

Douglas County Hearing Examiner

Andrew L. Kottkamp, Hearing Examiner

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P-09-03)	DECISION AND
Farmdale East)	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 Nile Street, LLC. P.O. Box 119, Wenatchee, WA 98807.
2. General Description: Nile Street, LLC has submitted a major subdivision application to divide approximately 5.75 acres into twenty-four (24) lots. The lot sizes will range from 5,462- 8,961 square feet with a lot size average of 7,203 square feet. The subdivision is proposed to be served by domestic water, and sewer.
3. Location: The subject property is located off of Nile Avenue and 3rd St. NE, and is further described as being in NW ¼ of the SW ¼ of Section 8, Township 22 North, Range 21 East, W.M, Douglas County, Washington. The Douglas County Assessor Numbers for the subject property are 22210830017 & 22210830024.
4. Site Information:

Total Project Size:	5.75 acres
No. of lots:	24
Domestic Water:	East Wenatchee Water District
Sewage Disposal:	Douglas County Sewer District
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Verizon

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5. The subject property is characterized as gently rolling with the steepest slope at approximately 7%. The site is currently undeveloped. No structures exist on the site.
6. Surrounding Property: To the north, Single Family Residences – Schwilke Short Plat; to the south, Single Family Residences; to the east, Single Family Residences – Sandum Short Plat; to the west, Single Family Residences.
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. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 ‘Zoning’ of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary.
10. The Comprehensive Plan Designation is Low Residential.
11. The subject property is located in the R-L zoning district which allows for subdivisions.
12. In order to meet the state requirements for Enhanced 911 Service, all lots within this plat will be addressed prior to final plat approval.
13. RCW 58.17.110(2) requires that appropriate and adequate provisions be made for streets or roads, alleys or other public ways.
14. Access would be off North Nile Avenue.
15. Section 12.50.150, D.C.C., authorizes the requirement of frontage and off-site improvements to the transportation system that serves the development.
16. 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.
17. Section 17.04.040(A), D.C.C., authorizes dedications of right-of-way and improvements to the area directly affected by the development.
18. The existing condition of North Nile Avenue includes thirteen (13) foot BST lanes, two (2) foot BST shoulders, with no curb, gutter, or sidewalk.
19. The applicable standard requires widening the east side of North Nile Avenue to a width of twenty-four (24) feet from centerline, per Figure 3-8, Urban Arterial.

20. Due to the location of existing Douglas County PUD transmission/distribution power poles, widening to a width of nineteen (19) feet from centerline is the maximum feasible width without relocation of the power poles. The PUD has requested that all efforts should be directed to minimize the impact to these facilities. A deviation from standard reflecting the reduced roadway width has been approved by the County Engineer. ROW shall be dedicated as necessary to bring the width from monumented centerline up to 35 feet.
21. Comments from reviewing agencies have been considered and addressed where appropriate.
22. These lots were created under the lot size averaging provision of EWMC Chapter 17.72.045.
23. Douglas County issued a Determination of Non-significance on February 8, 2010 in accordance with WAC 197-11-355 (Optional DNS).
24. 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.
25. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
26. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
27. 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.
28. 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.
29. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
30. The entire Planning Staff file was admitted into the record at the public hearing.
31. The Douglas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.

