

Douglas County Hearing Examiner

Andrew L. Kottkamp, Hearing Examiner

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P-07-17)	DECISION AND
Stoneridge Acres)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on March 31, 2008, 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 Lensen Construction LLC and George Putnam.
2. General Description: A 10 lot major subdivision application on approximately 5.56 acres. The proposed lots range in size from 8,244 square feet to 1.17 acres. Access to lots 1 – 7 is by extension of Stoneridge Drive. Lots 8 – 10 would be accessed by North Devon Avenue. Sanitary sewer will be provided by the Douglas County Sewer District and public water from the East Wenatchee Water District.
3. Location: The subject property is located at the terminus of Stoneridge Drive and North Devon Avenue. The proposed subdivision is located a portion of Section 35, Township 23 North, Range 20 East, W.M., in Douglas County.
4. The subject property is located within the Greater East Wenatchee Planning Area.
5. The subject property is located within the East Wenatchee Urban Growth Area.
6. The Comprehensive Plan Designation is Low Residential.
7. The subject property is located in the Low Residential R-L zoning district which allows for subdivisions as permitted uses.

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8. On March 28, 2007, Douglas County adopted Ordinance No. 07-01-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area.
9. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
10. Access would be provided by a new public road connecting to Stoneridge Drive and the extension of North Devon.
11. Section 12.50.150, D.C.C., authorizes the requirement of frontage and off-site improvements to the transportation system that serves the development.
12. Frontage Improvements are addressed in Chapter 12.50.150 *Transportation System and Frontage Improvements*, of the Douglas County Road Standards. North Devon Avenue is designated as an Urban Local Access. Because the facility is located inside the Federal Urbanized Area, Figure 3-7a, Urban Local Access, of the road standards is the applicable road standard. This standard includes a half street asphalt width of sixteen (16) feet. This section is comprised of 8" CSBC, 4" CSTC, and 2-1/2" ACP. The existing condition of North Devon Avenue includes a half street construction of approximately eighteen (18) feet.
13. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
14. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
15. Comments from reviewing agencies have been considered and addressed where appropriate.
16. Douglas County issued a Determination of Nonsignificance on March 12, 2008 using the optional DNS process in WAC 197-11- 355.
17. 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.
18. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
19. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.

20. The Eastmont School District #206 has determined that the District has insufficient capacity in existing facilities to accommodate increased student enrollment associated with increased residential development.
21. 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.
22. The Confederated Tribes and Bands of the Yakama Nation requested a cultural resource survey of the site. The developer completed a study and provided a copy to the county, state and affected tribes. The report is dated February 11, 2008. No comments from the state or tribes have been received regarding the study.
23. A wetland delineation and rating in conformance with Douglas County Code Chapter 19.18B was completed by Grette Associates, LLC and dated February 19, 2008. The wetland present on site rated as a Type II wetland which requires a 100 foot buffer from the edge of the wetland.
24. The flood hazard areas of the county are subject to periodic inundation which may result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare.
25. These flood losses are caused by the cumulative effect of obstructions in areas of flood hazard that increase flood heights and velocities, and when inadequately anchored, damage uses on other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
26. Title 19 of the Douglas County Code regulates the protection of critical areas, including wetlands and their associated buffers.
27. The Preliminary Drainage Report indicates that stormwater will be directed to the existing Stoneridge Division I pond.
28. The Stoneridge Division 1 Homeowners Association has provided conditional authorization to divert stormwater run-off into the existing Division 1 facility.
29. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
30. This Application was found to be Technically Complete [as required by law.

