

Douglas County Hearing Examiner

Andrew L. Kottkamp, Hearing Examiner

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P-09-02)	DECISION AND
Family Home Investments)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 21, 2009, and June 11, 2009, 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 Family Home Investments, 331 Valley Mall Parkway #331, East Wenatchee WA.
2. General Description: Family Home Investments Inc. has submitted a major subdivision application for a 24 lot, 4.82 acre major subdivision. Proposed lot sizes range from 6,785 square feet to 9,778 square feet. Applicant is proposing to use the lot size averaging provisions. The project is proposed to be served by public water and sanitary sewer.
3. Location: The subject property is located on the north side of 5th Street NE. The property is further described as being located within the SW Quarter of the NE Quarter of Section 7, Township 22N, Range 21 E., W.M. in Douglas County WA. The Douglas County Assessors Parcel Number is 22210710007.
4. Site Information:

Total Project Size:	4.82 acres
No. of lots	24
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District #1
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Verizon

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5. Site Characteristics: The subject property is characterized as flat with a gentle slope to the south towards 5th Street NE. A single family residence and detached garage are present. The site is also a former orchard or pasture.
6. Surrounding Property: To the north, Single Family Homes on large lots, Ridge Crest Subdivision; to the south, Orchard; to the east, Sunrise East – Senior Manufactured Home Park; to the west, Val Haven Subdivision.
7. The subject property is located within the Greater East Wenatchee Planning Area.
8. The subject property is located within the East Wenatchee Urban Growth Area.
9. The Comprehensive Plan Designation is Low Residential.
10. The subject property is located in the R-L zoning district which allows for subdivisions as permitted uses.
11. The subject property is located within the Airport Overlay District.
12. The subject property is located within the Horizontal Surface Limits of the FAR Part 77 surfaces for Pangborn Airport.
13. The max building height for the R-L zone will prevent any structures from intruding into the FAR Part 77 Horizontal Limit.
14. On March 28, 2007, Douglas County adopted Ordinance No. 07-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area.
15. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
16. The subdivision will access 5th St. NE. The proposal includes a new local access street through the property.
17. A Traffic Impact Study from Gibson Traffic Consultants Inc., dated April 2009 was submitted for the proposal.
18. Frontage Improvements are addressed in Chapter 12.50.150 *Transportation System and Frontage Improvements*, of the Douglas County Road Standards. 5th Street NE is designated as Urban Local Access. Because the facility is located inside of the Federal Urbanized Area, Figure 3-7b, Urban Local Access, AADT 200 and over, of

the road standards is the applicable road standard. This standard includes a half street asphalt width of 18 feet. This section is comprised of an eleven (11) foot driving lane with a seven (7) foot parking lane; 8" CSBC, 4" CSTC, and 2-1/2" ACP. The existing condition of 5th Street NE includes a 12 foot BST lane with a one (1) foot BST shoulder.

19. In order to facilitate the best possible road and pedestrian network circulation; Section 12.52.030 (A)(2) authorizes the requirement that the layout of roads to provide for the extension of existing roads.
20. The inclusion of permanent cul-de-sacs is strongly discouraged by DCC 12.52.040(L) as they inhibit road and pedestrian network circulation. Additionally, Cul-de-sacs are not consistent with the requirements of the Comprehensive Plan for road and pedestrian connectivity.
21. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
22. The project meets the lot size averaging provisions of Section 17.72.045 E.W.M.C. as adopted by Douglas County.
23. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
24. Comments from reviewing agencies have been considered and addressed where appropriate.
25. Douglas County issued a Determination of Nonsignificance on May 1, 2009 pursuant to WAC 197-11-355 (Optional DNS).
26. 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.
27. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
28. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
29. The Eastmont School District #206 has determined that the District has insufficient capacity in existing facilities to accommodate increased student enrollment associated with increased residential development.

30. 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.
31. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
32. This Application was found to be Technically Complete as required by law.
33. The entire Planning Staff file was admitted into the record at the public hearing.
34. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
35. Public hearing after due legal notice was held on May 21, 2009. Appearing and testifying on behalf of the applicant was John Torrence. Mr. Torrence testified that all proposed conditions of approval were acceptable to the applicant.

After further discussion relating to cultural resource surveys and the East Wenatchee Water District Developer Agreement, it was agreed to continue the hearing to a date and time certain, that being June 11, 2009, at 1:30 p.m.

36. On June 11, 2009, the public hearing was reconvened. Appearing and testifying on behalf of the applicant at this hearing was Norm Nelson. He indicated that the Developer Agreement with the East Wenatchee Water District was in place.
37. Jennifer Lange, Douglas County Public Works, stated at the hearing that proposed Condition of Approval No. 48 should be changed to eliminate the word "shall" and to insert in its place the word "may."
38. Testifying at the hearing as a member of the public was also Fred Hurst of East Wenatchee. Mr. Hurst testified that he is the owner of property to the east of the subject property. His concerns related to the water line being proposed to go through his property and to connect with the water line serving the development in which his property rests. He also had concerns about fencing buffers and dust control.
39. In response to Mr. Hurst's testimony, Mr. Nelson indicated that no fencing of the project had been designed. They would further discuss water connections with the East Wenatchee Water District.
40. 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.

41. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
42. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
43. Any conclusion of law that is more correctly a finding of fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
3. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Greater East Wenatchee Area Comprehensive Plan.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public use and interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 17 Zoning of the East Wenatchee Municipal Code as adopted by Ordinance # 01-01H.
7. As conditioned, the proposal is consistent with Title 17 “Subdivision”, Title 19 “Environment”, and Title 20 “Development Standards”, of the Douglas County Code.
8. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Douglas County Code and Comprehensive Plan.
9. As conditioned, the proposal does conform to the standards specified in Douglas County Code.
10. As conditioned, the use will comply with all required performance standards as specified in Douglas County Code.
11. 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.

12. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
13. 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-09-02, Family Home Investments, 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 and application materials of file dated March 23, 2009, March 26, 2009 and April 10, 2009 except as amended by the conditions herein.
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. A plat certificate showing parties of interest from a title company must be submitted with the blueline drawings.
5. The final plat map shall be submitted by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
6. All parties having an ownership interest in the subject property shall acknowledge the plat.
7. 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.
8. 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

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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.

9. The following notes shall appear on the face of the plat:
 - ***The maximum lot coverage for each lot shall be 55%.***
 - ***Lots 2-12, and 14-23 shall have a front yard setback of 15 feet, except that garages must be set back at least 18 feet from the right-of-way.***
10. A dust abatement plan shall be developed prior to any clearing, grading, and/or construction. At a minimum, water shall be made available during clearing, grading and construction and applied in a manner to control fugitive dust. A 24 hour a day contact phone number for the contractor responsible for dust control shall be provided to Douglas County. Washington State Department of Ecology accepted dust control measures (Publication Number 96-433) shall be adhered to, both during and after construction.
11. 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.
12. The final plat shall show the location of all easements serving or encumbering the subject property.
13. To facilitate efficient emergency response affecting public health and safety, an addressing plan shall be assigned by the Douglas County Geographic Information System Coordinator during blue line review of the final plat. Contact Todd Wilson at 509-884-7173 prior to blueline submittal to select appropriate road names. The road name must begin with either M or N. The prefix will be N (North) and the suffix will be Ave. Addresses for each lot shall be shown on the face of the final plat mylar prior to final plat approval.
14. 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, *Performance Assurance and Guarantee*. Bonding of improvements in lieu of construction shall be at the discretion of Douglas County.

15. The location of existing utilities (i.e. power, sewer, water and irrigation lines, etc.) and utility and private access road easements shall be depicted on the face of the final plat.
16. Prior to final plat approval an agreement must be entered into with Eastmont School District #206 to mitigate the impact on schools that either provides a proportionate dedication of land for schools and school grounds or that the developer enter into a voluntary agreement for payment in lieu of dedication in accordance with RCW 82.02.020.
17. The developer shall install all utilities in accordance with the standards and specifications of the Douglas County PUD, East Wenatchee Water District, Douglas County Sewer District #1, Greater Wenatchee Irrigation District and Douglas County Fire District #2. All utilities shall be located underground.
18. The developer shall prepare final plans for the development and installation of utilities for the approval of the respective purveyors prior to site development. Final “as-built” drawings shall be delivered to purveyors upon completion.
19. 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.
20. Prior to final plat approval, written verification from the East Wenatchee Water District that the requirements of the District have been satisfied and certifying water availability is required.
21. Prior to final plat approval, written verification from the Greater Wenatchee Irrigation District that the requirements of the District have been satisfied is required.
22. Site monitoring of the grading activity is required by a qualified engineer/geologist to verify proper soils compaction of building pads in relation to footing and foundations for structures. Prior to final plat approval, an engineer’s report certifying proper soil compaction for building pads has been met.
23. Written verification from Douglas County Fire District #2 that adequate fire protection measures meeting the Uniform Fire Code and DCC 15.28 are in place. Roadways shall meet Chapter 15.24 or Douglas County Road Standards for emergency access.

