

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

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

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
PRD-92-01A#2/P-15-05	)	<b>DECISION AND</b>
Rio Vista Phase 1	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 19, 2016, 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 Great West Developers, 122 East Arrellaga, Santa Barbara CA.
2. General Description: Great West Developers have submitted a preliminary plat application for phase 1 of Rio Vista, a 9 lot subdivision.
3. Location: The property is located between Crescent Bar Road and the Columbia River. The property is further described as being within Section 13, Township 20 North, Range 22 East, W.M., in Douglas County, Washington. The Douglas County Assessor Numbers for the subject property are 91002900001 and 91002400000.
4. Site Information:

Total Project Size:	5.96 acres
No. of lots	9
Domestic Water:	Group B water system
Sewage Disposal:	On-site septic systems
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
5. Site Characteristics: The subject property is situated on slopes overlooking the Columbia River at Crescent Bar. Slopes range from 5 to 70%, with an average of 40%. There are several small drainage courses on the property, as well as a relatively large drainage that will be maintained as a greenbelt. Native grasses, sagebrush and small shrubs are present on the property, along with some wetland areas located on adjacent Grant County PUD property. Current improvements on the property include a single family residence, the Burlington Northern-Santa Fe Railroad, and a county road providing access to the Crescent Bar recreational area.

6. Surrounding Property: To the north, SR 28, vacant; to the south, Columbia River, vacant; to the east, scattered single family residences; to the west, scattered single family residences.
7. The Rio Vista Planned Residential Development is consistent with the comprehensive plan in effect in January 1993.
8. On November 18, 1990, Douglas County approved Resolution CE 90-90, Rio Vista Planned Residential Development and establishing conditions of approval.
9. On January 1993, Douglas County approved Resolution CE 93-02 amending the Rio Vista Planned Residential Development and establishing new conditions of approval.
10. The Rio Vista Planned Residential Development is vested under the PRD regulations in effect at the time of amended permit approval.
11. On October 26, 2007 the hearing examiner approved an amendment to the planned residential development (PRD-92-01A) and preliminary plat approval for phase 1 (PRD-92-01A#1). Phase 1 approval included a proposal for 10 lots. This preliminary plat approval expired on October 26, 2014 pursuant to state subdivision statutes.
12. A boundary line adjustment (BLA-16-07) has been applied for in order to reconfigure APN 91002400000 so that the northwestern boundary of the parcel matches to proposed boundary of the preliminary plat map.
13. RCW 58.17.110(2) and DCC 17.16.100(A) require that no plat shall be approved unless adequate provisions be made for streets or roads, alleys or other public ways.
14. The subdivision will access Crescent Bar Rd. via 2 different access points. Lots 1-7 will access a new private road inside an access and utility easement. Lots 8 and 9 will access via a joint use driveway. The accesses will be constructed to International Fire Code and Douglas County Road standards for private accesses. All roadway improvements are the responsibility of the developer.
15. A Traffic Impact Analysis, prepared by Transportation Engineering Northwest, LLC and dated March 8, 2007 was submitted with the previous application. An updated traffic analysis was not required for Phase 1, but will be required for all subsequent phases.
16. Frontage Improvements are addressed in Chapter 12.50.150 *Transportation System and Frontage* Improvements, of DCC and the Douglas County Road Standards. Crescent Bar Road is designated as Rural Minor Collector.
17. The future secondary access onto SR-28 will require WSDOT approval. Secondary access via SR-28 will require coordination, approval and permitting with WSDOT.
18. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.

