

Douglas County Hearing Examiner

Andrew L. Kottkamp, Hearing Examiner

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P # 07-02)	DECISION AND
Burke De Briere/Painted Summers Hills, LLC)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on March 31, 2008, 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. This application from Burke De Briere/Painted Summer Hills, LLC, is for a 16 lot, two phase major subdivision application through the cluster provisions of Douglas County Code Chapter 18.16.046. The total acreage of the site is 60 acres, the 15 residential lots are all +/- 1.01 acres in size and the reserve lot is +/- 42.48 acres in size. The subdivision is proposed to be served by a Group A community water system and individual onsite septic systems.
2. The applicant is Burke De Briere, PO Box 82244, Kenmore, WA 98028.
3. The subject property is located at the terminus of Rose Road and east of Stuhlmiller Road. The subject property is within the NE quarter of Section 12, Township 20 N., Range 22 E., W.M. The site is located in the Rural Resource 5 (RR-5) Zoning District.
4. The subject property was formerly in agricultural production and slopes from north to south. The property is accessed via an extension of Rose Road. Improvements on-site include a shop/barn at the northern extent of the property. The shop is accessed via Stuhlmiller Road.
5. The subject property is designated as a Rural Resource 5 by the Douglas County Countywide Comprehensive Plan.

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6. The subject property is within the Rural Resource 5 (RR5) Zoning District, which allows for the division of property.
7. The subject property meets the minimum development standards of the Rural Resource 5 (RR5) Zoning District.
8. The proposal does not exceed the maximum density identified in the comprehensive plan as being appropriate for lands designated as Rural Service Centers.
9. Comments from reviewing agencies have been considered and addressed where appropriate.
10. The Douglas County PUD has indicated that electrical power is available to serve the subdivision.
11. The Washington State Department of Ecology has stated that Water Right Permit No. G4-29196P currently authorizes domestic water supply to 12 residences. The water right supplies two homes outside the boundaries of this development. Ten (10) domestic connections are available for this development.
12. The developer submitted an application to the Douglas County Water Conservancy Board on February 8, 2008 to change the Manner of Use for 12 acre feet per year of continuous community domestic supply. The change in use would provide potable domestic water for Phase 2.
13. A Geotechnical Site Investigation was completed by GN Northern, Inc and dated October 6, 2006.
14. The conclusions of the Geotechnical Site Investigation state that the site poses potential problems for development and has provided findings for the development of grading plans and site work.
15. The Chelan-Douglas Health District has stated that the proposed lot sizes are adequate for septic systems.
16. In order to meet the state requirements for Enhanced 911 Service, all lots within this plat will be addressed prior to final plat approval.
17. Douglas County issued a Determination of Non-significance on March 11, 2008 for this proposal in accordance with WAC 197-11-355, State Environmental Policy Act (SEPA).

18. Means of access to the subject property is via an extension of Rose Road and a private road.
19. Purveyors who responded to the project have indicated that adequate utilities/services can serve this project.
20. The public health, safety, and welfare have been served in that reviewing agencies' comments and concerns have been addressed as conditions of approval for the subdivision.
21. Public notice containing information on this project was published as required by law, was mailed to property owners within 300' of the proposed project as required by law, was posted on the subject property as required by law, and agency comment forms containing information on this project were mailed to agencies of jurisdiction for their comment as required by law.
22. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
23. This Application was found to be Technically Complete as required by law.
24. The entire Planning Staff file was admitted into the record at the public hearing.
25. Public hearing after due legal notice was held on March 31, 2008. Appearing and testifying on behalf of the applicant was Rich Walpole. Mr. Walpole testified that he is the authorized agent for the applicant. He indicated that water is available for both phases of the development. However, for Phase 2, they still need to change the character of the use of the water. That request is pending with appropriate state agencies. He also testified that all lots would be able to be developed with a single primary residence and accessory structure without the need for any variances. Mr. Walpole also testified that the stormwater system will be designed for a 100-year event.
26. Also testifying on behalf of the applicant was Burke De Briere. Mr. De Briere said that he agreed with all of the proposed conditions of approval and also agreed that all of the lots could be developed for normal single-family residential use and accessory structures without the need for a variance.
27. Testifying in favor of the project was Bill Nasburg. He is the manager of Golden Acres, LLC, in Ephrata. They own land to the west and south of the project. He testified that Golden Acres, LLC, had no objection to the project.
28. No member of the public testified in opposition of the project.

