

DOUGLAS COUNTY

Received

DEPARTMENT OF HEARING EXAMINER

SEP 23 2013

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

Douglas County TLS

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P-13-01 Empire Crest Subdivision)	DECISION AND
)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on September 5, 2013, 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 Stimac Construction Inc./NCW Empire LLC, 331 Valley Mall Parkway #411, East Wenatchee WA.
2. General Description: A major subdivision application for a 19 lot subdivision. Proposed lot sizes range from 14,446 square feet to 40,500 square feet. Average lot size is 22,669 square feet. The project is proposed to be served by public water and sewer.
3. Location: The subject property is located at the east side of the intersection of NW Empire Ave and 30th St NW. The property is further described as being located within the NW Quarter of Section 27, Township 23N, Range 20 E., W.M. in Douglas County WA. The Douglas County Assessors Parcel Number is 40700003401.
4. Site Information:

Total Project Size:	11.8 acres
No. of lots	19
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Frontier

5. Site Characteristics: The subject property rises from Empire Ave approximately 25 ft. to the east at 15-25% slopes. Behind the escarpment is an undulating area with several natural depressions extending east approximately 300 ft. The ground then rises again to the east boundary. This eastern slope varies from 10 vertical feet at 10% slope at the south end of the site to 40 vertical feet up to a 50% slope at the northeast corner of the site.
6. Surrounding Property: To the north, Single Family Homes on large lots; to the south, Single Family Home; to the east, Single Family Homes on large lots, Pangborn airport; to the west, Vacant, Orchard, large lot single family residences.
7. The subject property is located within the Greater East Wenatchee Planning Area.
8. The subject property is located within the East Wenatchee Urban Growth Area.
9. The Comprehensive Plan Designation is Low Residential.
10. The subject property is located in the R-L zoning district which allows for subdivisions as permitted uses.
11. 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.
12. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
13. The subdivision will access Empire Ave NW. The proposal includes a new private local access street through the property. The Applicant requests this be a public road. The County request that this be a private road until it is connected with a second public road.
14. A Traffic Impact Study from Transportation Engineering NorthWest LLC., dated August 5, 2013 was submitted for the proposal.
15. A Traffic Impact Study from Transportation Engineering NorthWest LLC, dated July 3, 2013 was submitted for a project (P-13-02 Stony Hill Subdivision) located adjacent to Empire Avenue approximately 450 feet north of the subject property. This study evaluated additional intersections and concerns that were not discussed in the Traffic Impact Study submitted with this application.
16. Frontage Improvements are addressed in Chapter 12.50.150 Transportation System and Frontage Improvements, of the Douglas County Road Standards. NW Empire Avenue is designated as a Urban Arterial. Because the facility is located inside of the Federal Urbanized Area, Figure 3-8, Urban Collector/Arterial, of the road standards is the applicable road standard.
17. A Boundary Line Adjustment (BLA-13-15) was submitted for the subject parcel which adjusted away all but approximately 75 feet of the parcel's frontage on NW Empire Avenue and all of the parcel's frontage on the NW Columbia Avenue right-of-way. This Boundary Line

Adjustment has not received approval from the Douglas County Treasurer, been recorded, nor have deeds been recorded transferring the property consistent with the approved boundary line adjustment. The boundary line adjustment does not negate the applicability of Douglas County Code 12.50.150 with respect to frontage and/or off-site frontage improvements.

18. Empire Avenue Improvements (Empire Avenue – 27th Street NW to 35th Street NW) are included in the Douglas County 6-year Transportation Improvement Plan.
19. Empire Avenue frontage improvements for this proposal may be considered through a deferred improvement agreements pursuant to DCC 12.50 150 (D).
20. A Vacation Hearing for the portion of Columbia Avenue right-of-way adjacent to the subject property was scheduled for October 9, 2012, and continued to October 23, 2012. As a result of the Hearing the Board of County Commissioners executed Resolution No. TLS 13-15, Decision on Application of Vince Stimac & Lorre Stimac for Vacation of County Right-of-Way. It was noted that vacation of a portion of Columbia Avenue NW right-of-way would be granted subject to further action by the Board, if prior to April 23, 2013 the applicants provide the five (5) abutting property parcels with alternative adequate access and utility easements and the easements; agreed to by all parties are recorded with the Douglas County Auditor. On April 30, 2013, the Board of County Commissioners executed Resolution No. TLS 13-15B. The sunset date and conditions identified in Resolution TLS 13-15 had not been satisfied and the vacation request was denied.
21. A Stormwater Facility Easement filed under Auditors File Number 3150816 encumbers parent parcel #40700003401.
22. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
23. A Preliminary Stormwater Drainage Report, dated June 4, 2013, prepared by Martin Davy, PE, of Pacific Engineering was submitted for the proposed development.
24. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
25. Comments from reviewing agencies have been considered and addressed where appropriate.
26. The applicant submitted a Geologic Hazard Risk Assessment from JB Hamilton Consulting LLC, dated June 27, 2012 for the subject property.
27. Douglas County issued a Determination of Nonsignificance on August 26, 2013 pursuant to WAC 197-11-355 (Optional DNS).
28. 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 DCC Title 14.

29. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
30. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
31. The Eastmont School District #206 has determined that the District has adequate school related facilities to support the proposal.
32. The applicant provided a Fire Flow Analysis from RH2 Engineering to the East Wenatchee Water District dated August 8, 2013 which documents that the proposed water system configuration looping from Empire and back will provide fire flow in excess of 1500 GPM.
33. Section 17.24.150 of the Douglas County Code requires that every subdivision shall be served by a water supply system approved and installed to meet the requirements and standards of the Chelan Douglas Health District.
34. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
35. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
36. The entire Planning Staff file was admitted into the record at the public hearing.
37. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
38. An open record public hearing after due legal notice was held on September 5, 2013.
39. 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. Mr. Davy offered into the record Exhibits 1-13, all of which were admitted into the record.
40. Also appearing on behalf of the applicant was attorney Clay Gatens. Mr. Gatens did not provide any factual testimony but instead provided argument and his analysis regarding existing facts. Mr. Gatens did represent that the applicant had no objection to any of the remaining conditions of approval other than those discussed in Mr. Davy's testimony.
41. Mr. Davy's testimony started out with an explanation of the history of this project. Mr. Davy also challenged several conditions as discussed below:
 - 41.1. The applicant challenged condition #4 indicating that the internal road meets the standard of a public road, that the applicant wishes this to be a public road and that there is a possibility of future extension of the internal road to other public roads.

- 41.2 Mr. Davy's challenged proposed condition of approval #27 regarding compliance with sight distance design standards. Mr. Davy argued that the sight distance as set forth in this proposed condition should be 240' and that the County needed to provide assistance to secure this sight distance from private property owners whose property border the subject road ways.
 - 41.3 Mr. Davy challenged Condition of approval #28 indicating that only 500' is within common ownership and 170' of the frontage is not within common ownership.
 - 41.4 Finally, the applicant was proposing that the North side of the first 300 feet of the new internal roadway from its intersection with N.W. Empire Ave should not be subject to improvements because they are not necessary according to Douglas County Code there is a steep bank at this location, and that no parking would be allowed at this location.
42. There were several members of the public in attendance at the meeting. No one from the public testified when given the opportunity.
 43. The following exhibits were admitted into the record:
 - 43.1 Exhibit 1: Pages 2 -3 of SEPA checklist and site plan dated July 18th, 2012 for 55 lot proposal (Submitted by Applicant);
 - 43.2 Exhibit 2: Pages 2-3 of SEPA checklist dated September 12, 2012, and site plan for 72 lots proposal (Submitted by Applicant);
 - 43.3 Exhibit 3: Pages 2-3 of SEPA checklist dated February 14th, 2013 and site plan for 64 lot proposal (Submitted by Applicant);
 - 43.4 Exhibit 4: May 1, 2013 survey by Landline Surveys; (Submitted by Applicant)
 - 43.5 Exhibit 5: Aerial photo of 29th and Cascade intersection and surrounding area (Submitted by Applicant);
 - 43.6 Exhibit 6: Street view photograph of 29th and Cascade intersection looking South (Submitted by Applicant);
 - 43.7 Exhibit 7: Street view photograph of 29th and Cascade intersection looking North (Submitted by Applicant);
 - 43.8 Exhibit 8: Aerial photograph of the intersection of 29th and Empire and surrounding area (Submitted by Applicant);
 - 43.9 Exhibit 9: Street view photograph of intersection of 29th and Empire looking South (Submitted by Applicant);
 - 43.10 Exhibit 10: Street view photograph of intersection of 29th and Empire looking North (Submitted by Applicant);
 - 43.11 Exhibit 11: Aerial photograph of vicinity of subject property with subject property outlined in red and intersection of 29th and Empire and 29th and Cascade circles in red;
 - 43.12 Exhibit 12: August 30th, 2013 proposed boundary line adjustment; Survey proposed by Landline surveyors (Submitted by Applicant);

