

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

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

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
P-2019-04	)	DECISION AND
Davis Subdivision	)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on April 16, 2020, 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 applicants and owners are Corey and Tanya Davis, 13609 #B SR 2, East Wenatchee, WA 98802.
2. The application is for a 10-lot major subdivision. The subject property is approximately 16 acres in size. Proposed lot sizes range from 1.03 acres, to 4.22 acres (Non-inundated land) in size. Lots are proposed to be served by private water systems and on-site septic systems. Electricity will be provided by Douglas County PUD. Fire protection will be provided by Douglas County Fire District No. 2. Telephone service will be varied.
3. Location: The proposal is located approximately four miles north of Lincoln Rock State Park. The property is located within the Rural Recreation (R-REC) zoning district and is further described as being located within the NW Quarter of Section 18, Township 24N, Range 21, E.W.M. The Assessor's Parcel Number is: 24211830004.
4. Site Characteristics: The topography is relatively flat, adjacent to the Columbia River.
5. Surrounding Property:  
North: Single family homes  
South: Single family home and vacant land.  
East: State Route 2  
West: Columbia River

6. The Comprehensive Plan Designation is Rural Recreation.
7. The subject property is located in the Rural Recreation (R-REC) zoning district which allows for subdivisions as permitted uses.
8. The purpose of the rural recreation (R-REC) district is to provide the opportunity for the development, redevelopment, and infill of existing intensely developed rural recreational areas for residential, recreation, and tourist-related development consistent with the rural character in the vicinity. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Douglas County. These areas are clearly identifiable as existing intensely developed rural recreational developments where a logical boundary can be delineated and as set by the built environment. Such boundary shall not permit or encourage a new pattern of sprawling low density. The predominate parcel size is generally less than one acre in size. Uses may include intensification of existing residential development or new development of residential, small scale recreational or tourist uses, provided uses rely on a rural location and do not encourage urban type development or services.
9. The subject property meets the minimum development standards of the rural Recreation (R-REC) Zoning District.
10. Applicant has submitted a shoreline buffer assessment, prepared by Grette Associates, dated June 25, 2019.
11. The Douglas County Fire Marshal has reviewed the project, and subject to the recommended conditions, the proposal can be granted.
12. According to the WA State Department of Archaeology & Historic Preservation, "A desktop review using our statewide predictive model has identified the proposed project area as having a very high sensitivity for archaeological resources. There have also been numerous archaeological sites recorded in the vicinity of the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues."
13. According to the Confederate Tribes of the Colville Reservation "We have reviewed the land use application for the proposed Davis Subdivision (P-2019-04, DAHP #2019-08-06565). Please be advised that the project falls within the traditional territories of the Entiat and Wenatchi Tribes, two constituent Tribes of the Confederated Tribes of the Colville Reservation. We concur with DAHP's recommendations for a professional archaeological survey. We further recommend that this survey include subsurface shovel probes."
14. According to the Cultural Resources Assessment for the Davis Plat Project, Douglas County, Washington dated November 18, 2019 (DAHP Project #: 2019-08-06565) prepared by

Margaret Berger, Principal Investigator, "Background research and field investigations did not identify any previously recorded archaeological or historic sites within the project. Based on the results of background research and field investigations, impacts to cultural resources are not anticipated. In the event that any ground-disturbing or other construction activities result in the unanticipated discovery of archaeological resources, work should be halted in the immediate area, and contact made with county officials, the technical staff at DAHP, and tribal representatives. An Inadvertent Discovery Plan is attached."

15. On August 28, 2019, the Chelan Douglas Health District provided comment on the proposal.
16. On September 6, 2019, the Douglas County PUD provided comment on the proposal.
17. On September 11, 2019, the Douglas County Fire Marshal provided comment on the proposal.
18. On August 8, 2019, the Douglas County GIS department provided comment on the proposal.
19. On March 3, 2020, the Douglas County Land Services Department provided comment on the proposal.
20. On September 4, 2019, the Chelan County PUD provided comment on the proposal.
21. On March 31, 2020, the Douglas County Transportation and Stormwater Department provided comment on the proposal.
22. The application materials reviewed by Douglas County Transportation and Stormwater include the following:
  - 22.1 Preliminary Engineering prepared by Torrence Engineering, received January 23, 2020.
  - 22.2 Preliminary Drainage Report prepared by Torrence Engineering, received January 23, 2020.
  - 22.3 Preliminary Plat prepared by Northwest Geodimensions, received August 9, 2019.
  - 22.4 Soil Report prepared by Brian Dickey, received August 9, 2019.
23. On September 5, 2019, WSDOT made the following comments regarding the existing access for the adjacent property to the south (Parcel No. 24211830001):

