

**DOUGLAS COUNTY**

DEPARTMENT OF HEARING EXAMINER  
140 19<sup>th</sup> Street NW  
East Wenatchee, WAS 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P-2023-01	)	<b>DECISION AND</b>
Orchard Vista Plat Subdivision	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 21, 2024, 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. Requested Action: An application for a 46 lot major subdivision. The subject property is approximately 8.59 acres and located in the Residential Low density zoning district.
2. Location: The subject property is located north of the intersection of S Perry Ave and 6<sup>th</sup> Street SE East Wenatchee, WA. The subject property is located in the Low Residential (R-L) zoning district under Douglas County Code 18A.24 and is further described as being located within Section 17, Township 22N, Range 21E, W.M. Douglas County
3. Assessor's Parcel Number: 75000004701.
4. SITE INFORMATION:
  - 4.1. Total Project Size: 8.59
  - 4.2. No. of lots 46
  - 4.3. Domestic Water: East Wenatchee Water District
  - 4.4. Sewage Disposal: Douglas County Sewer District
  - 4.5. Power/Electricity: Douglas County PUD
  - 4.6. Fire Protection: Wenatchee Valley Fire Department
  - 4.7. Telephone Service: Varied

4.8. Site Characteristics: The topography is varied throughout the site.

4.9. Uses adjacent to the subject properties:

North: Single family dwelling with livestock pastures

South: Single family dwellings

East: Single family dwelling with livestock pastures

West: Single family dwelling with orchard

5. Access: The subdivision will be accessed via 6th Street SE. 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.
6. Zoning and Development Standards: The subject property is located within the Residential Low Density (R-L) Zoning District under Douglas County Code which allows for the subdivision of land. The project shall abide by all applicable standards of the R-L District including but not limited to dimensional standards, permitted uses, etc.
7. 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.
8. 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:

#### 9. URBAN GROWTH

10. POLICY UG-12: The City and County encourage the use of innovative, high quality infill development and redevelopment strategies such as planned developments, zero-lot line, lot-size averaging, shadow platting, small lot subdivisions, and mixed uses in existing developed areas within the urban growth areas.

#### 11. LAND USE – RESIDENTIAL:

- 11.1. The quality and integrity of residential neighborhoods defines the character of the community. Ensuring that these neighborhoods remain stable and vital is of primary importance to meet the goals of the Growth Management Act, the Land Use Plan, and the Housing Plan.

12. 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.
13. HOUSING
14. GOAL: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.
15. 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.
16. GOAL: To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.
17. POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan.
18. POLICY H-4: Apply consistent standards in residential development to preserve residential character.
19. POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
20. 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 nonmotorized modes of transportation.
21. POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
22. POLICY H-25: Ensure that new developments provide adequate street illumination.
23. UTILITIES
24. 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.
25. 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.
26. POLICY UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.
27. POLICY UT 4: Ensure that development take into account the timely provision of adequate and efficient utility systems.

28. 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.
29. 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.
30. POLICY UT 10: Require the under-grounding of utility wires, where feasible.
31. GOAL 4: Provide sewer service for the East Wenatchee Urban Growth Area.
32. 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.
33. POLICY UT 23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.
34. 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.
35. 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.
36. TRANSPORTATION
  - 36.1. 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.
  - 36.2. GOAL: Ensure adequate and safe access to property via a system of public and private roads.
37. 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.
38. POLICY T-7: Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.
  - 38.1. Provision for adequate parking must be included for all development
  - 38.2. Natural and artificial landscaping should be considered in the design of system facilities

39. 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.
40. POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.
41. 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.
42. POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
43. POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.
44. POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
45. POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.
46. POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops. 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.
47. 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.
48. POLICY T-40: Encourage physical activity by providing alternative modes of transportation with more pedestrian and bicycle friendly street standards.
49. Environmental Review: Douglas County issued a Determination of Non-Significance on 04/29/2024 in accordance with WAC 197-11-355 (Optional DNS).
50. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as an attachment.

