

Douglas County Hearing Examiner

Andrew L. Kottkamp, Hearing Examiner

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP-09-05 & BSP-08-01B)	DECISION AND
Western Cascades)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on February 18, 2010, 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 Western Cascade Land Development, PO Box 1150, Ephrata, WA 98823.
2. General Description: Western Cascade Land Development has submitted a Binding Site Plan amendment to BSP-08-01 and BSP-08-01A changing the lot configuration and grading plan. The previous binding site plans were for 11 lots, while BSP-08-01B proposes the creation of 7 lots. The conditional use permit application is for bulk gravel sales and an asphalt plant on future lot 2. The operations at this site include grading, mineral extraction, crushing, processing, asphalt production, hauling materials and other associated activities. The proposal includes scales, an office trailer, stockpiles and a portable asphalt plant.
3. Location: The subject property is located at 295 Urban Industrial Avenue, and is further described as being located in the Northeast ¼ of the Southwest ¼ of Section 9, and partially within the Northwest ¼ of the Southeast ¼ of Section 9, Township 22 North, Range 21 East, W.M., Douglas County, Washington. The Douglas County Assessor Number for the subject property is 22210930014.

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4. Site Information:
Total Project Size: Approximately 22.58 acres
No. of lots: 7
Power/Electricity: Douglas County PUD
Water: East Wenatchee Water District
Sanitation: Douglas County Sewer District
Fire Protection: Douglas County Fire District #2
5. Site Characteristics: The site is currently vacant, located adjacent to industrial development, orchard and hillside.
6. Surrounding Property: To the north- Vacant hillside; to the south- Vacant and BSP-06-01 developed lots; to the east- Vacant and BSP-06-01 developed lots; to the west- Orchard and single family home.
7. Access: The project accesses Urban Industrial Ave.
8. The subject property is located within the Douglas County Countywide Comprehensive Plan. The Comprehensive Plan designation is General Industrial.
9. The subject property is located in the General Industrial zoning district which allows for asphalt/concrete batch plants, and bulk gravel sales as a conditional use if the development standards of DCC 18.60 and evaluation criteria of DCC 18.80 are met.
10. The subject property meets the minimum performance standards of the General Industrial (I-G) zoning district.
11. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedure, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications. (DCC 14.08.015)
12. Douglas County Critical Areas maps identify geologically hazardous areas (severe building soils) on the subject property. A Geologic Hazard Risk Assessment by Jonathan B. Hamilton, C.E.G dated February 20, 2008 was submitted.
13. The subject property received preliminary approval for binding site plan numbers BSP-08-01 then BSP-08-01A. Final approval was not received.
14. The bulk gravel sales and asphalt plant is to be located on proposed lot 2.
15. The subject property is within the Airport Overlay District for the Pangborn Memorial Airport.

16. The Pangborn Industrial Service Area is designated as an Urban Growth Area and can be described as an industrial UGA.
17. Noise levels are limited to 65 decibels (dBA) at property lines where residential uses are adjacent to property. (DCC Chapter 8.04)
18. A commercial building permit has been submitted (BPC-10-001) for the installation of a recycling facility located on proposed lot 1.
19. The processing of materials on-site, including screening, crushing, and batch operations may be approved by the review authority if such materials are for reuse on the site or for application to other lands in the same I-G district. (DCC Chapter 18.60.060).
20. A landscaping plan by Eco Plan Design, Dated January 27, 2010, received January 29, 2010 was submitted for proposed lot 2. The applicant has proposed to install a portion of the landscaping on lot two at a later date. The landscaping requirements have been split into two phases.
21. A reclamation plan dated January 25, 2010 by Erlandsen was submitted.
22. As part of the reclamation plan, the applicant proposes to track and hydroseed all slopes.
23. The applicant has proposed to be complete by September of 2010 with site grading and reclamation.
24. DNR's process is to issue new permits after appropriate permits have been issued by Douglas County.
25. Urban Industrial Way is currently classified as Urban Local Access. The existing half-street roadway consists of thirty-four (34) feet of asphalt, curb, gutter, and sidewalk one side.
26. The subject property is within the Battermann Venture Road Reimbursement Area.
27. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
28. Section 12.50.150, D.C.C., authorizes the requirement of frontage and off-site improvements to the transportation system that serves the development.

