

Riverview Meadows Planned Development

It is being proposed to vacate and replace the Riverwalk Estates Planned Development with the Riverview Meadows Planned Development, a farmworkers housing development. Following is the Memorandum of Record for the Riverwalk Estates Planned Development which outlined forty-one (41) specified conditions for approval. For each of the specific conditions for approval is a description of how these conditions relate to the proposed Riverview Meadows Planned Development and the proposed mitigation for each condition.

* * * * *

Memorandum of Record

PROJECT: Riverwalk Estates
Re: Planned Development – Preliminary Plat Approval
DATE OF DECISION: March 18, 2008

APPROVAL: Approved to standard as revised by the proponent with the forty-one (41) specified conditions.

Specified Conditions:

1. Within 30 days of preliminary plat approval the developer shall notify all owners which are serviced by the non-standard well system(s) upon the property that such non-standard service will be replaced (at the expense of the developer and/or in a manner that is consistent with the water service arrangement) with a municipal service connection which will result in a regular municipal water service billing. Evidence of said notice shall be provided with the submittal of the construction documents for peer review. Preliminary plat approval shall be deemed as consent of the “new owner” with respect to the shortened time frame of notice.

PURPOSE: To avoid possible confusion and uncertainty for the water users of the non-standard system by ensuring that they are notified early on that their water service (arrangement) will be changing.

BASIS: WAC 246-290-035(2)(a)

Riverview Meadows: *Owner/Developer intends to comply fully with this condition.*

2. The final plat shall include a dedication of an additional 10’ in width from the properties to the Elmway right of way.

PURPOSE: To ensure that Elmway has adequate width for the future growth of the community’s transportation needs.

BASIS: As stated in the facts and conclusions Elmway is a Community Arterial, the specified width for such designated roads is 80’. It is reasonable to request only ½ of the needed width from this property owner and seek the other ½ of width at a later date from the property owner across the street.

Riverview Meadows: *Owner/Developer intends to comply. Plat indicates additional 10’ of right of way to be dedicated.*

3. The Applicant shall provide a complete traffic analysis of the appropriate projected traffic impacts and incorporate said conclusions into the design of the connections to the State Highway System. This will likely include joint connections to both North and South adjoining business. An individual or firm with certificate or experience in transportation analysis shall complete the analysis.

PURPOSE: To ensure safe vehicle ingress and egress to the site and avoid likely pedestrian conflicts.

BASIS: The noted traffic analysis is a prescriptive requirement of the planned development application and under most cases, such analysis is a design requirement of a highway access management permit. Under SEPA the proponent provided a preliminary (incomplete) report, this report was deemed reasonable for the preliminary review; the final report shall include any changes as a result of the review process.

Riverview Meadows: *Owner/Developer intends to comply fully with this condition.*

4. The design of the water system within the plat shall be inter-looped with adequate valves consistent with Department of Health Safe Drinking Water current design standards and to the satisfaction of Public Works Superintendent. In addition, Water, Sewer, Stormwater, and Irrigation lines shall be designed and constructed such that they have the prescribed vertical and horizontal separations defined by either the Departments of Health and/or Department of Ecology.

PURPOSE: To ensure that the water system can provide service to the area with only minimal disruptions should situations arise that necessitate shutting down specific line segments within the development area.

BASIS: It is a goal of the Water System Comprehensive Plan to have the water system that can provide reliable water service pressure, flow and quality during operational disruptions and maintenance.

Riverview Meadows: *Owner/Developer intends to comply. The domestic water and sanitary sewer systems will be designed by a license engineer and shall meet all requirements of the City of Okanogan as outlined in the construction standards. Utility easements shall be dedicated to the City of Okanogan for future expansion and looping possibilities should the City have the need to expand their domestic water system.*

5. Phasing is not approved for submittal of infrastructure and heavy construction plans and approvals. Said grading, vegetation, utilities and street improvements plans for the entire plat shall be approved prior to the issuance of building/grading permits. The Permit Administrator shall be responsible official on the City's behalf to ensure coordinated approvals and compliance with mitigations developed in the SEPA review process.

PURPOSE: To avoid possible confusion as to what is approved and what is under review and what is still outstanding and avoid redundant costs to the developer and reduce the pass through workload on City staff.

