

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-13-03)	DECISION AND
Rio Bella Vista Estates)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on October 15, 2015, 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 Richard Montoya, 100 31st St., East Wenatchee WA.
2. General Description: An application for a 26 lot subdivision. The proposed lot sizes range from 9,764 square feet to 16,263 square feet.
3. Location: The subject property is described as being located west of Eastmont Avenue, East of Sunset Highway (SR-28), north of North Breckenridge Drive, East Wenatchee, Section 26, Township 23 N., Range 20 E.W.M., Douglas County Washington. The Douglas County Assessor's Numbers are 23202630004 and 23202620008.
4. Site Information:

Total Project Size:	8.97 acres
No. of lots	26
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 existing site is currently a large open area covered with thin grass and scattered sage brush. The project site is currently vacant. However noticeable earthwork has been done on portions of the site. Within the south portion of the site, a drainage swale traverses the site from east to west in a markedly incised channel, with very steep slopes. To

the east there is a fairly steep hillside. Within the northwest portion of the site, there has been a significant amount of grading and filling. From the west of the site to the adjacent property is a very steep slope.

6. Surrounding Property: To the north, single family homes; to the south, residential subdivision; to the east, Eastmont Ave, vacant; to the west single family homes and a church.
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 sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary. This application is vested under the version adopted by Ordinance TLS 08-03-05 on January 8, 2008.
12. The following reports have been submitted with the application materials.
 - 12.1 December 11, 2013, Nelson Geotechnical Associates (NGA), Engineering Geologic Hazard Assessment. April 15, 2014 (received April 18, 2014), NGA Amended Engineering Geological Assessment.
 - 12.2 February 2015 (received March 13, 2015) Western Pacific Engineering (WPE) Geotechnical Investigation.
 - 12.3 January 15, 2014, Transportation Engineering Northwest Traffic Impact Analysis of the Bella Vista Estates.
 - 12.4 Preliminary Stormwater Evaluation, Torrence Engineering (revised April 21, 2015) received May 5, 2015.
 - 12.5 Preliminary Stormwater Evaluation, Torrence Engineering, August 2015, received August 31, 2015.
 - 12.6 Preliminary Engineering Plans, Torrence Engineering, August 25, 2015 (received August 31, 2015)
 - 12.7 Letter, dated August 28, 2015, Western Pacific Engineering & Survey, regarding concurrence with Preliminary Engineering Drawings.
 - 12.8 August 28, 2015 Western Pacific Engineering & Survey review of preliminary engineering.

- 12.9 August 31 2015 revised Preliminary Engineering, Torrence Engineering.
- 12.10 August 31, 2015 revised Preliminary Drainage Report, Torrence Engineering.
13. The April 15, 2014 Amended Engineering Geologic Hazard Assessment does not provide information with regard to design and construction of public roads (structural design) with respect to native ground and to areas of undocumented fill. Page 8 of the Amended report continues to note “that a geotechnical engineering investigation and report be performed for this project, due to the presence of undocumented fill, graded areas and moderate to steep slopes.
14. The WPE Geotechnical Investigation identified the following:
- 14.1 The WPE report acknowledges that “noticeable earthwork has been done on portions of the site.”
- 14.2 The WPE report acknowledges that a drainage swale traverses the site in a markedly incised channel with very steep slopes.
- 14.3 The WPE report acknowledges “a significant amount of grading and filling has occurred.”
- 14.4 The WPE report indicates that “very steep slopes” were encountered from the west of the site to the adjacent property.
- 14.5 The WPE report notes that some soils found on site were silty material, which “could become expansive in freezing conditions due to their small particle size and slow draining ability.
- 14.6 WPE recommended mitigation measures includes: The following shall be noted graphically on the face of the plat. 2:1 slopes shall be outlined as native reserve areas. A plat note shall indicate the native reserve areas are exempt for further development.
- 14.7 WPE recommended mitigation measures includes: The site designer shall make recommendations on how the water channel discussed within the Hydro Geology section of the report, page 7 will be addressed. These recommendations will become conditions of approval for the subdivision, and must be satisfied during site design (road & stormwater) prior to final plat approval.
15. The June 10, 2015 letter from WPE includes the following recommendations:
- 15.1 Stormwater runoff be dispersed over as large of an area as possible.
- 15.2 A native planting strip be planted on the lower section of the lots. Lots 22-26 shall include a 50 foot native planting easement and Lot 21 shall be a native planting easement 40 feet at the north end and 50 feet on the south end. These areas shall be clearly identified on the construction plans, including specifications for

establishment of the required native vegetation. The native vegetation areas shall be clearly identified within a native vegetation and slope easement. A maintenance plan shall be prepared and recorded for the native vegetation area. The applicability of the maintenance plan shall be clearly identified on the face of the plat and the Auditors File Number of the recorded maintenance plan provided.

16. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
17. The subdivision will access N. Breckenridge Dr. The proposal includes a new public local access street through the property.
18. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
19. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
20. Comments from reviewing agencies have been considered and addressed where appropriate.
21. Douglas County issued a Determination of Nonsignificance on October 5, 2015 pursuant to WAC 197-11-355 (Optional DNS).
22. 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.
23. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
24. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
25. The Eastmont School District #206 has determined that the District has adequate school related facilities to support the proposal.
26. 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.
27. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
28. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
29. An open record public hearing after due legal notice was held on October 15, 2015.

30. The entire Planning Staff file was admitted into the record at the public hearing.
31. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
32. Appearing and testifying on behalf of the applicant were John Torrence and Richard Montoya. Mr. Torrence testified that he was an agent authorized to appear and speak on behalf of the applicant. Mr. Montoya testified that he was the applicant.
33. Mr. Torrence testified that all of the proposed Conditions of Approval were acceptable to the applicant as modified by the testimony of Jennifer Lange, Assistant County Engineer.
34. Mr. Torrence discussed in detail the stormwater drainage system that is proposed for this site.
35. Mr. Montoya Testified that the actual name of the subdivision will be "Rio Bella Vista Estates."
36. No member of the public testified in favor of the project.
37. Testifying in opposition of the project was Liz Arbaugh. Ms. Arbaugh's testimony related to the need for a secondary access in any event of a fire that blocks off the current access to the project.
38. In response to Ms. Arbaugh's testimony, the Hearing Examiner asked staff why a secondary access was not required. Staff indicated that the Fire Marshall did not require a secondary access, that adequate fire hydrants would be installed and that a sprinkler system in all the homes will be required.
39. Admitted as Exhibit 1 to the hearing was an October 15, 2015 memorandum from Jennifer Lange to Curtis Lillquist regarding modification of conditions of approval.
40. 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.
41. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
42. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
43. 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 and last amended by TLS 08-03-05.
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 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-13-03 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 December 30, 2013, April 28, 2014, March 13, 2015, June 11, 2015, August 31, 2015 and September 1, 2015 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 blue-line 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. The following notes shall appear on the face of the plat:

8.1 All activities associated with lot development and improvement, including any construction, grading and excavation, shall adhere to the conclusions and recommendations in the geotechnical investigation dated February 2015 and Response to Questions letter dated June 10, 2015, recorded under AFN# _____ and supplemental letter dated _____, recorded under AFN# _____.

Should the supplemental letter result in the entire replacement of recommendation and conditions for either the February 2015 or the 6-10-15 reports then recording of and reference(s) to the report(s) can be eliminated from the above note.

8.2 Concurrent with the submittal of a building permit application, the applicant must provide a letter from a licensed geotechnical professional that all site and construction plans contain necessary components and are consistent with the recommendations contained in the above listed geotechnical reports.

If the report required by Condition #8 exempts specific lots from further geologic analysis (including but not limited to erosion control, specific structural design, slope setbacks) then this note shall be modified to identify which lots require the further geologic review.

8.3 No vegetation removal or excavation may occur within the native vegetation and slope easement areas unless a geo-technical report consistent with the requirements of Chapter 19.18.D, DCC, as amended, is approved by Douglas County Land Services.

8.4 A Fire sprinkler system is required for each single family residence - system shall comply with N.F.P.A. 13D.

- 8.5 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. After the grading activity and stormwater construction has been completed and prior to submittal of blue line drawings; a licensed geotechnical professional shall analyze the post grading geologic conditions. This analysis shall provide a supplemental letter (or report) that amends, if necessary, the recommendations outlined in the February 2015 Geotechnical Investigation and 6-10-15 Response to Questions Letter. This report will verify that the native vegetation and slope easements, as well as, slope setbacks shown on the blue line drawings are correctly depicted and will identify which lots are subject to the geotechnical recommendations. This report will be recorded and the AF# listed in the plat note referenced in the first bullet of condition #8 above.
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. 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. Addresses for each lot shall be shown on the face of the final plat mylar prior to final plat approval.
13. 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.
14. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) shall be depicted on the face of the final plat.
15. 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.