29. 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 connection to existing roads.
30. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
31. Douglas County issued a Determination of Non-significance on February 8, 2010 in accordance with WAC 197-11-355 (Optional DNS).
32. 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.
33. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
34. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
35. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
36. The entire Planning Staff file was admitted into the record at the public hearing.
37. The Douglas County Department of Land Services recommended approval of the requested permit(s), subject to the recommended conditions of approval.
38. Public hearing after due legal notice was held on February 18, 2010. Appearing and testifying on behalf of the applicant was Mike Harr. Mr. Harr testified that he was an agent of the applicant authorized to appear and speak on their behalf. Mr. Harr had a question about proposed Condition of Approval No. 18 regarding whether or not a building permit would be necessary for a temporary asphalt plant. Further, Mr. Harr had a question about proposed Condition of Approval No. 27 and the second bullet which relates to road improvements. He also had questions about proposed Condition of Approval No. 50, indicating that the plan had been submitted. Mr. Harr indicated that all of the other proposed conditions of approval were acceptable to the applicant.
39. No members of the public testified at the hearing.
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 cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
43. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
44. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
45. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
46. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified.
47. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the proposal is consistent with Title 17 “Subdivisions”, Title 18 “Zoning”, and Title 19 “Environment” of the Douglas County Code.
3. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
4. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Public use and interests will be served by approval of this proposal.

7. As conditioned, the proposal is consistent with Title 18 "Zoning" 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 CUP-09-05 & BSP-08-01B, Western Cascades, 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 submitted November 24, 2009, amended on January 14, 2010, January 28, 2010, January 29, 2010, February 1, 2010 and on file 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. 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 approval.
5. A plat certificate showing parties of interest from a title company must accompany the final binding site plan in accordance with RCW 58.17.165. All parties having ownership interest in the subject property shall acknowledge the binding site plan.
6. The following items shall be shown on the final binding site plan:
 - The location of all utilities, including underground electrical lines shown as existing utility easements and private road access easements.
 - Adjacent platted subdivisions and/or property owners.
 - The name(s) of the roads accessing the lot(s).
 - Property addresses for the each lot (contact Todd Wilson, Douglas County GIS coordinator, at 884-7173).
7. Written documentation from the following agencies must be submitted to Douglas County Land Services prior to final binding site plan approval verifying that all conditions and improvements have been completed to the satisfaction of the agencies:
 - East Wenatchee Water District
 - Chelan-Douglas Health District
 - Douglas County PUD
 - Douglas County Fire District #2
 - Douglas County Sewer District
 - Washington State Department of Natural Resources
8. The CUP for industrial development is required to provide water mains & hydrants in compliance with DCC 15.28.010. Fire flow for industrial development is 1,500 gallons per minute for a two hour duration.
9. All appropriate permits shall be attained from WSDNR prior to activity on lot two, and grading.
10. Emergency access shall comply with DCC 15.24.010-50.
11. All structures must meet minimum setbacks to the new property lines.
12. Parking lot lights, security lights, or any exterior lighting shall be of low-intensity and designed to project toward the property, or shall be shielded to keep light from directly projecting over property lines.

