

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-2024-01 |) | DECISION AND |
| Ackerman Hurst Subdivision |) | CONDITIONS OF APPROVAL |

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on October 25 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. The applicant is requesting to subdivide the subject property into 31 lots and dedicate a portion of the land to the public for the adjacent right-of-way. The subject property is approximately 10.63 acres in size and zoned Residential Low-Density in the East Wenatchee Urban Growth Area of unincorporated Douglas County per Douglas County Code 18A.24.
2. Location: The subject property is located to the west of S. Nile Avenue and to the north of 8th Street SE in East Wenatchee, WA. The site location is further described as being within Section 17, Township 22N, Range 21E, W.M. Douglas County Assessor's Parcel Numbers: 22211840015 and 22211840027.
3. SITE INFORMATION:
 - 3.1. Total Project Size: 10.63 acres
 - 3.2. Number of lots: 31
4. Services and Utilities:
 - 4.1. Domestic Water: East Wenatchee Water District
 - 4.2. Sewage Disposal: Douglas County Sewer District

- 4.3. Power/Electricity: Douglas County Public Utility District
 - 4.4. Fire Protection: Wenatchee Valley Fire Department
 - 4.5. School District: Eastmont School District
 - 4.6. Irrigation District: Upper Columbia Irrigation District
 - 4.7. Telephone Service: Varied
5. Site Characteristics: The topography varies throughout the site.
 6. Uses adjacent to the subject properties:
 - 6.1. North: Single-family dwellings and agricultural land
 - 6.2. South: Agricultural land
 - 6.3. East: Single-family dwellings
 - 6.4. West: Undeveloped single-family residential lots
 7. Access: The subdivision is proposed to be accessed via 7th Street SE road proposed extension through the subject site. The proposal includes an internal road system and 20' wide access easements providing access to all lots in the proposed subdivision.
 8. Zoning and Development Standards: The subject property is located within the Residential Low Density (R-L) Zoning District under Douglas County Code 18A.24 permitting subdivision of land subject to the dimensional standards noted in the Douglas County Code.
 9. 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.
10. COMPREHENSIVE PLAN:
- 10.1. The Greater East Wenatchee Area Comprehensive Plan designates this property as Low Residential. It is envisioned that this designation would 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 alternatives should be encouraged infilling and variety of housing types and densities. 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.
 - 10.2. The following goals and policies set forth in the Greater East Wenatchee comprehensive plan are relevant to this development:

11. Urban Growth:

11.1. GOAL 2: Reduce the inappropriate conversion of undeveloped land into sprawling, low density development and provide for the orderly and progressive change from rural to urban density land uses within the Urban Growth Area with the provision of a full range of urban services.

11.1.1. POLICY UG-7: Ensure that the location of proposed easements and road dedications, structures, stormwater drainage facilities, and the extension of a full range of urban utilities (water, sewer, power, etc.) are consistent with the orderly future development of the property to achieve urban densities.

11.2. UG-8 The development of residential and commercial property within the urban grow the area shall only occur when all necessary urban public facilities and services are provided prior to or concurrent with development.

11.3. GOAL 3: Establish development patterns that use urban land more efficiently.

11.3.1. 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.

11.4. GOAL 4: The County and the City will collaborate on and adopt consistent regulations and development standards for areas located within the urban growth areas.

11.4.1. UG-14 During the review process for development proposals within the urban growth areas the County and the City will participate in the review process, with final approvals continuing to reside with the agency with jurisdiction.

12. Land Use – Residential:

12.1. 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.

12.2. 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:

13.1. GOAL 1: To provide for a sufficient number of safe, attractive and affordable residences for people of all income levels.

13.2. GOAL 3: To provide for a variety of housing types and densities to ensure a range of affordable housing options for all segments of the community.

- 13.3. GOAL 5: To ensure that public facilities and infrastructure are available to support development at urban densities in advance of / or concurrent with development.
- 13.4. POLICY H-1: Require residential development at urban densities to locate within urban growth areas consistent with the comprehensive plan. If the property is located outside of the service district boundary of a utility, annexation into the service district must occur prior to development of the property.
- 13.5. POLICY H-4: Apply consistent standards in residential development to preserve residential character.
- 13.6. POLICY H-6: Require the construction of sound, safe, and sanitary dwelling units.
- 13.7. 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.
- 13.8. POLICY H-13: New residential development in the urban growth area must be concurrently served by a full range of urban governmental services.
- 13.9. POLICY H-24: Ensure that new developments provide adequate street illumination.

