

**DOUGLAS COUNTY**

DEPARTMENT OF HEARING EXAMINER  
140 19<sup>th</sup> Street NW  
East Wenatchee, WAS 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
PA 2023-01	)	<b>DECISION AND</b>
Riverview Ranch 1 <sup>st</sup> Addition	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 21, 2024, 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: An application for a Plat Amendment to the Riverview Ranch 1st Addition (SS-2019-08) short plat. The proposal consists of modifications to the reserve lot and platting of seven additional lots within the boundary of the original subdivision.
2. Location: The subject property is located within the Rural Resource 5 (RR-5) zoning district under Douglas County Code. The property is located north of SE Vantage Drive and is further described as being located within Section 22, Township 22N, Range 21E, W.M. The Assessor's Parcel Number is 22212230026.
3. Total Project Size: 31.71 acres
4. No. of Lots: 7
5. Domestic Water: Private Group A
6. Sewage Disposal: On-site septic system.
7. Power/Electricity: Douglas County PUD
8. Fire Protection: Douglas County Fire District #2
9. Telephone Service: Varied

10. Site Characteristics: The subject property is vacant, which includes 40% unused sagebrush hillside and 60% former gravel and sand pit. The topography is steep to very steep in areas, flat to rolling in others.

11. Uses Adjacent to the subject properties:

North: Orchard, vacant land, single family residences

South: Vacant land, single family residences

East: Orchards, single family residences, Hartl Pit site, vacant land

West: Orchards, single family residence

12. Access: The subdivision is accessed from 12th Street SE (public) via S. Valiant Drive (private). The upper portion of S. Valiant Drive was constructed as part of Riverview Ranch (P-07-15) Phase 1.

13. Zoning and Development Standards: The subject property is located within the Rural Resource 5 (RR-5) Zoning District, which allows for cluster subdivisions.

14. Major Subdivisions: The requirements of Title 17, "Subdivisions", Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 5 or more lots, parcels, or tracts, including plat amendments.

15. COMPREHENSIVE PLAN: The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 (RR-5). The following goals and policies set forth in the comprehensive plan are relevant to this development:

15.1. RURAL DEVELOPMENT

15.1.1. POLICY RD-1: Designated rural areas will be utilized to reduce the inappropriate conversion of agricultural lands, prevent sprawling low-density development and assure that rural development is compatible with surrounding rural and agricultural areas. A variety of innovative techniques may be utilized including clustering, density transfer, design guidelines and conservation easements to protect rural character.

15.1.2. POLICY RD-6: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and section of this comprehensive plan, including but not limited to, the Resource Lands Element and resource and Critical Areas Conservation Element.

15.1.3. POLICY RD-8: Where there is a requirement to maintain a certain percentage of a development in open space/critical areas, that activity may remain in the ownership of the developer/property owner, or it may be transferred to other organizations, provided the land will remain or be utilized in accordance with the development plan.

15.2. RURAL LANDS

- 15.2.1. POLICY R-4: Concentrations of development will be encouraged in designated Master Plan Resorts (MPRs), fully contained communities, cluster developments and/or in designated rural service centers.
- 15.2.2. POLICY R-6: Encourage development in rural areas to be served by rural levels of service.
- 15.2.3. POLICY R-7: All plats, short plats, development permits and building permits issued for development activities within five hundred feet of lands designated agriculture and/or mineral resource lands must contain a notice that the subject property is adjacent to, designated resource land on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.
16. Douglas County issued a Determination of Non-Significance on 04/02/2024 in accordance with WAC 197-11-355 (Optional DNS)
17. Applicable agencies have been given the opportunity to review this proposal. Agency comments have been attached.

Agency Notified	Response Received	Agency Notified	Response Received
Department of Ecology	11/21/2023	Douglas County Land Services	5/10/2024
Washington State Dept. of Fish & Wildlife	11/21/2023	Dept. of Arch. & Historical Preservation	11/21/2023
Douglas County PUD	11/14/2023	Colville Tribe	NR
Douglas County Fire Marshal	5/9/2024	Douglas County GIS	11/15/2023
Douglas County Transportation and Stormwater	12/11/2023	WSDOT	11/21/2023
CDHD	11/27/2023	Douglas County Assessor	11/15/2023
Douglas County Treasurer	11/9/2023	EWWD	NR

\* N/R = No Reply

Agency comments have been included as suggested conditions of approval, as applicable.

