

**STAFF REPORT  
SELLAND CONSTRUCTION  
INERT WASTE LANDFILL**

TO: Douglas County Hearing Examiner  
FROM: Douglas County Land Services Staff  
RE: Double Down, CUP-14-01  
DATE: January 5, 2015

**I. GENERAL INFORMATION**

Requested Action: A conditional use permit application to permanently fill a steep-walled gulley, approximately 2 acres in size, with an estimated 70,000 cubic yards of inert material (concrete, asphalt, rock, dirt, sand and gravel) over the lifetime of the fill. There is no estimated closure date for the fill site. A stormwater bypass culvert, to allow upstream precipitation events to pass through the fill, is proposed through the bottom of the gulley.

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 is 22212410007.

**II. SITE INFORMATION**

Site Characteristics: The 20 acre parcel contains an active orchard on a broad gently sloped area located in northwest one third of the property. The property lies on the elevated top portion of a large terrace identified by the USGS as Columbia River Flood Deposits. The terrace area consists of very thick medium to coarse grained sand with about 1 foot of fine sandy loam surface soil cover. The east and south portions of the parcel are open undeveloped grassland with a deeply incised old erosion gulley along the eastern property line. The gulley is approximately 200+ feet top edge to top edge, and about 100 feet deep. Side walls slope at 100%, and the dry narrow bottom channel descends southerly at 20 to 25%. Geologic materials exposed on the partially vegetated slopes are mostly medium to coarse grained sand.

Access & Haul Route: The project access is via 8<sup>th</sup> Street 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

Adjacent Land Uses: The project is in 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.

Zoning and Development Standards: The subject property is located within the Commercial Agriculture 10 Acres (AC-10) Zoning District. The propose 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.

### **III. COMPREHENSIVE PLAN:**

The Douglas County Countywide Comprehensive Plan designates this property as Commercial Agriculture 10 Acres. The following goals and policies set forth in the comprehensive plan are relevant to this development:

#### AGRICULTURAL GOALS AND POLICIES:

GOAL 1: Agricultural uses will be preserved, enhanced and maintained to the greatest extent possible feasible outside of Urban Growth Areas (UGA).

POLICY A-1: The County will encourage the retention of agricultural lands of long-term commercial significance, including rangelands and will prevent haphazard growth into these areas.

POLICY A-3: Protect agricultural lands and activities from conflicting non-farm uses and influences.

POLICY A-8: In the event of a conflict between residential uses and the normal agricultural activities of a preexisting agricultural use, County support will be in favor of the agricultural use.

POLICY A-10: Facilitate resource-based economic activities throughout Douglas County in areas that have poor soils, or are not otherwise suitable for agriculture and that minimize conflicts with agriculture and adjacent agricultural resource lands.

### **IV. CONDITIONAL USE PERMITS**

Douglas County Title 18 "Zoning" classifies Inert Waste Landfills as a conditional use permitted in designated zoning districts. Conditional uses are those uses and activities that may be appropriate, desirable, convenient, or necessary in the district within which they allowed, however, due to inherent characteristics of the use, may be injurious to the public health, safety, welfare or interest unless appropriate conditions are established.

#### WASHINGTON ADMINISTRATIVE CODE (WAC)

WAC 173-350 provides updated rules for administering Solid Waste Handling Standards. WAC 173-350-410 establishes minimum review criteria for inert waste landfills.

### **V. ENVIRONMENTAL REVIEW**

Douglas County issued a Determination of Non-significance on December 24, 2014 in accordance with WAC 197-11-355 (Optional DNS).

### **VI. AGENCY AND PUBLIC COMMENTS**

Applicable agencies have been given the opportunity to review this proposal. The following agencies have been sent copies of the proposal and have commented as indicated below:

Agency Notified	Response Received	Agency Notified	Response Received
CDHD	11/20/2014 12/2/2014	Colville Tribes	N/R
Dept. of Ecology	11/26/2014	Dept. of Archaeology	N/R
WA DNR	N/R	Assessor	11/26/2014
DoCo Engineering	12/1/2014	DCFD	N/R
DoCo Solid Waste	N/R	GWID	N/R
Yakama Tribes	N/R	WSDOT	N/R

\* N/R = No Reply

Agency comments have been included as Attachment A.

No public comments were received at the writing of this staff report.

## VII. PROJECT ANALYSIS

Under the provisions of Douglas County Code Section 18.80.020 *Conditional Uses*, the Hearing Examiner is authorized to approve with conditions or deny permits for conditional uses. This section further specifies that conditional uses shall be permitted, enlarged, or altered only upon approval of the Hearing Examiner in accordance with the standards and procedures specified in the title and other applicable provisions of the Douglas County Code and Douglas County Countywide Comprehensive Plan.