14. Open Space and Recreation:

- 14.1. GOAL: Provide recreational opportunities, facilities, and experiences which will allow all individuals the opportunity to improve the quality of their lives, while preserving and enhancing the existing resources of the area.
 - 14.1.1. POLICY OS-6: Provide adequate access for vehicles and pedestrians to public recreational areas as appropriate.
 - 14.1.2. POLICY OS-11: Identify types, quantities, and associated criteria of facilities needed and proposed candidate sites.
 - 14.1.3. POLICY OS-12: Provide land use and transportation planning which supports the candidate sites.
 - 14.1.4. POLICY OS-14: Seek private dedication of land for parks and open spaces through a variety of methods, including purchases, donations, easements, and through the development review process.

15. Capital Facilities:

- 15.1. GOAL: Ensure that adequate capital facilities and services are planned, located, designed and maintained in an efficient manner that maximizes the use of existing facilities and promotes orderly compact urban growth and development that is served with a full range of urban services.

15.2. POLICY CF 7: The phasing of growth & development within the Urban Growth Boundary should be consistent with the priorities and capital improvement budgets contained within the water and sewer plans.

16. Utilities:

16.1. 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.

16.1.1. 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.

16.1.2. POLICY UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.

16.1.3. POLICY UT 4: Ensure that development take into account the timely provision of adequate and efficient utility systems.

16.1.4. 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.

16.1.5. 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.

16.1.6. POLICY UT 10: Require the undergrounding of utility wires, where feasible.

16.2. GOAL 4: Provide sewer service for the East Wenatchee Urban Growth Area.

16.3. 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.

16.3.1. POLICY UT 23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.

16.3.2. 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.

16.3.3. 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.

17. Transportation:

- 17.1. GOAL 1: 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.
- 17.2. GOAL 3: Ensure adequate and safe access to property via a system of public and private roads.
- 17.3. 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.
- 17.4. POLICY T-7: Ensure that current and future developments provide proper, adequate and safe access to the transportation system and facilities.
 - 17.4.1. Provision for adequate parking must be included in all developments.
 - 17.4.2. Natural and artificial landscaping should be considered in the design of system facilities.
- 17.5. 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.
- 17.6. POLICY T-16: Design transportation facilities within the Greater East Wenatchee Area that minimize adverse environmental impacts resulting from both their construction and use.
- 17.7. 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.
- 17.8. POLICY T-18: Allow land use changes only when proposals are consistent with the adopted transportation level of service standards of the comprehensive plan.
- 17.9. POLICY T-19: Control the location and spacing of driveways and encourage the development of shared driveways.
- 17.10. POLICY T-23: Institute financing measures for major circulation elements that fairly distribute the cost between private property owners and the public sector.
- 17.11. POLICY T-24: All road construction projects shall be designed and constructed in compliance with locally adopted stormwater management standards.
- 17.12. POLICY T-26: Encourage public transportation-compatible infill development on bypassed vacant parcels in developed areas adjacent to bus routes and stops.

17.13. 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.

17.14. 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 principles, 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.

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

18. ENVIRONMENTAL REVIEW:

18.1. Douglas County issued a Determination of Non-Significance on July 30, 2024, in accordance with WAC 197-11-355 (Optional DNS).

19. AGENCY AND PUBLIC COMMENTS:

19.1. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been reviewed by the Hearing Examiner.

20. Agency comments:

| Agency Notified | Response Date | Agency Notified | Response Date |
|---|---------------|--|---------------|
| Chelan Douglas Health District | 7/8/2024 | Douglas County Sewer District | 6/14/2024 |
| City of East Wenatchee | N/R | Douglas County Transportation Dept. | 8/19/2024 |
| Confederated Tribes of the Colville Reservation | 6/6/2024 | East Wenatchee Water District | 6/10/2024 |
| Douglas County Assessor's Office | N/R | Eastmont School District | N/R |
| Douglas County Building Official | 7/2/2024 | Link Transit | N/R |
| Douglas County Fire District | N/R | Upper Columbia Irrigation District | N/R |
| Douglas County Fire Marshal | 7/2/2024 | WA State Dept. of Archeology and Historic Preservation | 6/6/2024 |
| Douglas County GIS Dept. | 5/30/2024 | WA State Dept. of Ecology | 6/6/2024 |
| Douglas County Land Services Dept. | 8/6/2024 | WA State Dept. of Fish & Wildlife | N/R |
| Douglas County Public Utility District | 6/10/2024 | | |