17.1. Date of Application: 08/17/2023

- 17.2. Date Letter of Completeness Issued: 10/11/2023
- 17.3. Date Notice of Application Issued: 10/11/2023
- 17.4. Comment Period: 11/13/2023-11/27/2023
- 17.5. SEPA DNS Issued: 04/02/2024
18. At the time of authoring this report and within the file of record, no public comments have been received.
19. 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 planning staff's analysis and consistency review for the subject application.
20. Comprehensive plan consistency: The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan. The proposed lot sizes meet the density standards for the applicable land use designation. The development will be adequately serviced by a combination of existing and proposed utilities.
21. Consistency with the provisions of Title 17, "Subdivision", DCC: As conditioned, the proposed subdivision is consistent with the provision of this title.
22. Consistency with the provisions of the RR-5 Zoning District, Chapter 18.30, DCC: The proposal is consistent with the provisions of this chapter. Residential use of the property is permitted by the district.
23. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage: As conditioned, the proposal is consistent with the provisions of this chapter.
24. Consistency with the provisions of DCC Title 12 Road Standards: As conditioned, the proposed subdivision is consistent with the provision of this title.
25. The applicants/owners are D&M Developments RVR1 LLC, 174 Sweetheart Lane, Malaga, WA 98828.
26. The agent for the project is Martin Davy, Riverview Ranch NW, Inc.. Address of 411 S. Mason Ave, East Wenatchee, WA 98802.
27. General Description: An application for a Plat Amendment to the Riverview Ranch 1st Addition (SS-2019-08) short plat. The proposal consists of modifications to the reserve lot and platting of seven additional lots within the boundary of the original subdivision.
28. Location: The subject property is located within the Rural Resource 5 (RR-5) zoning district under Douglas County Code. The property is located north of SE Vantage Drive and is further described as being located within Section 22, Township 22N, Range 21E, W.M. The Assessor's Parcel Number is 22212230026.

29. The applicant has submitted the following materials for review:
30. Master Application
31. Preliminary Plat Map prepared by Northwest Geodimensions, dated May 2, 2023.
32. Preliminary Civil Plans, prepared by Pacific Engineering, dated August 18, 2023.
33. Preliminary Stormwater Report, prepared by Pacific Engineering, dated August 12, 2023
34. SEPA checklist, prepared on August 6, 2023.
35. Project Narrative, dated August 21, 2023.
36. Preliminary Reserve Lot Management Plan
37. Geotechnical Engineering Evaluation, prepared by Nelson Geotechnical Associates, dated October 17, 2007.
38. Cultural Resource Study, prepared February 2020.
39. Site Characteristics: The subject property is vacant, which includes 40% unused sagebrush hillside and 60% former gravel and sand pit. The topography is steep to very steep in areas, flat to rolling in others.
40. Uses Adjacent to the subject properties:
  - North: Orchard, vacant land, single family residences
  - South: Vacant land, single family residences
  - East: Orchards, single family residences, Hartl Pit site, vacant land
  - West: Orchards, single family residence
41. The Comprehensive Plan Designation is Rural Resource 5 (RR-5).
42. The subject property is located in the RR-5 zoning district which allows for cluster subdivisions as permitted uses.
43. The Riverview Ranch First Addition Phase 2 & 3 cluster short plat was recorded on March 2, 2022, included 21.7 acres. There are three approximately one (1) acre lots and one (1) reserve lot of approximately 18.31 acres.
44. BLA-2023-29 has been applied for and approved but has not yet been recorded. This BLA brings in an additional 10 acres of land to the reserve lot of SS-2019-08 thus totaling 31.71 acres.
45. The RR-5 zoning district permits a density of one (1) lot per 5 acres, and a “bonus” density of 150% for cluster developments pursuant to DCC 18.30.080.