- 43.13 Exhibit 13: Preliminary Engineering set of drawings containing sheets C2.1, C2.2, C2.3, C3.1 (Submitted by Applicant);
 - 43.14 Exhibit 14: August 1, 2013 survey by Landline Surveyors, sheet 1 of 1 demonstrating a location of proposed cul de sac and potential extension of the new internal roadway to Columbia Avenue (Submitted by County)
44. The County engineer testified that according to the Washington State Department of Transportation Design manual, the sight distance requirements were 385'. He also indicated that the County had discussed with property owners the removal of sight obstructions to comply with the Douglas County Code. The County engineer also indicated that the first 300' of the new internal road from NW Empire, traveling East, could be constructed without sidewalks on the North side but would still need a curb and gutter on the North side. The County Engineer indicated that there would be a retaining wall at this location that would need its own building permit. He testified that there could be no parking along this section.
- 44.1 The County Engineer also submitted Exhibit 14. In describing this exhibit, the County Engineer indicated that the cul de sac could be moved to allow future extension of the internal roadway to connect with Columbia Avenue and could then make the roadway public. However, the applicant providing simply unimproved right away to the Southern boundary of the applicant's property would not be acceptable to the county.
45. Mr. Davy, in rebuttal testimony, indicated that the applicant would be willing to negotiate with the county regarding construction of a cul de sac at the Southern boundary of the applicant's property. Mr. Davy reiterated that whether the required sight distance is 250' or 385', that the applicant needed the County's assistance in requiring private citizens to comply with removal of sight obstacles on their property in order to meet the sight distance requirements.
46. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
47. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
48. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
49. 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 # 01-01H.
6. As conditioned, the proposal is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
7. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
8. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
9. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
10. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Douglas County Code or the Comprehensive Plan.
11. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
12. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application P-13-01 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 dated June 4, 2013 and August 5, 2013 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 map 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. All improvements shall be in place prior to plat finalization or a subdivision agreement must be entered into between the applicant and the County. The subdivision agreement shall specify surety, time frames, etc. If the developer elects to enter into a subdivision improvement agreement, an appropriate financial security such as a surety bond or irrevocable standby letter of credit shall accompany said agreement in conformance with D.C.C. 14.90.
8. The following notes shall appear on the face of the plat:
 - 8.1 Based on historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The Washington State Department of Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the Washington State Department of Ecology recommends that potential buyers be notified of their occurrence. This note shall not be required to be placed on the final plat, if the soils are sampled by a professional with adequate credentials to verify that the site does not contain lead and arsenic and organochlorine pesticides at concentrations above the MTCA cleanup levels.
9. 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.
10. The final plat shall show the location of all easements serving or encumbering the subject property.
11. To facilitate efficient emergency response affecting public health and safety, an addressing plan shall be assigned by the Douglas County Geographic Information System Coordinator during blue line review of the final plat. Contact Todd Wilson at 509-884-7173 prior to blue line submittal to select appropriate road names. Addresses for each lot shall be shown on the face of the final plat mylar prior to final plat approval.
12. All improvements shall be in place prior to plat finalization or a subdivision agreement must be entered into between the applicant and the County. The subdivision agreement shall specify surety, time frames, etc. If the developer elects to enter into a subdivision improvement agreement, an appropriate financial security such as a surety bond or irrevocable standby letter of credit shall accompany said agreement in conformance with D.C.C. 14.90, Performance

Assurance and Guarantee. Bonding of improvements in lieu of construction shall be at the discretion of Douglas County.