BASIS: The experience and current workload of City staff.

Riverview Meadows: *Owner/Developer intends to comply fully with this condition.*

6. All entry ground disturbing activities within 200' of the OHWM of the Okanogan River shall be monitored by a qualified professional archaeologist.

PURPOSE: To protect cultural and historical resources.

BASIS: Although included in the amended initial survey and report by placing it as a condition, the likeliness of an inadvertent oversight is reduced.

CLARITY: This condition can be addressed with approval of a prior entry conclusive survey and report.

Riverview Meadows: Owner/Developer intends to comply. There are no activities of any kind planned within 200' of the OHWM of the Okanogan River so there will be no need to monitor any activities.

7. That if any archaeological material or human remains are suspected of being encountered during the course of the development, all operations will cease in accordance with federal Native American Graves Repatriation Act and Chapter 27.44 RCW and the Tribal Historic Preservation Officer for the Colville Tribes will be notified immediately at (509)634-2654.

PURPOSE: To avoid confusion on what is expected in the event of an encounter.

BASIS: Although this condition is redundant of state and federal law, the subject matter is of local interest and sensitivity, by stating it specifically in the conditions of approval all persons involved in the project should clearly know their responsibility.

Riverview Meadows: Owner/Developer intends to comply fully with this condition.

8. The permit holder is responsible to provide for and maintain evidence that a weed control plan has been implemented. Consultation with Okanogan County Noxious Weed Control Board is encouraged. Said plan must be incorporated into the noted landscape provisions of the Design Guidelines and riparian buffer controls.

PURPOSE: To reduce the spread of noxious weeds within the City.

BASIS: The Okanogan County Noxious Weed Control Board has proven to be a valuable resource in these matters, by including their expertise in the construction design of the facility adequate weed control should be routine.

Riverview Meadows: Owner/Developer intends to comply by incorporating a noxious weed plan into the landscaping plan.

9. That the applicant shall provide evidence that the storm water plan has met the notice criteria of the State prior to submittal for peer review.

PURPOSE: To avoid reengineering and related re-peer review of the construction documents and to ensure compliance with the state requirement has been met. It is also understood that through the construction documents, the applicant will have demonstrated that the applicable thresholds have not been exceeded, and thus this condition is satisfied.

BASIS: This is a new requirement (November 2005) of the state with respect to storm water dispersal there has been confusion with respect to how and when said notice is to be provided.

Riverview Meadows: Owner/Developer intends to comply by preparing a storm water plan and applying for the storm water permit prior to peer review of the plans.

10. The applicant shall provide evidence of a storm water discharge permit in hand prior to the issuance of the grading permit.

PURPOSE & BASIS: As noted above.

Riverview Meadows: Owner/Developer intends to comply fully, see above.

11. The utility easement plan layout shall include the dedication to the City of Okanogan of a utility easement right of way not less than 20' in width (minimum sewer/water width) from the to-be-installed and dedicated utilities through the proposed planned development (as indicated) to the external boundaries to provide for future continuance. The specific location of said easements to the City shall be in a suitable location for extension onto adjacent properties including a river utility crossing.

PURPOSE: To provide the opportunity for continuance to adjoining properties and provide for the future growth of the City.

BASIS: One of the basic concepts of our platting ordinance is to build the city such that each plat is a building block to which the adjoining plats maybe built upon. Ensuring provisions for continuance is a requirement.

Riverview Meadows: Owner/Developer intends to comply. Utility easements shall be dedicated to the City of Okanogan not only for the domestic water and sanitary sewer facilities being installed to serve this project but also for future expansion and looping possibilities should the City have the need to expand their domestic water system in the future.

12. Upon recordation of the plat, Lot 4 (existing main well site) shall be dedicated to the City of Okanogan as a future municipal well site with the current well left in its current condition. Riverwalk Estates, LLC may retain across said lot simple ingress and egress to serve Lot 5 (existing main home site). The construction of the plats servicing utilities shall include that said lot is served with a water main connection, power service and phone service as prescribed by the City of Okanogan Water Manager. In the event that the City determines that the site is not a suitable for a municipal well site, and alternate water supply has been provided, the City will decommission the existing well to State standards and return said title of the land to the Riverwalk Estates, LLC. At the

discretion of the Riverwalk Estates, LLC, the redevelopment of said lot may be as a residential unit or be included in the community open space and/or amenities.

