

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-2022-06)	DECISION AND
Feil Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on August 17, 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 Dan Feil Holdings, 2115 North Ashlund Ave, East Wenatchee, WA 98802.
2. This application is for a 19 lot major subdivision. The subject property is approximately 3.21 acres in size and located in the Residential Low Density (R-L) zoning district. The proposed lots range in size from .11 acres to .19 acres. The applicant is proposing to utilize EWMC 17.72.045 – *Lot Size Averaging* to achieve the desired lot layout.
3. Location: The subject property is located east of the intersection of 22nd Street NE and N Ashland Ave in East Wenatchee. The subject property is further described as being located within Section 35, Township 23N, Range 20E, W.M. Douglas County Assessor’s parcel number: 40900003716.
4. Site Characteristics: The subject property is mildly sloped with no existing structures on site. Uses adjacent to the subject properties:
North: Single family dwellings
South: 22nd St NE/ vacant land
East: Single family dwellings/ Church
West: Single family dwellings
5. Site Information:
Total Project Size: 3.21
No. of lots 19

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

6. Access: The subdivision will be accessed via 22nd St NE. 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. 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. 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. Findings of Fact Nos. 10 through 14 address goals and policies stated in the Comprehensive Plan that 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. Douglas County issued a Determination of Non-Significance on 8/1/2023 in accordance with WAC 197-11-355 (Optional DNS). Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as conditions of approval, as applicable:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	1/4/2023	Dept. of Arch. & Historical Preservation	N/R
Douglas County PUD	12/16/2022	Douglas County GIS/Addressing	07/31/2023
WA State Dept. of Ecology	12/22/2022	Douglas County Assessor	N/R
Douglas County Fire District 2	12/9/2022	East Wenatchee Water District	1/10/2023
Douglas County Sewer District	12/8/2022	Douglas County Transportation & Stormwater	7/3/2023
Douglas County Land Services	7/31/2023	Confederated Tribes of the Colville Reservation	12/15/2022
Douglas County Treasurer	12/19/2022	Eastmont School District	12/27/2022
Wenatchee Reclamation Irrigation District	12/08/2022	Douglas County Building Official/ Fire Marshal	8/8/2023

16. Multiple members of the public commented on the proposal. The comments raised concerns regarding existing irrigation lines, loss of views, and loss of property value. The citizens who commented indicate multiple irrigation lines run through the subject property and request that irrigation service not be interrupted.
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. Based on project size, the total development area is 139,827 sf. The required open space requirement of 5% is 6,991sf. The applicant has requested to provide a payment in lieu of open

space/ recreation pursuant to EWMC 17.73.090 - Elective optional payment in lieu of establishing an on-site open space/recreation area. Payment amount/ procedures shall be consistent with EWMC 17.73.090 (B-H). As conditioned, the project is consistent with the provisions of this chapter.

17.6

EWMC 17.72.045 Lot size averaging.

17.6.1 A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located if the area in lots plus critical areas and their buffers and areas designated as open space or recreational uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in which the property is located. In no case shall the density achieved be greater than the gross site area density permitted within the underlying zoning district.

17.6.1.1 The total square footage of all lots involved, not including lot 20 which is being proposed as a stormwater facility, is 116,326 sq. ft. $116,326 / 19$ (Total # of residential lots) = 6122 sq. ft. exceeding the minimum lot size of 5000 sq. ft. allowed by the R-L zoning district.

17.6.2 This section shall only apply within residential zoning districts.

17.6.2.1 The subject property is located in the Residential Low Density zoning district.

17.6.3 Each single lot shall be at least 3,000 square feet in area.

17.6.3.1 Each lot exceeds 3000 sq. ft. in area.

17.6.4 Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55 percent.

17.6.4.1 As conditioned, lots will have the ability to build at a 55% maximum lot coverage.

17.6.5 Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 40 feet, and front yard setbacks of 15 feet except that garages must be set back 18 feet from the right-of-way (with the exception of alleys) and corner lots may reduce one front yard setback to no less than 15 feet.

17.6.5.1 All lots exceed the minimum width of 40 ft. As conditioned, lots will have the ability to develop at the applicable setback standards.

17.6.6 Preliminary subdivisions approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels, satisfy the requirements of this section.

17.6.6.1 As conditioned, the project will proceed consistent with EWMC 17.72.045.

17.6.7 Roadways and surface detention/retention facilities shall not count toward the calculations for lot size averaging unless the detention/retention facility is either (1) designed and constructed so as to appear as a natural wetland system, or (2) designed and constructed in a manner that provides active or passive recreational benefits in a natural or manicured landscaped setting. (Ord. 16-12 § 8, 2017; Ord. 07-05 § 7, 2007)

17.6.7.1 Lot 20, which is being proposed as a stormwater facility, has not been included in calculations for lot size averaging.

