

STAFF REPORT
PLAT AMENDMENT - COLUMBIA VIEW ESTATES

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Columbia View Estates Plat Amendment (PA-05-014)
DATE: March 9, 2020

GENERAL INFORMATION

Requested Action A proposed plat amendment to change stormwater infrastructure located on Lot 6 and Lot 8 of the Columbia View Estates Plat #05-14. The change includes removal of a stormwater swale and the 20' Drainage Easement and subsequent construction of an engineered stormwater infiltration pond constructed.

Location: The property is located in the Rural Recreation (RR-5) zoning district under Douglas County Code and is further described as being located within Section 28, Township 26N, Range 21E, W.M. The Assessor's Parcel Numbers are 47700000800 & 47700000600.

SITE INFORMATION

Site Characteristics: The subject properties are located within a cluster subdivision.

Access: The subdivision accesses Bundy Place, a private road.

Zoning and Development Standards: The subject property is located within the Rural Resource 5 acres (RR-5) Zoning District, which allows for subdivisions.

Major Subdivisions:
The requirements of Title 17, "Subdivisions", Douglas County Code, apply to plat amendments.

COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 acres. The following goals and policies set forth in the comprehensive plan are relevant to this development:

RURAL

POLICY RD-4: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.

POLICY RD-7: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and section of this comprehensive plan, including but not limited to, the Resource Lands Element and resource and Critical Areas Conservation Element.

ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-Significance on 03/03/2020 in accordance with WAC 197-11-355 (Optional DNS).

AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Attachment A.

At the time of authoring this report and within the file of record, no public comments have been received.

PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive plan consistency:

The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the provisions of Title 17, "Subdivision", DCC:

The Columbia View Estates established stormwater control facilities on Lot 6 and Lot 8. The application materials for the plat included a Stormwater Management Report.

The plat was recorded on November 28, 2007.

The modification of plat elements must be approved via a plat amendment process. The applicant is requesting that the stormwater swale and the 20' Drainage Easement be removed and an engineered stormwater infiltration pond be constructed.

Pursuant to DCC 17.42.030 Alteration of final plat, or final short plat or final binding site plan, Alteration of a final plat, final short plat or final binding site plan or any portion thereof shall meet all requirements of this chapter, as applicable, Chapter 58.09 RCW, RCW 58.17.035, 58.17.060, 58.17.215 through 58.17.218 and WAC 332-130-050(3), as applicable, except that alterations subject to the provisions of DCC Chapter 17.34, Boundary Line Adjustments, are exempt from the requirements of this section.

Pursuant to RCW 58.17.215 Alteration of subdivision—Procedure.

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Pursuant to RCW 64.04.175 Easements established by dedication—
Extinguishing or altering.

Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

The applicant submitted a Storm Drainage Report dated February 28, 2020 prepared by Jeff Sutton, PE, Project Engineer, with Erlandsen Engineering.

The applicant has provided signatures of owners from the processing of the plat amendment. As conditioned, the proposed plat amendment is consistent with the provision of this title.

Consistency with the provisions of the RR-5 Zoning District, Chapter 18.30, DCC:
The proposal is consistent with the provisions of this chapter. Residential use of the property is permitted by the district.

Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage
The applicant submitted a Storm Drainage Report dated February 28, 2020 prepared by Jeff Sutton, PE, Project Engineer, with Erlandsen Engineering. The civil plans provided adequately depict the stormwater facilities intended to replace the dispersion trenches located on Lots 6 & 8. The Preliminary Stormwater Report adequately addresses the feasibility of the proposed amendment. The dispersion trenches located on Lots 6 & 8 are to be removed and replaced with an infiltration pond located on the eastern side of Lot 8. The report demonstrates that the pond is capable of providing runoff treatment and flow control for the basins tributary to the system

As conditioned, the proposal is consistent with the provisions of this chapter.

Consistency with the provisions of DCC Title 12 Road Standards

The civil plans provided adequately depict the stormwater facilities intended to replace the dispersion trenches located on Lots 6 & 8.

As conditioned, the proposal is consistent with the provisions of this chapter.

Agency comments:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	01/15/2020	Douglas County GIS/	01/22/2020

		Addressing	
WA State Dept. of Ecology	NR	Colville Confederated Tribes	NR
Douglas County Fire Marshal	01/28/2020	Douglas County Transportation & Stormwater	03/03/2020
Douglas County Land Services	03/03/2020	Dept. of Arch. & Historical Preservation	NR

* N/R = No Reply

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

- Date of Application: 12/30/2019
- Date Letter of Completeness Issued: 12/30/2019
- Date Notice of Application Issued: 12/30/2019
- Date Notice of Second Additional Information: 02/19/2020
- Comment Period: 1/9/2020 - 1/24/2020

RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 17, 18, and 19 of the Douglas County Code. Staff recommends approval of PA-05-014 subject to the following findings of fact and conditions:

Suggested Findings of Fact:

1. The applicants are Ronald W & Elizabeth Bundy, 1800 Carl St Ne East Wenatchee, WA 98802.
2. The agent is Erlandsen & Associates, 250 Simon St East Wenatchee, WA 98802.
3. General Description: A plat amendment to change stormwater infrastructure located on Lot 6 and Lot 8 of the Columbia View Estates Plat #05-14. The change includes removal of a stormwater swale and the 20' Drainage Easement and subsequent construction of an engineered stormwater infiltration pond constructed.
4. Location: The property is located in the Rural Recreation (RR-5) zoning district under Douglas County Code and is further described as being

- located within Section 28, Township 26N, Range 21E, W.M. The Assessor's Parcel Numbers are 47700000800 & 47700000600.
5. Site Characteristics: The subject properties are located within a cluster subdivision.
 6. The Comprehensive Plan Designation is Rural Resource 5 acres.
 7. The subject property is located in the RR-5 zoning district which allows for subdivisions as permitted uses.
 8. The shoreline environment designation is Rural Conservancy.
 9. The Columbia View Estates was recorded on November 28, 2007. Columbia View Estates includes easements and stormwater control facilities.
 10. The applicant is requesting that the stormwater swale and the 20' Drainage Easement be removed and an engineered stormwater infiltration pond be constructed.
 11. The modification of plat elements must be approved via a plat amendment process.
 12. Pursuant to DCC 17.42.030 Alteration of final plat, or final short plat or final binding site plan, Alteration of a final plat, final short plat or final binding site plan or any portion thereof shall meet all requirements of this chapter, as applicable, Chapter 58.09 RCW, RCW 58.17.035, 58.17.060, 58.17.215 through 58.17.218 and WAC 332-130-050(3), as applicable, except that alterations subject to the provisions of DCC Chapter 17.34, Boundary Line Adjustments, are exempt from the requirements of this section.
 13. Pursuant to RCW 64.04.175 Easements established by dedication— Extinguishing or altering, Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.
 14. The applicant has provided signatures of owners from the processing of the plat amendment.
 15. The applicant submitted a Storm Drainage Report dated February 28, 2020 prepared by Jeff Sutton, PE, Project Engineer, with Erlandsen Engineering.
 16. The applicant submitted Civil Plans prepared by Erlandsen, received February 28, 2020.
 17. The civil plans provided adequately depict the stormwater facilities intended to replace the dispersion trenches located on Lots 6 & 8.
 18. The Preliminary Stormwater Report adequately addresses the feasibility of the proposed amendment. The dispersion trenches located on Lots 6 & 8 are to be removed and replaced with an infiltration pond located on the eastern side of Lot 8. The report demonstrates that the pond is capable of providing runoff treatment and flow control for the basins tributary to the system.

19. Douglas County issued a Determination of Nonsignificance on 03/03/2020 pursuant to WAC 197-11-355 (Optional DNS).
20. 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.
21. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
2. Public use and interests will be served by approval of this proposal.
3. As conditioned, the proposal is consistent with Title 18 "Zoning", Title 17 "Subdivision", and Title 19 "Environment", of the Douglas County Code.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials of file dated April 30, 2014 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. Per WA 332-130-050 (3Ciii) A prominent note itemizing the changes to the original document needs to be included on the mylar.
8. Lots greater than one (1) acre in size are EXEMPT from fire flow requirements PROVIDED that all structures maintain no less than 50 feet of separation
9. Any and all plat notes that conflict with the relocation of the stormwater control facilities shall be revised to accurately reflect the new location, size and function, as applicable.
10. 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.

11. The final plat shall show the location of all easements serving or encumbering the subject property.
12. All easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat
13. Final construction plans designed by a Professional Engineer licensed in the State of Washington shall be submitted to and accepted by Douglas County prior to construction.
14. A final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in the State of Washington that conforms to Douglas County Code and the 2019 Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
15. Stormwater facilities shall be located within an easement(s) under the functional control of the Lot Owner's, with each lot having an undivided interest, and responsibility for the facilities.
16. Provisions to provide access for inspection and maintenance of the stormwater tract(s) shall be addressed within the design plans, report, and on the face of the final plat.
17. As applicable, registration of facilities that are regulated under the Washington State Department of Ecology's Underground Injection Control Program shall be completed prior to construction.
18. The Engineer of Record shall monitor construction and shall provide as-built drawings and report as necessary along with certification that the improvements have been completed in accordance with the applicable codes, regulations, and accepted plans. UIC registration shall be provided as applicable.
19. Prior to final plat acceptance, a Private Stormwater Operation and Maintenance Agreement shall be executed on standard Douglas County forms. The site plan, details, certification, and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant. A note shall be included on the face of the final plat which states:

"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 _____."

Respectfully Submitted, Nathan Pate, AICP - Principal Planner

Attachments