PURPOSE: 1) To comply with elements of the Water Comprehensive Plan and Department of Health, Safe Drinking Water standards. 2) To protect the aquifer by placing control of the well and responsibility of decommissioning with the City of Okanogan Water Manager. 3) To lessen the future impacts on the development when the City proceeds with the development of the well site, by not having to cut and patch the newly constructed streets and disrupt the traffic flow. 4) To return the site to the owners in a developable condition should the property not be used as a municipal well site.

BASIS: The application indicated that the noted well on Lot 4 is to be developed to a municipal well, in that the application of water rights/permits is an involved process and the method of construction of such a well of particular interest the water purveyor it appropriate that if the well is to be developed that it be done under the full control of the Water Manager. Also see Ecology comments.

CLARITY: The absence of a notation regarding said well site from two successive Water System Plan Updates, may be used as cause for Riverwalk Estates, LLC to petition the City to complete the decommissioning and transfer ownership.

Riverview Meadows: Owner/Developer intends to comply. The Riverview Meadows Planned Development will not contain "Lot 4" as shown on the preliminary plans for Riverwalk Estates but Riverview Meadows will dedicate an equivalent area for a future well site on the plat. In the event that the City determines that the site is not suitable for a municipal well site, and alternate water supply has been provided, the City will return said title of the land to the current owner of Riverview Meadows Planned Development.

13. The owners shall quit claim and transfer all interest in Washington State water rights appurtenant to the subject property.

PURPOSE: To advance the City of Okanogan Water Comprehensive Plan.

BASIS: Provisions of water to 130+/- new ERU connections constitutes a diminishment of Okanogan's ability to serve existing uses within service area. The City has adopted a policy that sets forth provisions for acquiring water rights through annexation and development proposals.

Riverview Meadows: Owner/Developer intends to comply by transferring the water right for the existing water system to the City of Okanogan and transferring those residences and businesses currently being served by the existing water system to the City of Okanogan's municipal water system. If the City determines that the site is not suitable for a future well site, the said water right will be transferred back to the current owner of Riverview Meadows Planned Development. It is the intention of the Owner/Developer's to continue using the existing well for landscape irrigation.

14. The noted 100' Radius Sanitary Control Area shall be further defined as restricting activities, uses and construction methods thereon by the City of Okanogan Water Manager in consultation with the permitting authority. Said notation shall be described as to provide the required 100' radius SCA to all reasonable locations of future wells on said lot in addition to the existing well.

PURPOSE: To protect the potential water supply of the community. The radius's center is the location of the existing well; said existing well does not meet current construction standards, but could be used as a test well for the construction of an adjacent municipal standard well(s) which would have a different center. Planning on this plat should allow for such offsets with SCA control area.

BASIS: WAC 246-290-135(2) and Engineering comments.

Riverview Meadows: Owner/Developer intends to comply by indicating the 100-foot well protection sanitary control zone on the plat and providing such notation describing the provision that the 100-foot well protection zone shall be established to all reasonable locations of future wells on the area to be dedicated to the City of Okanogan as shown on the plat.

15. An appropriate notation on the face of the plat shall include the caption that the owner of all existing (at the time of the plat) below grade waste, vent and sewer piping system serving existing improvements on Proposed Lot 5 (existing home site) of said Lot 5 shall within 30 days of written notification of the City of Okanogan Water Manager expose and test same improvements to the standards and codes as adopted by the City for materials and methods for "within a building" said piping system. Further if any such material, fitting, device of the system in part or in whole shall fail said test and/or standards and codes it shall be replaced by the owner as per new construction.

PURPOSE: To provide reasonable timing and notice for the owner of Lot 5 (the existing home) should and when the City moves forward in developing the municipal well on Lot 4 (main well site) to protect the water supply of the community.

BASIS: WAC 246-290-135(2)

Riverview Meadows: Owner/Developer intends to comply by placing the above-described notation on the face of the plat pertaining to the existing home site.

16. Prior to the issuance of the first grading permit, the permit holder shall provide evidence of proper closure (decommissioning) of all wells on the site (except the noted well on Lot 4).