19. 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.
20. The Chelan Douglas Health District has indicated that all lots meet or exceed the state minimum lot size based on soil type and source of domestic water supply.
21. Preliminary engineering materials show that the application is proposing to locate septic system components on Lots 1, 2, 6, 8, and 9 immediately down slope of talus habitat areas. Of concern is the stability of the habitat area during construction of the septic systems and resulting from the introduction of sewage water into the soils downslope. The applicant has provided a specific septic system design for each of the lots in question which will mitigate the impacts on septic system construction on the talus areas. A geotechnical assessment of the impacts of septic system construction and operation of the stability of the talus areas was performed by Nelson Geotechnical Associates dated April 12, 2016. The assessment determined that talus areas stability will not be affected by the proposed septic system designs.
22. The applicant has completed the needs assessment as required in #8 of the General Section of the Environmental Review Conditions in relation to phase one during the last PRD amendment process approved by the hearing examiner on October 26, 2007. This assessment is still valid for this application.
23. In a letter dated March 21, 2007 the Quincy School District 144-101 has indicated that the District does not require impact fees or mitigation for Phase One.
24. During the PRD amendment application approved by the hearing examiner on October 26, 2007, the developer agreed to provide a one acre site to Douglas County Fire District #2 for the future construction of a fire station. The approximate location of the one acre site is identified on the site plan included with the letter from Martin Davy to Chief Chuck Fenton dated April 11, 2007. This site shall be dedicated during final plat approval of the adjacent phase but no later than the recording of the one hundredth unit. At the time of granting the parcel, a potable water supply and electrical power will be provided at the developer's expense.
25. During the PRD amendment application approved by the hearing examiner on October 26, 2007, the developer has agreed to provide space and facilities for the location of a sheriff's substation in the Neighborhood Commercial section, when constructed. The specifics of the construction are established in the letter from Martin Davy to Mr. Robin Wagg dated April 11, 2007.
26. The applicant submitted a Preliminary Storm Drainage Report for Rio Vista Division 1, prepared by Martin Davy PD, Pacific Engineering & Design, PLLC dated March 31, 2015.
27. The PRELIMINARY DRAINAGE REPORT for Rio Vista Division 1, Pacific Engineering, dated March 31, 2015 proposes sheet flow of stormwater runoff across the proposed development and associated improvements across the subject property, ultimately onto Grant PUD property. Douglas County cannot authorize discharge of runoff onto downstream properties.

28. Douglas County issued a Determination of Non-significance and Adoption of Existing Environmental Documents on September 14, 2007 in accordance with WAC 197-11-340(2). The documents adopted are the SEPA Checklist dated October 7, 1992 and the Rio Vista Mitigated DNS dated October 19, 1992. This Threshold Determination is still applicable for this phase 1 application.
29. 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.
30. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
31. Surveyors who responded to the project have indicated that adequate utilities/services exist or can be located to serve this project.
32. Comments from reviewing agencies have been considered and addressed where appropriate.
33. Soil mapping from the USDA Natural Resource & Conservation Service indicate the presence of steep and severe building soils on the subject property. A geotechnical Engineering Evaluation from Nelson Geotechnical Associates, dated March 27, 2007 was submitted for the development during the previous application. This Evaluation was updated by a Updated Engineering Geologic Hazard Assessment from Nelson Geotechnical Associated, dated April 15, 2015. The documents meet the requirements of Chapter 19.18D and provide an analysis of the geologic hazards and geotechnical opinions and recommendations regarding proposed site development.
34. A Riparian Buffer Assessment dated June 3, 2015 from Grette & Associates was performed for the subject property. The assessment determined that the subject property meets the criteria in the shoreline master program for the 100 foot Zone 1 and a 25 foot Zone 2 buffer for a total of 125 feet.
35. A Wetland Assessment and Rating, dated June 3, 2015 from Grette & Associates was performed for the subject property. The assessment identified a Type 4 wetland at the southwest end of the subject property. Section 2.050.B of Appendix H of the Douglas County Regional Shoreline Master Program indicates that Type 4 wetlands shall have a 50 foot buffer for low-moderate intensity development.
36. The applicant has provided a talus habitat analysis of the subject property performed by Larry Lehman, Grette Associates, dated June 3, 2015. The analysis identified numerous talus habitat locations throughout the subject property. The analysis also recommended a 15 foot structural buffer on the upslope side of the habitat areas to protect habitat functions and values.
37. Section 3.060.D.3 of Appendix H of the Douglas County Regional Shoreline Master Program requires that the outer edge of the buffers be clearly marked with permanent markers.
38. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

39. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
40. An open record public hearing after due legal notice was held on May 19, 2016.
41. The entire Planning Staff file was admitted into the record at the public hearing.
42. The Douglas County Department of Land Services recommended approval of this application, subject to recommended conditions of approval.
43. Appearing and testifying on behalf of the applicant was Martin Davy. Mr. Davy testified that he was an agent of the property owner and applicant and was authorized to appear and speak on their behalf. Mr. Davy testified that even given the restrictions on the proposed lots due to on-site septic systems and slopes, that there was sufficient space for normal residential development without the need of any variances.  
  