16. 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.
17. 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.
18. 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.
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:
 - 21.1 "The Health District makes no representation as to the legal availability of water to this plat."
21. Final plans for transportation 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 East Wenatchee Municipal Code and Douglas County Code Chapters 12, 15, 17 and 18, WSDOT Standards and AASHTO Policy on Geometric Design of Highways and Streets,
22. A letter of concurrence from a licensed geotechnical engineer shall be provided prior to acceptance of the final road construction plans and specifications to confirm that the site suitability for the structural road section has been addressed, specifically addressing silty material which may become expansive in freezing conditions as noted within the Geotechnical Analysis (February 2015-Western Pacific Engineering, April 2014 and December 2013 Nelson Geotechnical Associates).
23. Prior to any site work commencing, a revegetation plan shall be submitted for all exposed areas outside of pavement areas. Prior to final plat approval all exposed areas shall be revegetated per the submitted plan. A performance surety cannot be provided for this condition.
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. The extension of N. Breckenridge Drive shall be designed and constructed from the end of the existing transportation improvements (road/sidewalk) to the end of each phase. Construction shall include connection and extension of curb, gutter and sidewalks and a paved cul-de-sac turnaround and snow storage easement (20ft x 30ft) for each phase. The extension of the transportation improvements shall tie into the existing improvements and shall satisfy Figure 3-7b of the Road Standards, with parking on both sides. The cul-de-sac may require signage restricting parking in order to accommodate emergency vehicles.

26. Sub-grade Preparation: As specified within the Geotechnical Analysis (WPE – February 2015) all materials, native, import and fill shall be brought to optimum moisture and compacted to 95% of ASTM D-1557 as outlined within the Engineered Fill section of the referenced report. Soil sterilization shall be applied in all areas to be paved with asphalt or concrete. A two-foot (min.) clear area between proposed landscaping shall be maintained. Sterilant shall be applied at the manufacturer's rate to assure three inches minimum penetration.
27. Road fill: As specified within the Geotechnical Analysis (WPE – February 2015) all areas to receive fill shall be compacted prior to placement of the fill. The geotechnical engineer shall approve all structural fill materials for their intended purpose prior to placement. Fill shall be placed in eight-inch (8"0 loose lifts or less, brought to optimum moisture and then compacts to 95% of ASTM-D-1557. Over excavated areas shall be backfilled, moistened, and compacted in the same manner. All soils shall be proof rolled with a heavy rubber tired vehicle prior to testing.
28. As specified within the Geotechnical Analysis (WPR – February 2015), roadway subgrade shall be tested at the rate of one test for every four hundred feet or as more stringently required by the County. All layers of imported material shall be randomly tested at the same frequency.
29. Illumination shall be designed and installed consistent with East Wenatchee Municipal Code and Douglas County Code Section 12.57.100, *Roadway Illumination* and WSDOT Standards. The applicant shall be responsible for PUD charges for connection of street lights to the transformer or hand hole. A plat note and bonding may be required if cul-de-sac illumination is not completed prior to final plat approval.
30. Road plans and right-of-way dedication shall include measures to accommodate cluster mailbox units for the subdivision. The location to be approved by the County Engineer and the USPS Postmaster.
31. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with applicable road standards.
32. Prior to final plat approval and/or release of financial security, the engineer of record and geotechnical engineer shall provide written certification and as-builts confirming 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, applicable Codes, the approved construction plans. Monitoring shall be required as determined appropriate by the engineer or geologist of record and in accordance with the Road Standards, with final reports submitted to Douglas County along with the certification.
33. 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*.
34. Utility installation/replacement/upgrade within the Douglas County right-of-way, shall be approved by Douglas County. Damage to existing roads, 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.

35. Prior to submittal of the final stormwater drainage plan and report, site specific infiltration testing shall be conducted in accordance with the recommendations and guidelines contained within the Stormwater Management Manual for Eastern Washington.
36. 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 elements, including long term operation and maintenance shall be addressed in accordance with East Wenatchee Municipal Code, Douglas County Code and the Stormwater Management Manual for Eastern Washington - SWMMEW (Ecology). Measures to address stormwater infiltration during frozen soil conditions shall be included, including provisions for overflow. The stormwater plan must have supporting calculations and final "as built" drawings shall be delivered to Douglas County prior to final plat approval. 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. Recommendations and/or requirements contained within the final drainage analysis shall be incorporated into final project approval, including but not limited to the addition of plat notes and recording of operation and maintenance agreements and/or easements. The designer shall specifically address access for maintenance and inspection in addition to the Site Suitability Criteria included within the SWMMEW.
37. A letter of concurrence from a licensed geotechnical engineer shall be provided prior to acceptance of the final plans and design report confirm stormwater design conforms to the submitted Geotechnical Analysis (February 2015- Western Pacific Engineering, April 2014 and December 2013 Nelson Geotechnical Associates).
38. The updated preliminary engineering (Torrence Engineering) has identified several (4) locations where small swales with overflows into infiltration trenches will be designed and constructed on the uphill side of the North Breckenridge Drive extension.
39. The geotechnical engineer shall review the stormwater report and construction plans to confirm that the site suitability for the facility addresses any limitations associated with silty material (slow draining ability) as note with the design report.
40. Measures addressing frozen soil conditions and/or extreme weather conditions which include an Underground Injection Control (UIC) facility, shall be registered prior to construction.
41. Stormwater facilities shall be located on a separate tract(s), under the functional control of the homeowners association with each lot having an undivided ownership, interest and responsibility for the tract(s).
42. The proposed stormwater tracts are located between property lines in areas where it is typical for property owners to locate retaining walls or fencing. Locating retaining walls and/or fencing within the stormwater tract/facility is not consistent with the design and maintenance criteria associated with an infiltration swale or infiltration trench. The design of the proposed stormwater swales and trenches shall comply with the guidance contained within the Stormwater Management Manual for Eastern Washington. Provisions physical in nature, including but not limited to fencing and signage to provide for the long term protection of the