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health	01/16/2024	Dept. of Arch. & Historical	01/02/2024

District		Preservation	
Douglas County PUD	01/04/2024	Douglas County GIS/Addressing	01/04/2024
WA State Dept. of Ecology	01/05/2024	Douglas County Assessor	12/19/2023
Douglas County Fire District	01/29/2024	East Wenatchee Water District	01/30/2024
Douglas County Sewer District	01/30/2024	Douglas County Transportation & Stormwater	04/11/2024
Douglas County Land Services	04/29/2024	Douglas County Treasurer	N/R
Washington State Department of Transportation	12/27/2023	Wenatchee Reclamation Irrigation District	N/R

Agency comments: N/R = No Reply

Agency comments have been included as suggested conditions of approval, as applicable.

- 50.1. A public comment was received from one member of the public. The comment raised concerns related to traffic issues, lot sizes effecting the value of the neighborhood and the survey that depicts where their own property lines are located.
51. 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.
52. Consistency with the provisions of Title 18A, "Subdivisions", Douglas County Code.
- 52.1. *As conditioned, the proposal is consistent with the provision of this title.*
53. Consistency with the provisions of the R-L Zoning District, Chapter 18A.24, DCC as adopted by Douglas County:
- 53.1. 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.
- 53.2. *As conditioned, the proposal is consistent with the provisions of this chapter.*
54. Consistency with the provisions of *Lot Frontage*, Section 18A.72.210, DCC:

- 54.1. 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.
- 54.2. *As conditioned, the proposal is consistent with the provisions of this chapter.*
55. Consistency with the provisions of *Open Space Standards*, Chapter 18A.73 DCC:
- 55.1. 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 DCC 18A.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.
- 55.2. *As conditioned, the proposal is consistent with the provisions of this chapter.*
56. Consistency with the provisions of DCC Chapter 20.34, *Stormwater Drainage*
- 56.1. *As conditioned, the proposal is consistent with the provisions of this chapter.*
57. Consistency with the provisions of DCC Title 12 *Road Standards*
- 57.1. *s conditioned, the proposal is consistent with the provisions of this chapter.*
58. The applicant is Brandon Bernard with the ConsultMe Group, 2909 S Quillan St, Suite 146, Kennewick, WA 99337.
59. General Description An application for a 46 lot major subdivision. The subject property is approximately 8.59 acres and located in the Residential Low density zoning district. Proposed lot sizes range from 5,012 sq. ft. to 9,054 sq. ft.
60. The applicant has submitted the following:
- 60.1. Land Use Master Application prepared by the applicant, dated November 3, 2023.
- 60.2. SEPA Checklist prepared by the applicant, dated September 19, 2023.
- 60.3. Preliminary Plat prepared by Jeff Sutton at Erlandsen, dated March 28, 2024.
- 60.4. Preliminary Construction plans, prepared by Erlandsen, dated March 28, 2024.
- 60.5. Preliminary Civil Plans prepared by Erlandsen, dated November 2, 2023.

- 60.6. Preliminary Stormwater Report prepared by Erlandsen, dated October 10, 2023.
- 60.7. Traffic Impact Analysis prepared by TENW, dated April 10, 2024.
- 60.8. Response to Notice of Additional Information prepared by the applicant, dated March 28, 2024.
- 60.9. Phasing Plan prepared by Erlandsen, dated May 7, 2024.
61. Location: The subject property is located north of the intersection of S Perry Ave and 6th Street SE East Wenatchee, WA. The subject property is located in the Low Residential (R-L) zoning district under Douglas County Code and is further described as being located within Section 17, Township 22N, Range 21E, W.M. Douglas County Assessor's Parcel Number: 75000004701.
62. Site Information:
  - 62.1. Total Project Size: 8.59 acres
  - 62.2. No. of lots 46
  - 62.3. Domestic Water: East Wenatchee Water District
  - 62.4. Sewage Disposal: Douglas County Sewer District
  - 62.5. Power/Electricity: Douglas County PUD
  - 62.6. Fire Protection: Wenatchee Valley Fire Department
  - 62.7. Telephone Service: Varied
  - 62.8. Site Characteristics: The topography is relatively flat.
63. Surrounding Property:
  - North: Single family dwelling with livestock pastures
  - South: Single family dwellings
  - East: Single family dwelling with livestock pastures
  - West: Single family dwelling with orchard
64. The subject property is located within the East Wenatchee Urban Growth Area.
65. The subject property is designated Residential Low Density by the Greater East Wenatchee Area Comprehensive Plan.
66. The subject property is located in the Residential Low Density (R-L) zoning district which allows for subdivisions as permitted use.