32. Public hearing after due legal notice was held on February 18, 2010. Appearing and testifying on behalf of the applicant was Gary Bates. Mr. Bates testified that he was an agent authorized to appear and speak on behalf of the applicant. He indicated that all proposed conditions of approval were acceptable with the following exceptions and/or clarifications:
- A. Proposed Condition 18, first bullet: Mr. Bates wanted some clarification as to whether 35 feet was the amount of right-of-way that was required.
 - B. Proposed Condition 18, fourth bullet: Mr. Bates indicated that the applicant would prefer to dedicate 26 feet and not 5 feet.
 - C. Proposed Condition 18, last bullet: Mr. Bates questioned whether there was a need to actually engineer the road that would go through the property to the east end of the property.
 - D. Proposed Condition 20: They would like to minimize the lighting impacts and because one intersection would only be half completed pursuant to this project, that possibly the installation of that street light at that location could be delayed until finalization of that intersection.
 - E. Proposed Conditions 27-39: Generally speaking Mr. Bates had requested clarification regarding these conditions and thought that they could be simplified. He thought that there may be conflicting provisions within these proposed conditions in that some of them seem to require the homeowners association to reference stormwater maintenance and others prohibited. After discussion with Public Works, Mr. Bates indicated that the clarifications by Public Works were satisfactory. The maintenance and operation agreement will include Douglas County as a party and therefore Douglas County will be able to enforce that recorded maintenance and operation agreement. The homeowners association covenants will simply reference that homeowners agreement and require the homeowners association to comply with that maintenance and operation agreement.
33. Testifying from the public was Peter Lind. Mr. Lind is a neighbor of the project and has an observatory in his backyard. He is hoping for a covenant for "dark sky" friendly lighting where the lighting would be directed downward as to not interfere with his observatory. Admitted as Exhibit 1 to this hearing was a packet of information submitted by Mr. Lind including his May 27, 2009, letter to Selland Construction, his July 16, 2009, letter to Selland Construction, his July 21, 2009, letter to Marla Olson of Douglas County Transportation and Land Services, and various information regarding dark sky compatible lighting.
34. The Hearing Examiner kept the record open to allow Douglas County to respond to the request by the applicant to delay the installation of the street light. The record was kept open until 5:00 p.m., Friday, February 19, 2010. Submitted by Douglas

County is a memorandum from Douglas Bramlette, County Engineer, to Marla Olson. Through this memorandum, Mr. Bramlette describes the two intersections and indicates that Douglas County was agreeable to the proposal that the applicant only be required to install one of the typically required street lighting standards with the remaining intersection street lighting to be installed when the western portion of the intersection(s) are constructed.

35. The Hearing Examiner finds that this street lighting proposal is reasonable but that the applicant shall be financially obligated for the expense of the installation of that later installed street lighting standards.
36. 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.
37. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
38. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
39. 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-09-03, Farmdale East, 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 June 30, 2009, December 17, 2009, January 15, 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. A plat certificate showing parties of interest from a title company must be submitted with the blueline drawing. All parties having an ownership interest in the subject property shall acknowledge the plat.
5. The final plat shall be submitted by a land surveyor licensed in the state of Washington and shall comply with the standards of Douglas County Code Title 17.
6. 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.
7. 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.
8. During Blueline Review building envelopes shall be depicted on corner lots with side and rear yards identified to ensure an adequate building envelope..
9. Lot frontage is required to be a minimum of thirty feet.
10. Prior to final plat approval an agreement must be entered into with Eastmont School District #206 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.
11. The following items shall be shown on the final plat:
 - The location of all utilities and utility 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).
 - Any existing underground electrical lines must be located and shown as existing utility easements on the plat.
12. The developer shall coordinate with the following agencies and written documentation from these agencies must be submitted to Douglas County Land Services prior to final plat approval verifying that all conditions and improvements have been completed to the satisfaction of the agencies:
 - Douglas County Public Utility District
 - East Wenatchee Water District
 - Douglas County Sewer District
 - Chelan Douglas Health District
 - Douglas County Fire District #2

- Verizon
 - Greater Wenatchee Irrigation District
 - Pangborn Airport
13. The following language must appear with the Chelan-Douglas Health District's signature line:
- *"The Health District has not reviewed the legal availability of water to this development."*
14. The following note(s) shall appear on the final plat:
- *"These lots were created under the lot size averaging provision of EWMC Chapter 17.72.045. All lots shall have a maximum lot coverage of 55 percent."*
 - *"The subject property is located within an airport overlay district in which a variety of aviation activities occur. Such activities may include but are not limited to noise, vibration, chemicals, odors, hours of operation and other associated activities."*
15. 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.
16. 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.
17. 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.
18. Prior to final plat approval a 1-foot non-vehicular access easement shall be recorded and shown along the property line with parcels 22210830023 (Sunkel), and 22210830060 (Gale). Access to adjoining parcels shall be authorized only after completion of full width roadway improvements.
19. The development application includes frontage improvements to North Nile Avenue to address existing deficiencies of transportation facilities, an extension of 3rd Street NE, an internal loop roadway (Road B), and an eastern boundary road (Road A) to provide future north-south connectivity and access to adjacent parcels. The minimum standards for transportation improvements are defined in Douglas County Code, and noted below:

