

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WAS 98802-4109

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP-2021-01)	DECISION AND
DCPUD)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on March 25, 2021, 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 property owner is Public Utility District No. 1 of Douglas County, 1151 Valley Mall Pkwy East Wenatchee, WA 98802.
2. General Description: An application for a master Conditional Use Permit (CUP) to memorize existing facilities and expand the Douglas County PUD complex for “Municipal buildings” and “Public facilities and utilities.” The project includes, but is not limited to: 1) 2021 construction of a 14' x 32' modular office. Such are necessary for a NERC required back-up control center. It will include a control desk for two power dispatchers, restroom and kitchenette. This building will be manned only if the main dispatch center becomes unavailable. 2) Additionally, the applicant requests area for future buildings with additions to existing network equipment. This includes a future fiber optic and communications network buildings, future power distribution substation, switchyard facilities, control buildings, future storm / septic facilities, and necessary supporting infrastructure. 3) The existing power distribution substation, switchyard facilities, control buildings, and power distribution equipment storage yard are being memorized within this permit. The District intends to build in phases.
3. Location: The subject properties total approximately eight (8) acres in size, and are located in the Residential Low Density (R-L) zoning district under East Wenatchee Municipal Code. The properties are further described as being located at 1485 & 1561 10th Street NE East Wenatchee, WA 98802 and known as the “East Substation” within Section 1, Township 22N, Range 20E, W.M. The Assessor’s Parcel Numbers are 22200140007 and 22200140010.

4. **Site Characteristics:** The site includes existing power distribution substation, switchyard facilities, control buildings, and power distribution equipment storage yard. The construction site is of relatively flat topography.
5. **Site Access:** The parcels are accessed by vehicles from 10th Street NE East Wenatchee.
6. **Adjacent Land Uses:** Adjacent parcels consist of residential and vacant lands. The property is bordered by the City limits of East Wenatchee and Residential Low Density (R-L) Zoning District.
7. **Zoning and Development Standards:** The subject property is located within the Low Density Residential (R-L) Zoning District under East Wenatchee Municipal Code, which allows for the conditional uses. The Growth Management Act identifies that urban growth areas are lands intended for annexation by the adjacent city within 20 years. Based on this, Douglas County has adopted city development regulations within their urban growth areas in order to guide growth according to city standards and ease the transition during future annexations. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 ‘Zoning’ of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary.
8. Pursuant to East Wenatchee Municipal Code (EWMC) 17.24.040 Conditional uses, the following uses shall be conditional uses in the R-L district under conditions set forth in Chapter 17.64 EWMC:
 - 8.1 D. Municipal buildings;
 - 8.2 E. Public facilities and utilities
9. According to EWMC 17.08.470 Municipal buildings, notwithstanding any contrary provisions found elsewhere in this title, “municipal buildings” means those structures owned and maintained by units of government and used exclusively for authorized governmental functions mandated by statute. Not included are structures whose primary use is that of public assembly.
10. According to EWMC 17.08.525 Public facilities, “Public facilities” means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities as defined in RCW 36.70A.030, as amended, and may include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.
11. According to EWMC 17.08.625 Utility or utility services, “Utility” or “utility services” means any water, gas, sanitary or storm sewer, electrical, telephone, irrigation, drainage way, natural gas, facility and/or service and all persons, companies or governmental agencies furnishing the same.
12. The Comprehensive Plan designates this property as the Low Density Residential. The following goals and policies set forth in the comprehensive plan are relevant to this development:

- 12.1 EAST WENATCHEE CHAPTER 7 – UTILITIES - Douglas County Public Utility District (PUD) provides electrical power throughout Douglas County, including the Greater East Wenatchee Area. Power is generated at the PUD's own hydroelectric project at Wells Dam. The Wells project is operating under a license issued by the Federal Energy Regulatory Commission. The dam has ten generating units rated at a combined 840 megawatts. Sufficient power is available to continue urban growth in the planning area. Generally, the power distribution system lines and equipment are located in public street and road right of ways or on private utility easements.
- 12.2 GOALS AND POLICIES:
- 12.2.1 GOAL 1: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the Area, in a fair and timely manner.
- 12.2.2 UT 2: A full range of urban services shall be provided within the entire urban growth area by promoting utility extensions to those areas needing urban services.
- 12.2.3 UT 3: Encourage development of vacant properties adjacent to established utility systems, according to the appropriate zoning classification and/or land use designation.
- 12.2.4 UT 4: Insure that development provides timely, adequate, and efficient utility systems.
- 12.2.5 UT 7: facilitate the provision of urban services to all areas in the urban growth area by Sizing and locating new services that will efficiently accommodate future service extensions.
- 12.2.6 UT 8: future utility system planning shall be coordinated with the comprehensive plan Of the city, county and other planning efforts pertaining to land use, other utilities And other community facilities.
- 12.2.7 UT 9: utility installations and system upgrades must be done in a manner sensitive to the surrounding land uses, as well as environmental and hazard area Considerations.
- 12.2.8 UT 12: Utility structures (e.g. substations, equipment cabinets) in urban areas must design and screen their facilities to insure that they are compatible in bulk and scale with surrounding land uses.
- 12.2.9 GOAL 2: Provide for the expansion of electric utility facilities to meet future load requirements. Support conservation measures to aid in meeting future growth needs.
- 12.2.10 UT 13: Douglas County users shall be the top priority for electric power generated by Douglas County PUD.
- 12.2.11 UT 14: Recognize energy facility needs and future demand in the Greater East Wenatchee Area. Ensure that facilities will be properly located to increase effectiveness of the resource, protect the public, health safety and welfare, address land use compatibility, and the environment.
- 12.2.12 UT 15: Develop standards and criteria for consideration when locating major types of energy facilities in the County. Energy facilities and associated uses may include a variety of differing energy facilities and needs including: solar, wind, fuel cells, hydroelectric, thermal, waste energy, ethanol, methane, gasification, nuclear and petroleum based facilities. Standards and criteria should address, type, size or scale of development, classes of areas

sensitive to differing energy facilities, general layout, principles for assessment of cumulative impacts and public input.

13. Pursuant to EWMC 17.24.040 Conditional uses, the following uses shall be conditional uses in the R-L district under conditions set forth in Chapter 17.64 EWMC: D. Municipal buildings; and E. Public facilities and utilities:
 - 13.1 17.92.010 Generally:
 - 13.1.1 A. Permits for conditional property uses shall be signed by the secretary of the board of adjustment and shall stipulate restrictions or conditions which may include a definite time limit, provisions for a front, side or rear yard greater than the minimum requirements of the zoning ordinance, suitable landscaping, off-street parking and any other reasonable restrictions, conditions or safeguards that would uphold the spirit and intent of the zoning ordinance and mitigate any adverse effect upon the neighborhood properties by reason of the use extension, construction or alteration allowed.
 - 13.1.2 D. If not otherwise specified by the board of adjustment, the conditional use permit shall expire at the end of a period of one year from the time it is granted if the use for which the permit is granted is not substantially established by that time. Any conditional use permit, if granted, shall pertain only to the specific use and specific property of the applicant. In the event of any use of the property not fully described as authorized in the permit which was granted, such permit is void and the use of the property shall immediately be restricted to those permissive uses of the zone in which the property is situated. Any applicant desiring an amendment to an existing conditional use permit must comply with the procedures for approval of a conditional use permit as set forth in this title.
 - 13.1.3 F. Any conditional property use shall meet the minimum dimensional standards of the zone in which it is to be located as well as the minimum conditions listed in this chapter and in Chapter 17.64 EWMC for specific conditional uses identified therein.
 - 13.2. 17.92.030 Approval or rejection of application – Standards. The board of adjustment may approve a conditional use permit application only upon finding that:
 - 13.2.1 A. The proposal is compatible with the intent of the Comprehensive Plan for the city;
 - 13.2.2 B. The proposal is compatible with the surrounding neighborhood;
 - 13.2.3 C. The surrounding neighborhood would not be negatively impacted by the size, arrangement or architectural design of the proposed use;
 - 13.2.4 D. Traffic patterns are not severely impacted;
 - 13.2.5 E. Public facilities are available to serve the proposed development;
 - 13.2.6 F. The proposal has no materially detrimental effects on neighboring properties due to excessive noise, lighting or other interference with the peaceful use and possession of said neighboring properties;
 - 13.2.7 G. The proposal has been designed to minimize adverse effects on neighboring properties;
 - 13.2.8 H. Landscaping materials are provided in sufficient quantities and locations to screen objectionable views, break up large parking areas, and present an aesthetically attractive appearance.