Upon review of the application materials, site plans, public and agency comments, the Douglas County Countywide Comprehensive Plan, and applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

### Comprehensive plan consistency:

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 gully 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 comprehensive plan.

### Consistency with Douglas County Chapter 18.80 "Conditional Uses"

Inert Waste Landfills are permitted conditional uses in the Commercial Agriculture 10 Acres zoning district.

DCC 18.80.030 EVALUATION CRITERIA:

Each conditional use permit application must be reviewed to ensure compliance with the evaluation criteria established in the Douglas County Code. Below is a review and compliance analysis with the established criteria:

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

*See discussion above.*

- B. 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.

*The result of the proposed permanent inert waste landfill will be filling the existing stepped-walled gully 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 gully will shield the majority of the work from surrounding properties, with the exception of truck traffic hauling in the materials. As the gully 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 no included site screening into the application plan.*

- C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.

*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 to a haul route agreement to mitigate any potential impacts from traffic.*

- D. 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 shall provide adequate services.

*The extension of public utilities and services are not required by this application. The applicant has provided a drainage report.*

- E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.

*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.*

- F. 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.

*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. 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. Staff recommends that trucks hauling material not arrive before 7 AM and that on-site operations conclude before 7 PM.*

*The dust suppression applications will significantly aid on controlling dust on 4<sup>th</sup> Street SE, 8<sup>th</sup> Street SE, and South Witte Avenue. Residences located on the haul route will be subjected to a 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.*

- G. 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.

*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.*

- H. 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. (Refer to DCC Chapter 20.40, Landscaping standards, for specific requirements.)

*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.*

- I. Conditional use permits shall comply with the DCC and all applicable local, state, or federal regulations.

*The application will be conditioned to require compliance with all applicable local, state, or federal regulations.*

- J. 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.

*There is no minimum lot size associated with this application.*

Consistency with WAC 173-350 and WAC173-350-410:

As conditioned below, the project appears consistent with the requirements and criteria of the Solid Waste Handling Standards and Inert Waste Landfills.

**VIII. RECOMMENDATION**

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 and 19 of the Douglas County Code, and the Douglas County Countywide Comprehensive Plan. Staff recommends approval of CUP#14-01, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicant is Selland Construction, Inc., P.O. Box 119, Wenatchee, Washington 98807.
2. The property owner is Double Down Properties, LLC., 1300 South Webb Place, East Wenatchee, Washington 98802.
3. General Description: A conditional use permit application to permanently fill a steep-walled gulley, approximately 2 acres in size, with an estimated 70,000 cubic yards of inert material (concrete, asphalt, rock, dirt, sand and gravel) over the lifetime of the fill. There is no estimated closure date for the fill site. A stormwater bypass culvert, to allow upstream precipitation events to pass through the fill, is proposed through the bottom of the gulley.
4. The inert waste landfill will be 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.
5. The Douglas County Assessor's parcel numbers is: 22212410007.
6. The Comprehensive Plan Designation is Commercial Agriculture 10 Acres.
7. The subject property is located in the AC-10 zoning district.
8. DCC 18.80 "Conditional Uses" establishes minimum review criteria for inert waste landfills.
9. The proposed project is a permitted conditional use within the AC-10 zoning district pursuant to DCC 18.80.
10. WAC 173-350-410 establishes minimum review criteria for Inert Waste.
11. The applicant has provided a plan of operation and a dust abatement plan consistent with the requirements of WAC 173-350-410.
12. A haul route agreement was entered into between Selland Construction, Inc. and Douglas County Transportation.
13. The applicant has provided a storm drainage report dated November, 2014 consistent with the requirements of the Douglas County Code and utilizing the guidance of the Stormwater Management Manual for Eastern Washington, as amended.

14. The applicant has provided a geologic hazard assessment including conclusions and recommendations, dated October 23, 2014 consistent with the requirements of Douglas County Code Chapter 19.18D.
15. A traffic impact analysis indicated that the project will add 1-2 additional vehicular trips per day and 5-10 vehicular trips per day during peak operations. The additional vehicular trips per day is minimal and will have no impact on existing transportation facilities.
16. Comments from reviewing agencies have been considered and addressed where appropriate.
17. Douglas County issued a Determination of Non-significance on December 24, 2014 in accordance with WAC 197-11-355 (Optional DNS).
18. A neighborhood meeting was completed by the applicant on October 20, 2014 pursuant to the requirements of DCC 14.08.012.
19. 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.
20. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
21. As conditioned, those public facilities and services necessary to support the conditional use will be adequate and available concurrently with the demand for such services and locally adopted level of service standards for public facilities and services will not fall below standards as set forth in the Douglas County Countywide Comprehensive Plan.
22. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public interests will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials of file submitted on November 10 & November 13, 2014 except as amended by the conditions herein.
2. Owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to operation.
3. Prior to commencing site preparation or filling operations the applicant shall obtain a Solid Waste Handling Facility Permit from the Chelan-Douglas Health District and provide a copy to Douglas County Land Services.