29. Supplemental materials were submitted by the applicant at the hearing, namely a proposed revision to page 6 of the Staff Report.
30. 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.
31. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
32. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
33. This proposal, subject to the conditions of approval, does not include uses or activities that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
34. 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 authority to render this decision.
2. As conditioned, this development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
3. As conditioned, the proposal is consistent with Title 17 “Subdivisions”, Title 18 “Zoning”, and Title 19 “Environment” of the Douglas County Code.
4. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
5. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
6. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
7. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Douglas County Code or the Comprehensive Plan.

8. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
9. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application P # 07-02, Burke De Briere/Painted Summer Hills, LLC, is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans on file with the Douglas County Transportation and Land Services Department, last amended on February 13, 2008, except as modified below.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes and assessments are current prior to final plat approval.
5. A plat certificate showing parties of interest from a title company must accompany the final plat in accordance with RCW 58.17.165. All parties having ownership interest in the subject property shall acknowledge the plat.
6. The following items shall be shown on the final plat:
 - The location of all utilities
 - The location of existing septic systems and drainfields
 - Adjacent platted land divisions.
 - Property addresses for each lot (contact Todd Wilson, Douglas County GIS coordinator, at 884-7173).
 - Existing structures on site

- All easements appurtenant to the subject property shall be shown on the face of the final plat mylar.
7. 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.
 8. The Douglas County Assessor has indicated that the subject parcel is taxed as current use farm and agriculture. It is the responsibility of the applicant to contact the Douglas County Assessor's office to determine if the newly created lots may continue under the current assessment.
 9. Prior to final plat approval, the developer shall coordinate with the Douglas County GIS Coordinator to establish an appropriate name for the private road serving the subdivision.
 10. The vacated County Right of Way along the east border of the development shall be depicted and the resolution number referenced. The vacation was approved under Resolution TLS 07-25B.
 11. All recommendations and conclusions of the geotechnical report dated October 6, 2006 shall be required components of the site preparation and work.
 12. Prior to commencing grading activities on-site, a grading plan shall be submitted and approved by Douglas County.
 13. Grading activities, including cutting, filling, and the creation of step slopes in relation to building sites shall be monitored on-site by an engineer. A soils report and verification of satisfactory placement of fill shall be required prior to issuance of building permits.
 14. Prior to final plat approval of Phase 2, the Department of Ecology shall provide written verification that potable domestic water is available to all lots within the phase.
 15. Prior to final plat approval of the first phase, the Chelan-Douglas Health District and or State Department of Health shall have reviewed and approved the public water system for the development and construction shall be certified as per the requirements of the State Board of Health Regulations. The public water system shall include all necessary easements and covenants for access and protection of the water supply, and

maintenance and operation agreements for facilities that are shared between lots, which shall be shown or described on the final plat.

16. The following notes shall be placed on the final plat:
 - *"The subject property is located within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of activities may occur that are not compatible with residential or other type of development for certain periods of limited duration. Such activities may include but are not limited to noise, dust, smoke, odors and hours of operation resulting from harvesting, planting, fertilizing, pest control and other resource-related activities associated with usual and normal resource management practices which, when performed in accordance with county, state and/or federal law, shall not be subject to legal action as public nuisances."*
 - *"Site evaluations will be required prior to issuance of any permit for new or replacement sewage system within this plat."*
 - *"Alternative sewage systems may be required for any new or replacement sewage system within this plat."*
 - *"Well maintenance and operation agreement filed with the Douglas County Auditor, No. _____."*
 - *"The Health District has not reviewed the legal availability of water to this development."*
 - *"Residential uses for the reserve lot shall be limited to one single family residence incidental to agricultural or recreational uses, except as may be approved under D.C.C. Section 18.16.220C Accessory Agricultural Housing."*
 - *"The reserve lot shall only be utilized for the purposes identified by Section 18.16.046, and as specifically identified by the reserve lot management plan recorded under AFN#_____. Amendments to the management plan may be considered under the provisions of Section 18.16.046."*
17. Prior to final plat approval, written verification from Doug Miller, Douglas County Fire Marshal, is required that the requirements of Chapter 15.24 for emergency access and emergency turn around locations have been satisfied.
18. If the individual/common plan of development for this proposal exceeds 1 acre of disturbed ground, this would meet the threshold used by the Washington State Department of Ecology in administering their General Permit to Discharge Storm Water Associated with Construction Activity. If required, the permit must be obtained prior to beginning ground breaking activities.