"The access [...] is legal only for one farm to use and is a deeded approach. [...] However, should the Harmon's want to subdivide, this access won't be allowed for more than one farm so the only opportunity they would have is [...] to have interconnectivity with [...] access via Willwood Drive."
24. Douglas County issued a request for additional information on September 5, 2019 which stated that the drawings would have to be revised to include access for Parcel No. 24211830001 from the proposed internal private road. A meeting was held between Tanya Davis (applicant), John Torrence (Engineer), and Douglas County staff to discuss WSDOT's initial comments. It was stated that if access from WSDOT right of way to serve future

development of Parcel No. 24211830001 is shown to be feasible that this requirement could be eliminated or reduced.

25. The applicant contacted WSDOT on February 6, 2020. WSDOT stated that future development of Parcel No. 24211830001 could be accommodated with access from WSDOT right of way if the access were built to WSDOT standards.
26. Douglas County requested that the applicant provide preliminary engineering which would illustrate feasibility of an access connection at this location. Torrence Engineering provided and exhibit illustrating what an approach from WSDOT right of way might look like. Douglas County reviewed the exhibit and noted that an access easement would be required on the southeast corner of the Parcel No. 24211830004 (applicant's property).
27. Review of the exhibit by WSDOT is necessary but as of the date of hearing, had not yet been performed. The Conditions of Approval provide the flexibility for either solution.
28. The civil plans depict dedication of additional public right of way to accommodate and construct a cul-de-sac as required for dead-end County roads per DCC 12.52.040L. Additionally, the plans depict the proposed private road intended to serve the subdivision. The road appears to be designed to support the traffic generated by the proposed subdivision.
29. There appears to be a discrepancy in the parcel boundary shown on the preliminary plat map and the parcel boundary depicted within the Douglas County parcel layer. The Douglas County GIS department is working with the applicant's surveyor to resolve this issue.
30. The soil report indicated that bedrock is shallow in this location. This restrictive layer limits the Best Management Practices available for stormwater mitigation on the subject property. A request for additional information was issued by the Douglas County Transportation and Stormwater department on September 5, 2019 regarding this issue. The applicant's engineer revised their report to propose the use of dispersion BMPs.
31. Comments from reviewing agencies have been considered and addressed where appropriate.

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	08/28/2019	Washington Department of Fish and Wildlife	N/R
Douglas County PUD	09/06/2019	Douglas County GIS/Addressing	08/26/2019
WA State Dept. of Ecology	N/R	Douglas County Assessor	N/R
Douglas County Fire Marshal	09/11/2019	Chelan County PUD	09/04/2019
Dept. of Arch. & Historical	08/27/2019	Douglas County Transportation &	01/30/2020

Preservation		Storm Water	
Douglas County Land Services	03/01/2020	Colville Confederated Tribes	08/28/2019
WSDOT	09/05/2019		

32. Douglas County issued a Determination of Non-Significance on March 26, 2020 pursuant to WAC 197-11-355 (Optional DNS).
33. 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.
34. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
35. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
36. Engineering plans and technical reports must adhere to Douglas County Code Section 17.24.015.
37. This proposal is governed by current Douglas County Regional Shoreline Master Program regulations including, but not limited to, shoreline setbacks, shoreline land use, etc. Should there be an amendment to the Douglas County shoreline master program in the future, a plat amendment will need to be obtained to modify any existing components of the final plat.
38. On September 3, 2019, the Department of Ecology submitted comment on the proposal. According to the Washington State Department of Ecology due to the dry conditions of our region, the Department of Ecology is reminding people that extra efforts are needed to control blowing dust and fill. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property.
39. On March 28, 2002, the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development if in combination, the withdrawal will exceed the exemption criteria.
40. On April 13, 2020, the Department of Fish and Wildlife submitted comment on the proposal.
41. The subject property has historically been used as an orchard. The most recent removal of orchard occurred in 2005.