13. Site grading and all associated activities shall be completed and all equipment, stockpiles, and materials removed from the site by September 30, 2010. The director may authorize an extension of time up to a maximum of six additional months.
14. The following notes shall be placed on the final binding site plan:
 - *“Prior to occupancy, certification shall be provided from the Engineer of Record that the stormwater system was installed in accordance with the plans submitted.”*
 - *“Prior to occupancy, an Operation and Maintenance agreement shall be recorded for the private on-site systems”*
 - *“At the time of building permit submittal, an engineered stormwater plan, including an operation and maintenance plan, to retain all runoff from on-site improvements, including but not limited to buildings and other impervious surfaces, shall be submitted in accordance with Douglas County Code.”*
 - *“Concurrent with the submittal of building permit applications, applicants must submit a letter from a licensed geotechnical professional that site and construction plans conform to the conclusions and recommendations of the Geologic Hazard Risk Assessment by Jonathan B. Hamilton, C.E.G dated February 20, 2008, as recorded under AFN _____.”*
15. The hours of operation shall be limited to 6 am to 9 pm M-F for all activities.
16. All operations shall be conducted in a manner that complies with the applicable requirements of WAC 173-60, including the maximum permissible environmental noise levels specified in WAC 173-60-040 and the provisions of Douglas County Code, Chapter 8.04 “Noise”.
17. If the noise levels specified in WAC 173-60-040 or DCC, Chapter 8.04 cannot be met, the applicant shall cease operations.
18. The asphalt plant operations shall use recognized best management practices to reduce odor associated with operations. If Douglas County Transportation Land Services receives written complaints regarding odors created by the Central Washington Concrete operations, the owner/operator will take immediate action. Such action shall result in an improvement to the efficiency of the operation, including but not limited to installation of odor control equipment and if necessary the operation shall be shut down until environmental conditions improve or the asphalt odor has been sufficiently mitigated. If the odor is not sufficiently mitigated then the applicant/owner may take the matter to the Hearings examiner for remedial action.
19. Prior to the placement of asphalt plant structures, applicable building permits must be obtained from Douglas County.

20. The maximum height of stockpiles shall not exceed 30 feet.
21. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the Douglas County Coroner (509-745-8535 ext. 210), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534) the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony.
22. Phase 1 of required landscaping, consistent with the approved landscaping plan for Lot 2 shall be installed, and phase 2 must have a surety agreement in place prior to commencing asphalt plant and gravel sales operations.
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 binding site plan approval, and other applicable existing code requirements.
24. 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.
25. All grading and excavation shall conform to the recently adopted "Grading and Excavation Code, Ordinance No. TLS 09-01-04B." These standards are currently available for reference on the Douglas County website, www.douglascountywa.net.
26. Construction of on site transportation improvements may be phased. Dedication of right-of-way to facilitate construction of future transportation improvements shall not be phased.
27. Prior to final binding site plan approval a 1-foot non-vehicular access easement shall be recorded and shown along the borders of the parent parcel, with the exception of the right-of-way for Urban Industrial Way. All lots shall access from the internal roadways.

28. The development application includes an extension of Urban Industrial Way, an internal roadway leg to the western portion of the site, (B-Line), and a private access easement to access proposed Lot 1 at the eastern portion of the site. The Pangborn Industrial Service area is designated as an urban growth area, according to the Douglas County Comprehensive Plan. The minimum standards for transportation improvements are defined in Douglas County Code, and noted below:
- Urban Industrial Way is currently classified as Urban Local Access. The existing half-street roadway consists of thirty-four (34) feet of asphalt, curb, gutter, and sidewalk one side. However, in order to plan for future connectivity and adequate capacity for development of surrounding properties likely to be accessed by Urban Industrial Way, the proposed extension of the roadway shall be constructed to the Urban Collector standard, Figure 3-8. This is consistent with previously constructed improvements. The applicable standard includes a full street asphalt width of forty-four (44) feet, and includes curb, gutter, and sidewalk. ROW shall be dedicated as necessary for a total width of 70 feet.
 - The applicable roadway standard for the internal east-west roadway (B-Line) is Figure 3-7a, Urban Local Access, AADT under 200. This standard includes a full street asphalt width of thirty-two (32) feet. ROW shall be dedicated as necessary for a total width of 60 feet. A deviation has been previously approved by the County Engineer for B-line consisting of a 2-foot roadside ditch, and sidewalks located behind the ditch within easements. B-Line shall not extend to the western property line.
 - The intersections of the interior road system with Urban Industrial Way 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.
 - A temporary turnaround is required at the end of Urban Industrial Way, and a permanent turnaround is required at the end of B-Line, 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 binding site plan. The turnarounds shall be approved by the Douglas County Fire Marshall and the County Engineer.
 - The Battermann Venture Road Reimbursement Area has identified the estimated developer pro-rata share contribution for intersection improvements at Grant Road and Urban Industrial Avenue. Contributions are towards the cost of constructing a roundabout at the intersection of Grant Road/Urban Industrial Way/Realigned Airport Way. Prior to final approval the applicant shall enter into an agreement to participate in or otherwise satisfy the identified financial contribution of the cost of the intersection improvements. Prior to final approval of the Binding Site Plan, the intersection mitigation identified by Douglas County shall be completed.

