

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

IN RE) ORDINANCE NO: TLS 23-08-52A
)
AN INTERIM ORDINANCE AMENDING)
DOUGLAS COUNTY CODE 17.04.020)
APPLICABILITY BY ADDING NEW) TRANSPORTATION AND
SECTION (B) (3) (F).) LAND SERVICES

WHEREAS, Douglas County has adopted a Comprehensive Plan pursuant to the Growth Management Act (GMA) and the Revised Code of Washington (RCW) Chapter 36.70A; and

WHEREAS, Douglas County has adopted land use controls implementing the policies found in the comprehensive plan in accordance with the powers granted counties by RCW 36.32, RCW 36.70A and other applicable laws and statutes; and

WHEREAS, RCW 58.17.040 establishes 5 acres as the minimum lot size to which subdivision regulations apply; and

WHEREAS, RCW 58.17.040 allows Counties to adopt regulation regarding the lot size and other requirements which apply to "exempt segregations;" and

WHEREAS, Douglas County Code (DCC) 17.04.020 was amended in May 2023 to allow 5 acres as the minimum lot size to which the subdivision code requirements apply; and

WHEREAS, RCW 90.44.050, as interpreted by *Dep't of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 43 (2002), allows no more than a 5000 gallon per day withdrawal from permit exempt well(s) per project for domestic use; and

WHEREAS, Department of Health minimum requirements of potable water for in-house domestic use allows only 14 connections per 5000 gallon per day withdrawal; and

WHEREAS, Washington Administrative Code (WAC) 246-291-005 allows only 14 connections for a Group B water system, and

WHEREAS, Since the amendment of DCC 17.04.020, applications for exempt segregations that exceed 14 lots have been received, and

WHEREAS, Although exempt segregations are not required to comply with the provisions of RCW 58.17.110, the lots created would be required to comply with the provisions of RCW 19.27.097 at time of building permit application; and

WHEREAS, The Douglas County Board of Commissioners finds that exempt segregations that intend to use permit exempt wells as the source of potable water should be restricted to a maximum of 14 lots, and

WHEREAS, The Douglas County Board of Commissioners finds that the expeditious adoption of the proposed amendments benefits the public, and

WHEREAS, RCW 36.70A.390 states a county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, and

WHEREAS, If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing; and

WHEREAS, The Douglas County Board of Commissioners has approved a work plan that involves docketing the amendment to DCC 17.04.020 with the Douglas County Regional Planning Commission for review.

NOW, THEREFORE, the Douglas County Board of Commissioners hereby adopts the attached amendment to DCC 17.04.020.

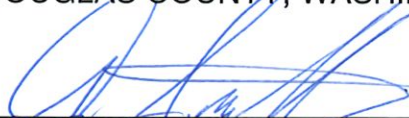
BE IT FURTHER ORDAINED, the Douglas County Board of Commissioners hereby adopts the Findings of Fact and Conclusions recited herein; and

BE IT FURTHER ORDAINED, the Board of County Commissioners hereby sets a public hearing for Tuesday, September 12, 2023 in Waterville, WA.

Dated this 15th day of August, 2023 in Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON





Dan Sutton, Chair



Kyle Steinburg, Vice Chair



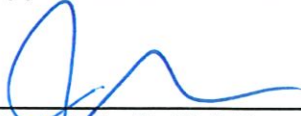
Marc S. Straub, Member

ATTEST:



Carlye Baity, Clerk of the Board

Approved as to form:



Jim Mitchell, Civil Deputy Prosecuting Attorney

WSBA 31031