PURPOSE: To ensure protection of children from falling into said wells and protect the water source quality of the community.

BASIS: WAC 173-160 and the City's Well Head Protection Plan.

Riverview Meadows: It is the Owner/Developer intentions to continue using the existing well identified in Survey Note 5 and 6 for landscape irrigation. The existing well serving the existing farmhouse will be decommissioned within 90-days after the water system is connected to the City of Okanogan's municipal water system.

17. An appropriate notation on the face of the plat shall include a caption describing a condition of development on the commercial lot abutting Elmway that prior to the issuance of the first Certificate of Occupancy for a building thereon an approved sidewalk will be installed in that portion of the abutting Elmway right of way.

PURPOSE: To promote the Comprehensive Plan and provide for safe pedestrian travel past the development site in a manner that is timely and provides flexibility to the developer.

BASIS: As stated in the conclusions with respect to the location of the development from the existing sidewalk system, the scope and proportion of the development and the requirements of a planned development and plat.

Riverview Meadows: Owner/Developer intends to comply. The plat will contain a note describing a condition of development on the commercial lot abutting Elmway that prior to the issuance of the first Certificate of Occupancy for a building thereon an approved sidewalk will be installed in that portion of the abutting Elmway right of way.

18. The trail shown on the revised application map shall be installed and maintained in a reasonable manner by the permit holder. Further non-motorized access shall be dedicated to the public and shall be noted on the face of the plat, said dedication is inclusive of and shall include access from the Elmway right of way to said trail.

PURPOSE: To promote the Comprehensive Plan and the public access elements of the Shoreline Master Program.

BASIS: Making dedications and provisions within a planned development which are specified by the Comprehensive Plan are requirements of a planned development approval. Said widths are prescriptive detail requirements of the SMP.

CLARITY: Said trail(s) are required to be in conformance with Washington State standards for accessibility, which do contain provisions for adjustments for existing steep terrain.

Riverview Meadows: Owner/Developer intends to comply with this provision by dedicating to the public a 15-foot wide easement of unspecified location for the purpose of a future trail. However, since at the present there are no immediate, detailed plans for a trail on any of the adjacent properties, the owner/developer does not intend to construct the trail. The dedicated easement shall allow for the trail to be constructed at some point in the future when funds and additional adjoining easements are obtained by the organization that may be involved in the development of the trail system.

19. Notwithstanding any existing vehicle access easements or precluding the granting of any future such easements onto adjoining properties; For the purposes of public safety, by providing increased reasonable alternative means to respond to emergencies and defend Riverwalk Estates and future adjoining developments, developing adjoining properties may improve upon Riverwalk Estates and connect Secondary Fire Department Access only roads to the internal roadway system.

PURPOSE: As stated in the condition.

BASIS: As proposed the separation of the two connections to the public access system do not meet the empirical $\frac{1}{2}$ the distance of the longest diagonal of the area served. The two connections as proposed does meet this requirement for the greater area; by providing for secondary fire department access from this development to other adjoining properties does meet the intent of the code given the spirit of reciprocal continuance. Requiring dedication for Primary Fire Department Access on this plat for adjoining properties would be an arduous condition on the developer.

Riverview Meadows: *Owner/Developer intends to comply with the spirit of this condition by providing each of the new housing units with a sprinkled fire suppression system.*

20. Certifications from servicing utilities such as power, phone, cable and refuse collection shall be provided for peer review prior to construction authorization.

PURPOSE: To ensures that such serving utilities have the capacity and availability to service the plat and to ensure that said installation of such utilities will not conflict with all other utilities.

BASIS: Certification of full urban services is a requirement of platting.

Riverview Meadows: *Owner/Developer intends to comply*

21. The project shall be controlled by covenants and restrictions in similar character and scope as provided in the application. The proponent shall file for review the development's covenants and restrictions for concurrence by the permit administrator prior to recordation and/or revision. This condition shall not be construed as placing the City in the responsibility to enforce said covenants on individuals but is intended to be used to ensure that the development is managed as proposed.

PURPOSE: The community's concerns with respect to the aesthetics and the planned development design standards have been responded to that there will be similar covenants and restrictions in place. Review of these covenants and restrictions of their similarity meets the intent of the planned development design standards and make an assurance of the communities concerns.

