

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)
)
CUP 2023-431) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, DECISION AND CONDITIONS
Ford III) OF APPROVAL
)

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on March 6, 2024, 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. This is an application for a Conditional Use Permit requested for a High Impact Utility. This application proposes to construct (2) domestic water tanks for the Malaga Water District's domestic water system. The final tank size has yet to be determined, however the maximum lot coverage of the tanks would not exceed the maximum lot coverage in the zoning designation per the Chelan County Code. The tanks would be no more than 35 ft tall. The development is in the process of being purchased by the Regional Port Authority, the property and tanks would be transferred to the Water District.
2. The applicant/owner is John L Ford II, 3135 Wallace Rd., Malaga, WA 98828. The agent is Jeremy Stumetz, RH2 Engineering, Inc., 300 Simon St SE, Suite 5, East Wenatchee, WA 988023.
3. The project location and parcel numbers are 3135 Wallace Rd, Malaga, WA, 22-21-32-700-070, 22-21-32-700-060 and 22-21-32-700-050. The legal description is: Lot C of BLA 2021-331 (22-21-32-700-070), Lot D of BLA 2021-331 (22-21-32-700-060) and Lot E of BLA 2021-331 (22-21-32-700-050).
4. The property is outside of an Urban Growth Area.
5. Existing land zoning is Commercial Agriculture (AC). The subject property is currently used as an orchard and agricultural purposes.
6. The applicant submitted an environmental checklist on October 13, 2023. Pursuant to WAC 197-11 and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination completed by Chelan County. A Determination of Non-Significance (DNS) was issued on February 9, 2024. The SEPA Checklist and DNS are included within the file record and adopted by reference.
7. Surrounding properties to the north, south, east and west are all agricultural use and zoned Commercial Agriculture (AC).
8. Pursuant to the Washington State Department and Fish and Wildlife Priority Habitat Species Map, the subject property contains shrubsteppe, Golden Eagle and Wood duck. A comment letter received from the Washington Department of Fish and Wildlife (WDFW) states that the golden eagle nesting sites do not appear to be present on this parcel. Wood ducks are only associated with Meadow lake and its immediate surroundings. The shrubsteppe habitat was lost when those previously developed areas on the property were converted to agriculture. The provisions within Chelan County Code (CCC) 11.78 would not apply.

9. Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are indicated on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.
10. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped October 13, 2023. The proposed development does not require a vulnerability report, pursuant to CCC Chapter 11.82.
11. Chelan County GIS map layer does indicate that the subject property is located within a potential geologic hazard area. Therefore, the provisions of CCC Chapter 11.86 would apply.
12. Pursuant to RCW 27.53.020, if cultural resources are found during construction, the applicant would be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development.
13. Commencement of use to occur upon receipt of all required permitting.
14. The primary access for the proposed development would be off Wallace Road onto an internal driveway.
15. Domestic water would be provided by expansion of the Malaga Water District.
16. The subject property would continue to be provided power by an extension of the Chelan County PUD.
17. The applicant must comply with CCC Chapter 7.35 Noise.
18. As conditioned, the visual impact is anticipated to be minimal.
19. The applicant submitted an environmental checklist on October 13, 2023. Pursuant to WAC 197-11 and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination completed by Chelan County. A Determination of Non-Significance (DNS) was issued on February 9, 2024. The SEPA Checklist and DNS are included within the file record and adopted by reference. No appeal was filed.
20. The Notice of Application was referred to surrounding property owners within 300 ft. (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on December 28, 2023, with comments due January 11, 2024.

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	November 9, 2023	No Comment
Chelan County Building Official		No Comment
Chelan County Public Works	November 27, 2023	Recommended conditions of approval were provided regarding lot access and stormwater requirements.
Chelan County PUD		No Comment
Chelan-Douglas Health District	November 22, 2023	Development would need approval from the Washington Department of Health
Washington Department of Health	November 22, 2023	Development would need approval from the Washington Department of Health
WA Dept. of Archaeology and Historic Preservation	November 21, 2023	There is a moderate probability of encountering cultural resources within the development. Based on the small

Agencies Notified	Response Date	Nature of Comment
		footprint of the development a cultural resource survey is not required.
Yakama Nation		No Comment
Confederated Tribes of Colville	November 7, 2023	An inadvertent discovery plan would be required.
Chelan County Fire District No. 1		No Comment
Washington Dept. of Fish and Wildlife	November 21, 2023	The property has shrubsteppe, Golden Eagle and wood duck habitat on the subject.

21. Public comments were received from the following:
- 21.1 Mark & Kari Price - Had concerns regarding view and the development may have a negative impact on property view.
 - 21.2 John Dantoni - The development has not considered the impact of the local elk herd.