Mr. Davy also testified as to his concern regarding proposed conditions of approval #23, 24, 35 and 37. Mr. Davy testified that the applicant and the County may be able to resolve perceived differences in the proposed conditions if they had an opportunity to speak after the hearing.
45. Also speaking on behalf of the applicant, but not testifying, was attorney Mark Peterson. Mr. Peterson indicated that he was an attorney for the applicant and property owner.
46. Following this hearing, the Hearing Examiner elected to keep the record open until 5 p.m. May 26, 2016. This was to give the applicant and the County an opportunity to meet to discuss proposed conditions and if possible, come to an agreement on some or all of them.
47. No member of the public testified at the hearing.
48. On May 27, 2016, the Hearing Examiner received a May 26, 2016 memorandum from Cheri Peterson, PE for Douglas County Transportation and Land Services. This was admitted into the record.
49. On May 27, 2016, the Hearing Examiner received a second copy of the May 26, 2016 memorandum from Cheri Peterson with the applicant's comments typed into this memorandum, with the color red. This document was admitted into the record.
50. 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.
51. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
52. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.

53. The requirement for a separate tract for the stormwater facilities, as set forth in Condition of Approval #35, is to ensure that the functional control of these facilities will be by the homeowners association with each lot within the development having an undivided interest in the tract. This will ensure that the vital stormwater facilities are protected and do not become jeopardized due to future development of the lot. Having the facilities located in a separate tract will also ensure that the homeowners association has the responsibility and ability to maintain and protect the facilities. Finally, the requirement for this stormwater facility to be located on a separate tract under the functional control of the homeowners association with each lot having an undivided interest in the tract will allow for unfettered access for inspection and maintenance of the stormwater system.
54. 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 proposal is consistent with Chapter 18.67 Planned Residential Development in effect when the project was vested and Title 19 "Environment"; and Title 20 "Development Standards" of the Douglas County Code.
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 proposed planned residential development.
5. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
6. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
7. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
8. 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 PRD-92-01A#2/P-15-05 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 November 3, 2015, March 4, 2016 and April 19, 2016 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 drawing. All parties having an ownership interest in the subject property shall acknowledge the plat.
4. 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.
5. Prior to final plat approval, BLA-16-07 must be completed and it, as well as, necessary deeds must be recorded at the Douglas County Auditor's Office.
6. 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. Bonding of improvements in lieu of construction shall be at the discretion of Douglas County.
7. 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.
8. Prior to final plat approval the Douglas County Fire Marshall shall verify that fire hydrants and mains are installed per Chapter 15.28, D.C.C. and IFC.
9. The following items shall be shown on the final plat:
  - 9.1 The location of all septic systems, utilities and utility and private road access easements.
  - 9.2 Adjacent platted subdivisions.
  - 9.3 Property addresses for the each lot (contact Todd Wilson, Douglas County GIS coordinator, at 884-7173).
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 following notes shall be shown of the face of the plat.
  - 11.1 A site and project specific geotechnical evaluation from a licensed geotechnical professional shall be performed for each building permit that takes into account the specific home design and all site development plans (i.e. grading, utilities, driveways). This evaluation shall be submitted with the building permit application. The geotechnical professional of record shall provide written certification of site conditions for the approved building prior to footing placement/call for footing inspection.
  - 11.2 A Declaration of Covenant recorded as a notice to title with Douglas County as AFN: \_\_\_\_\_ establishes a sanitary control areas with a 100' radius around the public well show {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.
  - 11.3 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).
  - 11.4 The areas designated for drain fields must be protected from cover by structures or impervious surfaces, surface drainage, soil compaction, grade alteration, excavation and any other activity that may adversely affect the performance of the sewage system.
  - 11.5 Onsite sewage systems meeting at least Treatment Level B, as described by WAC 246-272A, will likely be required for new or repaired septic systems.
  - 11.6 Drainfield size reductions for use of gravel less distribution products may not be authorized for onsite sewage systems on these lots.
  - 11.7 Site evaluations will be required at time of lot development.
  - 11.8 The six health district related notes above may be revised by the Chelan Douglas Health District based on amended well or sewage system design changes prior to final plat approval.
12. Septic systems on Lots 1, 2, 6, 8, and 9, if installed downslope of the identified talus habitat areas, shall be installed in accordance with the "Drainfield construction adjacent to Talus Habitat" document from Martin Davy PE dated received by Douglas County April 19, 2016 and the Talus –Septic System Issues Geologic Assessment document from Nelson Geotechnical Associates, dated April 12, 2016.
13. The 125 foot Riparian Buffer shall be labeled on the face of the final plat.
14. The Wetland and 50 foot Wetland Buffer shall be labeled on the face of the plat.