- 17.7 Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage. As conditioned, the proposal is consistent with the provisions of this chapter.
- 17.8 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, dated July 29, 2022.
 - 18.2 Revised SEPA Checklist, dated April 19, 2023.
 - 18.3 Revised Preliminary Plat, dated May 11, 2023
 - 18.4 Lot Size Averaging Memo, dated July 5, 2023.
 - 18.5 Payment in Lieu Memo, dated July 5, 2023.
 - 18.6 Additional Information Response Letter, dated March 10, 2023.
 - 18.7 Dan Feil Subdivision Preliminary Engineering Drawings dated April 19, 2023.
 - 18.8 Dan Feil Subdivision Preliminary Stormwater Drainage Report dated July 4, 2022.
 - 18.9 Feil 22nd Street Preliminary Plat drawings dated April 18, 2023.
 - 18.10 Letter requesting design alternatives as alternate to code, dated July 5, 2022.
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. The applicant is proposing to utilize EWMC 17.72.045 – *Lot Size Averaging* to achieve the desired lot layout/ size.
23. A request for an alternate to the East Wenatchee Municipal Code has been proposed by the applicant's engineer. The alternate to code allows the applicant to:
 - 23.1 Omit sidewalk along the east side of the private road.
 - 23.2 Establish a private roadway tract with 40' width.
24. The preliminary civil plans depict frontage improvements along 22nd Street NE in accordance with pre-application comments provided by the Transportation and Stormwater department. Internal roads are proposed to be private.
25. The preliminary storm report adequately demonstrates stormwater management feasibility for the subject property through the use of qualitative analysis, sub-basin delineation, and calculations.
26. The Washington State Department of Ecology has provided comment indicating a portion of the property lies within an area that was occupied by orchard during the period when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. Ecology requires soil sampling if vacant, commercial, industrial, or agricultural properties are converted to residential use as there may be an increased risk of exposure to soil with elevated concentrations of arsenic and lead.
27. The Colville Confederate Tribes (CCT) submitted comments recommending the applicant conduct a Cultural Resource Survey of the property. Per CCT, 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. Douglas County has taken the position that because the Douglas County Code does not specifically regulate soil contamination and archeological issues, that Conditions of Approval as requested by DOE and DAHP are not to be recommended by staff.
 29. The application triggers the requirement to provide open space/ recreation. The applicant has elected to provide a payment in lieu of open space/ recreation pursuant to EWMC 17.73.090 - *Elective optional payment in lieu of establishing an on-site open space/recreation area.*
 30. Douglas County issued a Determination of Non-Significance on 08/01/2023 in accordance with WAC 197-11-355 (Optional DNS).
 31. 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.
 32. 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.
 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. Multiple members of the public commented on the proposal. The comments raised concerns regarding impacts to existing irrigation lines, loss of views, and loss of property value.
 35. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
 36. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
 37. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
 38. After due legal notice ^{an} and open record public hearing was held on August 17, 2023.
 39. The entire Planning Staff file was admitted into the record at the public hearing.
 40. Appearing and testifying on behalf of the applicant was Martin Davy. Mr. Davy testified that he was an agent authorized to appear and speak on behalf of the Applicant and property owner. Mr. Davy indicated that the Applicant agreed with all the representations set forth within the staff report and had no objection to any of the proposed Conditions of Approval. Mr. Davy indicated that they would move the irrigation around when the irrigation water was not flowing. He indicated that the Applicant would allow the Department of Ecology to do soil testing and to develop a mitigation plan. Mr. Davy had no comment on the DAHP recommendations.
 41. Also testifying from the Applicant was Dan Feil. Mr. Feil is the property owner. He indicated that he hoped that this development would be for senior residents. He confirmed that there would be no disruption of the irrigation to the neighbors.

42. Testifying from the public was the following individual:
 - 42.1 Martha Ann Hames. Ms. Hames lives on Autumn Drive. She had concerns about what kind of homes were going to be on the property and whether these homes would impact her property values.
43. In conclusion, Mr. Davy indicated that stormwater would all be retained on-site and the stormwater system would be designed to capture a 100 year flood. He stated that the only access to the property would be off of 22nd.
44. 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-2022-06 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 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 applicant shall provide the payment in lieu of open space/ recreation in accordance with EWMC 17.73.090. The applicant shall submit calculations of the payment amount, in accordance with EWMC 17.73.090(C) with the final plat for review. Per EWMC 17.73.090 (B), the payment provisions shall be formalized in an agreement that will be recorded with the Douglas County auditor.
10. Per EWMC 17.72.045(D), lots created through lot size averaging shall have the ability to develop at 55% maximum lot coverage.
11. Per EWMC 17.72.045(E), Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 40 feet, and front yard setbacks of 15 feet except that garages must be set back 18 feet from the right-of-way/ access easement and corner lots may reduce one front yard setback to no less than 15 feet.
12. Domestic water service shall be by expansion of the East Wenatchee Water District's public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required prior to final plat approval. All water system improvements shall be designed, constructed, and placed in accordance with the purveyor's requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
13. The dedicatory language on the plat shall carry the following note:
 - 13.1 The Health District has not reviewed the legal availability of water to this development.
14. Sanitary sewer service shall be by expansion of the Douglas County Sewer District's public sewer system. Written confirmation from the utility agreeing to provide individual service to each lot is required prior to final plat approval. All sewer system improvements shall be designed, constructed, and placed in accordance with the purveyor's, and the Department of Ecology's, standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
15. The applicant shall provide a payment to provide service to the Douglas County PUD prior to final plat approval.
16. Requirements for fire flow shall meet the standards of the Douglas County Fire Marshal and all required improvements shall be per current District design standards and specifications.
17. The developer will assume all the Water District's costs for the proposal including inspections, testing and permits. After construction is completed and accepted by the Water District, a 2-year maintenance/ warranty bond will be required.