- The Battermann Venture Road Reimbursement Area has identified the estimated developer pro-rata share contribution for previously constructed Urban Industrial Way improvements. Contributions are towards reimbursement of the cost of constructing Urban Industrial Way. Prior to final approval the applicant shall enter into an agreement to participate in or otherwise satisfy the identified financial contribution of the cost of the intersection improvements.
29. Pavement sections included in the Douglas County Road Standard are minimum sections allowable. The applicant shall provide a geotechnical analysis of the suitability of the on-site soils to support a road section and associated industrial traffic. If the geotechnical analysis determines that a greater pavement section is warranted then the recommendations contained in the geotechnical analysis shall become the minimum section.
 30. Removal of material from the site may require a haul-route agreement with Douglas County Transportation. Per DCC 12.28.150, the applicant shall apply to Douglas County Transportation before commencing any hauling operations.
 31. 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.
 32. Illumination shall be designed and installed consistent with Douglas County Code Section 12.58.100 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. The following shall also apply due to the close proximity of the Pangborn Memorial Airport:
 - Luminaries shall have flat face cut off lenses to reduce glare.
 - Other FAA design requirements may supersede the stated standards.
 - Prior to acceptance of the construction plans by Douglas County, the applicant shall provide plans to the Pangborn Airport Manager for review.
 - Documentation from the Pangborn Airport Manager that the illumination design is acceptable shall be provided.
 33. All improvements shall be in place prior to final binding site plan 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.

34. Prior to final binding site plan approval, requirements for acceptance of the constructed improvements shall be meet in accordance with the Road Standards, including Section 12.56.110 Final Acceptance, and 12.50.110 Performance Assurance, B. Maintenance Performance.
35. Prior to final binding site plan 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.
36. Utility installation/replacement/upgrade within the Douglas County right-of-way, including but not limited to Grant Road and Urban Industrial Way shall be approved by Douglas County. Damage to existing roads, both public and private, (including but not limited to Grant Road and Urban Industrial Way) 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 binding site plan 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
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 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 binding site plan approval, an operation and maintenance agreement must be recorded and AF# referenced on the face of the final binding site plan regarding the private stormwater facilities. Said agreement may not be incorporated into proposed protective covenants. It shall be clearly noted on the face of the binding site plan 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 Business Park Association as having responsibility for the long-term maintenance of the private stormwater drainage system within the development.
40. 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).
41. The Preliminary Storm Drainage Report dated November 2009 notes infiltration rates based on sieve analysis of the on-site soils. Infiltration testing shall be performed prior to acceptance of the final plans and report, in order to verify the suitability of the site to accommodate the proposed system.
42. 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. 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.
43. Storm drainage tracts and stormwater conveyance easements shall be clearly noted on the face of the binding site plan. Restrictions on future use and grading allowed within these areas must be clearly noted and described in the Business Park Association documents and within the operation and maintenance agreement for the stormwater facilities.

44. Stormwater system design shall include features, contained within an easement to be shown on the final binding site plan, designed to prevent the runoff of stormwater onto adjacent properties.
45. Business Park Association documents shall incorporate a statement that lots owners are responsible for preventing stormwater runoff from discharging from their lot and onto adjacent properties.
46. Phasing of storm drainage improvements will not be allowed.
47. 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
48. 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.
49. 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. The existing SWPPP shall be updated to include removal of materials from the site.
50. 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.

51. 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.
52. Preliminary approval shall expire five (5) years from the date of this Notice of Action. Binding site plan approval after the expiration will require the submittal of a new binding sit plan application for consideration. Consideration for approval shall be based upon the applicable documents and codes in effect at the time of submittal of a complete application.

Dated this 23rd day of February, 2010.

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.