BASIS: Planned development standards and filed comments.

Riverview Meadows: *The proposed Riverview Meadows Planned Development differs from the original proposal for the Riverwalk Estates Planned Development in that ownership of the entire site is common to a single entity and therefore, covenants and restrictions as originally proposed by the developer of Riverwalk Estates no longer applies. As such, there are no plans for covenants and restrictions.*

22. The City of Okanogan will implement its Water Comprehensive Plan (ie. Extension of the 12" water main to be located in Elmway) in accordance with the priorities of work, time table and funding availability as determined by the City Council. Should the developer desire the implementation of said plan at an earlier time frame, the developer may do so at the developer's expense.

PURPOSE: To avoid confusion with respect to this preliminary approval and the timetable in which the City will install said any main or portions thereof.

BASIS: The Water Comprehensive Plan, the application and the comments from Engineering and Ecology.

Riverview Meadows: Owner/Developer intends to construct the 12-inch water main extension along Elmay to service this project.

23. The Sanitary Control Area noted in Condition #14 shall project onto the adjacent property to the North. Riverwalk Estates, LLC shall provide the recorded easement or provide evidence of a good faith effort made to secure said restrictions of use and activities.

PURPOSE: To protect the potential water supply of the community. The acquisition of the SCA is paramount to the suitability of Lot 4 (existing main well site) as a municipal well site, however, elevating the securing the SCA to be applied to outside of lands within the control of the developer as a requirement of plat approval would be an arduous requirement.

BASIS: WAC 246-290-135(2) and Engineering comments.

Riverview Meadows: Owner/Developer intends to comply by contacting the adjoining property owner in an attempt to secure an easement for the sanitary control zone projecting onto the adjoining property.

24. The face of the plat shall clearly indicate the responsibility of the road maintenance and snow removal to be that of the owners and not the responsibility of the City of Okanogan.

PURPOSE: To avoid confusion with respect to the responsibility in the future.

BASIS: Standard condition of plat approval.

Riverview Meadows: Owner/Developer intends to comply by placing such note on the face of the plat.

25. Adequate computations, modeling and conclusive opinion prepared by a qualified professional engineer shall be provided with the construction plans as to the effects (if any) the proposed fill will have on upstream and downstream flows during storm and flood events.

PURPOSE: To ensure that the proposed fill will not have an adverse effect on other properties, the shoreline and installed infrastructure.

BASIS: City Engineer & Ecology comments and the City's Model Flood Ordinance.

Riverview Meadows: There are no plans for any filling or grading within the floodway or floodplain so no computations, modeling or conclusions by a qualified professional engineer will be necessary or submitted.

26. A clear notation shall be made on the face of the plat clearly indicating that the RV lots (7-15) are not suitable for any single tenancy of a recreational vehicle beyond temporary and seasonal. The permit holder may also include a notation that a single family dwelling (State Code) or a double wide manufactured home (HUD Code) may be developed on individual lots or combinations (through a parcel consolidation approval process) provided side setbacks and off street parking restrictions are complied with.

PURPOSE: To avoid possible confusion in the future with respect to the suitability of a RV lot as a single family dwelling lot.

BASIS: A prescriptive requirement of platting regarding buildable and non-buildable lots.

Riverview Meadows: This condition does not apply as the proposed Riverview Meadows Planned Development does not include any RV lots.

27. The riparian buffers shall be enhanced and maintained to the maximum naturally sustainable level with suitable native vegetation and a clear notation shall be made on the face of the plat indicating the location of the riparian buffers and the limitations, restrictions and requirements on vegetation removal/planting and maintenance in said buffers along the Okanogan River and Elgin Creek.

PURPOSE: To reduce impacts to the river and creek and ensure maintenance in perpetuity of the critical areas buffer.

BASIS: Ecology's comments and a prescriptive requirement of platting to delineate permanent controls.

Riverview Meadows: Owner/Developer intends to comply by not allowing or planning for any work within 200 feet of the shoreline. All existing riparian buffers shall remain as is.

28. A final inspection report shall be prepared by all qualified professionals, design professional's in charge and special inspectors. Said report include the scope of work/activity of expertise they are responsible for, document the work/activity they have inspected detailing any corrections and/or discrepancies noted in the inspections together with a conclusion as to the conformance of the noted work/activity with the applicable standards and conditions. Said report(s) shall be filed with the application for final plat and PD approval.

