to meet the 25 mph design speed.
35. The preliminary storm report adequately demonstrates stormwater management feasibility for the subject property through the use of qualitative analysis, sub-basin delineation, and calculations. Additional investigation regarding the depth to ground water shall be completed as part of the construction plan review process.
36. A culvert exists under NW Cascade Ave south of Road B that has accommodated historical drainage. The function of this culvert shall be evaluated in conjunction with the proposed improvements in the stormwater report.
37. Extension of the public sewer main is shown along NW Cascade Ave from 31st St NW to 29th St NW.
38. The Traffic Impact Analysis confirmed the level of service at the study intersections in the vicinity of this project meet the acceptable thresholds with this project at full build out.
39. The proposed subdivision requires on-site open space/ recreation to be provided. The applicant has chosen to provide an elective optional payment in lieu of establishing an on-site open space/ recreation area pursuant to EWMC 17.73.090 - Elective optional payment in lieu of establishing an on-site open space/recreation area.

40. 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.
41. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
42. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
43. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
44. After due legal notice and open record public hearing was held on May 18, 2023.
45. The entire Planning Staff file was admitted into the record at the public hearing.
46. Appearing and testifying on behalf of the applicant was Dan Beardslee. Mr. Beardslee testified that he was an agent of the property owner and Applicant and was authorized to appear and speak on their behalf. Mr. Beardslee expressed concerns with proposed Conditions of Approval No. 9, 31, and 36.
47. Regarding proposed Condition of Approval No. 9, Mr. Beardslee stated that the common practice is that easements may be shown on the final plat, but the location of the utilities are not.
48. Regarding proposed Condition of Approval No. 31, Mr. Beardslee expressed concerns that they were required to construct entire frontage improvements along 31st and believed it was not fair that they would pay for offsite frontage improvements. He indicated that frontage improvements on the interior roads were acceptable.
49. Regarding proposed Condition of Approval No. 36, Mr. Beardslee objected to the final sentence within this proposed condition because it would allow Link Transit to have ultimate control over whether or not the final plat is approved or not.
50. Mr. Beardlee stated all other proposed Conditions of Approval were acceptable.
51. Testifying from the public were the following individuals:
 - 51.1 Mike Thompson. Mr. Thompson expressed concerns regarding density and traffic.
 - 51.2 Michael DeGrenier. Mr. DeGrenier expressed concerns regarding irrigation disruption and traffic on Cascade.
 - 51.3 James Howard. Mr. Howard testified that the traffic on 31st now travels well above the speed limit. He stated that sidewalks were needed in the area and was concerned about road closures on Cascade due to construction. He also had concerns about the sewer treatment facility not having sufficient capacity and other traffic concerns.
 - 51.4 Skip Parkinson. Mr. Parkinson testified as to his concerns that NW 31st is inadequate for current traffic, let alone increased traffic.
52. At the conclusion of the hearing, the Hearing Examiner left the hearing open for the County to submit additional comments by May 23, 2023, and to allow the Applicant to submit any reply materials by June 5, 2023, at which time the record would close.

53. The County submitted their additional materials on May 22, 2023, which are hereby admitted into the record.
54. The Applicant submitted their rebuttal materials on May 23, 2023, which are also hereby admitted into the record.
55. 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 "Subdivisions", 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-2022-07 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. A plat certificate showing parties of interest from a title company must be submitted with the blueline 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. Utility easements shall be depicted on the face of the final plat.
10. Prior to final plat approval, the applicant shall provide an estimate based on the cost that would be incurred by creating the open space/ recreation area for the purpose of determining the open space payment amount. The payment provisions must be formalized in an agreement that will be recorded with the Douglas County Auditor. All payment procedures shall follow those referenced in EWMC 17.73.090 - Elective optional payment in lieu of establishing an on-site open space/recreation area.
11. A written water and sewer availability statement is required from each utility confirming water and sewer service is available to serve the newly created lots.
12. The final Mylar shall include the following note:
"The Health District has not reviewed the legal availability of water to this plat development"
13. The applicant shall complete a request for service with the Douglas County PUD. The applicant shall coordinate with DCPUD engineering to create a power/ fiber design for the project and relocate existing overhead power lines.
14. 10' utility easements are required adjacent to 31st St NW and NW Cascade Ave.
15. The applicant shall coordinate with the US Post Office and Douglas County Transportation Department to address the location of the community mailbox.
16. The applicant, and all contractors working on the development, shall maintain adequate dust control during construction.
17. 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. The Storz fitting must meet the specified requirements of the Fire District as per the discretion of the Fire Marshal.
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 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. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet exclusive of shoulders.
20. 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.