42. After due legal notice an open record public hearing was held on April 16, 2020.
43. The entire Planning Staff file was admitted into the record at the public hearing.
44. Appearing and testifying on behalf of the applicant was John Torrence. Mr. Torrence testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Torrence testified that they agreed with all representation set forth within the staff report and had no objection to any of the proposed Conditions of Approval.
45. No member of the public appeared at the hearing.
46. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
47. Any finding of fact that is more correctly a conclusion of law 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 Countywide Plan Comprehensive Plan and Douglas County Regional Shoreline Master Program.
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 Conclusion of Law that is more correctly a Finding of Fact 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-2019-04 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 08/09/2019, 01/23/2020 and 01/31/2020 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. A plat certificate showing parties of interest from a title company must be submitted with the blue-line drawings.
4. The final plat 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 adhere to the recommendations of the Cultural Resources Assessment for the Davis Plat Project, Douglas County, Washington dated November 18, 2019 (DAHP Project #: 2019-08-06565) including Attachment C - Inadvertent discovery plan.
10. The location of existing utilities (i.e. power and irrigation lines, domestic wells, septic system for the existing residence, etc.) and utility easements shall be depicted on the face of the final plat.
11. The developer shall install all infrastructure 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 utilities for the approval of the respective purveyors prior to site development. Final "as-built" drawings shall be delivered to purveyors upon completion.

13. Written verification from the Chelan Douglas Health District that each lot may be served by domestic wells and onsite septic systems is required prior to final plat approval.
14. Prior to final plat approval, Douglas County PUD shall provide written verification that all District requirements have been satisfied.
15. Applicant must complete a Customer Service Request and provide a proposed electrical/utility plan for the project. A cost estimate will be provided based on the design. Estimate must be paid prior to final approval. Show access/utility easements and easements along roadways.
16. Lots greater than one (1) acre are EXEMPT from Fire Flow requirements PROVIDED all structures maintain no less than 50 feet of separation. Prior to final plat approval, written verification shall be provided from the Douglas County Fire Marshal that all requirements have been satisfied.
17. The applicant shall provide the Health District with a complete Private Water System Review application (for each well), including copies of:
  - 17.1 Well Log
  - 17.2 Current Nitrate testing
  - 17.3 Current Coliform Bacteria Testing
  - 17.4 Copy of Declaration of Covenant and/or Restrictive Covenants to be recorded
  - 17.5 Pump/drawdown testing (shared well)
  - 17.6 Joint Use Agreement (shared well)
  - 17.7 Water line easements (shared well)
18. A system user agreement for the well must be created if sharing the well between two new lots.
19. Any existing or proposed private wells must be shown on the plat drawing including at least a 50' sanitary control radius around the well head. Each well point must have (1) recorded protective covenant(s) with the owners of all properties covered by the 50' sanitary control radius or (2) for well points that the plat developer can't secure protective covenants, a variance granted by the Health District. Any variance granted will require a Notice to be recorded against that lot's title and the reduced sanitary control radius, as it actually exists, shown on the final plat. Please contact the Health District if a well site variance will be necessary.
20. All necessary easements and covenants for access and protection of the water supply must be shown or described on the final plat drawing. The Health District has more information and examples of the following protective covenants and variance notice to title. A Restrictive Covenant is necessary for that part of the 50' sanitary control radius that falls outside the well owner's property and is recorded to the neighboring property owner's parcel. A Declaration of Covenant is necessary for that part of the 50' 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 well point must be declared in the dedicatory language on the plat as follows:

- 20.1 "A Restrictive Covenant recorded with [name of county here] as AFN: \_\_\_\_\_ establishes a sanitary control area with a 50' radius around the domestic 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)."
- 20.2 "A Declaration of Covenant recorded as a notice to title with [name of county] as AFN: \_\_\_\_\_ establishes a sanitary control area with a 50' radius around the domestic well shown [as well tag # \_\_\_\_\_]. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area."
- 20.3 A variance regarding the Sanitary Control Area around the domestic well shown [as well tag # \_\_\_\_\_] is described in the Declaration of Covenant recorded as a notice to title with [name of county] as AFN: \_\_\_\_\_. This variance allows a reduced sanitary control area. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area.
21. Operation and maintenance agreements not declared on the plat will require a blank for referencing the document, such as: "Well maintenance and operation agreement filed with the County Auditor, No. \_\_\_\_\_."
22. The dedicatory language on the final plat shall carry these notes:
  - 22.1 "The Health District has not reviewed the legal availability of water to this plat development"
  - 22.2 "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)."
23. A soil/site evaluation for placement of onsite sewage systems is needed for each proposed lot. 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.
24. Any existing onsite sewer systems must be shown on the Blue Line plat drawing. The final plat shall show necessary easements, and reference any legal access documents recorded separately from the plat.
25. The lot(s) with the existing septic system(s) must have a 100% reserve area. The Health District may request further information if this isn't identified on the soil/site evaluation for the proposed lot.
26. Written approval from the Chelan Douglas Health District is required prior to final plat approval.

