

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

140 19<sup>th</sup> Street NW  
East Wenatchee, WA 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
CUP-2020-05A	)	<b>DECISION AND</b>
DCPUD CUP Amendment	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on February 19, 2026, 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. The applicant for the project is the Douglas County Public Utility District No. 1.
2. Requested Action: An application for an amendment to CUP-2020-05. DCPUD was issued a Conditional Use Permit for the “DCPUD Switchyard & Hydrogen Generation Facility”, CUP-2020-05. Since the time this permit was issued, the DCPUD acquired the property directly adjacent to and north of the Hydrogen Facility. This land was referenced in several of the Findings of Fact and Condition of Approval statements as “70 acres of industrial zoned land to the north”. This acquisition removes all private property owners north of the Hydrogen Facility within the industrial zoned designation to the state highway. The proposed Conditional Use Permit amendment is to remove the requirements that are no longer applicable due to the land acquisition and provide minor edits to accurately reflect the proposed facility.
3. Location: The subject properties are located at 174 Hydrogen Way, East Wenatchee, 98802. The property is further described as being located within Section 2, Township 23N, Range 20E, W.M. Douglas County Assessor’s Parcel Number(s): 23200210006, 23200210005, 23200210001.
4. **SITE INFORMATION**:
  - 4.1. **Services and Utilities**:
    - 4.1.1. Domestic Water: East Wenatchee Water District
    - 4.1.2. Sewage Disposal: On-site septic
    - 4.1.3. Power/Electricity: Douglas County Public Utility District
    - 4.1.4. Fire Protection: Wenatchee Valley Fire Department
5. Site Characteristics: The topography is relatively flat with ascending slopes on the far east side of the property. The hydrogen production production/ processing facility, and supporting infrastructure, currently exists on site.

6. Uses adjacent to the subject properties:
  - 6.1. North: Agriculture, vacant land
  - 6.2. South: Industrial development
  - 6.3. East: Vacant land
  - 6.4. West: Commercial development, US Hwy 2
7. Access: Access to the facility exists via a private road connection to the state highway.
8. Zoning and Development Standards: The subject properties are located within the General Industrial (I-G) zoning district within the East Wenatchee Urban Growth Area. The existing hydrogen facility is permitted within this district via a conditional use permit (CUP).
9. ENVIRONMENTAL REVIEW:
  - 9.1. Douglas County issued a Determination of Non-Significance on January 23rd, 2026, in accordance with WAC 197-11-355 (Optional DNS).
10. AGENCY AND PUBLIC COMMENTS:
  - 10.1. Applicable agencies have been given the opportunity to review this proposal. Agency comments were included as attachments to the planning staff report.
  - 10.2. Agency comments:

Agency Notified	Response Date	Agency Notified	Response Date
Chelan Douglas Health District	2/2/2026	Douglas County Fire Marshal	2/2/2026
Confederated Tribes of the Colville Reservation	1/21/2026	WA State Department of Ecology	N/R
WA State Department of Archeology and Historic Preservation	N/R	WA State Dept. of Transportation	1/20/2026
Douglas County Land Services Dept.	1/22/2026	Douglas County Public Utility District	2/19/2025
East Wenatchee Water District	N/R	Douglas County GIS Department	1/9/2026
Douglas County Transportation and Stormwater Department	1/26/2026		

\* N/R = No Reply

- 10.3. Planning staff incorporated agency comments into recommended conditions of approval, where applicable.
  - 10.4. No public comments were received by Douglas County.
11. PROPOSED AMENDMENTS:
- 11.1. Applicant proposed the following modifications to findings of fact concerning this conditional use permit:

- 11.1.1. 11.5.1 According to the Applicant and Analysis: The applicant understands these requirements. The following chemicals may be stored on the site, hydrogen gas, 1-percent hydrogen in oxygen span gas, oxygen gas, nitrogen gas, propylene glycol mixture, water, calcium sulfate (desiccant), and motor oil. **The project will comply with this requirement.**
- 11.1.2. 20. The use of the project site for generating hydrogen fuel cells is consistent with surrounding land uses that includes industrial (i.e. McDougal & Sons North Baker Flats facility), agricultural, utilities (i.e. Bonneville Power Administration), and commercial (i.e. Shell station). The site will be designed and constructed to be visually consistent with the general aesthetic character of the area. A 6-foot tall fence will be constructed ~~along the entire perimeter of the site as shown in Exhibit A~~ and a landscaped buffer will be maintained on the ~~northern and~~ western boundaries of the site to provide a visual screen and improve aesthetic character of the site.
- 11.1.3. 28.1 Buffering will be provided in the form of fencing and landscaping. A 6-foot tall fence will be implemented ~~along the perimeter of the site as shown in Exhibit A~~. Landscaping is proposed on the ~~northern and~~ western boundaries of the project site and will be designed in accordance with DCC Chapter 20.40 and any applicable conditions of the CUP decision. No landscaping is proposed on the **northern**, eastern, southern boundaries of the site because the project is not anticipated to have adverse impacts to adjacent properties in these locations.
- 11.1.4. 28. Access to the facility is proposed via a private road connection to the state highway ~~and includes a proposed extension to the north to facilitate future development of approximately 70 acres of industrial zoned land to the north.~~
- 11.2. Applicant proposed the following modifications to conditions of approval for this conditional use permit:
- 11.2.1. 3. This Conditional Use Permit is for the “DCPUD Switchyard & Hydrogen Generation and Storage Facility.” At no time does any portion of part of the application materials, support information, and/or submitted plans allow the permitted activity and/or use beyond that of a Switchyard & Hydrogen Generation and Storage Facility **including ancillary functions such as process water handling.**
- 11.2.2. 19. The access to the facility is proposed via a private road connection to the state highway ~~and includes a proposed extension to facilitate future development of approximately 70 acres of industrial zoned land to the north. The easement for this private road shall include provisions for emergency access to and from the properties to the north and allow for dedication as a public road if deemed necessary by the County Engineer built to DCC and engineering standards.~~
- 11.3. Staff Analysis:
- 11.3.1. Proposed amendments that clarify the existing use of the property, via findings of fact and conditions of approval, do not pose any concern for Douglas County as the amendments do not alter the existing use of the site. All uses that are referenced in the proposal fall within the permitted uses for the I-G district.
- 11.3.2. Proposed modifications to landscaping/ fencing standards appear to meet the intent of applicable screening requirements. When the project was originally processed, the land to the north remained under separate ownership. Due to the difference in ownership, screening requirements were implemented to eliminate adverse impacts from the hydrogen facility on the neighboring properties. With the DCPUD acquisition