46. The total area to be subdivided with this plat amendment is 31.7 acres. Douglas County Code 18.16.046(E)(4) requires a minimum of seventy percent of the original parcel remain as a reserve lot. Using the RR-5 zoning permitted density of one lot per 5 acres, and a “bonus” density of 150% for the clustering,  $(31.7 / 5) \times 1.5$  totals 9.51 lots. Using conventional mathematical conventions for rounding, this results in 10 total lots permissible. Three are existing, created through the original short plat, with seven (7) more proposed, including the reserve lot.
47. 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.
48. Access to the property is from 12th St SE (public) via S Valiant Dr (private). The upper portion of S Valiant Dr was constructed as part of Riverview Ranch (P-07-15) Phase 1.
49. An extension of S Valiant Drive (private) is currently under construction as part of Riverview Ranch (P-07-15) Phase 3. Once completed this extension of S Valiant Drive (private) will serve as access to this proposed subdivision.
50. The original Riverview Ranch 1st Addition short plat resulted in 3 lots being created that are accessed from the portion of S Valiant Dr (private) constructed as part of Riverview Ranch (P-07-15) Phase 1.
51. A portion of the property being platted is currently being used as an inert waste landfill that was permitted via Conditional Use Permit CUP-16-01. Access to the inert waste landfill is provided from Rock Island Road via SE Vantage Drive (private). The inert waste landfill is to be shut down prior to plat approval.
52. The Preliminary Civil Plans include a proposed 24-foot wide private paved access road with an HMA thickened edge. The proposed private road terminates with a hammer head turnaround.
53. The stormwater mitigation plan submitted with the preliminary materials indicates that stormwater management will be provided by the existing infiltration pond constructed as part of Riverview Ranch Phase 1 as modified in accordance with the approved plans for Riverview Ranch Phase 3. This concept appears to be a viable alternative. A final stormwater report stamped by a professional civil engineer shall be submitted with the civil engineer plans.
54. The transportation and stormwater improvements associated with Riverview Ranch Phase 3 shall be completed and accepted prior to plat approval for this plat amendment.
55. The Washington State Department of Fish and Wildlife recommends the proposed project conduct a Habitat Boundary Survey, per DCC 19.18 (C)(3), be prepared by a fish or wildlife biologist. Depending on the results of the survey, the applicant may need to provide a habitat management and mitigation plan.
56. The applicant submitted a Cultural Resource Study with the application materials. This study was sent over to the Washington State Department of Archaeology & Historic Preservation (DAHP) for their review and consideration. DAHP concurs with the study results.

57. The Washington State Department of Ecology – Toxic Cleanup. The facility addressed in this proposal has an institutional control and is listed on the Uniform Environmental Covenants Registry, Ecology Facility/Site ID 1557707; TCP Cleanup Site ID 834. Institutional controls help to reduce or eliminate exposure to hazardous substances at a cleanup site. Examples of institutional controls include fences, barriers, signage, and water use restrictions. The proposed action must follow the conditions described in the institutional control. The institutional control can be viewed at: <https://apps.ecology.wa.gov/cleanupsearch/document/9997>. If you have any questions about the institutional control, please contact Mary Monahan at 509-571-6661 or email at [mary.monahan@ecy.wa.gov](mailto:mary.monahan@ecy.wa.gov).
58. Douglas County issued a Determination of Non-Significance on 04/02/2024 in accordance with WAC 197-11-355 (Optional DNS).
59. No members of the public commented on the proposal.
60. 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 14.12.
61. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
62. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
63. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
64. After due legal notice and open record public hearing was held on May 21, 2024.
65. The entire Planning Staff File was admitted to the record.
66. Appearing and testifying on behalf of the Applicant was Martin Davy. Mr. Davy testified that he is an agent authorized to appear and speak on behalf of the Applicant and property owner. He testified that he had reviewed the Staff Report and had no objection to any of the representations contained therein. He also testified that he had reviewed the proposed Conditions of Approval, as amended, and had some clarification to a few and no objection to the others.
67. Mr. Davy indicated that all of the lots are greater than 1 acre so proposed Conditions of Approval 16 and 17 could be deleted. He indicated that the materials requested in proposed Conditions of Approval 45 had already been provided.
68. No member of the public testified at this hearing.
69. Mike Neer, Douglas County engineer, indicated that proposed Condition of Approval number 33 should reference “current edition” instead of 2019. He stated that proposed Condition of Approval number 37 should be part of proposed Condition of Approval 36. He stated that proposed Condition of Approval 40 should be proposed Condition of Approval 39.