- 13.3 17.64.010 Purpose. This chapter describes the criteria or conditions to be applied to specific conditional uses listed in each individual zoning district in which the specific conditional uses are permitted. The uses may be approved by the board of adjustment through the conditional use permit process described in Chapter 17.92 EWMC if they meet the standards of this chapter and the criteria of Chapters 17.92 and 17.96 EWMC as presently enacted or hereafter amended of this code.
 - 13.3.1 17.64.080 Municipal buildings. Municipal buildings shall meet the following minimum standards:
 - 13.3.1.1 A. Maximum coverage: 65 percent for all buildings within residential districts; that of the district in which the structure is located within all other zones;
 - 13.3.1.2 B. Minimum setback distances: those of the district in which the structure is located;
 - 13.3.1.3 C. Maximum height: that of the district in which the structure is located;
 - 13.3.1.4 D. Parking: the off-street parking requirements shall be as set forth in EWMC 17.72.010, as the same exists now or may hereafter be amended;
 - 13.3.1.5 E. Landscaping requirements: that of the district in which the structures are located or additional as required by the planning commission.
 - 13.4. 17.64.170 Increased building height.
 - 13.4.1 A. Applicable districts: R-L, R-M, R-H, CBD, and G-C.
 - 13.4.2 B. The maximum allowable building height may be increased up to 20 percent of the maximum height allowed in the applicable zoning district with approval of a conditional use permit if, in addition to the requirements of Chapter 17.92 EWMC, it is demonstrated that:
 - 13.4.2.1 View opportunities from lots within 100 feet of the subject property are not substantially reduced;
 - 13.4.2.2 Adequate provisions for fire protection are available at the time of construction (use of innovative construction techniques as approved by the fire marshal, fire flow, hydrant access, etc.);
 - 13.4.2.3 No unstable slopes or soils are on the building site; and
 - 13.2.4.4 Solar access of neighboring lots is not substantially (less than 50 percent) reduced.
 - 13.5 17.24.050 Dimensional standards. The following are dimensional standards in the R-L district:
 - 13.5.1 D. Maximum building height: 35 feet;
 - 13.5.2 E. Maximum land coverage: 40 percent for all buildings;
 - 13.5.3 F. Minimum setback distances, except as provided in EWMC 17.72.040:
 - 13.5.3.1 Front yard: 15 feet, provided any garage or carport with vehicle entrances facing a street shall be set back at least 20 feet from the front lot line;
 - 13.5.3.2 Rear yard: 15 feet;
 - 13.5.3.3 Side yard: five feet.
 - 13.6 17.24.060 Off-street parking requirements. Off-street parking requirements for the R-L district shall conform to the provisions in Chapter 17.72 EWMC, as the same exists

now or may hereafter be amended. All required parking shall be located to the rear of the front yard setback.

- 13.7. 17.24.070 Landscaping requirements. All developments in this district shall be subject to the landscaping requirements in Chapter 17.72 EWMC, as the same exists now or may hereafter be amended.
- 13.8. 17.24.090 Design standards and guidelines. Development within this district shall comply with the applicable sections of the Greater East Wenatchee Urban Growth Area Design Standards and Guidelines which are adopted by this reference as if fully set forth herein.
- 14. Douglas County issued a Determination of Non-Significance on February 4, 2021 in accordance with WAC 197-11-355 (Optional DNS).
- 15. 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:
 - 15.1 Date of Application: 01/06/2021
 - 15.2 Date Letter of Completeness Issued: 01/08/2021
 - 15.3 Date Notice of Application Issued: 01/19/2021
 - 15.4 Comment Period: 01/20/2021 - 03/02/2021

Agency Notified	Response Received	Agency Notified	Response Received
WA State Dept. of Ecology	02/01/2021	Douglas County Fire District	02/03/2021
Douglas County Transportation	02/02/2021	Douglas County GIS	01/28/2021
Douglas County Land Services	02/03/2021	Douglas County PUD	01/27/2021
Chelan-Douglas Health District	02/05/2021	East Wenatchee Water District	01/27/2021
Douglas County Sewer District	02/03/2021	Colville Confederated Tribes	N/R
GWIRRD	02/03/2021	City of East Wenatchee	N/R

- 16. No written public comments were received.
- 17. Pursuant to Douglas County Code 18.80.020 (A), the hearing examiner is authorized to approve, approve with conditions or deny permits for conditional uses... Pursuant to East Wenatchee Municipal Code 17.92.030, the board of adjustment may approve a conditional use permit application. On March 28, 2007, Douglas County adopted Ordinance 07-01H which adopted sections of Title 17 'Zoning' of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Boundary; and furthermore administers the actions of such adoption. Under the DCC, the equivalent of the board of adjustment is the hearing examiner. Upon review of the application materials, site plans, agency comments, the Comprehensive Plan, and applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application.