13. All lots shall meet lot dimension standards found in Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Douglas County.
14. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility and private access road easements shall be depicted on the face of the final plat.
15. The developer shall install all utilities in accordance with the standards and specifications of the Douglas County PUD, East Wenatchee Water District, Douglas County Sewer District #1, Wenatchee Reclamation District and Douglas County Fire District #2. All utilities shall be located underground.
16. The developer shall coordinate with the Douglas County Public Utility District (PUD) to determine necessary improvements and easements that may be required in order to provide electrical service to the plat. Existing and new utility easements at multiple locations need to be addressed. Access to existing electrical lines must be provided for within the plat or relocation of the facilities affected by the development must be done. Written verification, from the Douglas County PUD that easements and improvements have been addressed to their satisfaction, shall be required prior to final plat approval.
17. Prior to final plat approval, written verification from the East Wenatchee Water District that the requirements of the District have been satisfied and certifying water availability is required.
18. Prior to final plat approval, written verification from the Wenatchee Reclamation District that the requirements of the District have been satisfied is required.
19. Written verification from Douglas County Fire District #2 that adequate fire protection measures meeting the Uniform Fire Code and DCC 15.28 are in place. Fire hydrant spacing shall be 500 feet on center and fire flow shall be 1000 gpm. Roadways shall meet Chapter 15.08 or Douglas County Road Standards for emergency access.
20. Prior to final plat approval, written verification from the Douglas County Sewer District No. 1 that the requirements of the District have been satisfied is required.
21. Written verification of the availability of public water and sanitary sewer to each lot must be submitted to the Chelan Douglas Health District prior to final plat approval.
22. The following language must appear with the Health District signature line:
 - 22.1 "The Health District makes no representation as to the legal availability of water to this plat."
23. Final plans for on-site and off-site road improvements designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of Douglas County Code Chapters 12, 17 and 18, to AASHTO Policy on Geometric Design of

Highways and Streets, in accordance with the current Douglas County Comprehensive Road Standards as updated at the time of final plat approval, and other applicable existing code requirements. Design deviations may be required to accommodate topographic restrictions associated with the entrance road and the existing 72 inch flood control pipe. Analysis of the 72 inch flood control pipe shall include analysis of adequate cover for pipe structure and energy/hydraulic grade lines associated with the design flows, contact the Engineering Division of TLS for plans and flow data.

24. Final design plans for the improvements in public rights-of-way and affecting existing public facilities require County acceptance prior to the start of construction.
25. Prior to final plat approval, a 1-foot non-vehicular access easement shall be recorded and shown along the western boundary with Empire Avenue. A note on the plat shall indicate that access is limited to the internal road system.
26. The proposed road configuration does not utilize existing Columbia Avenue right-of-way and precludes future right-of-way acquisition and construction of this existing right-of-way. Prior to final plat approval the portion of NW Columbia Avenue located next to the SE corner of the proposed development shall be re-submitted for consideration for vacation by the Board of County Commissioners.
27. A Traffic Impact Analysis by Transportation Engineering North West for a neighboring subdivision (P-13-02) identified various limitation in the surrounding transportation system, including but not limited to:
 - 27.1 Intersection of Cascade Avenue and 29th Street NW (Vegetation & “rock filled cylinders” – north, vegetation and wood fence – south, plus inadequate pavement width;
 - 27.2 Intersection of Empire Avenue and 29th Street NW (inadequate width and excessive grade);

The Traffic Impact Analysis by Transportation Engineering North West, for P-13-01 (Empire Crest) also identified deficiencies. Prior to final plat approval, limitations associated with sight distance at these intersections shall be improved to meet minimum design standards.

28. DCC 12.50.150 shall apply to the 670 lineal feet of frontage of the subject parcel as it existed at the time of application. Prior to final plat approval, frontage improvements shall be addressed in accordance with Douglas County Code 12.50.150.
29. In lieu of construction, a Deferred Improvement Agreement may be executed addressing Empire Avenue Frontage Improvements. PRELIMINARY design of the Empire Avenue improvements shall be included within the construction plan set, noting the improvements as FUTURE. Transportation access and stormwater improvements shall accommodate future construction of Empire Avenue improvements. Right-of-way dedication and execution of a Deferred Improvement Agreement (DCC 12.50.150(D)) shall occur consecutively with final plat approval.
30. Road improvements associated with this development shall include:

- 30.1 Half street frontage improvements to Empire Avenue in accordance with Figure 3-8, Urban Arterial (Construction OR Deferral of Improvements prior to final plat approval).
 - 30.2 Empire Avenue right-of-way shall be dedicated to bring the width from monumented centerline up to a minimum of thirty-five (35) feet. Right of way dedication shall extend from the intersection of 29th Street to the north side of the proposed intersection of the new internal road.
 - 30.3 Construction and/or slope easements shall be provided and noted on the final plat map as necessary to accommodate future Empire Avenue improvements and construction.
 - 30.4 The internal roadway shall be a full width street PRIVATE ROAD in accordance with Figure 3-7b, Urban Local Access Road, Parking one side only. Provided, that if, after negotiations with Douglas County, the applicant elects to construct this roadway all the way to the Southern boundary of the applicant's property with the cul de sac at the end of this internal road, then, upon the extension of this road to Columbia Avenue or other suitable public road, then this internal road may be re-characterized as a public roadway. Provided further that the Northern side of the first 300' of this new internal road, extending East from NW Empire, may be constructed without sidewalks. Curb and gutter on the North side of the roadway will still be required. Additionally, the applicant shall take steps as directed by Douglas County to ensure that no parking occurs on this section of the roadway, and comply with right of way requirements established by Douglas County for this section of the roadway.
 - 30.5 A cul-de-sac (Douglas County Road Standards Figure 3-9) shall be provided at the terminal end of the Road A alignment. Cul-de-sac improvements shall consist of a pavement section in accordance with Figure 3-7b of the Road Standards; including curb, gutter, and sidewalk, storm drainage facilities and provisions for snow removal and storage (minimum 20'x20' easement with paved surface graded to drain to the stormwater system) Measures to accommodate snow removal and storage shall be shown on the construction plans and final plat.
31. All new or revised driveways and access onto a County Road (including temporary or construction accesses) require an approved access permit as per the procedures in DCC 12.24, Approaches to County Roads. The final plat mylar shall identify that all proposed lots shall access from the internal roadway.
 32. Illumination shall be designed and installed consistent with Section 12.57.100, Roadway Illumination, and follow Douglas PUD Standards for un-metered lights. The applicant shall be responsible for PUD charges for connection of street lights to the transformer or hand hole.
 33. All improvements shall be in place prior to final plat approval, or a subdivision agreement must be entered into between the applicant and the county. The subdivision agreement shall specify surety, time frames etc. If the developer elects to enter into a subdivision improvement agreement, an appropriate financial security such as a surety bond or irrevocable standby letter

of credit shall accompany said agreement in accordance with DCC 14.90, Performance Assurance and Guarantee. Bonding of improvements in lieu of construction shall be at the discretion of Douglas County.

34. Prior to final plat approval and/or release of financial security, the engineer of record shall provide written certification that the final construction plans for the internal road, utility plans, stormwater systems, and site grading plans have been constructed in accordance with the conditions of approval, Douglas County Code, the approved construction plans and geotechnical assessments. Monitoring shall be required as determined appropriate by the engineer or geologist of record and in accordance with the Douglas County road Standards, with final reports submitted to Douglas County.
35. Prior to final plat approval, requirements for acceptance of the constructed improvements shall be met in accordance with the Road Standards, including Section 12.56.110 Final Acceptance, and 12.50.110 Performance Assurance, B. Maintenance Performance.
36. Utility installation/replacement/upgrade within the Douglas County right-of-way, including, but not limited to Empire Avenue shall be approved by Douglas County. Damage 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. Repairs shall be completed prior to final plat approval. Repair of existing road surfaces may include overlays of the existing road surface, full or half street width, depending upon the extent of impact to the existing road surface due to the construction activities. Existing moratoriums on public roads may limit utility work to boring or pushing. DCC 12.20.060, Specific requirements – Underground utilities.
37. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
38. A final storm water drainage plan designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction and Post-construction stormwater shall be addressed in accordance with Douglas County Code and the recommendations contained within the Stormwater Management Manual for Eastern Washington (Ecology). The plan shall take site grading into consideration and its effect on adjacent properties and shall accommodate off-site runoff. Measures to address stormwater infiltration during frozen soil conditions shall be included. The stormwater plan must have supporting calculations and final “as built” drawings shall be delivered to Douglas County upon completion. Any modification to the system during construction shall be analyzed by the engineer and the results provided to the County to demonstrate the constructed stormwater facilities meet the conditions of approval.
39. Stormwater collection and conveyance systems located within easements crossing individual lots shall be closed pipe systems rather than open ditches. The final plat map shall clearly note locations of stormwater easements and shall provide a mechanism to access the easement and infrastructure to facilitate inspection, maintenance and repair.

