

**DECISION of the SNOHOMISH  
COUNTY HEARING EXAMINER  
GRANTING IN PART AND DENYING IN PART  
PETITION FOR RECONSIDERATION**

DATE OF DECISION: September 16, 2008

PLAT/PROJECT NAME: *Northridge Estates*

APPLICANT/  
LANDOWNER: Timberland Development LLC

FILE NO.: 06 103921-000-00-SD

**INTRODUCTION**

The applicant filed a motion for reconsideration dated and received by the Hearing Examiner's office on July 18, 2008. The Examiner ruled in part on the motion, granting the request to modify a condition limiting the watering of lawns, and called for comments on the other request to convert the proposed public road to a gated private road, specifically directing the Department of Planning and Development Services to ensure that the County Engineer or Public Works Director, whomever has the final say on the determination of road status, comments on the request made by applicant. Despite that direction, no additional comments were received.

**ANALYSIS**

The Examiner has already ruled on the first issue in the August 5, 2008 Order.

The Examiner has no choice but to deny the Applicant's request on the second issue. Under SCC 30.41A.210(1), all subdivisions must be served by an open constructed to which the road system within the subdivision must connect, except as provided in SCC 30.41A.210(2), (3), and (15). Although SCC 30.41A.210(3) and (15) both permit private roads within rural cluster subdivisions, they are only allowed with the county engineer's approval. Since the applicant does not have the county engineer's approval, the request is denied.

**DECISION**

For the foregoing reasons, applicant's Petitions for Reconsideration is GRANTED as to the request to modify Condition ix, and Condition ix shall now read:

- ix. Outdoor water use of the domestic water is limited; total outdoor watering for all 19 residences under the water permit exemption (RCW 90.44.050) shall not exceed one-half acre as required by state law (WAC 173-505-090(g)). ~~Only native vegetation and low maintenance landscaping requiring little or no water are permitted on lots; no grass lawns are permitted.~~ Watering limits shall be enforced by the homeowners association.

The applicant's Petitions for Reconsideration is DENIED as to the request to convert the public road to a private road.

Decision issued this 16<sup>th</sup> day of September, 2008.

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Barbara Dykes, Hearing Examiner

<b>EXPLANATION OF APPEAL PROCEDURES</b>
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An appeal to the County Council of the Decision after reconsideration may be filed by any aggrieved Party of Record. "If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the county council shall be limited to those issues raised in the petition for reconsideration." [SCC 30.72.070(2)] Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County East-Administration Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **SEPTEMBER 30, 2008** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the county and PROVIDED FURTHER that the filing fee shall be refunded in any case where an appeal is dismissed in whole without hearing under SCC 30.72.075.

An appeal must contain the following items in order to be complete: a detailed statement of the grounds for appeal; a detailed statement of the facts upon which the appeal is based, including citations to specific Hearing Examiner Findings, Conclusions, exhibits or oral testimony; written arguments in support of the appeal; the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and the required filing fee.

The grounds for filing an appeal are limited to the following:

- (a) the Examiner exceeded his jurisdiction;
- (b) the Examiner failed to follow the applicable procedure in reaching his decision;
- (c) the Examiner committed an error of law or misinterpreted the applicable comprehensive plan, provisions of Snohomish County Code, or other county or state law or regulation; and/or
- (d) the Examiner's findings, conclusions and/or conditions are not supported by the record.

Appeals will processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the county file number in any correspondence regarding this case.

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Distribution:

Parties of Record

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.
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