31. The entire Planning Staff file was admitted into the record at the public hearing.
32. Public hearing after due legal notice was held on March 31, 2008. Appearing and testifying on behalf of the applicant was Michelle Taylor. Ms. Taylor testified that she had no objection with any of the proposed conditions of approval and that all lots have a sufficient building envelope for a single-family residence and accessory structure. She further agreed that regarding proposed Lot #10, that there would be no further encroachment into the wetland buffer.
33. Also testifying on behalf of the applicant was Heather Ostenson. She testified that the stormwater system had adequate capacity to include stormwater from the proposed development. She testified that locations of discharge and infrastructure would be set prior to final plat approval.
34. Testifying in favor of the project was George Putnam. Mr. Putnam testified that the stormwater drainage system for Stoneridge was originally designed to accommodate stormwater from this project. He gave easements for stormwater and sewer connections. He also testified that he did not think that the edge of the canyon was a wetland.
35. Also testifying in favor of the project was Greg Loomis. He testified that he bought the land with the Lenssens in order to put in single-family residences and not condominiums. It was his intention that they would keep this a neighborhood.
36. All owners of property in which the off site stormwater drainage system will be located have provided their consent and approval for the stormwater drainage system from this project to be routed to their property.
37. Supplemental materials were submitted by Staff at the hearing, including a March 21, 2008, email from Richard and Cindy Wolfe to Stephen Neuenschwander.
38. 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.
39. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
40. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
41. 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 authority to render this decision.
2. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
3. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public use and interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance #07-01-01H.
7. As conditioned, the proposal is consistent with Title 12 “Road and Bridges”, Title 15 “Building and Construction”, “Title 17 “Subdivision”, Title 19 “Environment”, and Title 20 “Development Standards”, of the Douglas County Code.
8. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
9. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
10. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
11. 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.
12. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
13. 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-07-17, Stoneridge Acres, 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 Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
3. The Applicant shall comply with all federal, state and local laws and regulations.
4. Construction shall proceed substantially as shown on the application materials on file with Douglas County, except as modified by conditions below.
5. The project shall proceed in substantial conformance with the plans and application materials of file dated November 29, 2007, February 28, 2008, and March 13, 2008 except as amended by the conditions herein.
6. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
7. A plat certificate showing parties of interest from a title company must be submitted with the blue-line drawings.
8. All parties having an ownership interest in the subject property shall acknowledge the plat.
9. 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.
10. Prior to final plat approval, the applicant shall provide a copy of the signed form entitled "Verification of Tax and Assessment Status" verifying that all taxes have been paid in full.
11. 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.
12. Prior to final plat approval for each phase, Douglas County Land Services must find that the conditions of approval contained herein, have been met.
 13. An addressing plan shall be assigned by Douglas County Transportation Services during blue line review of the final plat. Addresses for each lot shall be shown on the face of the final plat mylar prior to final plat approval. Road names shall be approved by the Douglas County GIS Coordinator.
 14. 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.
 15. Prior to final plat approval an agreement shall be entered into with Eastmont School District #206 that either provides a proportionate dedication of land for schools and school grounds or that the developer enter into a voluntary agreement for payment in lieu of dedication in accordance with RCW 82.02.020.
 16. Prior to final plat approval, written verification from Douglas County Fire District #2 of satisfaction of the following requirements must be submitted:
 - Adequate water mains, fire flow, and fire hydrants per DCC 15.28;
 - Adequate access roadway per DCC 15.24.
 17. 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.”
 18. The developer shall coordinate with the Douglas County Sewer District and East Wenatchee Water District for the provision of sewer and water service. Written verification must be provided to Douglas County Land Services and the Chelan Douglas Health District that sewer and water service is available to each lot prior to final plat approval.
 19. 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. 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.

20. All stormwater runoff and overflow or any other runoff shall be contained on site and shall not funnel into the Wenatchee Reclamation District Canal.
21. Prior to final plat approval written verification must be received from the Wenatchee Reclamation District that all of the Districts requirements have been met.
22. The developer shall coordinate with Verizon NW to determine necessary improvements and easements that may be required in order to provide telephone service to the plat.
23. A dust abatement plan shall be filed with and approved by Douglas County prior to any clearing, grading, and/or construction. Washington State Department of Ecology accepted dust control measures shall be adhered to, both during and after construction. The plan shall also include a 24 hr. a day contact for the person responsible for dust control on the project.
24. Concurrent with the recording of the final mylar, appropriate deeds shall be filed with the Douglas County Auditor conveying Tracts A and B to the Homeowners Association.
25. A note shall be placed on the face of the final plat stating: "All buffer areas shall be temporarily fenced between the construction activity and the buffer with a highly visible and durable protective barrier during construction to prevent access and protect the designated wetland and associated buffer."
26. A note shall be placed on the face of the final plat stating: "No native vegetation removal, development, or site disturbance may occur within the wetland and wetland buffer unless a management and mitigation plan consistent with the requirements of Title 19, "Environment", D.C.C., as amended, is approved by Douglas County Land Services."
27. The outer edge of all required wetland buffers shall be clearly marked on site with permanent buffer edge markers. Buffer markers may be either buffer signs or steel posts painted with a standard color and label, as approved by the Douglas County Land Services Director. The markers shall be field verified by the surveyor or biologist of record prior to final plat approval. Each lot shall contain a minimum of three buffer area markers located at the landward edge of the buffer perimeter, one located at each side property line and one midway between side property lines. Covenants for the plat shall incorporate a requirement stating that buffer area markers shall not be removed, or relocated, except as may be approved in writing by the Douglas County Land Services Director.