70. Heather Mauseth, Douglas County Fire Marshal, indicated that 1 acre lots are exempt from fire flow requirements only if structures greater than 50 feet apart and if not, then fire flow is required.
71. Mr. Davy indicated that he agreed with the Fire Marshal's comments.
72. 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 RR-5 zoning district.
3. As conditioned, the plat amendment meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
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 17 "Subdivision", and Title 19 "Environment", of the Douglas County Code.
6. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
7. 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 PA 2023-01 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. The project shall proceed in substantial conformance with the plans and application materials of file dated August 18, 2023 except as amended by the conditions herein.

2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. A plat certificate showing parties of interest from a title company must be submitted with the blueline drawings.
4. The final plat amendment map shall be submitted by a land surveyor licensed in the State of Washington and shall comply with the standards set forth in Title 17 of the Douglas County Code.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.
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. Pursuant to WAC 332-130-050 (3)(C)(iii), A prominent note itemizing the changes to the original document needs to be included on the final plat.
8. BLA 2023-29 shall be recorded prior to final plat approval.
9. A note shall be placed on a final plat, final short plat or final binding site plan and noted in the deed of record or on a notice to title for each lot when a subdivision, short subdivision, binding site plan or other development is located within five hundred feet of a designated agricultural or mineral resource area. The property owner shall sign an affidavit acknowledging the following statement and shall record it with the county auditor for disclosure in the deed and mortgage records of the subject property. The statement shall essentially read as follows:
  - 9.1. "The subject property is located within or near designated agricultural lands or mineral resource lands on which a variety of activities may occur that are not compatible with residential or other type of development for certain periods of limited duration. Such activities may include but are not limited to noise, dust, smoke, odors and hours of operation resulting from harvesting, planting, fertilizing, pest control and other resource-related activities associated with usual and normal resource management practices which, when performed in accordance with county, state and/or federal law, shall not be subject to legal action as public nuisances."
10. The Reserve Lot Management Plan shall be recorded and the AFN listed on the final plat map.
11. According to the Douglas County PUD, Application for Service must be submitted and electrical/communication design approved prior to construction approval. Payment for estimate to provide service to the project must be complete prior to final approval.
12. According to the Washington State Department of Fish and Wildlife, a Habitat Boundary Survey, per DCC 19.18 (C)(3), shall be prepared by a fish or wildlife biologist and submitted to Douglas County for review. Depending on the results of the survey, the applicant may need to provide a habitat management and mitigation plan.

13. Structures shall be placed in accordance with Nelson Geotechnical Report dated October 17, 2007. Additional geotechnical assessment may be required at building permit submittal.
14. Lots greater than one (1) acre are EXEMPT from proposed structures on proposed lots fire flow requirements PROVIDED that all structures located upon adjacent (neighboring) lots maintain no less than 50 feet of separation utilizing the closest and most direct path as measured from eave to eave.
15. All access longer than 150 feet must end in an approved Turn Around. The Turn Around must not be a part of a garage approach, must not be counted as parking, must not be counted as a storage area, must account for seasonal snow accumulation, and must be capable of supporting the weight of emergency apparatus in all weather conditions.
16. Minimum Required Fire Flow is 1000 GPM at a minimum of 20 PSI for no less than a 2-Hour duration. A hydrant must be located no more than 250 feet from the nearest frontage access to each lot. Maximum hydrant spacing is 500 feet and as approved or required by the Fire Marshal.
17. If fire flow is not achieved then the residence must be provided with a residential fire sprinkler system in accordance to NFPA13D.
18. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. They shall be designed and maintained to support the imposed load of 75,000 pound fire apparatus and shall be surfaced as so to provide all-weather driving capabilities. Grades steeper than 10 percent shall be asphalt or approved by the fire code official.
19. Final construction plans designed by a Professional Civil Engineer licensed in the State of Washington's shall be submitted to and accepted by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of the Douglas County Code and Road Standards. The construction plans shall include the design for the accesses serving lots 4 through 9.
20. The access driveway shall include a hammerhead turnaround within 150 feet of its termination. The applicant shall coordinate the location and size of the turnaround with the Douglas County Fire Marshal.
21. Access to the parcels west of the proposed subdivision shall be protected and maintained throughout construction.
22. A minimum 30-foot wide access easement serving lots 4 through 9 shall be shown on the civil construction drawings and the final plat.
23. The access road shall be constructed prior to final plat approval.
24. It shall be clearly noted on the final plat map that the use of the private access to Rock Island Road is prohibited.