18. The project site is within the Low Density Residential designation; and the proposal is consistent with the Goals and Policies identified above.
19. EWMC 17.92.030 Approval or rejection of application – Standards. The hearing examiner (board of adjustment) may approve a conditional use permit application only upon finding that:
 - 19.1 The proposal is compatible with the intent of the Comprehensive Plan for the city:
 - 19.2 Hearing Examiner Finding: The applicable Goals and Policies are included within the Comprehensive Plan citations above; and the proposal is consistent with the cited goals and policies.
 - 19.3 The proposal is compatible with the surrounding neighborhood:
 - 19.4 Hearing Examiner Finding: The properties are well established utility use site. The site includes existing power distribution substation, switchyard facilities, control buildings, and power distribution equipment storage yard. Improvements subject to this action will be for the purpose and function of the existing facility. Adjacent parcels consist of residential and vacant lands. The property is bordered by the City limits of East Wenatchee and Residential Low Density (R-L) Zoning District.
 - 19.5 The surrounding neighborhood would not be negatively impacted by the size, arrangement or architectural design of the proposed use.
 - 19.6 Hearing Examiner Finding: The properties are well established utility use site. The site includes existing power distribution substation, switchyard facilities, control buildings, and power distribution equipment storage yard. Improvements of this subject action will be for the purpose and function of the existing facility. Adjacent parcels consist of residential and vacant lands. The property is bordered by the City limits of East Wenatchee and Residential Low Density (R-L) Zoning District.
 - 19.7 Traffic patterns are not severely impacted:
 - 19.8 Hearing Examiner Finding: Low or limited traffic generation is anticipated with the existing and new uses.
 - 19.9 Public facilities are available to serve the proposed development:
 - 19.10 Hearing Examiner Finding: The applicant shall comply with all standards and specifications to ensure service is provided to meet the need of the facilities.
 - 19.11 The proposal has no materially detrimental effects on neighboring properties due to excessive noise, lighting or other interference with the peaceful use and possession of said neighboring properties:
 - 19.12 Hearing Examiner Finding: Existing noise levels will remain the same.
 - 19.13 The proposal has been designed to minimize adverse effects on neighboring properties:
 - 19.14 Landscaping materials are provided in sufficient quantities and locations to screen objectionable views, break up large parking areas, and present an aesthetically attractive appearance:
 - 19.15 Hearing Examine Finding: The applicant has provided landscape plans. According to the applicant, The District utilizes fenced switchyard, substation and communications yards to provide reliable power in accordance with NERC reliability requirements. Like most electric utility providers, the District installs buried grounding grids in our fenced control yards to provide the neutrals for power and communications equipment, to prevent electric shock for our workers and to mitigate overvoltages that can damage equipment. The District can therefore not take the risk of planting

vegetation inside of our fenced areas due to the safety threats and violation of our reliability standards that NERC enforces. The District currently has control house buildings with parking areas in our existing substations and have not been required to landscape these parking areas as part of the building permit process. Please see attached drawing set, Sheet A1.2 for the landscape plan outside of the protected fenced area.

20. EWMC 17.64.080 Municipal buildings. Municipal buildings shall meet the following minimum standards:
 - 20.1 Maximum coverage: 65 percent for all buildings within residential districts; that of the district in which the structure is located within all other zones;
 - 20.2 Minimum setback distances: those of the district in which the structure is located.
 - 20.3 Maximum height: that of the district in which the structure is located
 - 20.4 Parking: the off-street parking requirements shall be as set forth in EWMC 17.72.010, as the same exists now or may hereafter be amended;
 - 20.5 Landscaping requirements: that of the district in which the structures are located or additional as required by the planning commission
 - 20.6 Hearing Examiner Finding: As conditioned, the above standards shall be met.
21. After due legal notice an open record public hearing was held via Zoom due to the Covid-19 pandemic on March 25, 2021.
22. The entire Planning Staff file was admitted into the record at the public hearing.
23. 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 testified that all of the proposed Conditions of Approval were acceptable. He indicated that they were requesting a Finding of Fact that this project was deemed an emergency use building for maintaining local electrical grids. Mr. Vibbert provided the language set forth in Finding of Fact No. 25, which is adopted by the Hearing Examiner. Mr. Vibbert stated that they hoped that the manufactured building would be in place by July, 2021 and that they had no plans for further construction on the site for at least the next 10 years.
24. Testifying from the public was John Hughes. Mr. Hughes is a neighboring property owner. He had questions as to when the modular building would be constructed and placed and the timing of later construction.
25. Douglas County PUD's proposed plan for building a backup Control Center is related to a finding from a Western Electricity Coordinating Council (WECC) audit of our Critical Infrastructure Protection programs as required by the National Electric Reliability Corporation's (NERC) Reliability Standards. As a result of the issue identified during the audit, Douglas County PUD must move its backup Control Center to a different facility that does not contain certain types of networked devices. Douglas County PUD is required by the NERC Reliability Standard EOP-008 to have a functional backup Control Center in the event its primary Control Center loses functionality. Due to the criticality of this facility, Douglas PUD is required to have various plans, procedures, and infrastructure in place to ensure the reliable operation of the power system, even if the primary Control Center is lost or damaged.