67. Douglas County issued a Determination of Non-Significance on 04/29/2024 in accordance with WAC 197-11-355 (Optional DNS).
68. DCC 18A.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 DCC.
69. The applicant has identified that the project will be completed in two phases.
70. The following road names are approved for the three new roads being proposed. The approved names are as follows: Road A: S. Perry Ave, Road B: S. Oasis Loop. The private Road C will need to begin with the letter O and follow the standards in DCC 12.04. Please submit 3 road name options in order of preference so that we may consult with Rivercom for the name.
71. The Washington State Department of Ecology has provided comment that states The sampling completed shows any lead or arsenic is below Washington State cleanup standards (Model Toxics Control Act (Chapter 173-340 WAC)). Ecology does not require further action to address this issue. Please contact Hector Casique, Project Manager, at 509-208-1288 or email [hector.casique@ecy.wa.gov](mailto:hector.casique@ecy.wa.gov), for further information.
72. The Washington State Department of Ecology has provided comment that states If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction. In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action. More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Wendy Neet at 509-571-6733. Or [wnee461@ecy.wa.gov](mailto:wnee461@ecy.wa.gov) with questions about this permit.
73. The Washington State Department of Archeology and Preservation (DAHP) submitted comments stating that DAHP concurs with the results and recommendations made in the survey report. Specifically, as no cultural resources were found during the survey, DAHP does not recommend direct archaeological supervision of the project. However, DAHP asks that an Inadvertent Discovery Plan (IDP) be included as part of the construction permit.
74. Per the East Wenatchee Water District, water service is available to serve the proposed subdivision. A Developer Line Extension Agreement will be required prior to plan submittal for the Water District's review.

75. Per the Douglas County Sewer District, Sewer is available to serve this subdivision. An extension of the public sewer system will be required to serve the subdivision and the developer will need to initiate a Developer Extension Agreement with the Sewer District.
76. The preliminary plat depicts frontage improvements along 6th Street SE, halfstreet improvements along the 5th St SE corridor and an extension of S Perry Ave in alignment with S Perry Ave on the south side of 6th St SE. Internal roads are proposed to be public.
77. The applicant's engineer has submitted an alternative to code to reduce the required design speed for proposed Road B. The county accepts the proposed alternate as conditioned by the County Engineer in the attached alternate acceptance memo. This alternate allows for the reduction of design speed from 25 mph to 20 mph, and associated centerline radius.
78. The preliminary storm report adequately demonstrates stormwater management feasibility for the subject property through qualitative analysis, sub-basin delineation, and calculations.
79. The traffic impact analysis includes level of service analyses at six intersections. All intersections were found to operate at an acceptable level of service at the project horizon year. A proportionate share contribution of 1.5% was identified at the intersection of Grant Rd and Nile Ave.
80. 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.*
81. 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.
82. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
83. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
84. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
85. After due legal notice and open record public hearing was held on May 21, 2024.
86. The entire Planning Staff File was admitted to the record.
87. Appearing and testifying on behalf of the Applicant was Jeff Sutton. Mr. Sutton testified that he is an agent authorized to appear and speak on behalf of the Applicant and property owner. He testified that he had reviewed the Staff Report and had no objection to any of the representations contained therein. He also testified that he had reviewed the proposed Conditions of Approval and had no objection to any of those.