18. An extension of public sewer will be required to serve the subdivision. The developer shall initiate a Developer Extension Application/Agreement (DEA) with the Douglas County Sewer District.
19. 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.
20. Prior to final approval of this development, applicant must obtain a release from Wenatchee Reclamation District which states that irrigation shares have been segregated.
21. RCW 58.17.310 prohibits any city, town or county from approving a short plat or final plat for property in the Irrigation District unless the entity has provided an irrigation water right-of-way for each parcel of land. Rights-of-way must be shown on the plat submitted for final approval.
22. 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.
23. Include the designation "P-2022-06" on each sheet of the final civil construction plans.
24. Frontage improvements are required along 22nd Street NE in accordance with Figure 3-7b (Urban Local Access) of Douglas County code. 22nd Street NE shall be built to a half-street standard (i.e. 24' wide, curb, gutter, and sidewalk) from the intersection of North Ashland Avenue to the intersection of North Baker Avenue. The portion of the road heading west to the intersection of North Ashland Avenue can be constructed without sidewalk in order to fit within existing right of way and 24' wide (minimum) paved travel way.
25. Internal private roads shall be constructed to meet the roadway section presented on Figure 3-7a of the Douglas County Road Standards, with the exception that the applicant is allowed to omit sidewalk on the east side and utilize a tract width of 40 feet. The construction plans shall show no parking signs along the east side of the private drive and within the cul-de-sac.
26. The access easements for Lots 2, 6, 7, 8, and 14 shall be of sufficient width to include the proposed retaining walls required for the driveways.
27. EWMC requires provision of snow storage in sections 12.53.010.C.3.J and 17.72.010.C.13. The snow storage area shall be a paved 20' by 30' area located in a manner that a snow plow can use it. Douglas County road crews have informed staff that locating the storage areas in general alignment with the road at the end of the cul-de-sac is the best location. Understanding the snow plowing will not be by County crews it is anticipated plowing will be completed in a similar manner to provide sufficient space as necessary to maintain access for large vehicles.
28. 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. In lieu of a street light at the end of the cul-de-sac, permanent driveway pedestal lighting provided by all lots accessing the cul-de-sac may be substituted; provided, that it is noted on the face of the plat.

29. The location of any cluster mailbox units proposed for the subdivision shall be shown on the construction plans. The 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.
30. 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.
31. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
32. 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.
33. 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.
34. Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance and prior to final plat acceptance a Warranty Assurance Agreement shall be completed per DCC 12.50.110.
35. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
36. 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.
37. 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. Final construction plans shall include proposed grading of lots and locations of walls (as applicable).
38. Include the designation "P-2022-06" on the cover sheet of the final stormwater report.
39. 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.

40. 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). The final plat shall identify the stormwater tract as tract A, consistent with the civil plans and show easements for drain lines crossing lots.
41. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans and stormwater report.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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 _____."
47. Roof drains shall be connected to the proposed storm drainage conveyance system along the public and private roads or the lot shall be managed by a lot-specific stormwater system.
48. Any proposed lots which include an on-site infiltration facility will require an engineered construction plan and stormwater 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 construction plan and stormwater report shall be submitted that conforms to Douglas County Code and the current edition of the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans. A private stormwater operation and maintenance agreement, prepared with standard Douglas County forms, shall be executed and recorded with the Douglas County Auditor prior to occupancy."
49. 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:

“At the time of building permit submittal for Lots _ - _, a drainage construction plan shall be submitted which depicts the on-site stormwater conveyance system. The site plan shall include the following information:

- 49.1 Pipe size.
- 49.2 Minimum pipe slope.
- 49.3 Invert elevation at the connection to the stormwater stub.
- 49.4 Finished floor elevation of the structure and garage slab.”

- 50. 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.
- 51. 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.
- 52. 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. Hydrant shall be required on 22nd street at new development.
- 53. All access longer than 150 feet must end in an approved Turn Around. Flag lot access poles shall be included in the access length. Turn Arouns 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.
- 54. 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.
- 55. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet exclusive of shoulders.

Dated this 23 day of August, 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.