

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-14-02)	DECISION AND
Stimac/Porter's Field Subdivision)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on December 18, 2014, 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, 630 Valley Mall Pkwy #411, East Wenatchee WA.
2. General Description: A major subdivision of one parcel totaling 1.61 acres zoned Medium Density Residential (R-M). The proposed subdivision would consist of 9 lots, sized from 5,009 square feet to 7,727 square feet, and a tract for storm drainage. The project is proposed to be served by public water and sewer.
3. Location: The subject property is described as being located at 1934 NW Bates Ave, East Wenatchee, Section 35, Township 23 N, Range 20 EWM, Douglas County Washington. The Douglas County Assessor's Number is 23203530038.
4. Site Information:

Total Project Size:	1.61 acres
No. of lots	9
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 is characterized as flat with little vegetation. There are no structures on the property.
6. Surrounding Property: To the north, multi-family and single family homes; to the south, single family homes; to the east, single family homes; to the west, single family homes and a Charter Communications facility.

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 Medium Residential.
10. The subject property is located in the R-M 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. EWMC 17.72.210 requires that residential lots on a cul-de-sac shall have not less than thirty feet of frontage on a public roadway. Lots not on a cul-de-sac shall have a minimum of 60 feet of contiguous frontage.
13. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
14. Access will be developed to the Douglas County Road Standards. All roadway improvements would be the responsibility of the developer.
15. Frontage improvements are addressed in Chapter 12.50.150 Transportation System and Frontage Improvements, of the Douglas County Road Standards. NW Bates Avenue is designated as an Urban Local Access Road. Douglas County Road Standard Figure 3-7b, Urban Local Access Road is the applicable road standard.
16. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
17. The subject property is located within a wellhead protection area for the 19th Street Wellfield and thus is subject to and must comply with Douglas County Code 19.18E *Aquifer Recharge Areas*.
18. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
19. Comments from reviewing agencies have been considered and addressed where appropriate.
20. Douglas County issued a Determination of Non-significance on December 1, 2014 pursuant to WAC 197-11-355 (Optional DNS).
21. 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.

22. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
23. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
24. The Eastmont School District #206 has determined that adequate school related facilities exist to accommodate increased student enrollment associated with increased residential development.
25. 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.
26. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
27. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
28. An open record public hearing after due legal notice was held on December 18, 2014.
29. The entire Planning Staff file was admitted into the record at the public hearing.
30. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
31. Appearing and testifying on behalf of the applicant was Gary Bates. Mr. Bates testified that he was an agent authorized to appear and speak on behalf of the landowner and applicant. Mr. Bates indicated that the applicant concurred with the staff report and had no objection to any of the proposed conditions of approval.
32. No member of the public appeared at the hearing.
34. 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.
35. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
36. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
37. 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. 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-14-02 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. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

2. The project shall proceed in substantial conformance with the plans and application materials of file dated October 31, 2014 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. A plat certificate showing parties of interest from a title company must be submitted with the blueline drawings.
5. 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.
6. All parties having an ownership interest in the subject property shall acknowledge the plat.
7. 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.
8. 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.
9. The final plat shall show the location of all easements serving or encumbering the subject property.
10. 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 blueline submittal to select an appropriate road name. Access easements must be named. Addresses for each lot shall be shown on the face of the final plat Mylar prior to final plat approval.
11. All lots on a cul-de-sac shall have a minimum of thirty feet of contiguous frontage, per EWMC 17.72.210. Lots not on a cul-de-sac shall have a minimum of 60 feet of contiguous frontage.
12. An adequate building envelope for each lot must be established outside of all applicable setbacks and shown on the blueline drawing.
13. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility easements shall be depicted on the face of the final plat.
14. 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, and Douglas County Fire District #2. All utilities shall be located underground.
15. The developer shall prepare final plans for the development and installation of utilities for the approval of the respective purveyors prior to site development. Final "as-built" drawings shall be delivered to purveyors upon completion.

