

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-2021-02)	DECISION AND
Edgewater Estates Division No. 3)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on April 15, 2021, 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 and owner is DD Vineyard LLC, 116 Orchard Place Orondo, WA 98843.
2. This is an application for a major subdivision (“Edgewater Estates Division No. 3”) creating a total of 17 lots including 12 residential lots of approximately ½ acre and five larger lots between 2.25 and 3.58 acres that may be used for commercial purposes. The subdivision will be developed in three phases. Approximately 1,200 ft of new road will be constructed to serve the residential lots. This road will connect with the road under construction along the west side of the property. These roads will be private. Domestic water and fire flows will be provided by a new well and a group a water system including a reservoir, all approved by the state department of health and currently under construction. Each lot will be required to develop its own septic systems.
3. The property is located within Section 12, Township 26, Range 21. Douglas County Assessor’s Parcel Number: 26211230024.
4. Site Information/Characteristics: The topography is rolling.

Total Project Size:	24.29 acres
No. of lots	17
Domestic Water:	private water
Sewage Disposal:	on-site sewer
Power/Electricity:	Douglas County PUD

Fire Protection: Douglas County Fire District #2
Telephone Service: Varied Telephone Service: Varied

5. Surrounding Property:
North: Edgewater Estates Division No. 2.
South: US Hwy 97.
East: Vacant land /orchard.
West: Vacant land /orchard.
6. The subject property is designated as Rural Service Center (RSC) which allows for the division of property.
7. The purpose of the RSC district is to preserve the multi-use function and mixed land use pattern in the historic and unincorporated communities in Douglas County, as identified in the comprehensive plan. The RSC district is significant in that it provides support to the surrounding area by offering limited commercial services, lands for resource-based commercial and industrial activities, housing options primarily for persons employed in resource-based industries and services for the traveling public. Rural service centers also provide, to a much smaller degree, limited services such as rest areas, fuel, emergency services and convenience goods to the general public traveling on rural, federal, state and county roads between urban areas. Rural levels of service provide limits to the density and intensity of uses and constrain the size of rural service centers so that they do not adversely impact surrounding resource-based uses, transportation systems or the natural environment.
8. According to the Chelan-Douglas Health District, the District reviewed the development proposal to create a major subdivision from a 24-acre parcel into 17 total lots, of which 12 will be developed as residential lots. The proposed residential lots will be ~0.5 acres in size, the five remaining lots will range in size from 2.25 to 3.58 acres. The subject property is located between Sun Cove and the Twin W development and between Highway 97 and the Columbia River in Orondo, WA (county tax parcel: 262111230024). Domestic water will be provided to all lots by a newly approved Group A public water system, Edgewater Rocky Pond (AD903H). Individual onsite septic systems will be required for each lot. The District recommends further approval of the project. Please note that Chelan-Douglas Health District cannot sign the final Mylar until the District's conditions are addressed.
9. The Douglas County Fire Marshal has reviewed the project, and subject to the recommended conditions, the proposal can be granted.
10. According to the WA State Department of Transportation, "WSDOT has no comments on this preliminary plat."
11. According to the Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Colville Reservation has completed our review of the permit application for P-2021-02 DD Vineyards B subdivision project. The proposed project falls within the traditional territory of the Chelan Tribe, a constituent Tribe of the Confederated Tribes of the Colville Reservation. We concur with the APE as presented. We concur with the statements found in Section 13 of the SEPA Checklist. We concur with the results of the cultural resources survey

and the recommendation of No Historic Properties Affected. Thank you for consulting with the Confederated Tribes of the Colville Reservation. These comments are based on the information as currently presented. Any changes to the project will require additional consultation. We reserve the right to revise our comments as additional information becomes available.”