- The existing condition of North Nile Avenue includes thirteen (13) foot BST lanes, two (2) foot BST shoulders, with no curb, gutter, or sidewalk. The applicable standard requires widening the east side of North Nile Avenue to a width of twenty-four (24) feet from centerline, per Figure 3-8, Urban Arterial. Due to the location of existing Douglas County PUD transmission/distribution power poles, widening to a width of nineteen (19) feet from centerline is the maximum feasible width without relocation of the power poles. The PUD has requested that all efforts should be directed to minimize the impact to these facilities. A deviation from standard reflecting the reduced roadway width has been approved by the County Engineer. ROW shall be dedicated as necessary to bring the width from monumented centerline up to 35 feet.
 - The applicable roadway standard for the proposed extension of 3rd Street NE is Figure 3-7b, Urban Local Access, AADT over 200. This standard includes a full street asphalt width of thirty-six (36) feet. The preliminary construction plans include only a thirty-two (32) feet street. Thirty-six (36) feet is the minimum acceptable standard. ROW shall be dedicated as necessary for a total width of 50 feet, and 30 feet minimum for the “half-street” twenty-four (24) foot roadway section.
 - The applicable roadway standard for the internal loop roadway (Road B) 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 50 feet.
 - The applicable roadway standard for the eastern boundary road (Road A) is Figure 3-7b, Urban Local Access, AADT under 200. This standard includes a full-street asphalt width of thirty-six (36) feet. No lots from this subdivision will directly access Road A. The eastern boundary roadway (Road A) shall be constructed as a “half-street roadway” to a minimum total pavement width of twenty (20) feet. ROW shall be dedicated as necessary for a total width of 25 feet.
 - *The proposed road configuration is subject to review and acceptance by the County Engineer. The construction plans shall provide sufficient data beyond the eastern property line to determine the feasibility of the future connectivity of the internal local access road system to future road systems to the east of the property.*
20. 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*. The final plat mylar shall identify that the following lots shall access the proposed roads:
- Lots 1-4: Road B
 - Lot 11, Lot 12: Road B
 - Lot 20, Lot 21: 3rd Street NE

21. Illumination shall be designed and installed consistent with Douglas County Code 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.
22. 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.
23. 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 Douglas County Road Standards, with final reports submitted to Douglas County.
24. 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*.
25. Utility installation/replacement/upgrade within the Douglas County right-of-way, including but not limited to North Nile Avenue, and 3rd Street NE shall be approved by Douglas County. Damage to existing roads, both public and private, (including but not limited to North Nile Avenue and 3rd 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 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*.
 - An offsite sewer connection is proposed within 3rd Street NE, west of North Nile Avenue to North Newark Avenue. Upon completion of the utility installation,

typical trench repair will be required, and a one (1) inch half-street overlay due to the extent of lane disturbance.

26. Five foot utility easements are required along all lots or tracts with county road frontage in accordance with the Douglas County Road Standards.
27. 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.
28. 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.
29. 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 not 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.
30. Design and construction of the stormwater facilities for the site and roadways 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).
31. 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.

32. 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 contain 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.
33. Stormwater detention facilities shall be located on 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.
34. 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.
35. 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.
36. 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.
37. 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 north, south, and east of the proposed subdivision.

38. 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.
39. Phasing of storm drainage improvements will not be allowed.
40. The use of drywell/underground injection facilities shall be minimized, and must be approved by the Douglas County Engineer. Drywell facilities shall be located entirely outside of the ROW, with operation and maintenance duties borne by the homeowners association. 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.
41. 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
42. 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.
43. 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.

44. 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.
45. Preliminary approval of this subdivision is valid for 5 years from the date of Notice of Action by the Douglas County Hearing Examiner. If a final plat is not recorded during this approval period, a new application will be necessary to divide the property. This new submittal will be based upon the current development regulations in place at that time.
46. Public street lighting standards shall comply with “dark sky” standards to the extent allowed by City, County and/or agencies with jurisdiction, regulations.
47. The two roadway intersections along the eastern property line will only require installation of street lighting standards on the western half of the intersections. Street lighting standards on the eastern half of the intersections may be postponed until the eastern half of the intersections are constructed. The applicant shall be financially responsible for the cost of installation of these street lighting standards on the eastern half of the intersections.

Dated this 22nd 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.