25. The location of cluster mailbox units for the subdivision shall be shown on the construction plans. A pullout shall be provided if the mailbox cluster is located on 12th St SE. Location to be accepted by the County Engineer and USPS Postmaster prior to plan acceptance.
26. S Valiant Drive shall be constructed in accordance with the approved plans for Riverview Ranch Phase 3 prior to plat approval for this short plat.
27. A note shall be included on the face of the final plat which states:
28. "Douglas County shall not be responsible for the maintenance of the roadway and appurtenant improvements, including storm drainage infrastructure."
29. A Private Access Operation and Maintenance Agreement shall be prepared, executed, and recorded by the applicant with the AFN noted on the final plat.
30. All existing and proposed easements shall be clearly delineated, with the AFN(s) noted as necessary, on the final plat map.
31. Per DCC Chapter 12.24, all new or revised driveways and accesses onto a county road (including temporary accesses) require an approved access permit. This is typically processed with the building permits for each lot.
32. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. A permit to perform work in the right-of-way shall be obtained prior to construction. Damage to existing roads 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.
33. A final site-specific stormwater plan and report prepared by a Professional Civil Engineer (PE) licensed in the State of Washington that conforms to Douglas County Code and the current edition of the Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.
34. Stormwater facilities shall be above ground and located on a separate tract(s) or easement(s) under the functional control of the Homeowners' Association(s) (HOAs) and/or lot owners, as applicable, with each lot owner having an undivided interest and responsibility for the stormwater facilities. Storm drainage easements shall be reciprocal between the two plats as necessary.
35. Provisions to provide access for inspection and maintenance of the stormwater tract(s) or easement(s) shall be addressed within the design plans, report, and on the face of the final plat.
36. Site specific stormwater design for the individual lots may be deferred until time of building permit submittal. A note shall be included on the face of the final plat which states:
  - 36.1. "At the time of building permit submittal for lots 4 through 9, an engineered site specific stormwater plan and report shall be submitted that conforms to Douglas County

Code and the current edition of the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans. A Declaration of Stormwater System Maintenance Covenants, prepared with standard Douglas County forms, shall be executed and recorded with the Douglas County Auditor.”

37. The Engineer of Record shall monitor construction and shall provide as-built drawings and report as necessary along with certification that the improvements have been completed in accordance with the applicable codes, regulations, and accepted plans. UIC registration shall be provided as applicable.
38. Prior to final plat acceptance, a Private Stormwater Operation and Maintenance Agreement shall be executed on standard Douglas County forms. The site plan, details, certification, and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant. A note shall be included on the face of the final plat which states:
  - 38.1. “Douglas County will not maintain the private stormwater facilities located within this subdivision. Responsibility for the long term maintenance of the private stormwater facilities is described within the Declaration of Stormwater System Maintenance Covenants recorded under AFN \_\_\_\_\_.”
39. Prior to any on-site grading occurring or construction plan acceptance (whichever comes first), a Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control Plan (TESC Plan) shall be submitted to and accepted by Douglas County. The SWPPP and TESC Plan shall be kept on-site at all times and updated as necessary to address and prevent sediment and sediment laden water from leaving the project site.
40. The applicant is responsible for preventing mud, dirt, debris, and stormwater runoff from being tracked or otherwise discharging to public right-of-way and adjacent properties.
41. Per the Chelan Douglas Health District, Domestic water service shall be by expansion of the Riverview Ranch public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be designed, constructed, and placed in accordance with the purveyor’s requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
42. The dedicatory language on the plat shall carry this note:
43. “The Health District has not reviewed the legal availability of water to this development.”
44. To the extent already provided, a soil/site evaluation for placement of onsite sewage systems is still needed for each proposed lot as per previous development comments. This requirement can be found in WAC 246-272A-0320 subsection (2) (c). This evaluation can be completed by the Chelan- Douglas Health District or a state licensed septic system designer or professional engineer. Soil information gleaned from a Geotechnical Report is not acceptable.

45. The dedicatory language on the final plat shall contain this statement:

45.1. "Site evaluations may be required at the time of application for individual septic system construction permits."

46. Per Washington State Department of Ecology for Groundwater Exempt Uses - In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at 509-379-1826 or email at christopher.kossik@ecy.wa.gov.

Dated this 10 day of June, 2024.

DOUGLAS COUNTY HEARING EXAMINER



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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.**