12. According to the Cultural Resource Survey for the Edgewater Estates Project, Douglas County, Washington dated July 2020 prepared by Adam Sackman, Brooke J. Cohen, and David A. Harder with Plateau Archaeological Investigations, “Plateau archaeologists conducted a pedestrian survey over all portions of the Project Area which are on slopes less than 30%, and excavated 32.9 cubic meters (m³) (42.9 cubic yards [yd³]) of sediment from 310 SSPs on an approximately 30 m (98.4 ft) grid across all portions of the Project Area, not restricted by slope or subsurface utilities. SSPs ranged in depth from 15-116 cm (5.9-45.7 in). The pedestrian survey and subsurface investigations for the project resulted in no newly recorded archaeological resources. Plateau recommends that the proposed undertaking will result in No Historic Properties Affected, and no further archaeological investigations are recommended prior to, or during, execution of this project.”
13. The Douglas County PUD provided comments and recommended conditions of approval.
14. The Douglas County Assessor’s Office provided comments and recommended conditions of approval.
15. The Douglas County Fire Marshal provided comments and recommended conditions of approval.
16. The Douglas Land Services Division provided comments and recommended conditions of approval.
17. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
 - 17.1 Civil Plans prepared by Pacific Engineering, received January 28, 2021.
 - 17.2 Preliminary Plats prepared by Northwest Geodimensions, received January 28, 2021.
 - 17.3 Preliminary Stormwater Report prepared by Pacific Engineering, received January 28, 2021.
 - 17.4 Traffic Impact Analysis prepared by TENW, received January 28, 2021.
 - 17.5 SEPA Checklists prepared by Northwest Geodimensions, received January 28, 2021.
18. The civil plans depict access and stormwater infrastructure associated with Edgewater Estates Divisions 1 and 2, P-2020-01 & P-2020-02 is proposed to be utilized to serve Edgewater Estates Division 3. The infrastructure improvements shall be installed and accepted by Douglas County and the Plat for division 2 shall be recorded prior to final plat approval for Division 3.
19. The preliminary civil plans depict the location of the proposed private roads. The roads appear to be designed to support the traffic generated by the proposed subdivisions. Possible locations have been identified within the plans for stormwater management facilities.

20. The report adequately addresses stormwater management feasibility through a discussion of on-site soil types, existing conditions, upstream runoff impacts, and rainfall depth for the 100-year storm. The site has sufficient space for drainage facilities and well-draining soils.
21. The traffic impact study evaluates the additional traffic generated by the proposed 17-lot subdivision combined with the traffic generated by the 18 lots associated with Edgewater Divisions 1 and 2 and the full buildout of the Sun Cove subdivision. The study included a left turn lane evaluation for the intersection of Sun Cove Road and SR 97 with a stated conclusion that no mitigation is required in association with this project. The turn lane warrant analysis of the Sun Cove Road and SR 97 intersection indicates that the existing turn lane meets current length standards with full buildout. The Washington State Department of Transportation (WSDOT) reviewed this traffic study and noted that WSDOT has no comments.
22. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will need to be addressed and internal roads named prior to final plat approval.
23. Comments from reviewing agencies have been considered and addressed where appropriate.
24. Douglas County issued a Determination of Non-Significance on March 11, 2021 pursuant to WAC 197-11-355 (Optional DNS).
25. 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.
26. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
27. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
28. The Washington State Department of Ecology provided comments regarding NPDES permitting and historic soils. Ecology concurs that if the project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is required. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.
29. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
30. Douglas County issued a Determination of Non-Significance on March 11, 2021 in accordance with WAC 197-11-355 (Optional DNS).
31. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included. The following agencies commented:

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	03/15/2021	Douglas County Treasurer	02/25/2021
Douglas County PUD	02/19/2021	Douglas County GIS/Addressing	02/24/2021
WA State Dept. of Ecology	03/31/2021	Douglas County Assessor	02/19/2021
Douglas County Fire Marshal	03/04/2021	Colville Confederated Tribes	02/18/2021
WA State DOT	03/11/2021	Douglas County Transportation & Storm Water	03/04/2021
Douglas County Land Services	03/09/2021		

32. No public comments were received.
33. Comprehensive plan consistency: The proposal is consistent with the goals and policies of the Douglas County Comprehensive Plan. The proposed lot sizes meet the density standards for residential lots. Development will be served concurrently with services.
34. Consistency with the provisions of Title 17, "Subdivision", DCC:
34.1 As conditioned, the proposed subdivision is consistent with the provision of this title.
35. Consistency with the provisions of the Rural Service Center (RSC) Zoning District, Chapter 18.32:
35.1 According to DCC 18.32.020 Permitted uses, the following uses are permitted outright in the RSC district: D. Single-family dwelling;
36. According to DCC 18.32.060 Development standards, B. Lot Size:
36.1 Lot size, single-residential dwelling: Ten thousand square feet for each residential dwelling unit; C. Lot Width. Seventy feet minimum width, except for corner lots, which shall have one hundred feet of contiguous frontage with one side being not less than seventy feet;
36.2 As applied, the proposal is consistent with the provisions of 18.32.
37. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage
37.2 As conditioned, the proposal is consistent with the provisions of this chapter.
38. Consistency with the provisions of DCC Title 12 Road Standards:
38.1 As conditioned, the proposal is consistent with the provisions of this chapter.