40. Based upon the preliminary design data for the stormwater system additional notes stormwater notes will be required on the face of the plat to assure that development of the lots is completed and maintained in accordance with the stormwater system serving the proposed development. Upon preparation, review and acceptance of the final stormwater report and plans; additional notes may be identified. Notes may include but not be limited to:
- 40.1 At the time of building permit submittal an engineered plan depicting a stormwater collection/conveyance system for runoff from impervious surfaces shall be submitted. This note applies to the following lots: _____. Prior to occupancy the engineer of record shall provide certification that the private on-site collection and conveyance system and connection have been completed in accordance with the submitted plan. An operation and maintenance agreement, prepared on forms approved by Douglas County shall be executed and recorded with the County Auditor.
 - 40.2 At the time of building permit submittal and engineer plan for an individual stormwater system for the retention and disposal of on-site stormwater shall be submitted in accordance with Douglas County Code 20.34 & 20.36. This note applies to the following lots: _____. Prior to occupancy the engineer of record shall provide certification that the private on-site collection and disposal system has been completed in accordance with the submitted plan. An operation and maintenance agreement, prepared on forms approved by Douglas County shall be executed and recorded with the County Auditor.
41. Prior to final plat approval, an operation and maintenance agreement must be executed, recorded and AF# referenced on the face of the final plat regarding the private stormwater facilities. Said agreement shall be executed on standard forms approved by Douglas County. It shall be clearly noted on the face of the plat that Douglas County will not maintain the private stormwater facilities (tracts). The agreement shall specify the homeowners of the subdivision as having responsibility for the long-term maintenance of the private stormwater drainage system within the development.
42. A note of the face of the plat shall specify that Douglas County shall have the right to periodically inspect these facilities to verify design capacity and operation. A perpetual access easement shall be granted to the County and/or other governmental agencies having jurisdiction regarding storm water facilities.
43. The Preliminary Drainage Report indicates that stormwater is proposed to be infiltrated on site. Infiltration testing shall be performed in accordance with the guidance provided in the Stormwater Management Manual for Eastern Washington prior to acceptance of the final construction plans and stormwater report in order to verify the suitability of the site to accommodate the proposed system.
44. In accordance with the Stormwater Management Manual for Eastern Washington, design and maintenance criteria for infiltration ponds, and the policies of the Greater East Wenatchee Storm Water Utility Management Team stormwater facilities shall be above ground facilities, located on a separate tract(s) which is adjacent to and provides an emergency overflow to public right-of-way. This policy provides for maintenance, inspection and access to the facility

- and provides additional protection to downstream properties from overflows in the event of failure of the stormwater facility.
45. Stormwater detention facilities shall be located on a separate tract, under the functional control of the homeowners association with each lot having an undivided interest in the tract(s).
 46. Erosion control measures shall be designed in accordance with the Stormwater Management Manual for Eastern Washington (SWMMEW). Best Management Practices shall be employed to prevent runoff from flowing over the site slopes. Disturbed areas shall be re-vegetated and maintained throughout construction. Final grading shall incorporate permanent erosion control measures which routes stormwater runoff away from site slopes and directs the collected water to appropriate discharge locations.
 47. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked otherwise discharging onto the public right-of-way or adjacent properties.
 48. A Stormwater Facility Easement filed under Auditors File Number 3150816 encumbers parent parcel #40700003401. This easement shall be clearly identified on the construction plans and on the final plat map. A plat note shall identify the lots encumbered by this storm drainage ingress, egress, construction and maintenance easement. The note shall clearly state that improvements within the easement area are limited to; surfacing with gravel, asphalt, concrete and grass and erection of a fence having a gate with a minimum width of 15 feet allowing for unrestricted ingress and egress.
 49. This project meets the threshold used by the Washington State Department of Ecology in administering the General Permit to Discharge Storm Water Associated with Construction Activity. Acquisition of permits is the responsibility of the applicant.
 50. Preliminary approval shall expire 7 years from the date of Notice of Action by the Douglas County Hearing Examiner. Final plat approval after the expiration will require the submittal of a new preliminary application and approval based on applicable documents and codes in effect at the time of re-application.

Dated this 19th day of September, 2013.

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.