

1 **BEFORE THE HEARING EXAMINER**
2 **FOR CLALLAM COUNTY**
3 **AND**
4 **BEFORE THE SEPA RESPONSIBLE OFFICIAL**
5 **FOR CLALLAM COUNTY**

6 In Re:
7 Conditional Use Permit Hearing for
8 Olympic Systems Properties
9 **File No. CUP2021-00005**, and
10 Appeal by:
11 Citizens for Carlsborg;
12 Sequim Valley Airport and Ande Sallee;
13 Old Mill Café; LLC and Valdena Culp;
14 A-M Systems, LLC and Arthur B. Green, III
15 of the *Mitigated Determination of*
16 *Nonsignificance for Olympic Systems*
17 *Properties*
18 (March 22, 2022)
19 **File No. ECL2021-00019**

Hearing Examiner File No.
CUP2021-00005

DCD File No.
ECL2021-00019

**APPLICANT’S MOTION TO CONTINUE
HEARING**

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18 **I. INTRODUCTION**

19 Applicant Olympic Disposal Systems (“*Olympic*”) requests a continuance of the hearing
20 currently scheduled for July 21, 2022 (the “*July CUP Hearing*”). On June 30, 2022,
21 representatives of Olympic met with County Senior Planner Donella Clark of the Clallam
22 County Department of Community Development (the “*DCD*”), where Ms. Clark notified
23 Olympic that DCD staff had expected to receive various studies required by the MDNS well
24 before the July CUP Hearing despite the staff’s recommendation that Olympic’s CUP
25 application be denied. Olympic is working on preparing and submitting those studies to DCD.
26 Additionally, as permitted by the Conditional Use Permit granted to Olympic on May 22, 2017
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APPLICANT’S MOTION TO CONTINUE HEARING - 1

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1 under Conditional Use Permit Application No. 2017-00005, Olympic has submitted an
2 application for a building permit to construct a transfer facility approximately 200 feet north of
3 the site proposed in Olympic’s current CUP application. Olympic has initiated discussions with
4 DCD about whether DCD’s staff recommendations regarding the current CUP application are
5 consistent with the those in the staff report and recommendations submitted in CUP2017-00005.
6 Olympic believes the sharing of information and discussions with DCD may lead to
7 modifications to the staff report and recommendations regarding the current CUP application,
8 perhaps narrowing the issues to address at the hearing. These are reasonable grounds for a
9 continuance. Olympic requests that the Hearing Examiner continue the hearing and set a new
10 hearing date in November 2022.
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13 II. STATEMENT OF FACTS

14 A. THE 2017 CUP AUTHORIZES CONSTRUCTION OF A TRANSFER FACILITY IN THE 15 CARLSBORG INDUSTRIAL ZONE.

16 On March 8, 2017, Olympic submitted a conditional use permit application (the “**2017**
17 **CUP Application**”) for its property at 970 Carlborg Road, Sequim, Washington 98382 (the
18 “**North Parcel**”). Wu Decl.¹ Ex. B (at Ex. 2). The 2017 CUP Application was assigned hearing
19 examiner number CUP2017-00005. *See id.* The North Parcel is located immediately north
20 (separated by the Olympic Discovery Trail) of the property (the “**South Parcel**”) that is the
21 subject of the pending CUP application, hearing examiner number CUP2021-00005 (the “**2021**
22 **CUP Application**”). Young Decl.² ¶ 2. Both the North Parcel and the South Parcel are zoned
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27 ¹ Declaration of Alexander M. Wu in Support of Applicant’s Motion to Continue Hearing (“**Wu Decl.**”).

28 ² Declaration of Chad Young in Support of Applicant’s Motion to Continue Hearing (“**Young Decl.**”).

1 Carlsborg Industrial for “low nuisance industrial” uses. Ex. 1³; Wu Decl. Ex. A.

2 In the 2017 CUP Application, Olympic sought to develop the North Parcel as its base of
3 operations in three phases. Wu Decl. Ex. A (at Finding 1). In the first phase, Olympic would use
4 the already-existing office and shop and would park up to 50 solid waste collection trucks on the
5 eastern portion of the North Parcel. *Id.* In the second phase, Olympic would construct a 10,000
6 square-foot truck maintenance facility/shop. *Id.* In the third phase, Olympic would construct a
7 11,250 square-foot transfer/baling facility to transfer loads from solid waste collection trucks to
8 trailers for long-hauling to landfills and to bale recyclables. *Id.*

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11 The County issued an MDNS on April 6, 2017 with a memorandum from County Senior
12 Planner Donella Clark dated April 4, 2017. Wu Decl. Ex. B (at Ex. 6). DCD issued its staff
13 report and recommendations on April 27, 2017. Wu Decl. Ex. B (at Ex. 1). DCD recommended
14 approval of the 2017 CUP Application with conditions. *Id.*

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16 Hearing Examiner Andrew Reeves held an open record public hearing on May 4, 2017,
17 and heard testimony from County Senior Planner Donella Clark, Olympic representative Chris
18 Giraldes, and nearby residents Chuck Parrish and Theresa Clark West, and considered numerous
19 documentary exhibits. Wu Decl. Ex. A (at Summary of Record). In his Findings, Conclusions,
20 and Decision dated May 22, 2017, Hearing Examiner Reeves concluded that the 2017 CUP
21 Application, including the proposed 11,250 square-foot transfer/baling facility, was consistent
22 with the Clallam County Comprehensive Plan and, with conditions, the Carlsborg Industrial
23 zone. Hearing Examiner Reeves approved the 2017 CUP Application with 14 conditions (the
24 “**2017 CUP**”). *See* Wu Decl. Ex. A (at Conclusions 1 and 2, and Decision).