88. One written comment was submitted into the record. There was no additional live testimony.
89. At the conclusion of the Hearing, at the request of the Applicant, the record was to remain open until May 23, 2024 for the Applicant to submit whatever additional materials they wish to submit. No additional materials were submitted.
90. 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 18A DCC.
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-2023-01 is hereby **APPROVED** subject to the following Conditions of Approval.

## IV. CONDITIONS OF APPROVAL

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

1. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.

2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
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 18A 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 private Road C will need to begin with the letter O and follow the standards in DCC 12.04. Please submit 3 road name options in order of preference so that we may consult with Rivercom for the name.
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 DCC 18A.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. Include 10' utility easement adjacent to 6th St. SE and 5' along all other roads.
14. The applicant, and all contractors working on the development, shall maintain adequate dust control during construction.

15. 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.
16. D103.6.1 states that Roads must be 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide. Fire apparatus access roads shall be a minimum of 26 feet where a hydrant is installed.
17. 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.
18. 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). Downstream capacity improvements involving upgrading of the pumps, panels and electrical service at the Legacy lift station will be required, at the developer's cost. The current estimate for that work is \$61,000.00. 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.
19. Prior to final approval of this development, applicant must contact the Wenatchee Reclamation District to ensure irrigation shares have been segregated and irrigation right-of-ways have been assigned to each parcel of land. Irrigation Rights-of-way must be shown on the plat submitted for final approval.
20. Final construction plans designed by a Professional Engineer licensed in the State of Washington shall be submitted to and accepted by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of the East Wenatchee Municipal Code and Douglas County Code.
21. Include the designation "P-2023-01" on each sheet of the final civil construction plans.
22. Frontage improvements are required along 6th Street SE in accordance with Figure 3-7b (Urban Local Access) of Douglas County Code.
23. S Perry Ave (proposed road) shall be constructed to meet the roadway section presented on Figure 3-7b of the Douglas County Road Standards.
24. Proposed Road B shall be constructed to meet the roadway section of Figure 3-7a. An alternative to code to reduce the design speed to 20 miles per hour has been requested by the project engineer and has been accepted by the County Engineer.
25. 5th Street improvements shall be constructed to meet half-street standards and Figure 3-7b, with 24' of pavement (minimum) and sufficient right-of-way to meet property line grades.

26. The applicant shall mitigate project traffic impacts at the intersections of Grant Rd with Nile Ave based on the proportionate share percentages identified in the project Traffic Impact Analysis. The proportionate share contributions shall be provided in a form acceptable to Douglas County and completed prior to occupancy.
27. 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 streetlights to the transformer or hand hole. The type of light fixture to be installed shall be coordinated with Douglas County during construction plan review.
28. 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.
29. 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.
30. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
31. For joint-use driveways, 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.
32. 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.
33. 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.
34. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
35. 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.

36. 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 current edition of the 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).
37. Include the designation "P-2023-01" on the cover sheet of the final stormwater report.
38. 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.
39. 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 1, consistent with the civil plans and show easements for drain lines crossing lots.
40. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans and stormwater report.
41. 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 onsite at all times and updated as necessary to address and prevent sediment and sediment laden water from leaving the project site.
42. 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.
43. 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.
44. 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.
45. 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:

- 45.1. "Douglas County will not maintain the private stormwater facilities located within this subdivision. Responsibility for the long term maintenance of the private stormwater facilities is described within the Declaration of Stormwater System Maintenance Covenants recorded under AFN \_\_\_\_\_."
46. Any proposed lots that will not drain to a joint use pond shall utilize an on-site infiltration facility which 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:
- 46.1. "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."
47. Stormwater stubs may be provided to each of the lots which will drain to the facilities on Tract 1. As applicable, a note shall be included on the face of the final plat which states:
- 47.1. "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:
- 47.1.1. Pipe size.
- 47.1.2. Minimum pipe slope.
- 47.1.3. Invert elevation at the connection to the stormwater stub.
- 47.1.4. Finished floor elevation of the structure and garage slab."
48. 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.
49. 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. Compliance with the Washington State Department of Ecology's regulations is the responsibility of the applicant.

Dated this 10 day of June, 2024.

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.**