4. The inert fill landfill shall be operated in accordance with the Plan of Operation submitted November 10, 2014 and on file with the County, except as may be amended. Amendments to the Plan of Operations shall be provided to Douglas County Land Service for approval and certification of compliance with the conditions of approval.
5. Ingress and Egress, and route maintenance to and from the site shall be consistent with the Haul Route Agreement dated December 23, 2014.
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. Delivery of inert fill materials and the operation of heavy equipment shall not occur before 7 AM and not after 7 PM, Monday through Saturday.
8. Selland Construction, Inc. shall be the sole operator of the inert fill site.
9. Prior to commencing site preparation or fill operations onsite, written verification shall be submitted to the Douglas County Land Services from the Department of Ecology that an NPDES Construction Stormwater General Permit has been obtained or that the permit is not necessary.
10. In the event cultural sites or isolated finds are identified during operations, work in the immediate vicinity will be halted until the site or find can be evaluated by a qualified archaeologist and applicable state and tribal entities can be consulted.
11. At final closure, the site will be graded and seeded to ensure that excessive soil erosion does not occur.
12. The field engineer/geologist shall provide Douglas County Land Services a written report certifying that all conditions/recommendations related to site work, erosion controls, bench cut into the existing slope, and sediment control measures listed in the geotechnical report are complied with at the conclusion of each lift prior to placement of additional inert fill.
13. The applicant is responsible for compliance with applicable state regulations including but not limited to acquisition of the Department of Ecology, Construction Stormwater Permit, and registration of UIC facilities, prior to construction.

Respectfully Submitted,



Jack Heide, MRCP  
Associate Planner

Attachments



**Appendix A**  
**Agency Comments**



## DOUGLAS COUNTY TRANSPORTATION & LAND SERVICES

140 19TH STREET NW, SUITE A • EAST WENATCHEE, WA 98802

PHONE: 509/884-7173 • FAX: 509/886-3954

[www.douglascountywa.net](http://www.douglascountywa.net)

**To:** Jack Heide  
**CC:** Doug Bramlette, PE PLS, Cheri Peterson, PE  
**From:** Jennifer Lange, PE  
**Date:** December 1, 2014  
**Re:** CUP-14-01 Selland/Double Down Inert Waste Landfill

---

Additional information needed prior to hearing, including the following:

- As noted in the pre-application meeting (Pre-App 14-040) a Haul Route Agreement is required prior to approval of the CUP. At this time a Haul Route Agreement has not been executed.
- Construction plans for SELLAND CONSTRUCTION 8<sup>TH</sup> ST. SE INTERT WASTE FILL, received November 13, 2014. The plan set includes Sheets C-100, C-200, C-300, C-400, C-401 and D-100. The plan set is stamped DRAFT and is not signed by the Engineer of Record. Signed, stamped plans are required prior to approval of the CUP.
- A Storm Drainage Report (Erlandsen – November 2014), was submitted on November 10, 2014. Report is stamped and signed by a licensed engineer. *(No additional information needed.)*



**PUBLIC HEALTH**  
ALWAYS WORKING FOR A SAFER AND  
HEALTHIER COMMUNITY

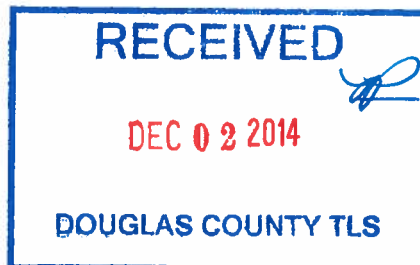
## Chelan-Douglas Health District

200 Valley Mall Parkway, East Wenatchee, WA 98802

**Personal Health:** 509/886-6400 • FAX 886-6478

**Environmental Health:** 509/886-6450 • FAX 886-6449

**Maternal Child Health:** 509/886-6400 • FAX 886 6436



December 1, 2014

Jack Heide  
Douglas County Transportation & Land Services  
140 19<sup>th</sup> Street NW, Suite A  
East Wenatchee, WA 98802

**Re: CUP-14-1, SEPA Checklist Double Down Inert Waste Landfill Proposal**

Dear Mr. Heide;

Thank you for the Request for Agency Comments on the Selland Construction Double Down inert waste landfill proposal off Witte Avenue. The SEPA checklist and attached documents provide sufficient information to make no further comment. We await Selland's solid Waste Facility permit application.