39. 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.
40. 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, 19 and 20 of the Douglas County Code.
41. An open record public hearing was held on April 15, 2021 via Zoom video conferencing.
42. At this hearing, the entire Planning Staff file was admitted into the record at the public hearing.
43. Appearing and testifying on behalf of the applicant was David Dufenhurst. Mr. Dufenhurst is the Applicant and member of the property owner, Edgewater Development, LLC, and was authorized to speak on their behalf. Mr. Dufenhurst had no objection to any of the proposed Conditions of Approval.
44. No member of the public testified at the hearing.
45. 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 Douglas County 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 "Subdivision", Title 18 "Zoning," Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
6. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that P-2021-02 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials of file dated 01/28/2021 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 blueline drawings.
4. The final plat 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. 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.
8. The final plat shall show the location of all easements serving or encumbering the subject property.
9. The applicant shall include legend that reflects the annotations within the subdivision.
10. The location of existing easements shall be depicted on the face of the final plat.
11. The developer shall install all utilities in accordance with the standards and specifications of the Chelan-Douglas Health District, Douglas County PUD, and Douglas County Fire District #2.
12. The developer shall prepare final plans for the development and installation of infrastructure for the approval of the respective purveyors prior to site development. Final "as-built" drawings shall be delivered to purveyors upon completion.
13. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied.

- 13.1 Applicant must complete an Application for Service and coordinate with District Engineering on a power/fiber design and necessary easements. Cost estimate for service to the project must be paid prior to final approval.
14. Lots greater than one (1) acre are EXEMPT from fire flow requirements PROVIDED that all structures maintain no less than 50 feet of separation. For those lots where fire flow is required, minimum required fire flow is 1000 GPM. a hydrant must be located no more than 250 feet from the nearest frontage access to each lot. Maximum hydrant spacing is 500 feet.
15. Where applicable, driveway access longer than 150 feet must end in an approved Turn Around. The Turn Around must not be a part of a garage approach, must not counted as parking, must not be counted as a storage area, must account for seasonal snow accumulation, and must be capable of supporting the weight of emergency apparatus in all weather conditions.
16. Where applicable, driveway access longer than 150 feet must end in an approved Turnout every 300-450 feet. The turnout must be no less than 20 wide and 50 feet long. The Turnout must not be counted as parking, must not be counted as a storage area, must account for seasonal snow accumulation, and must be capable of supporting the weight of emergency apparatus in all weather conditions.
17. Maximum grade for any graveled access is 10%. Grades greater than 10% but not greater than 12% must be paved. Grades beyond 12% are typically not allowed unless approved by the Fire Marshal on a case-by-case basis.
18. The final plat for Edgewater Estates Division 2 shall be recorded prior to the recording of the Edgewater Estates Division 3 plat.
19. 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. Construction plans shall be prepared in accordance with the requirements of Douglas County Code.
20. Access easements shall be a minimum of 30 feet wide.
21. The location of any cluster mailbox units proposed for the subdivision shall be shown on the construction plans. Location to be accepted by the County Engineer and USPS Postmaster prior to plan acceptance; additional right of way may be required.
22. Five-foot utility easements (min.) are required along all lots or tracts with County road frontage in accordance with applicable road standards. Utility purveyors may require easements in excess of five feet.
23. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.

24. A Private Access Operation and Maintenance Agreement shall be prepared, executed, and recorded by the applicant; the Auditor's File Number(s) shall be noted on the final plat map.
25. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the internal private roads, utility infrastructure, stormwater systems, and grading have been constructed/completed in accordance with the Conditions of Approval, applicable codes, and the accepted construction plans. Monitoring shall be required as determined appropriate by the Engineer of Record and in accordance with the approved construction plans.
26. Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance and a Performance Assurance Agreement/Warranty Assurance Agreement shall be completed as applicable per DCC 12.50.110 prior to final plat acceptance.
27. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.
28. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. A permit to perform work in the right-of-way shall be obtained prior to construction. Damage to existing roads 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.
29. 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.
30. Site specific stormwater design for the individual lots may be deferred until time of building permit submittal. If deferred, a note shall be included on the face of the final plat which states:
 - 30.1 "At the time of building permit submittal, an engineered site specific stormwater plan and report shall be submitted that conforms to Douglas County Code and the current edition of the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans. A Private Stormwater Operation and Maintenance Agreement, prepared with standard Douglas County forms, shall be executed and recorded with the Douglas County Auditor's Office."
31. Stormwater facilities shall be above ground and located on a separate tract(s) or easement(s) under the functional control of the Homeowners' Association(s) (HOAs) and/or Lot Owner's, as applicable, with each lot owner having an undivided interest and responsibility for the

stormwater facilities. Storm drainage easements shall be reciprocal between the two plats as necessary.