19. The applicant 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 PUD that easements and improvements have been addressed to their satisfaction, must be submitted prior to final plat approval.
20. A note shall be placed on the face of the final plat stating, “Based on historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. The Washington State Department of Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the Washington State Department of Ecology recommends that potential buyers be notified of their occurrence.” This note shall not be required to be placed on the final plat, if the soils are sampled by a professional with adequate credentials to verify that the site does not contain lead and arsenic and organochlorine pesticides at concentrations above the MTCA cleanup levels.
21. Should any archaeological resources be discovered during grading/construction, all work that would affect the discovered resources must be stopped until the proper authorities have been notified and appropriate steps have been taken to protect the resources in accordance with applicable laws and protocol.
22. Building envelopes shall be shown on all residential lots per the clustering requirements of D.C.C. 18.16.046.
23. Final plans for on site and off site road 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, 17, and 18, to AASHTO Policy on Geometric Design of Highways and Streets, in accordance with the current Douglas County Road Standards as updated at the time of final plat approval, and other applicable existing code requirements.
24. The construction plans shall be reviewed by the Geotechnical Engineer, GN Northern, Inc, in accordance with the Report of Geotechnical Site Investigation GNN Job No. 206-645, dated October 6, 2006. Certification that the plans are in conformance with the recommendation of the October 6, 2006 report as well as any additional recommendation provided as part of the design and review process, shall be provide by the Geotechnical Engineer prior to acceptance of the construction plans. Prior to acceptance of the improvements the Geotechnical Engineer shall provide certification that the improvements were constructed in accordance with the recommendations contained within the Geotechnical Report.

25. 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.
26. Prior to final plat approval a 1-foot non-vehicular access easement shall be recorded and shown along the right-of-way that adjoins the existing lot to the east. A physical barrier, temporary in nature and approved by Douglas County, shall be placed along the one-foot easement. Access to adjoining parcels shall be authorized only after extension of the full improvements.
27. Prior to final plat approval verification that the existing Stuhlmiller Road intersection and access to SR 28 are adequate to serve the proposed development must be provided. This includes verification from WSDOT that Stuhlmiller Road is a permitted access point and sufficient to support the proposed plat. Access easements and agreements shall be clearly noted on the face of the final plat.
28. Frontage Improvements are addressed in Chapter 12.50.150 Transportation System and Frontage Improvements, of the Douglas County Road Standards. Rose Road is designated as Rural Local Access. Because the facility is located outside of the Federal Urbanized Area, Figure 3-2, Rural Local Access, of the road standards is the applicable road standard. This standard includes a half street asphalt width of fourteen (14) feet, This section is comprised of an eleven (11) foot lane with a three (3) foot shoulder; 8" CSBC, 4" CSTC, and 2-1/2" ACP or a double layer of BSP. The existing condition of Rose Road consists of a twelve (12) foot gravel surface.
29. The required road improvements for this development include:
 - Dedication of right-of-way for an approved turnaround at the north end of Rose Road is required.
 - Dedication of right-of-way for Rose Road to bring the total width up to 60-feet is required.
 - The internal street shall be a full width street in accordance with Figure 3-1, Private Roadway.
 - The inclusion of permanent cul-de-sacs is strongly discouraged as they inhibit road and pedestrian network circulation (see 12.52.040 Design Requirements, L. Cul-de-Sacs and Dead-End Roads for specific requirements) and are not consistent with the County Comprehensive Plan.
 - The cul-de-sac shall conform to Figure 3-9, Cul-de-sac Detail.
 - The intersection of the interior road system with Rose Road shall be constructed in accordance with Figure 3-2, Rural Local Access. Final configuration of the intersection is subject to review and acceptance by the County Engineer.
 - The proposed road configuration is subject to review and acceptance by the County Engineer. The construction plans shall provide sufficient data beyond the northern property line to determine the feasibility of the future connectivity of the

internal local access road system to future road systems to the north of the property.

