

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

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

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P-16-03A	)	<b>DECISION AND</b>
Mountain Springs	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on August 15, 2019, 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. Mountain Springs Subdivision Hearing Examiner Decision (P016-03) dated March 14, 2017 remains valid excepting the amendment to add lots to Phase No. 3 which will be increased to 26 Lots (and the total of Mountain Springs increased to 78).
2. The amended lot sizes range from 9,567 sq. ft. to 15,508 sq. ft.
3. All Lots are proposed to be served by public water and sewer. According to East Wenatchee Water District, amending this plat, specifically Phase 3 to 26 Lots, will not affect the District's ability to serve this proposal. According to Douglas County Sewer District (DCSD) No. 1, public sewer is available in the previous phase of Mountain Springs, which is nearing completion. There is adequate existing capacity to support the proposed 26 residential lots.
4. The area of the amendment is located south of 6th St. SE. The property being amended is further described as located within the SW quarter of the SW quarter of Section 17, Township 22 N., Range 21 EWM, Douglas County, WA. The Douglas County Assessors Number is 75000005001.
5. The applicant and property owner is Ackerman Construction INC, 2755 8th St SE, East Wenatchee, WA 98802.
6. All property owners of the Mountain Springs Preliminary Plat signed the amendment application.
7. The surveyor of record for the amendment is Northwest Geodimensions, 15 N Chelan Ave, Wenatchee, WA 98801.

8. According to the Douglas County Transportation and Stormwater, in general, the materials reviewed show consistency with the original plat and do not create any significant impact to the public infrastructure. Application materials reviewed by Douglas County Transportation and Stormwater include:
  - 8.1 Preliminary Engineering prepared by Pacific Engineering, received June 6, 2019.
  - 8.2 Preliminary Stormwater Analysis prepared by Pacific Engineering, received June 6, 2019.
  - 8.3 Preliminary Plat prepared by Northwest GeoDimensions, received June 6, 2019.
  - 8.4 Traffic Impact Analysis prepared by TENW, received June 6, 2019.
  - 8.5 SEPA Checklist prepared by Northwest GeoDimensions, received June 6, 2019.
9. The Traffic Impact Analysis (TIA) has been amended to include the additional traffic associated with the increase from 22 lots to 26 lots in Phase 3. The additional traffic generated does not warrant additional mitigation other than that previously identified during the original platting process.
10. Comments from reviewing agencies have been considered and addressed where appropriate.
11. Douglas County issued a Determination of Nonsignificance on February 16, 2017 pursuant to WAC 197-11-355 (Optional DNS). This DNS is valid and upheld for the amendment.
12. Surrounding property owners were given the opportunity to comment on the amendment, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
13. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the amendment at a public hearing.
14. Purveyors who responded to the amendment have indicated that adequate utilities/services are or can serve this project.
15. 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.
16. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
17. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
18. An open record public hearing after due legal notice was held on August 15, 2019.
19. The entire Planning Staff file was admitted into the record at the public hearing.
20. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
21. Appearing and testifying on behalf of the applicant was Michelle Taylor. Ms. Taylor testified that she was the agent of the property owner and was authorized to appear and speak on their

behalf. Ms. Taylor testified that the Applicant concurred with the all of the representations set forth in the staff report and had no objections to any of the proposed conditions of approval.

22. No member of the public testified at the hearing.
23. 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 amendment and development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
3. As conditioned, this amendment is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this amendment.
5. As conditioned, the amendment is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Douglas County.
6. As conditioned, the amendemtn is consistent with Title 17 "Subdivision", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
7. The amendement is consistent with the Hearing Examiner Decision dated March 14, 2017.
8. 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-16-03A 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 of the Hearing Examiner Decision dated March 14, 2017 shall be in full effect except as modified herein.
2. The project shall proceed in substantial conformance with the plans and application materials of file dated July 1, 2016, January 12, 2017, January 31, 2017, June 6, 2019, and July 31, 2019 except as amended by the conditions herein.
3. All existing structures shall adhere to the required setbacks of the new lot lines, or be removed.
4. For each phase, applicable annotations from Hearing Examiner Decision dated March 14, 2017 shall be shown or referenced.

5. Hearing Examiner Decision dated March 14, 2017 Condition of Approval No. 38 shall be revised to read:  
“Private utilities located within or crossing the county right-of-way shall be identified within the construction plan set and will require execution of a Franchise Agreement concurrent with or prior to final plat approval. Process takes a minimum of three week's applicant responsible for initiation/coordination of Franchise Application, coordinate with county staff for assistance. The Franchise Agreement shall be between the Homeowners' Association and Douglas County”.
6. Lot numbering shall increase sequentially from Phase 1 to Phase 3 and be labeled in substantial conformance with the numbering layout provided during original plat review regardless of whether the subdivision is constructed out of sequence or by multiple parties. This is to preserve the intent of the original conditions which make reference to certain lots within the proposed subdivision.
7. A separate Homeowners' Association shall be created for Phase 3 and will be subject to the original conditions of approval which make reference to said association; more specifically described as Conditions of Approval #38, 40, and 45.
8. Common areas to other phases of Mountain Springs Subdivision shall reflect appropriate CCRs. Separate and distinct common areas may have modified CCRs for split phases.

Dated this 20<sup>th</sup> day of August, 2019.

DOUGLAS COUNTY HEARING EXAMINER



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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.**