PURPOSE & BASIS: Due to the complexity of the issues to ensure conformance.

Riverview Meadows: Owner/Developer intends to comply by providing for periodic inspections by a qualified professional. The qualified professional shall prepare a report of the work/activities and shall note changes to the construction plans in the form of "As-constructed" drawings upon completion of the project.

29. The existing grade elevations shall be retained in the final plat recording by referencing the planned development's controlling conditions that "height of buildings is measured from said pre-land forming existing grade elevations.

PURPOSE: To retain the predevelopment elevations to which the height of buildings will be measured to.

BASIS: The definition of height of buildings, Ecology's Comments and Staff's conclusions.

Riverview Meadows: Owner/Developer intends to fully comply with this condition.

30. The applicant shall develop and implement a Fugitive Dust Control Plan (FDCP) incorporating all of the components of a best management plan as described by Ecology Air Quality Section. Said plan shall be reviewed and concurred with by the SEPA Official prior to the start of work.

PURPOSE: To reduce the likeliness of fugitive dust adversely affecting the adjoining property owners.

BASIS: The likely presence of Okanogan Loam on the site and its inherent likeliness of being eroded by wind when exposed and the comments filed by Ecology Air Quality Section.

Riverview Meadows: Owner/Developer intends to comply.

31. The developer shall have prepared, by a qualified professional, a report (including Condition #28 Final Report) identifying wetland areas in association with Elgin Creek and/or the Okanogan River and certifying compliance with respect to applicable buffers for wetlands and compliance with the Endangered Species Act.

PURPOSE & BASIS: Due to the complexity of the issues to ensure conformance.

Riverview Meadows: Owner/Developer intends to comply by total avoidance of any construction-related activities within 300 feet of Elgin Creek.

32. The face of the plat shall clearly indicate that any retaining walls, rockeries or bulkheads or similar structures closer than 50 feet to the OHWM are prohibited. This notation may include that this restriction does not exclude detailed and permitted minor devices in support of a trail, bridge and/or dock.

PURPOSE: To reduce the likeliness that future owners of the lots will unaware of the restriction on such work.

BASIS: Prescriptive requirement of fills in the shoreline and comments filed by Ecology.

Riverview Meadows: Owner/Developer intends to comply by avoidance of any construction activities within 200 feet of the OHWM. However, the above note shall be placed on the face of the plat to further enforce such requirement.

33. The owners of Riverwalk Estates, shall make adequate provisions for and maintain convenient garbage disposal and collection in the common areas and along the trail.

PURPOSE: To ensure that such provisions are made and maintained.

BASIS: Prescriptive requirement of recreational activities in the shoreline and comments filed by Ecology.

Riverview Meadows: Owner/Developer intends to comply fully with this condition.

34. If the earthwork, heavy construction and or fill within 50' of the Okanogan River's OHWM exceed accumulatively more than 500 cubic yards for the area within 50' of the Okanogan River's OHWM of the entire site; the riparian vegetation buffer and related requirements along the Okanogan River shall be doubled.

PURPOSE: To ensure comprehensive compliance with the Shoreline Management Act in a pragmatic method.

BASIS: Given, the scope of the proposal and the magnitude of the amount of the earthwork in the shoreline and the near proximity of the disturbed area to the ohwm of an established river channel, the expanded buffer will likely prevent maintenance problems or adverse impacts on shoreline features.

Additionally, the over whelming concerns stated by the adjoining property owners and Ecolgoy's comments. Also, Section 5.07 OkaSMP and Footnote 2 to Chart 1 Chapter 6.00 OkaSMP establish reasonable footage and volume.

Riverview Meadows: Owner/Developer intends to comply fully with this condition by avoidance of any construction activities within 200 feet of the OHWM.

35. Prior to the commencement of any earthwork, heavy construction and or fill within 200' of the Okanogan River that is accumulatively greater than 5,000 cubic yards for the area within the shoreline of the entire site, the application for such work shall include evidence of a FEMA approved CLOMR for such work.

PURPOSE: To ensure comprehensive compliance with the Shoreline Management Act in a pragmatic method.