- Full width improvements to Rose Road shall be constructed along the project limits in accordance with Figure 3-2, Rural Local Access Road.
 - A temporary turn around is required at the end of the local access street in accordance with the requirements of Figure 3-9 of the DC Road Standards to accommodate emergency response vehicles. Measures to accommodate snow removal and storage shall be incorporated and shown on the plat. The temporary turnaround shall be approved by the Douglas County Fire Marshall and the County Engineer.
30. All new or revised driveways and accesses onto a County Road (including temporary or construction accesses) require an approved access permit as per the procedures in DCC 12.24, Approaches to County Roads.
 31. All improvements shall be in place prior to final plat approval, 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 accordance with DCC 14.90, Performance Assurance and Guarantee. Bonding of improvements in lieu of construction shall be at the discretion of Douglas County.
 32. 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, Douglas County Code, the approved construction plans, and geotechnical assessments. Monitoring shall be required as determined appropriate by the engineer or geologist of record and in accordance with the Comprehensive Road Standards (DCC) with final reports submitted to Douglas County.
 33. Prior to final plat approval, requirements for acceptance of the constructed improvements shall be met in accordance with the Road Standards, including Section 12.56.110 Final Acceptance, and 12.50.110 Performance Assurance, B. Maintenance Performance.
 34. Prior to final plat approval, a private access maintenance and improvement agreement must be recorded and AF# referenced on the face of the final plat. It shall be clearly noted on the face of the plat that Douglas County will not maintain the private access.

35. Utility installation/replacement/upgrade within the Douglas County right-of-way, including but not limited to Rose Road and Stuhlmiller Road shall be approved by Douglas County. Damage to existing roads, both public and private, (including but not limited to Rose Road and Stuhlmiller Road) 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. Repairs shall be completed prior to final plat approval. Repair of existing road surfaces may include overlays of the existing road surface, full or half width, depending upon the extent of impact to the existing road surface due to the construction activities. Existing moratoriums on public roads may limit utility work to boring or pushing. DCC 12.20.060, Specific requirements - Underground utilities
36. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
37. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
38. A final stormwater drainage plan designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. The entire site must be designed to retain all runoff from a 2-inch storm event in a 90-minute period utilizing a Type II SCS rainfall distribution in accordance with DCC 20.34 Stormwater Drainage, together with applicable local, state and federal regulations at the time of drainage plan submittal. The plan shall take site grading into consideration and its effect on adjacent properties and shall accommodate off-site runoff. Measures to address stormwater infiltration during frozen soil conditions shall be included. The stormwater plan must have supporting calculations and final "as built" drawings shall be delivered to Douglas County upon completion. 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.
39. Prior to final plat approval, an operation and maintenance agreement must be recorded and AF# referenced on the face of the final plat regarding the private stormwater facilities. Said agreement may be incorporated into proposed protective covenants. It shall be clearly noted on the face of the plat that Douglas County will not maintain the on-site stormwater facilities. Douglas County shall have the right to periodically inspect these facilities to verify design capacity and operation. A perpetual access easement shall be granted to the County and/or other governmental agencies having jurisdiction regarding storm water facilities. 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 document shall be prepared in accordance with the recommendations contained in the GN Northern Geotechnical Report.