15. Permanent buffer markers shall be installed per the requirements of Section 3.060.D.3 of Appendix H of the Douglas County Regional Shoreline Master Program on Lots 8 and 9 for the Riparian Buffer and per 2.060.A.3 of Appendix H on Lot 9 for the wetland buffer.
16. Talus habitat areas and their applicable buffers shall be clearly marked on the face of the final plat.
17. The following language must appear with the Health District signature line:  
17.1 "The Health District has not reviewed the legal availability of water to this plat."
18. 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 Douglas County Code Chapters 12, 15, 17 and 18, to AASHTO Policy on Geometric Design of Highways and Streets in accordance with Douglas County Road Standards and other applicable code requirements.
19. Right-of-way as required to accommodate Crescent Bar Road improvements shall be dedicated at time of final plat approval.
20. 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.
21. All lots shall be accessed via the proposed private access roads. Location of the private access intersections and the intersection design and construction shall be subject to County review and inspection. Private access roads shall be constructed in accordance with Douglas County Code Section 12.52.020B and Chapter 5/Appendix D of the International Fire Code. Coordinate design, review/acceptance with the fire marshal. Written verification of acceptance of the private access roads by the fire marshal is required.
22. Prior to final plat approval a 1 foot non-vehicular access easement shall be depicted along the project's north boundary with Crescent Bar Road. A note on the plat shall indicate that access is limited to the internal private road system.
23. Frontage improvements to Crescent Bar Road shall be completed prior to final plat approval of phase 1. Figure 3-6, Rural Minor Collector Roadway is the applicable road standard. The Douglas County Engineer may, in his sole discretion, defer these improvements for a maximum of 2 years from the date of final plat approval upon terms, conditions and security deemed acceptable to the engineer and the Douglas County Prosecuting Attorney.
24. Proposed retaining walls and any associated components (including but not limited to tie backs) constructed to accommodate the infrastructure within Phase 1 shall not be allowed within County right-of-way. Retaining walls to support the widening of Crescent Bar Road may be located within County Right-of-Way, subject to review and approval of location and type by the County Engineer.

Cuts or retaining walls associated with private access construction or site development, including but not limited to those constructed within County Road Easements granted under

AFN 3109491 and/or within slopes necessary to stabilize the County Road prism shall accommodate loading from the widening of Crescent Bar Road, and shall not affect the stability of the County Road prism.

All retaining walls shall be designed by a Structural Engineer licensed in the State of Washington. All retaining walls and proposed earthworks shall be reviewed and approved by the Geotechnical Engineer of Record prior to acceptance of Construction Plans by the County Engineer.

25. Based upon the March 8, 2007 Traffic Impact Analysis, the applicant will be required to pay for planned off-site roadway mitigation transportation improvements to Crescent Bar Road NW per the Preliminary Mitigation Agreement (Late Comer Agreement Assessment) between Grant County/Douglas County and Riverview at Crescent Bar LLC, based upon a development fair share contribution of \$253.00 per new project ADT.
26. Final plans and additional right-of-way dedication to accommodate the location of cluster mailbox units for the subdivision shall be provided. Location to be approved by the County Engineer and USPS Postmaster.
27. Prior to final plat approval and/or release of financial security, the engineer of record shall provide written certification that the final construction plans for the internal road, utility plans, stormwater systems, and site grading plans have been constructed in accordance with the conditions of approval, applicable codes, and 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.
28. 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.
29. Installation of private utilities not currently covered under an existing Franchise Agreement shall be subject to application for and approval of Franchise Agreements by the Board of County Commissioners.
30. Utility installation/replacement/upgrade within the Douglas County right-of-way, including but not limited to Crescent Bar Road shall be approved by Douglas County. Damage to existing roads, both public and private, 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.
31. The applicant shall be responsible for preventing mud, dirt and debris from the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
32. A final stormwater drainage plan and report prepared 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 shall be addressed in accordance with Douglas County Code and the Stormwater Management Manual for Eastern

Washington – SWMMEW (Ecology). Unless the Grant County Public Utility District agrees, in writing, to accept stormwater runoff associated with the development, measures to address stormwater infiltration during frozen soil conditions shall be included, including provisions for overflow. The stormwater plan shall have supporting calculations and final “as built” drawings shall be delivered to Douglas County prior to final plat approval. Any modifications to the system during construction shall be analyzed by the engineer and the results provided to the County to demonstrate the constructed stormwater facilities meet the conditions of approval. 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 with the SWMMEW.