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³ Exhibits listed in and attached to Exhibit Log for Conditional Use Permit Application CUP 2021-00005 for February 3, 2022 Public Hearing.

1 Olympic has completed phases one and two of the 2017 CUP, and has submitted an
2 application for a building permit to construct the phase 3 transload/baling facility on the North
3 Parcel. Young Decl. ¶ 4.

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5 **B. DCD STAFF EXPECT TO RECEIVE REPORTS REQUIRED BY THE MDNS BEFORE THE
6 JULY CUP HEARING.**

7 On June 30, 2022, Olympic representatives Chad Young, Kelly Kincella, and
8 Kathy Hargrave met with Senior County Planner Donella Clark to discuss the 2021 CUP
9 Application regarding the South Parcel and the pending application for a building permit to
10 construct the transfer/baling facility under phase three of the 2017 CUP. Young Decl. ¶ 2.
11 Substantial portions of DCD's January 26, 2022 staff report and recommendations regarding the
12 2021 CUP Application appear to directly contradict the April 27, 2017 staff report and
13 recommendations regarding the 2017 CUP Application. *Compare Ex. 1 with Wu Decl. Ex. B*
14 *(at Exhibit 1)*. It is not clear how the County is distinguishing between an 11,250 square-foot
15 transfer facility on the North Parcel and a 15,000 square-foot transfer facility on the South
16 Parcel, approximately 200 feet away. At the June 30, 2022 meeting, Ms. Clark revealed that
17 DCD expected to receive the traffic study and landscaping plans required by the MDNS issued
18 January 5, 2022 well before the July CUP Hearing. Young Decl. ¶ 3. Olympic requires
19 additional time to complete and submit the traffic study and landscaping plans and to provide
20 them to DCD for review and consideration substantially in advance of the hearing, as now
21 requested by DCD. *Id.*

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25 **III. AUTHORITY AND ARGUMENT**

26 A hearing may be continued for good cause. CCC § 26.04.050(9). Prior to the hearing,
27 any party may request a continuance by stating reasonable grounds for the continuance. Clallam
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1 County Administrative Manual 921-8 § 9.7(2). A party may request a continuance before the
2 hearing in writing. Clallam County Administrative Manual, Policy 921-8, § 9.7(2). The
3 requesting party need only state the “reasonable grounds” for a continuance. *Id.* The Hearing
4 Examiner may, in his discretion, grant up to two continuances. *Id.*

6 Here, multiple reasonable grounds justify continuing this hearing to a later date. On
7 June 30, 2022—only 21 days before the July CUP Hearing—DCD revealed that it had expected
8 the traffic study and landscaping plans required by the January 5, 2022 MDNS well before the
9 July CUP Hearing. Olympic needs additional time to complete and submit the traffic study and
10 landscaping plan in the time frame now requested by DCD, such that DCD will have time to
11 review and comment on the reports before the CUP hearing. Additionally, as the studies are
12 prepared and submitted to DCD, further discussions with the County regarding these studies and
13 the inconsistencies between the staff reports and recommendations regarding the 2017 and 2022
14 CUP Applications may lead to narrowing or elimination of issues to address at the hearing.
15 Finally, a continuance will not disadvantage or prejudice any party. Olympic’s request for a
16 hearing continuance should be granted, and the hearing continued to November 2022.

19 DATED this 13th day of July, 2022.

21 HILLIS CLARK MARTIN & PETERSON P.S.

22 By s/ Alexander M. Wu

23 Alexander M. Wu, WSBA #40649

24 Amit D. Ranade, WSBA #34878

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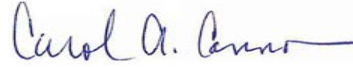
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28 *Attorneys for Applicant*

1 **CERTIFICATE OF FILING**

2 I, Carol A. Cannon, am a legal assistant at Hillis Clark Martin & Peterson P.S. and
3 hereby certify that I caused this Motion to Continue Hearing to be filed electronically on
4 Donnella Clark, Clerk for the Hearing Examiner (the Clallam County Department of
5 Community Development), dclark@co.clallam.wa.us, with electronic copies to Chief Civil
6 Deputy Prosecuting Attorney, Elizabeth Stanley, estanley@co.clallam.wa.us, Counsel for
7 Carlsborg Village Properties, Inc., Tom Ehrlichman, tom@dykesehrlichman.com, and the
8 applicant's contact persons: Chad Young, chady@wasteconnections.com and Kathy Hargrave,
9 Sitts & Hill, kathyh@sittshill.com.

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11 Signed, July 13, 2022:

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Carol A. Cannon, Legal Assistant