21. Access to lots 12, 19, 20, 21, 41, and 42 must be post "No Parking" in accordance with established standards.
22. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. The access roads shall be placed a distance apart equal to but not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
23. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system, than a secondary fire apparatus access is not required.
24. A Developer Extension Agreement will be required with the East Wenatchee Water District (EWWD). Requirements for fire flow will meet the standards of the Douglas County Fire Marshal and all required improvements will be per current EWWD design standards and specifications. The Developer will assume all of the EWWD costs for this proposal including inspections, testing, and permits. After construction is completed and accepted by the EWWD, a 2-year Maintenance/ Warranty Bond will be required.
25. An extension of the public sewer system will be required to serve the proposed subdivision. The applicant will be required to enter into a Developer Extension Agreement with the Douglas County Sewer District (DCSD). All sewer improvements required to serve the subdivision 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 DCSD, prior to final plat approval.
26. Prior to final approval of this development, applicant must obtain a release from Wenatchee Reclamation District which states that irrigation shares have been segregated.
27. RCW 58.17.310 prohibits any city, town or county from approving a short plat or final plat for property in the District unless the entity has provided an irrigation water right-of-way for each parcel of land. Irrigation Rights-of-way must be shown on the plat submitted for final approval.
28. 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.
29. Include the designation "P-2022-07" on each sheet of the final civil construction plans.
30. Frontage improvements are required along NW Cascade Avenue in accordance with Figure 3-8 (Urban Collector) from the Douglas County Road Standards. NW Cascade Ave 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 utilize the Urban Collector standard for consistency along this corridor.
31. Half-street improvements are required along the 31st St NW frontage of the project (parcel 40600004001) and the lot 2 of the Riedel Short Plat (parcel 40600004002) in accordance with Figure 3-7b.

32. Internal roads shall be designed and constructed per figure 3-7b. Minimum design speed of 25 mph shall apply to the radii of horizontal curves unless a request for alternate to code to reduce the design speed is submitted in accordance with Douglas County Code 12.50.100 and approved by the County Engineer.
33. Access to NW Cascade Ave for individual lots created within this subdivision is prohibited. A 1-foot non-vehicular easement shall be included along the Northwest Cascade Avenue frontage excluding the location(s) designated for the public road intersections and locations necessary for pond access/maintenance.
34. Illumination shall be designed and installed consistent with East Wenatchee Municipal Code, 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 within the public right of way shall be coordinated with Douglas County during construction plan review.
35. 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 Cascade Ave. 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 dedicated for such use.
36. In accordance with EWMC 12.52, the applicant shall coordinate with Link Transit to determine if improvements are required along the project frontage to accommodate transit stops.
37. 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.
38. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
39. 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.
40. 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.
41. 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.
42. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.

43. 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.
44. A final site-specific stormwater plan and report prepared by a Professional Engineer 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.
45. Include the designation "P-2022-07" on the cover sheet of the final stormwater report.
46. 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.
47. Stormwater facilities mitigating both public and private runoff 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). Stormwater facilities that only mitigate runoff from the public right-of-way shall be in public right-of-way or in a separate tract that is deeded to Douglas County.
48. 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.
49. 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.
50. 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.
51. As applicable, registration of facilities that are regulated under the Washington State Department of Ecology's Underground Injection Control (UIC) Program shall be completed prior to construction.
52. 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.
53. 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:

“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 _____.”

54. 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:

“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 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.”

Dated this 12 day of June, 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.