* N/R = No Reply

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

20.2. No public comments were received on the proposal prior to the hearing.

21. PROJECT ANALYSIS:

21.1. In review of this proposal, it is important to consider the goals and policies of the comprehensive plan, applicable county regulations, public and agency comments, any identified environmental concerns and state and federal requirements.

21.2. Consistency with Greater East Wenatchee Comprehensive Plan:

21.2.1. The proposal is consistent with several sections of the Greater East Wenatchee Area Comprehensive Plan as noted above – Urban Growth, Land Use – Residential, Housing, Open Space and Recreation, Capital Facilities, Utilities and Transportation.

21.3. Consistency with the provisions of Title 17, “Subdivisions”, Douglas County Code:

21.3.1. The proposal is consistent with the provision of this title.

21.4. Consistency with the provisions of the R-L Zoning District, Chapter 18A.24, DCC as adopted by Douglas County:

21.4.1. 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. The proposal is consistent with the provisions of this chapter.

21.5. Consistency with the provisions of Lot Frontage, Section 18A.72.210, DCC:

21.5.1. 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 12.58 DCC, comprehensive street standards, and any amendments.

21.5.2. 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.

21.5.3. The proposal is consistent with the provisions of this chapter.

21.6. Consistency with the provisions of Open Space Standards, Chapter 18A.73 DCC:

21.6.1. DCC 18A.73.090 allows elective optional payment in lieu of establishing an on-site open space/ recreation area. The developer may elect to provide a payment to Douglas County or the city of East Wenatchee to fulfill the requirements of this chapter.

- 21.6.2. The applicant proposes to use this provision to make a payment in lieu of establishing an on-site open space/ recreation area. The project narrative submitted with the application states, “The developers have opted to utilize section 17.73.090, that allows payment in lieu of established an on-site open space/recreation area. The development site is approximately 11 acres. The required open space area is 5% or approximately .55 acres.”
 - 21.6.3. The proposal is consistent with the provisions of this chapter.
 - 21.7. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage
 - 21.7.1. The proposal is consistent with the provisions of this chapter.
 - 21.8. Consistency with the provisions of DCC Title 12 Road Standards
 - 21.8.1. The proposal is consistent with the provisions of this chapter.
22. The applicants for the project are Ackerman Construction, Inc. and Hurst Holdings, LLC.
23. General Description: This is an application for a 31-lot major subdivision. The subject property is approximately 10.63 acres in size and zoned Residential Low-Density in the East Wenatchee Urban Growth Area of unincorporated Douglas County. Proposed lot sizes range from 9,951 sq.ft. to 17,076 sq.ft.
24. The applicant has submitted the following:
 - 24.1. Land Use Master Application
 - 24.2. Vicinity Map
 - 24.3. SEPA Checklist
 - 24.4. Plan and Procedures for the Inadvertent Discovery of Cultural Resources and Human Skeletal Remains for Ackerman Hurst Subdivision
 - 24.5. Preliminary Plat
 - 24.6. Project Narrative
 - 24.7. Preliminary Stormwater Report
 - 24.8. Applicant’s Request to Tribal Historic Preservation Officer to allow them to submit an Inadvertent Discovery Plan in lieu of a Cultural Resource Survey.
 - 24.9. Preliminary Construction Plans.
25. Location: The subject property is located northwest of the intersection of S Nile Ave and 8th Street SE in East Wenatchee, WA. The site location is further described as being within Section

17, Township 22N, Range 21E, W.M. Douglas County Assessor's Parcel Numbers: 22211840015 and 22211840027.