One requirement is that Douglas PUD must have plans and infrastructure to ensure that there are adequate power sources for the reliable operation of the backup Control Center. The currently proposed plan allows for better reliability in providing power to the proposed backup Control Center and its associated communications network. Given the limited physical access allowed to this control facility and the expertise of our staff, Douglas PUD believes its current plan for the site's power source is safe and a responsible use of our resources.

26. 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.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As conditioned, the proposal is consistent with East Wenatchee Municipal Code 17.92.030 Approval or rejection of application – Standards and 17.64.080 Municipal buildings.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with East Wenatchee Municipal Code Title 17, Douglas County Code Title 14 and Title 19, and the East Wenatchee Comprehensive Plan.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that CUP No. 2021-01 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted on 01/06/2021 except as amended by the conditions herein.

2. The 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. This Conditional Use Permit is for the “Douglas County PUD - Existing substation, back-up control center, and ancillary improvements;” further described as:
 - 3.1 A master Conditional Use Permit (CUP) to memorize existing facilities and expand the Douglas County PUD complex for “Municipal buildings” and “Public facilities and utilities.” The project includes, but is not limited to: 1) 2021 construction of a 14' x 32' modular office. Such are necessary for a NERC required back-up control center. It will include a control desk for two power dispatchers, restroom and kitchenette. This building will be manned only if the main dispatch center becomes unavailable. 2) Additionally, the applicant requests area for future buildings with additions to existing network equipment. This includes a future fiber optic and communications network buildings, future power distribution substation, switchyard facilities, control buildings, future storm / septic facilities, and necessary supporting infrastructure. 3) The existing power distribution substation, switchyard facilities, control buildings, and power distribution equipment storage yard are being memorized within this permit.
4. Pursuant to 17.92.010 (D), the Hearing Examiner hereby removes the one-year permit expiration.
5. Pursuant to 17.64.170, the Hearing Examiner hereby grants a height increase of 20 percent of the maximum height allowed in the zoning district.
6. Pursuant to 17.64.080, the Hearing Examiner hereby stipulates the maximum coverage of 65 percent for all buildings.
7. The Hearing Examiner hereby concurs with the Districts landscape plan; and all landscaping shall be outside of the protected fenced area.
8. As applicable, development shall comply with the applicable sections of the Greater East Wenatchee Urban Growth Area Design Standards and Guidelines.
9. The applicant shall complete the Installation of a Septic Holding Tank (permit 21-039).
10. The applicant shall obtain a public water availability verification with East Wenatchee Water District.
11. Prior to approval of any building permit, the applicant will be required to sign a no-protest waiver agreeing to connect to public sewer within 24 months of it becoming available. The document is available at Douglas County Sewer District.
12. A water meter service must be installed or a performance bond equal to 100% of the cost to install service must be granted to the East Wenatchee Water District before water availability is given. Requirements for fire flow will meet the standards of the Douglas County Fire Marshal and all required improvements will be per current District Design Standards and Specifications.

13. An Address Request Application needs to be completed for all current and planned futures buildings on this parcel.
14. Access to the property is from 10th St NE. The applicant shall coordinate access requirements and associated permit directly with the City of East Wenatchee. The applicant shall provide written verification from the City of East Wenatchee that the approach is acceptable prior to building permit issuance.
15. The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.
 - 15.1 The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
16. Prior to operations and as applicable, the applicant shall obtain all appropriate permits and/or approvals from the Washington State Department of Ecology.
17. Any outdoor lighting shall be directed towards the site and/or shielded to prevent trespass.
18. Prior to construction, the applicant shall obtain a Douglas County Building Permit.
19. Upon receipt of an application for future improvements, the proposed improvements shall be evaluated for conformance with the scope of this Conditional Use Permit. Minor amendments or revisions to the scope of the CUP may be processed in accordance with the Full Administrative Review as determined by the Community & Economic Development Director. Other revisions to permits shall comply with DCC 18.80.060.

Dated this 26th day of March, 2021.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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

CUP No. 2021-01

DCPUD

Page 11 of 12

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.