

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WA 98802-4109

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP-14-01A)	DECISION AND
Double Down Inert Waste Landfill CUP)	CONDITIONS OF APPROVAL
Amendment)	

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on December 18, 2025, 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. Requested Action: A conditional use permit application to amend a previously approved CUP for an inert waste landfill to now include additional parcels. The proposal could result in approximately 700,000 cubic yards of inert waste (concrete, asphalt, rock, dirt, sand and gravel) and associated capping/stabilizing material being deposited into the existing valley. There is no estimated closure date for the fill site. The proposal also includes stormwater infrastructure to maintain existing drainage patterns and includes a stormwater bypass culvert, to allow upstream precipitation events to pass through the site. The existing haul route agreement is to be revised to include the increased site capacity and potential duration of operation, while no increase in daily trips is anticipated.
2. Location: The subject property is described as being located at the east end of 8th Street SE. The subject property is further described as being located within a portion of the NW 1/4 of Section 24, Township 22N, Range 21 EWM. The Douglas County Assessor's Number are 222124100011, 22212410012, 22212410017, & 22212410029.
3. **SITE INFORMATION**
 - 3.1. Site Characteristics: The portion of the site that will be utilized for the Inert Waste Landfill generally consists of steep slopes that tend down gradient from the northwest and northeast to form a drainage/valley that slopes to the south at approximately 15%. The beginning of this valley is located at the north boundary of the project where two existing drainages combine. The property owner previously graded an orchard access road across (east-west) the area where the two drainages combine and results in areas of cut and fill. Culverts were installed beneath the fill

areas to allow runoff from the two separate drainages to pass below the access road and into the downstream valley/drainage that will be utilized as the Inert Waste Landfill.

- 3.2. Access & Haul Route: The subject property is accessed from 8th St SE. The proposed haul route is via 4th Street SE, south on S Witte Avenue, then east on 8th Street SE to a construction entrance on the subject property.
- 3.3. Adjacent Land Uses: The project is in an agricultural district and is surrounded on the north, west, and east by agricultural uses. The southern boundary consists of open undeveloped grassland with a series of gulleys.
- 3.4. Zoning: The subject property is located within the Commercial Agriculture 10 (AC-10) zoning district. The purpose of the AC-10 commercial agriculture district is to encourage agricultural development through the maximum cultivation and reclamation of lands by restricting incompatible uses within such areas. It is also the purpose to preserve and encourage existing and future agricultural land uses as viable, permanent land uses, and as a significant economic activity within the community. Douglas County recognizes and acknowledges the importance of agricultural lands and activities to its livelihood. Production of food and fiber, and associated support activities including transportation are the primary land uses in this district. Inert waste storage is allowed in this zoning district through a Conditional Use Permit.

4. ENVIRONMENTAL REVIEW

4.1. Douglas County issued a Determination of Non-Significance on November 20, 2025 in accordance with WAC 197-11-340(2).

5. AGENCY AND PUBLIC COMMENTS:

5.1. Applicable agencies have been given the opportunity to review this proposal. These agencies have identified mitigation or project design requirements for the project that have been included as conditions of approval where appropriate.

Agency Notified	Response Received	Agency Notified	Response Received
Yakima Tribes	N/R	Douglas County Transportation/ Stormwater	10/22/2025
WDFW	N/R	DAHP	N/R
Douglas County Fire Marshal	11/04/2025	Douglas County PUD	10/14/2025
Douglas County Planning	10/30/2025	WA State Dept. of Ecology	10/23/2025
Chelan Douglas Health District	10/22/2025	Douglas County GIS	10/13/2025
Colville Confederated Tribes	N/R		

* N/R = No Reply

5.2. No comments were received from members of the public. Agency comments have been included as an attachment.

6. PROJECT ANALYSIS

6.1. In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is the Hearing Examiner's analysis and consistency review for the subject application.

6.2. Comprehensive Plan consistency:

6.2.1. The project site is within the Commercial Agriculture 10 Acres designation which has an emphasis on preserving and protecting existing agricultural uses. The project site is a steep-walled gulley that is not conducive to agriculture operations. As conditioned, the site location appears appropriate for the proposed use and is in conformance with the goals and policies of the Douglas County Comprehensive Plan.

6.3. Consistency with DCC Chapter 18.80 "Conditional Uses:

6.3.1. The proposed land use is permitted as a Conditional Use Permit in the AC-10 zoning district. The following analysis details how the project is consistent with DCC 18.80.030 – CUP Evaluation Criteria

6.4. Applicable provisions of DCC 18.80.030 "Evaluation Criteria"

6.4.1. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.