40. A copy of the GN Northern Geotechnical Engineering Evaluation along with any supplements shall be provided to the future owners of the property.
41. Design and construction of the stormwater facilities for the site and the road shall conform to the requirements contained in the DC Road Standards including, but not limited to, Section 12.52.050 Stormwater Management, and the Stormwater Management Manual for Eastern Washington (SWMMEW).
42. The preliminary plans indicate that stormwater is proposed to be infiltrated on site. Infiltration testing shall be performed prior to acceptance of the plans and report, in order to verify the suitability of the site to accommodate the proposed system.
43. The stormwater infiltration facilities may be located in an easement, under the functional control of the homeowners association. Douglas County shall have the right to periodically inspect these facilities to verify design capacity and operation. A perpetual access easement shall be granted to Douglas County and/or other governmental agencies with jurisdiction regarding stormwater.
44. Storm drainage tracts and stormwater easements shall be clearly noted on the face of the plat. Restrictions on future use and grading allowed within these areas must be clearly noted and described in the homeowner's association documents or protective covenants and within the operation and maintenance agreement for the stormwater facilities.
45. An Operation and Maintenance documents shall be provided, recorded and referenced on the face of the plat and within the CCR's for the subdivision. A note on the face of the plat shall reference the O&M document and note that the Homeowners Association is responsible for the maintenance of such facilities.
46. Erosion control measures shall be designed in accordance with the GN Northern Geotechnical Evaluation and the Stormwater Management Manual for Eastern Washington (SWMMEW). Best Management Practices shall be employed to prevent runoff from flowing over the site slopes. Disturbed areas shall be re-vegetated and maintained throughout construction. Final grading shall incorporate permanent erosion control measures which routes stormwater runoff away from site slopes and directs the collected water to appropriate discharge locations.

47. Stormwater system design shall include features, contained within an easement to be shown on the final plat, designed to prevent the runoff of stormwater onto adjacent properties to the east of the proposed subdivision.
48. Covenants for the subdivision shall incorporate a statement that lots owners are responsible for preventing stormwater runoff from discharging from their lot and onto adjacent properties.
49. Phasing of storm drainage improvements will not be allowed.
50. The use of drywell/underground injection facilities shall be minimized, and must be approved by the Douglas County Engineer. If drywell/UIC facilities are to be included as part of a development, the engineer of record shall:
 - Address the requirements and guidelines provided by the Department of Ecology, Underground Injection Control Program (UIC), as they apply to surface and subsurface infiltration facilities.
 - Provide on site monitoring of the construction of the UIC facilities.
 - Certify that UIC facilities were designed and registered in accordance with applicable regulations prior to the construction of such facilities, and prior to acceptance of such facilities as complete.
 - Provide a copy of the UIC facility registration approval from the Department of Ecology.
 - Certify that the facilities were constructed in accordance with the plans, prior to acceptance of the facilities by Douglas County.
51. The following core elements requirements contained in the SWMMEW – Stormwater Management Manual for Eastern Washington, must be satisfied by the Developer prior to acceptance of the construction plans:
 - Core Element #1 Preparation of a stormwater site plan
 - Core Element #2 Construction of stormwater pollution prevention
 - Core Element #3 Source control of pollution
 - Core Element #4 Preservation of natural drainage systems
 - Core Element #5 Runoff Treatment
 - Core Element #7 Operation and Maintenance
52. 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. If required the permit shall be obtained prior to beginning ground-breaking activities. The Department of Ecology contacts for this area are Bryan Neet, (509) 575-2808, bneet461@ecy.wa.gov, and Cory Hixon, (509)

454-4103, chix461@ecy.wa.gov. Acquisition of permits is the responsibility of the applicant.

53. Appropriate measures to prevent sediment from leaving the site shall be maintained until such time as all on-site soils are stabilized. Prior to any on-site grading taking place, a temporary erosion/sedimentation control plan (SWPPP- Stormwater Pollution Prevention Plan), showing the location and control measures intended to minimize the effects of erosion and siltation due to construction operations shall be submitted and accepted by the County. This plan shall be maintained on-site at all times and modified as necessary to address erosion issues as they arise. Additional erosion controls shall be implemented as necessary to prevent sediment from leaving the site.
54. One access point for construction activities shall be approved. A stabilized construction access for the site shall be shown on the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be submitted and accepted prior to on-site grading taking place.
55. A dust abatement plan shall be filed with and accepted by to Douglas County prior to any clearing, grading and/or construction. Water shall be made available during clearing, grading and construction and applied in a manner to control fugitive dust. Washington State Department of Ecology accepted dust control measures (Publication Number 96-433) shall be adhered to both during and after construction.
56. Preliminary approval shall expire 5 years from the date of Notice of Action by the Douglas County Hearing Examiner. Final approval for phase 2 shall expire 5 years from the date of recording of Phase 1. 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 14th day of April, 2008.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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.