*of all property to the north, the requirements to screen the parcels is no longer applicable as the project is not intended to have adverse impacts on the adjacent properties to the north. The request to eliminate landscaping on the north side of the facility and replace it with fencing is supported by the Land Services Department.*

- 11.3.3. DCPUD also proposes an amendment removing access requirements that are no longer applicable after their property purchase at 174 Hydrogen Way, East Wenatchee, 98802. The proposed change reflects the purchase of property by the PUD and their need to keep any existing and/or future internal road(s) private and gated for security reasons, thereby rendering the old requirement obsolete. Should conditions change in the future necessitating some form of access off Hwy 97, County and WSDOT approval would be necessary and appropriately analyzed at that time. Thus, the County supports the proposed change to Condition 19 which eliminates an easement for a roadway extension to support emergency access based on potential future development.
12. Per the Colville Confederate Tribes, The proposed project lies within the traditional territory of the šnpəšqʷaw səxʷ šnpəšqʷaw səxʷ (people in between) or p'squosa (narrow canyon) or Wenatchi Tribe, one of the 12 constituent tribes of the Confederated Tribes of the Colville Reservation (CTCR), which is governed by the Colville Business Council (CBC). The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CTCR with regard to cultural resources management issues throughout the traditional territories of all of the constituent tribes under Resolution 1996-29. Per CCT, the project does not propose any amendments to the APE or pertain to any ground disturbing work, therefore CCT has no comments regarding the amendment.
13. Per the Douglas County Prosecuting Attorney's office, the proposed change reflects the purchase of property by the PUD and their need to keep any existing and/or future internal road(s) private and gated for security reasons, thereby rendering the old requirement obsolete. Should conditions change in the future necessitating some form of access off Hwy 97, County and WSDOT approval would be necessary and appropriately analyzed at that time. Thus, the County supports the proposed change to Condition 19 which eliminates an easement for a roadway extension to support emergency access based on potential future development.
14. 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.
15. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
16. Purveyors who responded to the project have indicated that adequate utilities/services are available or can serve this project.
17. The development will not adversely affect the general public, health, safety and general welfare, subject to the suggested Conditions of Approval.
18. After due legal notice and open record public hearing was held on February 19, 2026.
19. The following exhibits were admitted into the record:
- 19.1. Ex. 1. Staff Report
- 19.2. Ex. 2. Remainder of Planning file of Record.
20. Appearing and testifying on behalf of the Applicant was Todd Vibbert. Mr. Vibbert testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Vibbert indicated that he agreed with the staff report and had no objections to any of the

proposed conditions of approval. Mr. Vibbert added that PUD believes it is the best interest of the public to keep Hydrogen Way as a private road; it helps protect the public from hazards.

21. Testifying from the public was Andrea Haupt, 26 Daisy Hill Rd: Ms. Haupt's relative, Bruce Haupt owns 18 Daisy Hill Rd. Their family also own rental properties in the neighborhood. They have had renters complain about bothersome lights on the facility not shielded by landscaping. Ms. Haupt was concerned about the proposal further reducing landscaping.
22. The Hearing Examiner finds that Ms. Haupt's concerns relate to the western boundary of the subject property, which is not impacted by the proposed amendments. Previously-ordered conditions of approval not expressly amended herein remain in effect.
23. 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. The application constitutes a permit revision that is not minor in nature under DCC 18.80.060.
2. CUP-2020-05, previously found to conform to the provisions of Chapter 18.80 DCC, continues to conform to said provisions when amended as proposed.
3. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

## III. DECISION

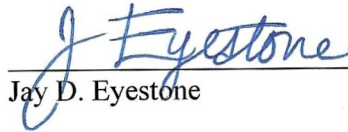
Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner has determined that CUP-2020-05A is hereby **APPROVED** subject to the following Conditions of Approval.

## IV. CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials on file.
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. The applicant shall abide by all conditions of approval outlined in the Hearing Examiner decision for CUP-2020-05, except as modified herein.
4. The applicant shall abide by the revised conditions of approval, as proposed within the application materials.
5. Proposed modifications to the existing findings of fact shall become applicable to the project upon approval of this amendment.
6. The gate to the facility shall be installed with a knox box. The applicant shall coordinate with the local Fire Department.

Dated this 4 day of March, 2026.

DOUGLAS COUNTY HEARING EXAMINER PRO TEM

  
Jay D. Eyestone

**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.**