24. Prior to final plat approval, written verification from the Douglas County Sewer District No. 1 that the requirements of the District have been satisfied is required.
25. Written verification of the availability of public water and sanitary sewer to each lot must be submitted to the Chelan Douglas Health District prior to final plat approval.
26. The following language must appear with the Health District signature line:
 - “The Health District makes no representation as to the legal availability of water to this plat.”
27. Final plans for on-site and off-site 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 Comprehensive Road Standards as updated at the time of final plat approval, and other applicable existing code requirements.
28. Final design plans for the improvements in public right-of-way and affecting existing public facilities require County acceptance prior to the start of construction.
29. All grading and excavation shall conform to the recently adopted Grading and Excavation code, Ord No. TLS 09-01-04B.
30. Prior to final plat approval, a 1-foot non-vehicular access easement shall be recorded and shown along the northern end of the internal roadway. Access to adjoining parcels shall be authorized only after extension of full improvements.
31. The required road improvements for this development shall include:
 - Half street frontage improvements to 5th Street NE shall be constructed along the project limits in accordance with Figure 3-7b, Urban Local Access road. Right-of-way shall be dedicated as necessary to bring the width from monumented centerline up to thirty (30) feet.
 - The internal roadway shall be a full width street in accordance with Figure 3-7b, Urban Local Access Road. This standard includes a full street width of 36 feet curb to curb, sidewalk, curb and gutter both sides.
 - Right-of-way shall be secured and dedicated for the internal roadway to accommodate full width construction through the proposed development.
 - The intersection of the interior road system with 5th Street NE shall be constructed in accordance with Figure 3-7b, Urban Local Access Road. 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.
 - A temporary turn around is required at the end of the local access street, and may include a cul-de-sac or hammerhead configuration. Turnaround improvements shall consist of a pavement section in accordance with figure 3-7b of the Road Standards; including curb, gutter, and sidewalk, storm drainage facilities , and provisions for snow removal and storage. Measure to accommodate snow removal and storage shall be shown on the construction plans and final plat. Portions of the temporary turnaround outside of the right-of-way shall be within a temporary easement, to be relinquished upon extension of the roadway. The temporary turnaround shall be approved by the Douglas County Fire Marshall and the County Engineer.
32. All new or revised driveways and access 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*. The final plat mylar shall identify that all proposed lots shall access from the internal roadway.
 33. Illumination shall be designed and installed consistent with Section 12.57.100, *Roadway Illumination*, and follow Douglas PUD Standards for un-metered lights. The applicant shall be responsible for PUD charges for connection of street lights to the transformer or hand hole.
 34. 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.
 35. 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*.
 36. Utility installation/replacement/upgrade within the Douglas County right-of-way, including, but not limited to 5th Street NE shall be approved by Douglas County. Damage to existing roads, both public and private, (Including but not limited to 5th

Street NE.) 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 street 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*.

37. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
38. A final storm water 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. 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.
40. The Preliminary Drainage Report indicates 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.
41. In accordance with the Stormwater Management Manual for Eastern Washington, design and maintenance criteria for infiltration ponds and the policies of the Greater East Wenatchee Storm Water Utility Management Team, new stormwater facilities shall be above ground facilities, located on a separate tract which are adjacent to and providing an emergency overflow to public right-of-way. This policy provides for

maintenance, inspection and access to the facility and provides additional protection to downstream properties from overflows in the event of failure of the stormwater facility.

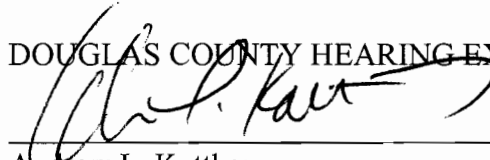
42. The following core element requirements contained in the Stormwater Management Manual for Eastern Washington, must be satisfied by the Developer prior to acceptance of the construction plans:
 - Core Element #1 Preparation of a stormwater site plan;
 - Core Element #2 Construction of stormwater pollution prevention;
 - Core Element #3 Source control of pollution;
 - Core Element #4 Preservation of natural drainage systems;
 - Core Element #5 Runoff treatment;
 - Core Element #7 Operations and Maintenance
43. 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 final 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 stormwater 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.
44. Stormwater detention facilities shall be located in a separate tract, 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.
45. Storm drainage tracts and stormwater easements shall be clearly noted on the face of the plat. Restrictions on future use and grading allowed within the areas must be clearly noted and described in the homeowner's association documents or protective covenants and with the operation and maintenance agreement for the stormwater facilities.
46. An Operation and Maintenance document 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.

47. Erosion control measures shall be designed in accordance with 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.
48. Covenants for the subdivision shall incorporate a statement that lot owners are responsible for preventing stormwater runoff from discharging from their lot and onto adjacent properties.
49. Stormwater system design may 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 west & east of the proposed subdivision.
50. Phasing of storm drainage improvements will not be allowed.
51. 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:
 - a. 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.
 - b. Provide on site monitoring of the construction of the UIC facilities.
 - c. 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.
 - d. Provide a copy of the UIC facility registration approval from the Department of Ecology.
 - e. Certify that the facilities were constructed in accordance with the plans, prior to acceptance of the facilities by Douglas County.
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. Acquisition of permits is the responsibility of the applicant.
53. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked otherwise discharging onto the public right-of-way or adjacent properties.

54. 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.
55. 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. The SWPPP shall be submitted and accepted prior to on-site grading taking place.
56. 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 16th day of June, 2009.

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.

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