BASIS: Given, the scope of the proposal and the magnitude of the amount of the earthwork in the shoreline and the near proximity of the disturbed area to the ohwm of an established river channel, a CLOMR in hand would provide reasonable assurances before any shoreline work was initiated.

Additionally, the over whelming concerns stated by the adjoining property owners and Ecolgoy's comments. Also, the 5,000 cubic yard volume is the typical breaking point between regular grading and engineered grading.

CLARITY: If the earthwork does not include any import of material, the concurrence of equivalent analysis of a CLOMR is acceptable. In particular any effect to canalization of flood currents.

Riverview Meadows: Owner/Developer intends to comply fully with this condition by avoidance of any construction activities within 200 feet of the OHWM.

36. Prior to the commencement of any earthwork, heavy construction and or fill within the 100-year floodplain of the Okanogan River that is accumulatively greater than 50,000 cubic yards for the area within the floodplain of the entire site, the application for such work shall include evidence of a FEMA approved CLOMR for such work.

PURPOSE: To ensure comprehensive compliance with the Shoreline Management Act in a pragmatic method.

BASIS: Given, the scope of the proposal and the magnitude of the amount of the fill in the shoreline and the near proximity of the toe of the fill to the ohwm of an established river channel, a CLOMR in hand would provide reasonable assurances before any shoreline work was initiated. Additionally, the over whelming concerns stated by the adjoining property and Ecology's comments.

Riverview Meadows: Owner/Developer intends to comply fully with this condition by avoidance of any construction activities within 200 feet of the OHWM.

37. A Riparian Buffer Maintenance Plan shall be prepared by a qualified professional and submitted with the infrastructure and grading plans for approval. This controls of this plan will be recorded as part of the PD mylar. Additionally said shall include a proper monitoring, reporting and a target survival rate and non-native infestation proportion is appropriate.

PURPOSE: To ensure compliance with SMP.

BASIS: Comments filed by Ecology.

Riverview Meadows: Owner/Developer intends to comply fully with this condition by avoidance of any construction activities within 200 feet of the OHWM. As such there shall be no need for a riparian buffer maintenance plan.

38. All fill on site shall be an engineered fill; fill shall be durable under flood conditions and suitable in compaction and method of construction for the future building sites. Final engineering report shall include certification of the source of the material.

PURPOSE: Although a prescriptive requirement of a developed building pad, included herein to provide assurances to the general public.

BASIS: Filed comments.

Riverview Meadows: Owner/Developer intends to comply fully with this condition by using engineered fill for areas of new building construction with a fill depth of more than two (2) feet.

39. Erosion control plan shall include provisions to control the spreading of material and debris from trucks and equipment entering and leaving the site while construction is taking place.

PURPOSE: Although a prescriptive requirement of a grading permit, included herein to provide assurances to the general public.

BASIS: Filed comments.

Riverview Meadows: Owner/Developer intends to comply fully with this condition by including a provision to control the spreading of material from construction vehicles leaving the site during construction.

40. Prior to the removal of any tree in the shoreline; there shall be a pre-action on site meeting. At a minimum the following personnel shall be in attendance: The owner's representative, the individual in charge who is in immediate supervisory control of the actual individual(s) performing the work, the record qualified habitat professional and the shoreline administrator of the City of Okanogan. The purpose of this meeting is to develop and have concurrence of which trees will be removed and establish suitable markings and other control measures to reduce inadvertent tree removal. Excluding immediate hazard tree repair as directed and documented by a qualified professional arborist.

PURPOSE: To reduce the likeliness of the temporal loss of apex trees due to miscommunication.

BASIS: Practical experience of Staff.

Riverview Meadows: Owner/Developer intends to comply fully with this condition by avoidance of any construction activities within 200 feet of the OHWM. No trees will be removed within 200 feet of the OHWM.

41. Phased plat approval is acceptable provided:

1. The first phase plat shall be accompanied and recorded with the required PD mylar.

2. The first phase plat shall include all of the required dedications for the entire PD.

3. Each phase shall be complete and self supportive and not reliant on non-bonded "to be built later" amenities and or infrastructure.

PURPOSE & BASIS: Although a prescriptive requirement of platting, included herein to provide clarity of how phasing is approved.

Riverview Meadows: Owner/Developer intends to comply fully with this condition.