stormwater swale and/or trench shall be included within the final design plans/report. Physical barriers and stabilization of the tract(s) shall be in place prior to final plat approval.

43. In accordance with the Stormwater Management Manual for Eastern Washington, design and maintenance criteria for infiltration ponds, stormwater facilities shall be above ground facilities, located on a separate tract(s) which is adjacent to and provides emergency overflow to public right-of-way. A downstream analysis of potential overflow impacts shall be included within the design report.
44. The Engineer of Record shall provide certification that the system has been completed in accordance with the accepted plans, as well as applicable East Wenatchee Municipal Code, Douglas County Code and the Stormwater Management Manual for Eastern Washington.
45. 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 for 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.
46. As recommended within the Nelson Geotechnical Associates Engineering Geologic Hazard Assessment and the Torrence Engineering Preliminary Stormwater Evaluation: residential construction shall include utilization of roof drains to convey runoff to the approved stormwater facility. As such the following notes (or similar) shall be included on the face of the plat to identify site specific requirements associated with lot development.
 - 46.1 Each lot is provided with an individual stormwater stub. Home construction shall include roof drains and gutters. Concurrent with building permit submittal a stormwater site plan and operation/maintenance plan prepared by a licensed engineer routing roof drains/gutters to the stub provided shall be submitted. Lots A-B shall connect the entire roof surface to the stub. Lots X-Y shall at a minimum connect the northern half of the roof to the stub. [Specific lot numbers shall be identified prior to final plat approval]
 - 46.2 Concurrent with building permit submittal a construction stormwater pollution *prevention* plan shall be submitted. Prior to on-site grading construction stormwater best management practices shall be implemented.
 - 46.3 The engineer of record shall provide certification that the private stormwater collection and conveyance and connection to the stormwater stub is completed in accordance with the plan submitted.
 - 46.4 A private stormwater operation and maintenance agreement shall be prepared and executed on approved Douglas County forms and recorded with the county auditor.

47. As specified within the Geotechnical Analysis (WPR – February 2015), temporary and permanent site stabilization shall be addressed as noted below:
- a) A native planting strip shall be planted on the lower section of the lots. Lots 22-26 shall include a 50-foot native planting easement and Lot 21 shall have a native planting easement 40 feet in width at the north end and 50 feet in width at the south end. These areas shall be clearly identified on the construction plans, including specifications for establishment of the required native vegetation. The native vegetation areas shall be clearly identified within a native vegetation and slope easement. Planting shall be as recommended by a native plant horticulturist.
 - b) A maintenance plan shall be prepared and recorded for the native vegetation areas required for Lots 21-26. Applicability of the maintenance plan shall be clearly identified on the face of the plat and the Auditors File Number of the recorded maintenance plan provided on the plat map. The operation and maintenance plans for the native vegetation area shall be prepared by a native plant horticulturist.
 - c) As specified by the Geotechnical Engineer; 2:1 slopes shall be sprayed with a mechanical bonded fiber mulch. This mulch shall be interlaced with equal portions of the following native grasses: Indian Rice Grass, Needle Thread Grass, Blue Bunch Wheat Grass and Thick Spike Wheat Grass. After covering the hillside, the following shrubs should be planted to allow for deep root stabilization: Snow Buckwheat, Rabbit Brush, Yarrow, and Chelan Penstemon. All plantings shall be as recommended by a native plant horticulturist.
 - d) As specified by the Geotechnical Engineer, slopes less than 4:1 need not be heavily planted, but shall be stabilized to prevent erosion. Stabilization shall be specified in accordance with the SWMMEW.
48. SEPA document indicates that the applicant will submit a Notice of Intent Application for a Construction Stormwater General Permit. Acquisition of the permit is the responsibility of the applicant.
49. 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 occurring, a temporary erosion/sediment control plan shall be submitted. The plan shall be maintained on-site and updated as necessary to address and prevent sediment and sediment laden water from leaving the site.
50. One single access point for construction activities may be approved. A stabilized construction access for the site shall be shown on the Stormwater Pollution Prevention Plan (SWPPP) and maintained throughout construction. The SWPPP shall be submitted and accepted prior to on-site grading.
51. Preliminary approval shall expire 5 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 21st day of October, 2015.

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.