

DOUGLAS COUNTY LAND USE HEARING EXAMINER
2009 ANNUAL REPORT

I. INTRODUCTION

The office of Douglas County Land Use Hearing Examiner has been in existence for many years. I have been serving as the Douglas County Land Use Hearing Examiner since May, 2006. Prior to this date I was the Hearing Examiner Pro-Tem. My current contract with Douglas County expires December 31, 2010.

Douglas County Code, Section 2.13.130, requires the Hearing Examiner to report, in writing, to the Board of Commissioners at least once per year. The purpose of this report is to review the administration of the County's land use policies and regulating resolutions, as well as reporting on the number and type of decisions rendered since the prior report.

Douglas County land use hearings are generally held once a month, on the third Thursday. So far this year, decisions have been rendered in the following areas (the numbers of each specific application are in parenthesis): APP – Administrative Appeal (3), SP - Shoreline Permit (11), P - Plat (4), CUP - Conditional Use Permit (5), PA – Plat Amendment (2), and RPD-Residential Plat Development (1)

This report is on all actions from January 1, 2009, through November 30, 2009. During this time frame I have rendered decisions on 26 separate permit applications.

II. ANALYSIS

Administrative Appeal

There were 3 administrative appeals this year. After holding open record public hearings on each matter, the administrative decisions in each matter were affirmed.

Shoreline Permits

There were 11 shoreline permit decisions. This compares with 20 shoreline permit decisions that were rendered in 2008.

As in years past, shoreline permit applications generally involved the placement of docks and/or boatlifts on the Columbia River. There were also permits relating to restoration of shoreline based upon work done on the shorelines that was not authorized.

Plats

There were 4 separate plat decisions. This compares with 11 plat decisions made in 2008. The following is a brief summary of the various plats that were approved:

1. Brett and Deanne Telford Plat. This was considered a major subdivision application for a 2-lot limited land segregation. The property is located off of South Webb Place.
2. Family Home Investments. This was a application for a major subdivision for a 24-lot subdivision on 4.82 acres located on the north side of Fifth Street NE.
3. AUSA Bar, LLC. This was an application for a 57-lot cluster subdivision on 402 acres on property that is located on the south side of SR 173 in the vicinity of the intersection of SR 173 and Grange Road.
4. Austin 2. This is a cluster subdivision application submitted by A Home Doctor, Inc. to divide 11.08 acres into 7 lots. This relates to property that is located on Center Street near Rock Island.

The plat decision-making process was relatively straightforward, with rules and regulations imposed by the County Commissioners being implemented by the Hearing Examiner. However, I have found that applicants are now more aggressively challenging off-site improvements upon which agencies are suggesting that the projects be conditioned. Generally, these involve off-site street improvements and/or sewer and water line improvements. In 2009, I continued to notice an increase in significant plat developments being scattered throughout the County but primarily within the urban area of East Wenatchee. Problems identified by Douglas County Public Works Department and Planning Staff are that street and/or sewer improvements need to be brought out to the proposals, often going past vacant land.

Plat Amendments

There were 2 plat amendment decisions. One of these related to the Riesling Plat which changed a proposed joint use dock configuration. The second plat amendment was for a cluster subdivision known as Plat of Corral Creek where the applicant proposed to eliminate the single community dock access easement and replace it with 9 joint and 3-party dock easements.

Conditional Use Permits

There were 5 conditional use permit application decisions. These permits were for an amendment to an existing conditional use permit for Central Washington Concrete to expand their working hours; an application by Pipkin Construction for a mineral extraction facility at Baker Flats; an application to replace an existing 60' tall wooden telecommunication tower with a 120' tall steel monopole telecommunication tower for Verizon Wireless; a new wireless tower for Verizon Wireless; and an expansion of an existing conditional use permit for Mitchell Trucking & Paving for their site along US Highway 2 near Orondo.

Conditional use permits are one of the most interesting and challenging areas in the land use decision process. Conditional uses are uses that are allowed within a particular zone unless there are no conditions that can be implemented to insure consistency of the use with the Comprehensive Plan and the Zoning Code and the character of the area. When deciding appropriate conditions of approval, I base those conditions upon the evidence that is submitted during the hearing process. They may be conditions that are suggested by staff, County departments, individual citizens, opponents and other experts and/or lay witnesses. In many applications there is no objection to the particular use and the conditions as proposed by the Zoning Code and Planning staff are implemented. When there are concerns by the public to a particular conditional use permit application, I must make a factual determination as to whether or not those concerns will factually and legally warrant placement of a condition. If conditions are factually and legally appropriate, it is then my responsibility to craft the language of a condition that will address the factual concerns and that can be appropriately monitored.

Residential Planned Development

There was 1 planned residential plat development. This was an application submitted by Cascade Property Ventures, LLC for a planned residential development and major subdivision consisting of 53 lots on property that is located on Fourth Street SE between South Jarvis Avenue and South Kentucky Avenue. The total project size was 24.4 acres.

III. CONCLUSION

Douglas County is completing its fourth year with myself serving as the Hearing Examiner. Throughout this year I have never been requested to remove myself as a Hearing Examiner, nor have been required to remove myself as a Hearing Examiner due to any conflict of interest/appearance of fairness issues.

Hearings have been held and evidence gathered in an orderly fashion. Written decisions have been rendered on a timely basis. In rendering all of my decisions, I apply the laws and regulations set by your Board and State legislatures to the facts of the case.

I would invite each of you to continue to attend hearings as you can. You will find that I consider it an important part of my duty to allow all members of the public to present the evidence and testimony they wish to be included into the record, so long as it is consistent with the laws as set forth in this state.

I recently attended the statewide conference of the Hearing Examiners Association of Washington. This is an association of all land use hearing examiners within the State of Washington. This was held in Chelan, Washington in October, 2009. This conference was held over two days. I am Secretary/Treasurer of the Hearing Examiners Association of Washington

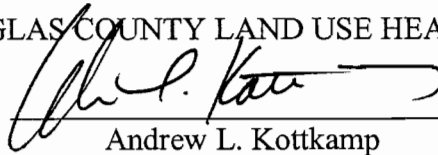
In 2009, I also served as Hearing Examiner for Chelan County, Kittitas County, Garfield County, Grant County, City of Chelan, City of Mattawa, City of Entiat, City of Wenatchee, City of East Wenatchee, City of Leavenworth, City of Cashmere, Town of Coulee City, City of Grand Coulee, City of Kittitas, City of Rock Island and the City of Quincy. I also serve as Hearing Examiner for Chelan-Douglas Health District.

Once again, I would like to commend the entire Douglas County Planning Department and staff for their professionalism in the preparation and presentation of their staff reports and their conduct at hearings. Their diligence and hard work make my job easier as they present the application materials and preliminary evidence in a succinct and easily comprehensible format. It allows me to do my job on a more efficient basis which saves the County money. They are always prepared and always professional at hearings. In short, you have a Planning Department of which the entire County can be proud.

In summary, the Hearing Examiner process continues to be successfully implemented in Douglas County.

Respectfully submitted this 4th day of January, 2010.

DOUGLAS COUNTY LAND USE HEARING EXAMINER

A handwritten signature in black ink, appearing to read "A. L. Kottkamp", written over a horizontal line.

Andrew L. Kottkamp