6.4.1.1. The project site is a steep-walled gulley that is not conducive to agriculture operations. As conditioned, the site location appears appropriate for the proposed use and is in conformance with the goals and policies of the Douglas County Comprehensive Plan.

6.4.2. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.

6.4.2.1. The result of the proposed permanent inert waste landfill will be filling the existing stepped-walled gulley to match the existing topography of the area. The applicant has provided a detailed site plan and operation plan which addresses the design and operation components of the application. The depth of the gulley will shield the majority of the work from surrounding properties, with the exception of truck traffic hauling in materials. As the gulley fills with inert materials, the machinery and filling operations may be visible from the surrounding properties. Site buffering such as fencing or vegetation may be appropriate to screen the site. The applicant has not included site screening into the application.

- 6.4.3. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
- 6.4.3.1. The Douglas County Transportation Department has the responsibility to review proposed development and determine the scope of road improvements necessary to mitigate the use so as not to place a burden on the traffic circulation system of the area. Transportation has approved a haul route agreement to mitigate any potential impacts.
- 6.4.4. The proposed use will be served adequately by facilities and services such as highways, roads, law enforcement, fire protection, drainage, refuse disposal, domestic water and sanitary sewers, and schools; or that persons or agencies responsible for the establishment of the proposed use will provide adequate services.
- 6.4.4.1. The extension of public utilities and services are not required by this application. The applicant has provided a drainage report.
- 6.4.5. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- 6.4.5.1. As proposed, the application will not create excessive additional requirements at public cost for public facilities and services. Impacts to the road system due to the number and weight of the dump trucks will be the responsibility of the applicant.
- 6.4.6. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.
- 6.4.6.1. A component of this application is the hauling of inert material from construction sites or road projects to the proposed landfill. The operation plan for the proposed landfill indicates that the site will be open from 7 AM to 7 PM, Monday through Saturday. The anticipated number of trips is 1-2 trips per day with a peak of 5-10 trips per day when actual depositing of materials is taking place. The truck traffic would consist primarily of solo dump trucks, truck and pup, and side dumps. Staff recommended that trucks hauling material not arrive before 7 AM and that on-site operations conclude before 7 PM.
- 6.4.6.2. The dust suppression applications will significantly aid in controlling dust on 4th Street SE, 8th Street SE, and South Witte Avenue. Residences located on the haul route will be subjected to higher level of noise and traffic than currently exists. This is primarily an agricultural area which would normally have truck traffic to haul tree fruit from the orchards to packing and sorting facilities. The inert waste landfill itself would not create smoke, odor, or fumes due to the nature of the inert waste.

- 6.4.7. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to DCC Title 20 and to the satisfaction of the county engineer.
- 6.4.7.1. The Douglas County Transportation Department has reviewed the application and does not require any improvements and that all ingress, egress, driveway widths, and parking are adequate.
- 6.4.8. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate, and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects.
- 6.4.8.1. The proposed inert waste landfill will occur in a natural steep-walled gulley and the proposed operations will be nearly invisible to the surrounding properties. The northern, eastern, and western boundaries of the gulley are buffered by existing orchard operations. The southern boundary is buffered by the existing topography of the gulley, where no fill is proposed, and the surrounding area. The inert waste landfill appears to be adequately buffered as proposed.
- 6.4.9. Conditional use permits shall comply with the DCC and all applicable local, state, or federal regulations.
- 6.4.9.1. The application will be conditioned to require compliance with all applicable local, state, or federal regulations.
- 6.4.10. The hearing examiner is the review authority and may approve, conditionally approve or deny a request for changing the minimum lot size of a conditional use. Any waiver of minimum lot size shall not be construed as an exemption from the requirements of DCC Title 17 and RCW Chapter 58.17.
- 6.4.10.1. There is no minimum lot size associated with this application.
- 6.4.11. As conditioned, the proposal is consistent with the requirements of this section.
- 6.5. Consistency with DCC 18.36 AC-10 Commercial Agriculture District:
- 6.5.1. All uses proposed are either outright permitted, or permitted via a CUP in the AC-10 zoning district. Any future development will comply with the regulatory standards of the AC-10 zoning district.
- 6.5.2. As conditioned, the proposal is consistent with the requirements of the zoning district.
- 6.6. Douglas County Transportation Department has evaluated the proposal and recommended approval of the project with applicable conditions.
- 6.7. Douglas County Land Services: The application materials demonstrate compliance with adopted codes, standards, and specifications applicable to this project. As conditioned, the proposal is consistent with the provisions of Douglas County Code.
- 6.8. Consistency with WAC 173-350 and WAC 173-350-410:

7. As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18, 19 and 20 of the Douglas County Code, and the Douglas County Countywide Comprehensive Plan.
8. The applicant is Selland Construction, and property owner is Double Down Properties, LLC.
9. General Description: A conditional use permit application amend a previously approved CUP for an inert waste landfill to now include additional parcels. The proposal could result in approximately 700,000 cubic yards of inert waste (concrete, asphalt, rock, dirt, sand and gravel) and associated capping/stabilizing material being deposited into the existing valley. There is no estimated closure date for the fill site. The proposal also includes stormwater infrastructure to maintain existing drainage patterns and includes a stormwater bypass culvert, to allow upstream precipitation events to pass through the site. The existing haul route agreement is to be revised to include the increased site capacity and potential duration of operation, while no increase in daily trips is anticipated.
10. Location: The subject property is zoned Commercial Agriculture 10 Acres (AC-10). The subject property is described as being located at the east end of 8th Street SE. The subject property is further described as being located within a portion of the NW 1/4 of Section 24, Township 22N, Range 21 EWM. The Douglas County Assessor's Numbers are 222124100011, 22212410012, 22212410017, & 22212410029.
11. The Comprehensive Plan Designation for the subject property is Resource Land – Irrigated Agriculture.
12. The subject property is located in the Commercial Agriculture 10(AC-10) zoning district.
13. Douglas County Code Section 18.80.030 establishes minimum criteria for Conditional Use Permits.
14. A Determination of Non-Significance was issued by Douglas County on November 20, 2025.
15. Initial application materials reviewed by Douglas County Transportation and Land Services include:
 - 15.1. Master application prepared by the applicant, submitted on September 30, 2025.
 - 15.2. SEPA Checklist prepared by the applicant, dates July 8, 2025.
 - 15.3. Project Narrative prepared by the applicant, dated August 22, 2025.
 - 15.4. Site Plan prepared by the applicant, dated January 3, 2025.
 - 15.5. Updated haul route agreement application dated August 25, 2025.
 - 15.6. Updated stormwater report prepared by the applicant, dated June 20, 2025.
 - 15.7. Stormwater Pollution Prevention Plan, prepared by the applicant, submitted on September 30, 2025.

- 15.8. Habitat Management and Mitigation Plan, prepared by Grette Associates, LLC, dated May 2023.
- 15.9. Updated Habitat Management and Mitigation Plan (HMMP), prepared by HnL Environmental, dated January 15, 2025.
- 15.10. Civil Plans prepared by the applicant, dated July 30, 2025.
- 15.11. Geological Hazard Assessment prepared by Anderson Geological Consulting, dated November 20, 2023.
- 15.12. Updated Geological Hazard Assessment prepared by Anderson Geological Consulting, LLC, dated January 8, 2025.
- 15.13. Confederated Tribes of the Colville Reservation correspondence, dated September 26, 2023.
16. The applicant has submitted an updated stormwater report dated June 20, 2025, consistent with the requirements of Douglas County Code and utilizing the guidance of the current Stormwater Management Manual for Eastern Washington.
 - 16.1. No impervious area is proposed.
 - 16.2. All existing off-site runoff is proposed to bypass the site via extensions of culverts previously installed.
 - 16.3. Per the submitted stormwater report, “The developed site will include stormwater controls to ensure that future drainage patterns are as close to existing as possible. These controls will reduce the likelihood of potential impacts to the surrounding properties and the environment.”
17. The applicant has submitted a project narrative memorandum dated August 22, 2025, which states “the proposed CUP revision should not increase anticipated daily trips but does increase the site capacity and the potential duration of operations.” Prior CUP approval was conditioned on an average 2 trips per day, and 10-20 trips per day during peak operations.
18. Per HMMP prepared by HnL Environmental, in May 2023, Grette Associates prepared a Habitat Management and Mitigation Plan (HMMP) to assess the potential impacts associated with the Selland Construction Inert Waste Landfill. The proposed project would occur on two parcels encompassing approximately 40 acres (parcels 22212410007 and 22212410010). The HMMP identified existing critical areas present on the parcels, assessed the potential impacts to critical areas, and proposed compensatory mitigation for the potential impacts that meet the requirement in the Douglas County Code. This Technical Memorandum (Tech Memo) was prepared to provide an update to the HMMP date May 2023.
19. Per HnL Environmental, when the original HMMP was prepared, the proposed project would occur on parcels 22212410007 and 22212410010. The proposed project and proposed compensatory mitigation encompassed nearly the entire approximately 40 acres. Following the finalization of the HMMP, the two parcels have been subdivided into four (4) approximately 10 acre parcels (Parcels 22212410011, 22212410012, 22212410017, and 22212410029). The four parcels cover the exact same area as the