If you have any questions please feel free to call me at 886-6460.

Best regards,

David D. Prosch  
Environmental health  
Chelan -Douglas Health District



**PUBLIC HEALTH**  
ALWAYS WORKING FOR A SAFER AND  
HEALTHIER COMMUNITY

## Chelan-Douglas Health District

200 Valley Mall Parkway, East Wenatchee, WA 98802

Personal Health: 509/886-6400 • FAX 886-6478

Environmental Health: 509/886-6450 • FAX 886-6449

Maternal Child Health: 509/886/6400 • FAX 886-6436

### Request for Agency Comment

**To:** Jack Heide, Douglas County TLS  
**From:** Dean Butz, R.S., Chelan-Douglas Health District  
**Date:** November 20, 2014  
**Re:** Request for Agency Comments for Selland Construction's CUP 14-01

---

I have reviewed the above development proposal and recommend approval based on the information provided by the applicant:

**Water Supply:**

Water will likely be supplied by the porti-potties for hand-washing and bottled water will be provided for drinking water.

**Wastewater Disposal:**

Applicant indicated that porti-potties will supply the means of wastewater disposal for the project.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

November 26, 2014

RECEIVED

DEC 01 2014

Douglas County  
Transportation & Land Services

Jack Heide  
Douglas County Transportation & Land Services  
140 19<sup>th</sup> St. NW, Suite A  
East Wenatchee, WA 98802

Re: CUP-14-01

Dear Mr. Heide:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Double Down inert waste landfill, proposed by Selland Construction, Inc. We have reviewed the documents and have the following comments.

**WASTE 2 RESOURCES**

Inert Waste Landfills are permitted using WAC 173-350-410, which states "No inert waste landfill's active area shall be located: (a) On an unstable slope." The SEPA mentions steep slopes, which may deem this site unsuitable for use as an inert waste landfill, or any other type of landfill.

If you have any questions or would like to respond to these Waste 2 Resources comments, please contact **Gary Bleker** at (509) 575-2837 or at [gble461@ecy.wa.gov](mailto:gble461@ecy.wa.gov) .

Sincerely,

Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012

3736





**DOUGLAS COUNTY**  
**TRANSPORTATION & LAND SERVICES**  
 140 19TH STREET NW, SUITE A • EAST WENATCHEE, WA 98802  
 PHONE: (509) 884-7173 • FAX: (509) 886-3954  
<http://www.douglascountywa.net>

**REQUEST FOR AGENCY COMMENTS**

**Name of Applicant:** SELLAND CONSTRUCTION INC.

**Date of Application:** 11/10/2014

**Date Letter of Completeness Issued:** 11/14/2014

**Date Notice of Application Issued:** 11/17/2014

**Application Number:** CUP-14-01

**Description of Proposal:** A conditional use permit application to permanently fill a small canyon, approximately 2 acres in size, with an estimated 70,000 cubic yards of inert material (concrete, asphalt, rock, dirt, sand and gravel) over the lifetime of the fill. There is no estimated closure date for the fill site. A stormwater bypass culvert, to allow upstream precipitation events to pass through the fill, is proposed through the bottom of the canyon. 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. 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 Number is 22212410007.

**Respond By:** 5:00 p.m., 12/01/2014

**Return Comments to:** / Jack Heide  
 Douglas County Transportation & Land Services  
 140 19th Street NW, Suite A  
 East Wenatchee, WA 98802

**If comments are not received from your agency by the above date, it will be construed that your agency has no concern with this application.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Agency Name: \_\_\_\_\_

**Jack Heide (x6544)**

---

**From:** Keri Henson (x6345)  
**Sent:** Wednesday, November 26, 2014 3:06 PM  
**To:** Jack Heide (x6544)  
**Subject:** SS-13-02 & CUP-14-01

Jack,  
SS-13-02 and CUP 14-01 both look good to me.  
Thank you.

Keri Henson  
Chief Deputy Assessor, Douglas County  
P.O. Box 387 / 203 S. Rainier  
Waterville, Washington 98858  
Office: 509-745-8521  
Direct: 509-888-6345  
[khenson@co.douglas.wa.us](mailto:khenson@co.douglas.wa.us)