27. 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.
28. Transportation improvements are required to be completed to the public portion of Shorewood Drive. This includes right of way dedication to accommodate extension of the road and construction of a permanent 96' diameter cul-de-sac (min. 55' ROW radius).
29. Per DCC 12.52.020(B)(1), this subdivision shall include provisions to provide access from the internal private road for Parcel No. 24211830001.
  - 29.1 This condition can be eliminated if alternative access from WSDOT right of way is feasible. This will require coordination between the applicant's engineer/surveyor, WSDOT, and Douglas County. Any easements necessary to facilitate this alternative shall be included on the face of the plat.
30. 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.
31. 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.
32. All existing and proposed easements shall be clearly delineated with the Auditor's File Number(s) noted as necessary on the final plat.
33. The portion of the road that is to be private shall be clearly described as private on the face of the plat. A note is required on the face of the plat which states, "Douglas County will not maintain the private road."
34. 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.
35. Prior to final plat acceptance and/or release of financial security, the Engineer of Record shall provide written certification that the internal 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 Road Standards, with final reports submitted to Douglas County along with the certification.
36. Final acceptance shall be processed in accordance with Douglas County Code (DCC) Section 12.56.110 Final Acceptance and a Warranty Assurance Agreement shall be completed per DCC 12.50.110 prior to final plat acceptance.
37. Per DCC Chapter 12.24, all new or revised accesses onto a County road (including temporary accesses) require an approved access permit.

38. 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.
39. 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.
40. Stormwater facilities shall be located on a separate tract(s) and/or easement(s) under the functional control of the Homeowners' Association (HOA) and/or Lot Owner's, as applicable, with each lot having an undivided ownership, interest, and responsibility for the tract(s).
41. Provisions to provide access for inspection and maintenance of the stormwater facilities shall be addressed within the design plans, report, and on the face of the final plat.
42. 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.
43. 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.
44. 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.
45. As applicable, 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.
46. 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.

47. Written approval from the Douglas County Transportation and Stormwater Department is required prior to final plat approval.
48. Addresses will be assigned during the blue line review. This will include readdressing the existing house so that it is addressed off of Shore Drive.
49. The applicant shall relocate the existing driveway to the single family residence to adhere to the design shown in the civil drawings.
50. Applicant shall label the Chelan County PUD "G-Line" with a note which reads: "Chelan County PUD Rocky Reach Hydroelectric Project Boundary/ Flow Easement
51. Applicant shall identify the riparian buffer on the face of the plat, per the Buffer Assessment prepared by Grette Associates, dated June 25, 2019.
52. Applicant shall adhere to the recommendations provided in the Riparian Buffer Assessment.
53. The following notes shall be shown on the final plat:
  - 53.1 "Single use docks shall be prohibited and the number of joint use docks is limited to the configuration established on the face of the plat. A shoreline substantial development permit, in addition to all applicable Federal, State, and local permits are required prior to dock placement".
  - 53.2 "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 \_\_\_\_\_".
  - 53.3 Douglas County will not maintain the private road.
  - 53.4 "Chelan County PUD has flood rights and other property restrictions below the contour elevation of 712 feet above sea USCGS datum as delineated on the District's Rocky Reach project boundary exhibit maps. The District's flowage easement is recorded under Douglas county AFN 126281".
54. Applicant shall provide easements for access to the joint use docks identified.
55. Applicant shall revise drawings to remove lots 101-106 and incorporate the acreage shown into lots 1-6.
56. Applicant shall revise the subdivision boundary to reflect the segregation of parcel 24211830006 from the parent parcel.

57. Future property owners shall provide, at the time of permit submittal for any joint use dock, a legally enforceable joint use agreement or other legal instrument addressing the following:
- 57.1 Provisions for maintenance and operation;
  - 57.2 Easements or tracts for community access;
  - 57.3 Provisions for joint use or community use for all benefiting parties.
58. According to the Washington State Department of Ecology, the proponent shall create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property. Control and monitoring complaints shall be reported to the Washington State Department of Ecology. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business. Any and all monitoring and compliance complaints shall be with the Washington State Department of Ecology.
59. 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.
60. Any ground water development proposal that will withdraw water in excess of 5,000 gallons per day for a single or group domestic supply, for industrial purposes, or for the irrigation of more than ½ acre of lawn or non-commercial garden will require a permit from the Department of Ecology.
61. All wells shall be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills.
62. A well report shall be submitted to the Department of Ecology within thirty days after the completion of the well.

Dated this 21<sup>st</sup> day of April, 2020.

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.