26. Site Information:

- 26.1. Total Project Size: 10.63 acres
- 26.2. No. of lots: 31
- 26.3. Domestic Water: East Wenatchee Water District
- 26.4. Sewage Disposal: Douglas County Sewer District
- 26.5. Power/Electricity: Douglas County Public Utility District
- 26.6. Fire Protection: Wenatchee Valley Fire Department
- 26.7. School District: Eastmont School District
- 26.8. Irrigation District: Upper Columbia Irrigation District
- 26.9. Telephone Service: Varied

27. Site Characteristics: The topography varies throughout the site.

- 27.1. North: Single-family dwellings and agricultural land
- 27.2. South: Agricultural land
- 27.3. East: Single-family dwellings
- 27.4. West: Undeveloped single-family residential lots

28. Access: The subdivision is proposed to be accessed via 7th Street SE road proposed extension, three access roads and one 20' wide access and utility easement providing access to 31 lots in the subdivision.

29. Surrounding Property:

- 29.1. North: Single family dwelling with livestock pastures
- 29.2. South: Single family dwellings
- 29.3. East: Single family dwelling with livestock pastures
- 29.4. West: Single family dwelling with orchard

30. The subject property is located within the East Wenatchee Urban Growth Area.

31. The subject property is designated Residential Low Density by the Greater East Wenatchee Area Comprehensive Plan.
32. The subject property is in the Residential Low Density (R-L) zoning district which allows for subdivisions as permitted uses.
33. Douglas County issued a Determination of Non-Significance on July 30, 2024, in accordance with WAC 197-11-355 (Optional DNS).
34. 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.
35. The project was reviewed by Confederated Tribes of the Colville Reservation and the agency provided comments on June 06, 2024. The letter received from the agency states, Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.
 - 35.1. We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the SOI Professional Qualification Standards in Architectural History." See attached letter for complete agency comments.
36. The project was reviewed by Washington State Department of Archeology and Historic Preservation and the agency provided comments on June 06, 2024. The letter received from the agency states, "While we appreciate the applicant's inclusion of an IDP for their project, we recommend the project area be surveyed by a professional archaeologist prior to any ground disturbing activities occurring. If a survey is undertaken, we would like to request a copy of the resulting survey report for our review and comment." See attached letter for complete agency comments.
37. The project was reviewed by Chelan Douglas Health District and the agency provided comments on July 03, 2024. The agency recommends further approval of the project subject to conditions noted in the agency's letter.
38. The project was reviewed by Douglas County Transportation Department for transportation and stormwater related improvements. The agency made the following findings:
 - 38.1. "Preliminary application materials reviewed by Douglas County Transportation and Stormwater include:

- 38.1.1. Preliminary Construction Plans, prepared by Pacific Engineering, dated February 23, 2024.
- 38.1.2. Preliminary Stormwater Drainage Report, prepared by Pacific Engineering, dated February 23, 2024.
- 38.1.3. Preliminary Plat Drawings, prepared by Complete Design, dated June 26, 2024.
- 38.1.4. Traffic Impact Analysis (TIA), prepared by TENW, dated August 5, 2024.
- 38.2. The preliminary construction plans depict frontage improvements along S Nile Ave and a full-street extension of the public 7th St SE corridor. Internal roads are proposed to be a combination of public roads and private access drives (joint-use driveways).
- 38.3. The preliminary storm report adequately demonstrates stormwater management feasibility for the subject property through qualitative analysis, sub-basin delineation, and calculations.
- 38.4. The traffic impact analysis includes level of service analyses at ten intersections. All intersections were found to operate at an acceptable level of service at the project horizon year.”
39. The agency further suggests Conditions of Approval for the project.
40. The project was reviewed by East Wenatchee Water District and the comments were provided on June 09, 2024.
41. The project was reviewed by Washington State Department of Ecology and the comments were provided on June 06, 2024. The agency notes that no further action is required for the Toxics Cleanup Program for this project. The agency further recommends certain actions for the project as it relates to the Water Quality Program.
42. The project was reviewed by Douglas County Fire Marshal and comments were provided on July 2, 2024
43. The project was reviewed by Douglas County GIS Department and comments were provided on May 30, 2024.
44. The project was reviewed by Douglas County Public Utility District and the comments were provided on June 10, 2024.
45. The project was reviewed by Douglas County Sewer District and the comments were provided on June 14, 2024.
46. 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.

47. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
48. Purveyors who responded to the project have indicated that adequate utilities/services are available or can serve this project.
49. The development will not adversely affect the general public, health, safety and general welfare.
50. After due legal notice and open record public hearing was held on October 25, 2024.
51. The following exhibits were admitted into the record:
 - 51.1. Ex. 1. Staff Report
 - 51.2. Ex. 2. Remainder of Planning file of Record.
52. Appearing and testifying on behalf of the Applicant was Michelle Taylor. Ms. Taylor testified that she is the agent for the Applicant and property owner. She testified that he had reviewed the Staff Report and had no objection to any of the representations contained therein. She also testified that he had reviewed the proposed Conditions of Approval, as amended, and had no objection to any of those.
53. Appearing and testifying from the public were the following individuals:
 - 53.1. Sherri Treat: Ms. Treat lives adjacent to the subject property with her husband. Their property borders the northwest corner of the applicant's property. She indicated that their property has suffered from flooding where the water originates from the applicant's property and crosses into their property. She also had questions regarding the irrigation system.
 - 53.1.1. The applicant responded that all storm water runoff will be contained onsite.
 - 53.2. Jesse Hurst: Also testifying for the applicant was Jesse Hurst. Mr. Hurst stated that the irrigation in the corner referenced by Ms. Treat was not a pump. They will connect to the irrigation south of the Treat's home and will be rerouting irrigation infrastructure.
54. 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 Douglas County 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 18 “Zoning”, Title 19 “Environment”, and Title 20 “Development Standards” of the Douglas County Code.
6. 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 CUP-2024-01 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 project was reviewed by Chelan Douglas Health District and the agency provided comments on July 03, 2024. The project is required to comply with all conditions noted in the letter.
 - 9.1. “I recommend further approval of the project. Please note that Chelan-Douglas Health District cannot sign the final Mylar until the following conditions are addressed:
 - 9.1.1. Expanding, Municipal Public Water Systems:
 - 9.1.1.1. Domestic water service shall be by expansion of the East Wenatchee Water District public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must 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.

9.1.1.2. The dedicatory language on the plat shall carry this note: "The Health District has not reviewed the legal availability of water to this development."

9.1.2. Public Sewer:

9.1.2.1. Sanitary sewer service shall be by expansion of the Douglas County Sewer District public sewer system. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor's and the Dept. of Ecology's standards and requirements.

9.1.2.2. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval."

10. The project was reviewed by Douglas County Transportation Department for transportation and stormwater related improvements. The project is required to comply with all conditions noted in the letter.

10.1. "Transportation:

10.1.1. Final construction plans designed by a Professional Engineer (PE) licensed in 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.

10.1.2. Include the designation "P-2024-01" on each sheet of the final civil construction plans.

10.1.3. Frontage improvements are required along S Nile Ave in accordance with Figure 3-7b (Urban Local Access) of Douglas County Code. Limits of frontage improvements are not required to extend north of the proposed 7th St SE intersection due to existing DCPUD infrastructure. Dedication of 10' of right-of-way along S Nile Ave shall be shown on the plat.

10.1.4. 7th St SE corridor (proposed public road) shall be constructed in accordance with the roadway section on Figure 3-7b of the Douglas County Road Standards.

10.1.5. 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 (TIA). The proportionate share contributions shall be provided in a form acceptable to Douglas County and completed prior to Final Plat.

10.1.6. Illumination shall be designed and installed consistent with East Wenatchee Municipal Code and Douglas County Code Section 12.57.100 Roadway Illumination. The applicant shall be responsible for PUD charges for the connection of streetlights to the transformer or hand hole.

10.1.7. 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 an easement dedicated for such use. If cluster mailboxes are intended on Nile Ave, a pullout is required per WSDOT standards.

- 10.1.8. 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.
 - 10.1.9. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
 - 10.1.10. 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.
 - 10.1.11. Prior to final plat acceptance and/or release of financial security, the Engineer of Record (EOR) 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 EOR and in accordance with DCC. Final reports with EOR certification shall be submitted to Douglas County.
 - 10.1.12. 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.
 - 10.1.13. Utility work within Douglas County right-of-way shall be in accordance with a Right-of-way Permit obtained prior to construction.
- 10.2. Stormwater:
- 10.2.1. A final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in Washington that conforms to DCC and the current 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).
 - 10.2.2. Include the designation "P-2024-01" on the cover sheet of the final stormwater report.
 - 10.2.3. 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. A downstream analysis of potential overflow impacts shall be included within the design report.
 - 10.2.4. Stormwater facilities shall be located on separate tract(s) under the functional control of a Homeowners' Association with each lot having an undivided ownership, interest, and responsibility for the tract(s). The final plat shall identify the stormwater tracts consistent with the civil plans and show easements for drain lines crossing lots.
 - 10.2.5. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans and stormwater report.
 - 10.2.6. 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 always be available on-

site and updated as necessary to prevent sediment and sediment laden water from leaving the project site or contaminating stormwater infiltration facilities.