32. 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.
33. Prior to any on-site grading occurring or prior to construction plan acceptance (whichever comes first), a Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control Plan (TESC Plan) shall be submitted to and accepted by Douglas County. The SWPPP and TESC Plan shall be kept on-site at all times and updated as necessary to address and prevent sediment and sediment laden water from leaving the project site.
34. 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.
35. 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.
36. 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:
 - 36.1 "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 _____."
37. Individual/common plan development for this proposal exceeds 1-acre of disturbed ground. This would meet the threshold by the Washington State Department of Ecology (WSDOE) in administering their general permit to discharge stormwater associated with construction activity. The applicant is responsible for acquisition of all applicable permits prior to beginning ground breaking activities, including but not limited to: Construction Stormwater General Permit, Sand & Gravel Stormwater General Permit, and/or Industrial Stormwater General Permit. Compliance with the Washington State Department of Ecology's regulations is the responsibility of the applicant.
38. Any lots shown outside of the property boundary defined by phase 1 need to be displayed using shadow line weight / transparency.
39. Domestic water service shall be by a newly approved public supply and is currently under construction. The new water system, Edgewater Rocky Pond (AD903 H) has been reviewed and approved by the Washington State Department of Health. Individual service shall be

available to each lot. The construction of the system certified as per State Board of Health Regulations prior to final plat approval.

40. Group A and B public water systems using a well point must show and describe the sanitary control area/radius around the well. All necessary easements and covenants for access and protection of the public water supply must be shown or described on the final plat drawing. The Washington State Dept. of Health has more information and examples of the following protective covenants (DOH publication 331-048b). A Restrictive Covenant is necessary for that part of the 100' sanitary control radius that falls outside the well owner's property and is recorded to the neighboring property owner's parcel(s). A Declaration of Covenant is necessary for that part of the 100' sanitary control radius that falls completely within the well owner's property and is owned in fee simple by the well owner. Some wells will have both protective covenants. The Health District recommends the plat developer consult an attorney about these covenants. Protective covenants for each public well point must be declared in the dedicatory language on the plat as follows:
 - 40.1 "A Declaration of Covenant recorded as a notice to title with [name of county] as AFN: _____ establishes a sanitary control area with a 100' radius around the public well shown [as well tag # _____]. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health."
 - 40.2 "The Declaration of Covenant and Restrictive Covenant(s) recorded as a notice to title with [name of county here] as AFN: _____ establishes a sanitary control area with a 100' radius around the public well shown [as well tag # _____]. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health."
41. The dedicatory language on the final plat shall carry these notes:
 - 41.1 "The Health District has not reviewed the legal availability of water to this development."
 - 41.2 "The combined water use by all the wells in this development may not exceed 5000 gallons per day or be used to irrigate more than ½ acre unless a ground water withdrawal permit is obtained from the Department of Ecology (RCW 90.44.050)."
42. A soil/site evaluation for placement of onsite sewage systems is still needed for each proposed lot as per previous development comments. This requirement can be found in WAC 246- 272A-0320 subsection (2) (c). This evaluation can be completed by the Chelan-Douglas Health District or a state licensed septic system designer or professional engineer. Soil information gleaned from a Geotechnical Report is not acceptable.
43. The dedicatory language on the final plat shall contain this statement:
 - 43.1 "Site evaluations may be required at the time of application for individual septic system construction permits."
44. The following notes shall be placed on the final plat:

- 44.1 The subject property is located within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of activities may occur that are not compatible with residential or other type of development for certain periods of limited duration. Such activities may include but are not limited to noise, dust, smoke, odors and hours of operations resulting from harvesting, planting, fertilizing, pest control and other resource-related activities associated with usual and normal resource management practices which, when performed in accordance with county, state and/or federal law, shall not be subject to legal action as public nuisances.
45. Should ground-disturbing activities reveal any cultural materials (e.g., structural remains, European American artifacts, or Native American artifacts), activity will cease and the Washington State Historic Preservation Officer should be notified immediately. The results and recommendations in this document concern the specified APE. The proponent is advised that the results and recommendations reported herein do not apply to areas of potential effect altered or expanded after the cultural resource survey. A supplementary cultural resource review will be necessary should the APE be altered or changed, as per 36 CFR 800.4.
46. If ground-disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the DAHP who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or NonIndian and report that finding to any appropriate cemeteries and affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
47. According to the Douglas County Assessor's Office, the parcel will need to come out of the Current Use Farm/Ag Classification once the plat is approved.
48. According to the Washington State Department of Ecology, the proponent shall obtain a NPDES Construction Stormwater General Permit. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. The permit also requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction. In the event that an unpermitted stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action. Any and all monitoring and compliance complaints shall be with the Washington State Department of Ecology.

49. According to the Washington State Department of Ecology Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The following note shall appear on the face of the final plat:

“Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. 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 Model Toxics Control Act cleanup levels, Ecology recommends that potential buyers be notified of their occurrence.”

This note shall not be required to be placed on the final plat if a professional with adequate credentials samples the soils and verifies that the site does not contain lead and arsenic and organochlorine pesticides at concentrations above the MTCA cleanup levels.

Dated this 16th day of April, 2021.

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.