28. Designation and labeling of the wetland buffer must be disclosed on the final plat in conformance with Title 19 D.C.C. Covenants must be submitted for review and approval prior to final plat approval which stipulate that no native vegetation removal, development, or site disturbance may occur within the wetland and wetland buffer unless a wetland management and mitigation plan consistent with the requirements of Chapter 19.18B, DCC, as amended, is approved by Douglas County Land Services. The covenants must be recorded and referenced on the face of the plat. The entire length of the wetland buffer shall be depicted for each lot. Final plat depictions of the wetland boundaries and buffers shall be verified by the biologist of record in writing prior to final plat approval.
29. Should any archaeological resources be discovered during grading/construction, all work that would affect the discovered resources must be stopped until the proper authorities have been notified and appropriate steps have been taken to protect the resources in accordance with applicable laws and protocol.
30. 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 existing code requirements.
31. 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.
32. The required road improvements for this development include:
 - Dedication of right-of-way for an approved turnaround at the southern end of North Devon Avenue is required.
 - Dedication of right-of-way for North Devon Avenue to bring the total width up to 60-feet is required.
 - Half Street frontage improvements to North Devon Avenue shall be constructed along the project limits in accordance with Figure 3-7a, Urban Local Access Road.
 - The internal streets shall be full width streets in accordance with Figure 3-7b, Urban Local Access Road.
 - Due to the infill nature of this development, and the lack of possibilities for constructing roads across Canyon A, the cul-de-sacs will be permitted as shown in the preliminary plans submitted. The inclusion of permanent cul-de-sacs is strongly discouraged as they inhibit road and pedestrian network circulation (see 12.52.040 *Design Requirements, L. Cul-de-Sacs and Dead-End Roads* for specific requirements) and are not consistent with the County Comprehensive Plan.
 - The cul-de-sacs shall each conform to Figure 3-9, Cul-de-sac Detail.

- *The proposed road configuration is subject to review and acceptance by the County Engineer.*
 - Measures to accommodate snow removal and storage shall be incorporated and shown on the plat. A 30'x30' easement for snow storage shall be included at each cul-de-sac, and appropriate signage to restrict parking installed.
33. 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*.
 34. Illumination shall be designed and installed consistent with Douglas County Code Section 12.58.100 *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.
 35. 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.
 36. 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 Comprehensive Road Standards (DCC) with final reports submitted to Douglas County.
 37. 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*.
 38. Prior to final plat approval, a private access maintenance and improvement agreement must be recorded and AF# referenced on the face of the final plat. It shall be clearly noted on the face of the plat that Douglas County will not maintain the private access.
 39. Utility installation/replacement/upgrade within the Douglas County right-of-way, including but not limited to Stoneridge Drive and North Devon Avenue shall be approved by Douglas County. Damage to existing roads, both public and private, (including but not

limited to Stoneridge Drive and North Devon Avenue) 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 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*

40. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
41. 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.
42. Prior to final plat approval, the Stoneridge Division 1 Homeowners Association shall provide to Douglas County Transportation and Land Services written verification that all conditions and concerns addressed in their March 7, 2008 letter have been adequately addressed.
43. 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 shall be designed to retain all runoff from a 2-inch storm event in a 90-minute period utilizing a Type II SCS rainfall distribution in accordance with DCC 20.34 *Stormwater Drainage*, together with applicable local, state and federal regulations at the time of drainage plan submittal. 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 modifications 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.
44. Prior to final plat approval, an operation and maintenance agreement must be recorded and AF# referenced on the face of the final plat regarding the private stormwater facilities. Said agreement may be incorporated into proposed protective covenants. It shall be clearly noted on the face of the plat that Douglas County will not maintain the on-site stormwater facilities. 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. 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. Easements beyond those shown on the face of the plat may be required to provide access to the existing Stoneridge Division 1 facility. If the existing Stoneridge Division I pond is utilized, the Stoneridge Acres homeowners association shall be included in the maintenance and operation agreement for the existing pond.
45. The Preliminary Drainage Report indicates that stormwater will be directed to the existing Stoneridge Division I pond. If an agreement can not be reached to utilize the existing Stoneridge facility, updated plat information identifying the location of the on-site, above ground stormwater facility, located on a separate tract, shall be provided along with supporting calculations in accordance with Douglas County Code.
 46. Because an existing facility is proposed to be utilized, and that facility is not located on a separate, the requirement that stormwater facilities be located on a separate tract will be waived.
 47. If the Stoneridge Division 1 facility is not utilized, all storm drainage tracts and stormwater easements shall be clearly noted on the face of the plat. Restrictions on future use and grading allowed within these areas must be clearly noted and described in the homeowner's association documents or protective covenants and within the operation and maintenance agreement for the stormwater facilities.
 48. An Operation and Maintenance document shall be provided, recorded and referenced on the face of the plat and within the CCR's for the subdivision. A note on the face of the plat shall reference the O&M document and note that the Homeowners Association is responsible for the maintenance of private stormwater facilities.
 49. Erosion control measures shall be designed in accordance with the Stormwater Management Manual for Eastern Washington (SWMM EW). 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.
 50. Covenants for the subdivision shall incorporate a statement that lots owners are responsible for preventing stormwater runoff from discharging from their lot and onto adjacent properties, including but not limited to the irrigation canal right-of-way.

51. Phasing of storm drainage improvements will not be allowed.
52. Design and construction of the stormwater facilities for the site and the road shall conform to the requirements contained in the DC Road Standards including, but not limited to, Section 12.52.050 *Stormwater Management*, and the Stormwater Management Manual for Eastern Washington (SWMMEW).
53. The use of drywell/underground injection facilities shall be minimized, and must be approved by the Douglas County Engineer, above ground stormwater facilities are the prefer method for addressing stormwater. If drywell/UIC facilities are to be included as part of a development, the engineer of record shall:
 - Address the requirements and guidelines provided by the Department of Ecology, Underground Injection Control Program (UIC), as they apply to surface and subsurface infiltration facilities.
 - Provide on site monitoring of the construction of the UIC facilities.
 - Certify that UIC facilities were designed and registered in accordance with applicable regulations prior to the construction of such facilities, and prior to acceptance of such facilities as complete.
 - Provide a copy of the UIC facility registration approval from the Department of Ecology.
 - Certify that the facilities were constructed in accordance with the plans, prior to acceptance of the facilities by Douglas County.
54. The following core elements requirements contained in the SWMMEW – Stormwater Management Manual for Eastern Washington, must be satisfied by the Developer prior to acceptance of the construction plans:
 - Core Element #1 Preparation of a stormwater site plan
 - Core Element #2 Construction of stormwater pollution prevention
 - Core Element #3 Source control of pollution
 - Core Element #4 Preservation of natural drainage systems
 - Core Element #5 Runoff Treatment
 - Core Element #7 Operation and Maintenance
55. 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. The Department of Ecology contacts for this area are Bryan Neet, (509) 575-2808, bneet461@ecy.wa.gov, and Cory Hixon, (509) 454-4103, chix461@ecy.wa.gov. Acquisition of permits is the responsibility of the applicant.

56. Appropriate measures to prevent sediment from leaving the site shall be maintained until such time as all on-site soils are stabilized. Prior to any on-site grading taking place, a temporary erosion/sedimentation control plan (SWPPP- Stormwater Pollution Prevention Plan), showing the location and control measures intended to minimize the effects of erosion and siltation due to construction operations shall be submitted and accepted by the County. This plan shall be maintained on-site at all times and modified as necessary to address erosion issues as they arise. Additional erosion controls shall be implemented as necessary to prevent sediment from leaving the site.
57. A single access point for construction activities shall be permitted. 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.
58. A dust abatement plan shall be filed with and accepted by to Douglas County prior to any clearing, grading and/or construction. Water shall be made available during clearing, grading and construction and applied in a manner to control fugitive dust. Washington State Department of Ecology accepted dust control measures (Publication Number 96-433) shall be adhered to both during and after construction.

Dated this 14th day of April, 2008.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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.