December 4, 2014

Douglas County Board of Commissioners
P.O. Box 747
Waterville, WA 98858

Re: 2014 Douglas County Hearing Examiner Annual Report

Dear Commissioners:

Attached is the 2014 Douglas County Land Use Hearing Examiner Annual Report.

Should you have any questions or wish for me to attend a meeting, please let me know.

Sincerely,

ANDREW L. KOTTKAMP

ALK: csl
Encl
DOUGLAS COUNTY LAND USE HEARING EXAMINER
2014 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 is automatically renewed on a biannual basis, subject to being terminated by any party at any time.

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.

This report is on all actions from January 1, 2014, through November 30, 2014.

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): SP - Shoreline Permit (5), P - Plat (2), CUP - Conditional Use Permit (3), PA-Plat Amendment (2), SCUP-Shoreline Conditional Use Permit (1).

II. ANALYSIS

Shoreline Permits

There were eleven (11) shoreline permit application decisions. These include Shoreline substantial development permits. The total amount billed for those decisions was $5385.00. This makes an average fee per application of $490.00. This compares to 14 shoreline permits in 2013.

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.
There were several shoreline permits from State agencies and the Chelan County PUD. The state agency shoreline permits related to improvements to a fish and wildlife project near Beebee Bridge. The PUD permits included improvements at Lincoln Rock State Park as well as to the boat lift at the Billingsley Hydro Park.

**Plats/Plat Alterations**

There were 2 plat decision totaling fees of $1275.00. This compares to 3 plat decisions in 2013.

This particular plat amendment was for the Beebe Orchards tracts that related to a re-designation of previously designated wetlands that would allow development on property within this cluster subdivision.

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.

**Conditional Use Permits**

There was 1 conditional use permit application decision with a billing of $585.00. This conditional Use permit was for a mineral extraction site on property designated as mineral resource land in Douglas County. This particular project is located just off Palisades Road and near SR 28.

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.
III. CONCLUSION

Douglas County is completing its eighth 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, 2011. This conference was held over two days. At this conference I was elected Secretary/Treasurer of the Hearing Examiners Association of Washington.

In 2014, I also served as Hearing Examiner for Kittitas County, Douglas County, Garfield County, Columbia County, Grant County, Klickitat County, City of Chelan, City of Mattawa, City of Wenatchee, City of Entiat, 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, Town of Waterville, City of Quincy and City of Bridgeport. 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, we 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 December, 2014.

DOUGLAS COUNTY LAND USE HEARING EXAMINER

[Signature]

Andrew L. Kottkamp