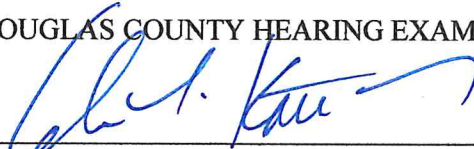
- 10.2.7. The applicant is responsible for preventing mud, dirt, debris, and stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
- 10.2.8. As applicable, registration of facilities that are regulated under the Washington State Department of Ecology's (DOE) Underground Injection Control (UIC) Program shall be completed prior to construction of the facility.
- 10.2.9. The Engineer of Record (EOR) shall monitor construction and shall provide final as-built drawings, report, and certification that improvements have been completed in accordance with the applicable codes, regulations, and accepted plans. UIC registration shall be included as applicable.
- 10.2.10. 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 shall be 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:
 - 10.2.10.1. "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 _____."
- 10.2.11. 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:
 - 10.2.11.1. "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."
- 10.2.12. 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:
 - 10.2.12.1. "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:
 - 10.2.12.1.1. Pipe size.
 - 10.2.12.1.2. Minimum pipe slope.
 - 10.2.12.1.3. Invert elevation at the connection to the stormwater stub.

- 10.2.12.1.4. Finished floor elevation of the structure and garage slab.”
- 10.2.13. 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.
- 10.2.14. If this proposal exceeds 1-acre of disturbed ground, it may meet the Washington State Department of Ecology (WSDOE) threshold requiring a Construction Stormwater General Permit (CSGP). The applicant is responsible for acquisition of all applicable permits from WSDOE.”
- 10.2.15. All storm water shall be retained onsite. The storm water system shall be capable of storing all water from a 100 year storm event.
11. The project was reviewed by East Wenatchee Water District and the comments were provided on June 09, 2024. The project is required to comply with all conditions noted in the letter.
- 11.1. “Water is available per this request. A DEA (developer line extension agreement) will be required prior to plan submittals for the Water District’s review. Requirements for fire flow will meet the standards of Douglas County Fire Marshal and all required improvements will be per current District Design Standards and Specifications.
- 11.2. The Developer will assume all of the District’s costs for this proposal including inspections, testing and permits. After construction is completed and accepted by the District, a 2-yr maintenance/ warranty bond will be required.”
12. 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.
13. The project was reviewed by Douglas County Fire Marshal and comments were provided on July 02, 2024. The project is required to comply with the requirements noted in the said comments.
- 13.1. “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 5000 feet and as approved or required by Fire Marshal. The large-diameter port of all hydrants must be equipped with a 4-inch diameter Storz quarter-turn fitting with the approval of the AHJ and/or Fire Marshal.”
14. The project was reviewed by Douglas County GIS Department and comments were provided on May 30, 2024. The project is required to comply with the requirements noted in the said comments.
- 14.1. “1) Please ensure that the drawings submitted for blue-line review match the current parcel line configuration. It appears the property line between the project and the G. Akerman property it showing an older parcel configuration.
- 14.2. 2) If you keep the current road configuration, three private road names will need to be submitted for the three cul-de-sacs for addressing purposes.”

15. The project was reviewed by Douglas County Public Utility District and the comments were provided on June 10, 2024. The project is required to comply with the requirements noted in the said comments.
16. "Developer will need to contact the PUD and sign an Application for Service. The PUD will create an estimate that must be paid prior to final approval."
 - 16.1. The project was reviewed by Douglas County Sewer District and the comments were provided on June 14, 2024. The project is required to comply with the requirements noted in the said comments.
 - 16.2. "An extension of public sewer will be required to serve the subdivision, and the developer will need to initiate a Developer Extension Application/Agreement (DEA) with the Sewer District.
 - 16.3. All sewer improvements must be constructed and accepted by the Sewer District, or a Performance Bond for 125% of the total value of all sewer improvements must be provided to the Sewer District, prior to final plat approval."

Dated this 5 day of November, 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.