33. Prior to acceptance of the construction plans and drainage report, certification from the Geotechnical Engineer shall be submitted indicating that the proposed plans and design reports are consistent with the recommendation and findings contained within the geotechnical reports generated for the development. Additional plat notes may be required to be included on the face of the plat as a result of a more detailed geotechnical analysis. Recommended mitigation measures contained within the geotechnical reports and supplements shall be incorporated into the final design and operation provisions.
34. Phasing of the storm drainage improvements will not be allowed.
35. Stormwater facilities shall be located on a separate tract under the functional control of the homeowners association with each lot having an undivided interest in the tract(s).
36. Provisions to provide access for inspection and maintenance to the stormwater tract shall be addressed within the design plans, report and on the face of the plat.
37. Unless the Grant County Public Utility District agrees, in writing, to accept stormwater runoff associated with the development, then 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 separate tract(s). A downstream analysis of potential overflow impacts shall be provided.
38. The Engineer of Record shall provide certification that the system has been completed in accordance with the accepted plans, as well as applicable Douglas County Code and the Stormwater Management Manual for Eastern Washington.
39. Prior to final plat approval for each phase, an operation and maintenance agreement executed, recorded and the AF# 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 on-site 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. The Operation and Maintenance agreement shall be prepared in accordance with the recommendations contained in the Nelson Geotechnical Engineering

Evaluation and Geologic Hazard Assessment Report (March 27, 2006) and Updated Geologic Hazard Assessment (April 15, 2015).

40. The stormwater design report and plans shall be submitted to the Grant County PUD for review and concurrence prior to submittal to Douglas County. Written concurrence from the Grant County PUD shall be submitted with the design documents.
41. The PRELIMINARY DRAINAGE REPORT for Rio Vista Division 1, Pacific Engineering, dated March 31, 2015 indicates that individual driveways and finished grade around the home will need to accommodate runoff and maintain sheet flows to the Grant County PUD Property. Upon concurrence by the grant County PUD of this stormwater plan, the design shall identify specific requirements including those associated with individual driveways and finished grades. Plat notes may be required to identify required submittals at time pf building permit submittal, certification of conformance with stormwater and geotechnical plans and recommendations and execution of required maintenance and operation agreements.
42. The PREMINARY DRAINAGE REPORT for Rio Vista Division 1, Pacific Engineering, dated March 31, 2015 indicates that roof drainage on the downhill side of homes should be without gutters, while gutters on the uphill side and where necessary should discharge to splash blocks as recommended within the geotechnical recommendations. Plat notes may be required to identify required submittals at time of building permit submittal, certification of conformance with stormwater and geotechnical plans and recommendations and execution of recorded maintenance and operation agreements.
43. The PREMINARY DRAINAGE REPORT for Rio Vista Division 1, Pacific Engineering, dated March 31, 2015 indicates that lot grading and landscaping should be performed and maintained to prevent concentration of flows. Plat notes may be required to identify required submittals at time of building permit submittal, certification of conformance with stormwater and geotechnical plans and recommendations and execution of recorded maintenance and operation agreements.
44. The PREMINARY DRAINAGE REPORT for Rio Vista Division 1, Pacific Engineering, dated March 31, 2015 indicates that dispersal trenched will be provided near the south property line to restore sheet flow conditions. The report indicated that these trenches may be construction wither by the developer and/or the home builder. The report proposed this to be a requirement of the CCR's. The CCRs is not an appropriate mechanism to identify and ensure that requirements of the subdivision are completed as required. Plat notes may be required to identify required submittals at time of building permit submittal, certification of conformance with stormwater and geotechnical plans and recommendations and execution of recorded maintenance and operation agreements.
45. The Geotechnical Engineer shall be retained to determine the location of individual drainage dispersion systems. Provisions to convey this requirement to the time of residential construction may require plat notes to identify required submittals at time of building permit submittal, certification of conformance with stormwater and geotechnical plans and recommendations and execution of recorded maintenance and operation agreements.

46. Erosion control measures shall be designed in accordance with the Stormwater Management Manual for Eastern Washington (SWMMEW).
47. Individual/common plan of development for this proposal exceeds 1 acre of disturbed ground. This meets the threshold used by the Washington State Department of Ecology in administering their General Permit to Discharge Storm Water Associated with Construction Activity. The permit shall be obtained prior to beginning ground breaking activities. Acquisition of permits is the responsibility of the applicant.
48. Access point(s) for construction activities shall be approved prior to commencing grading activities. 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 taking place.
49. 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 2<sup>nd</sup> day of June, 2016.

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.**