16. Prior to final plat approval Douglas County PUD shall provide written verification that the District requirements to provide power to the project has been met. A utility easement of five feet (5') adjacent to NW Bates Avenue must be shown on the plat.
17. Prior to final plat approval written verification shall be provided from the East Wenatchee Water District that District requirements have been met and that adequate water is provided to all lots within the project.
18. Prior to final plat approval, written verification from the Douglas County Sewer District that the requirements of the District have been satisfied and certifying sewer availability is required.
19. 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.
20. The following language must appear with the Health District signature line
 - "The Health District makes no representation as to the legal availability of water to this plat."
21. The Douglas County Fire Marshal requires a fire hydrant to be located and shown on the face of the plat between Lots 5 & 6 or as determined by collaboration with the East Wenatchee Water District. Prior to final plat approval the Douglas County Fire Marshal shall verify that adequate fire protection is provided for the project.
22. 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 Road Standards as updated at the time of final plat approval, and other applicable code requirements.
23. 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.
24. Prior to final plat approval a 1-foot non-vehicular access easement shall be depicted along the project's Eastern boundary with NW Bates Avenue. A note on the plat shall indicate that access is limited to the internal road system.
25. Road improvements associated with this development shall include:
 - 25.1 Half street frontage improvements to NW Bates Avenue in accordance with Figure 3-7b, Urban Local Access (Parking One Side Only, 16 feet from Centerline). Extend frontage improvements approximately 35 feet to existing curb, gutter and sidewalk to the North.
 - 25.2 The internal roadway shall be a full width street in accordance with Figure 3-7a, Urban Local Access Road (Parking One Side Only / No Parking).
 - 25.3 A cul-de-sac (Douglas County Road Standards, Figure, 3-9) shall be provided. Cul-de-sac improvements shall consist of a pavement section in accordance with Figure 3-7a of the Road Standards; including curb, gutter, sidewalk, storm drainage facilities and

provisions for snow removal and storage (minimum 20 ft. x 20 ft. 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. Cul-de-sac dimensions to face of curb to be coordinated with the Fire Marshal (50 feet to be confirmed). A right-of-way dedication for the cul-de-sac shall accommodate the entire sidewalk.

26. All new or revised driveways and accesses 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.
27. Illumination shall be designed and installed consistent with Douglas County Code Section 12.57.100 Roadway Illumination and follow Douglas County 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.
28. 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 along with the certification.
29. 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*.
30. Utility installation/replacement/upgrade within the Douglas County right-of-way, including but not limited to NW Bates Avenue 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, both public and private, 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. 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 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*.
31. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
32. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.

33. A final stormwater 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. The entire site must be designed to retain all runoff in accordance with DCC 20.34 Stormwater Drainage and address the provisions of DCC 20.36 Construction and Post Construction Stormwater, together with applicable local, state and federal regulations. 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" 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. Recommendations and/or requirements contained within the Final Drainage Analysis shall be incorporated into final project approval, including but not limited to including plat notes and recording of operation and maintenance agreements and/or easements.
34. The subject property is located within the 19th Street wellhead protection area. Design and construction of the stormwater system and associated subdivision improvements shall comply with Douglas County Code 19.18 E Aquifer Recharge Areas.
35. Registration of facilities regulated under the Washington State Department of Ecology Underground Injection Control (UIC) Program shall be completed PRIOR to construction.
36. 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).
37. 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.
38. Prior to final plat approval, an operation and maintenance agreement must be executed, recorded and the Auditor's File Number 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.
39. 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.

40. 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.
41. Individual/common plan of development for this proposal exceeds 1 acre of disturbed ground. This meets the threshold used by the Washington State Department of Ecology in administering their General Permit to Discharge Storm Water Associated with Construction Activity. If required the permit shall be obtained prior to beginning ground-breaking activities. Acquisition of permits is the responsibility of the applicant.
42. One access point for construction activities shall be approved from NW Bates Avenue. A stabilized construction access for the site shall be shown on the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be submitted and accepted prior to on-site grading taking place.

Dated this 19th day of December, 2014.

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.