- original two (2) parcels. The subdivision of the parcels did not result in any additional disturbances from those identified in the HMMP. Additionally, the subdivision did not alter the proposed project, potential impacts, and proposed compensatory mitigation.
20. Per Anderson Geological Consulting, LLC, the geological risks that were discussed in the original 2023 Geological Hazard Assessment (GHA) report are still applicable to the site. Division of the property into four parcels rather than the previously proposed two parcels does not affect the findings and conclusions of the 2023 GHA report.
 21. Per the Confederated Tribes of the Colville Reservation (CCT) correspondence, upon reviewing this information CCT has revised their recommendation from requesting a cultural survey to the use of an Inadvertent Discovery Plan.
 22. Per Washington State Department of Ecology, This project involves a solid waste handling facility that is regulated under WAC 173-350. Please contact your local County Health Department to find out what requirements pertain to the project, and the project will require a new Solid Waste Permit. This may include updating existing solid waste documents by a licensed professional. If you have any questions, please contact the regional facilities specialist Cole Provence at Cole.Provence@ecy.wa.gov.
 23. Surrounding property owners were given the opportunity to comment on the proposal, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
 24. No members of the public commented on the proposal.
 25. Comments from reviewing agencies have been considered and addressed where appropriate.
 26. Proper legal requirements were met and surrounding property owners, affected agencies, and interested parties were given the opportunity to comment on the proposal at a public hearing.
 27. As conditioned, the development will not adversely affect the general public, health, safety and general welfare
 28. After due legal notice and open record public hearing was held on December 18, 2025.
 29. The following exhibits were admitted into the record:
 - 29.1. Ex. 1. Staff Report
 - 29.2. Ex. 2. Remainder of Planning file of Record.
 30. Appearing and testifying on behalf of the Applicant was Charlie Underwood. Mr. Underwood stated he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Underwood stated that he had reviewed the staff report and agreed with all of the representations contained therein and he had reviewed the proposed conditions of approval and had no objections to any of those.
 31. No member of the public testified at the hearing.
 32. 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 meets the goals, policies and implementation recommendations as set forth in the Douglas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 18 "Zoning", Title 19 "Environment", and Title 20 "Development Standards" of the Douglas County Code.
6. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner has determined that CUP-14-01A is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials of file except as amended by the conditions herein.
2. The applicant, and site operators, are responsible for compliance with all applicable local, state and federal rules and regulations and shall acquire all applicable permits.
3. All future modifications to the project shall be reviewed by Douglas County Land Services Department.
4. All conditions of CUP-14-01 are still applicable unless amended herein.
5. The inert waste landfill shall be operated in accordance with the Plan of Operations dated June 20, 2025 and on file with the County, except as may be amended. Amendments to the Plan of Operation shall be provided to Douglas County Land Services for approval and certification of compliance with the conditions of approval.
6. All operations will 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 DCC 8.04 Noise.
7. Ingress and Egress, and route maintenance to and from the site shall be consistent with the Haul Route Agreement dated December 23, 2014.
8. An existing haul route agreement for the project (dated December 23, 2014) expires in March 2027. Prior to March 2027, the applicant and County shall execute an updated haul route agreement.
 - 8.1. Updated contractors liability insurance shall be provided as part of the Haul Route Agreement.

9. The Engineer of Record shall monitor construction and shall provide as-built drawings and report along with certification that the project has been completed in accordance with the applicable codes, regulations, and accepted plans.
10. Per Chelan-Douglas Health District, Review and final approval of the engineering reports, plans, and specifications by the state Dept. of Ecology (WAC 173-350-410) and Chelan-Douglas Health District.
11. Per Chelan-Douglas Health District, the applicant shall secure and maintain a yearly Operating Permit by the Chelan-Douglas Health District and adhere to the permit requirements.
12. Per Chelan-Douglas Health District, the applicant shall operate the landfill per the approved Plans and only place material in the landfill that meets the strict definition of "inert waste" found in WAC 173-350-410 (1).
13. Inert waste materials from third parties will be allowed but only after approval from Seland inspector.
14. Any waste not meeting the criteria of WAC 173-350-410 shall not be accepted at the landfill until it has received written approval by the Health District for disposal.
15. Exterior slopes of fill areas shall be revegetated with a dryland grass mixture as soon as practical after final placement and compaction.
16. Per the site-specific Habitat Management and Mitigation Plan, Mitigation will be provided through the preservation of approximately 11.6 acres of shrub steppe habitat on the property and through the seeding of the sloped portion of the finished project with native shrub steppe species.
17. Per updated Geological Hazard Assessment, The geological risks that were discussed in the original 2023 Geological Hazard Assessment (GHA) report are still applicable to the site. Division of the property into four parcels rather than previously proposed two parcels does not affect the findings and conclusions of the 2023 GHA report.

Dated this 2nd day of January, 2026.

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.