22. Application and Public Hearing Notice Compliance:

Application Submitted:	October 13, 2023 and October 31, 2023
Determination of Completeness issued:	November 7, 2023
Notice of Application:	November 9, 2023
Revised Notice of Application:	December 28, 2023
Notice of Public Hearing:	February 21, 2024
Public Hearing:	March 6, 2024

23. The proposed development is located in the Commercial Agricultural Lands (AC) zoning and therefore reviewed under the AC zoning criteria and provisions:
- 23.1 ‘Purpose: To assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long-term commercial significance not already characterized by urban development from encroachment and incompatible uses.
 - 23.2 Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resources activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component; intensification of development on lots containing existing isolated non-residential use; home occupations; bed and breakfasts; and community facilities.’
 - 23.3 The Hearing Examiner finds that the project, as conditioned, is consistent with the goals and policies of the Resource Element within the Chelan County Comprehensive Plan.

24. CCC Section 14.98.1505: Public facility, high impact. "Public facility, high impact" means a building or structure owned and operated by a public agency to provide a governmental service to the public. Such uses shall include, but are not limited to, composting facility, utility substations, solid waste transfer station, equipment storage/maintenance yard.
25. CCC Section 14.98.1915: Utility, high impact. "Utility, high impact" means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, communication, water, sewer and technology infrastructure. High impact public utilities shall include, but are not limited to, generating and switching stations, substations, pumping stations and antennas or repeaters when not installed on a building.
26. CCC Section 11.12.010: Permitted, accessory and conditional uses. The proposed development is located in the AC zoning district of Chelan County. According to CCC Section 11.04.020 District Use Chart, a Utility, high impact requires a Conditional Use Permit in the AC zoning district.
27. Chelan County Code 11.26.020 Standards. All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:
 - 27.1 Minimum lot size: Ten acres, which measures to the centerline of adjoining public rights-of-way.
 - 27.2 Maximum building height: thirty-five feet.
 - 27.3 Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.
 - 27.4 Minimum Setback Distances.
 - 27.4.1 Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.
 - 27.4.2 Rear yard: twenty feet from the rear property line.
 - 27.4.3 Side yard: ten feet from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.
 - 27.4.4 Finding of Fact: Setbacks would be reviewed at the time of building permit submittal.
 - 27.5 Off-street parking requirements in this district shall be as follows:
 - 27.5.1 Other off-street parking and loading shall be provided as prescribed in Chapter 11.90 of this title.
 - 27.5.2 Hearing Examiner Finding: The proposed water storage tanks are exempt from requiring off-street parking since it is not habitable space and the proposed use is not found in Table 11.90-3.
 - 27.6 Landscape standards shall be provided as prescribed in CCC Chapter 15.50, Development Standards, as amended.
 - 27.6.1 Hearing Examiner Finding: The applicant stated that landscaping would be accomplished by planting trees at specific intervals which meets the landscaping requirements of CCC Chapter 15.50. Additionally, for the on-site water storage tanks, a fenced perimeter around it is proposed, which is allowed pursuant to CCC Section 15.50.050(1) for safety considerations.

28. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria: A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met:
- 28.1 All criteria required for a specific use by this chapter can be satisfied.
- 28.1.1 CCC Section 11.93.180 (High and Low Impact Utilities) applies to the proposed on-site water storage tanks supporting the developments use. The conditional use would comply with the requirements of this section:
- There would be no equipment stored on the subject property
 - The development would be fenced.
 - Landscaping for the overall development would comply with CCC Chapter 15.50.
- 28.1.2 Hearing Examiner Finding: The criteria for a High Impact Utility use have been addressed by the applicant in the submitted application materials and the proposed development, as conditioned, would satisfy the code requirements for the proposed use.
- 28.2 The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
- 28.2.1 The property zoning is Commercial Agricultural Lands. High Impact Utilities are allowed in this zoning district with a Conditional Use Permit. The development would be designed to meet applicable development standards, setbacks, and height restrictions.
- 28.2.9 Hearing Examiner Finding: As conditioned, the proposed development would meet applicable zoning and critical areas regulations.
- 28.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- 28.3.1 Adjacent uses include orchard and residential properties. The development is compatible with these adjacent uses and measures would be taken to protect the character of the surrounding area, including landscaping and fencing of the water storage tanks.
- 28.3.2 Hearing Examiner Finding: Measures would be taken to protect the character of the surrounding area and maintain the existing look of the subject property.
- 28.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 28.4.1 The construction of the on-site water storage tanks would not have detrimental impacts on the natural environment or productive use of surrounding resource lands.
- 28.4.2 Hearing Examiner Finding: As conditioned, the proposed development would not be detrimental to the natural environment or the productive use of adjacent resource lands.
- 28.5 No conditional use permit shall be issued without a written finding that:
- 28.5.1 After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made

- to provide adequate services for the development. No county facilities will be reduced below adopted levels of service as a result of the development.
- 28.5.2 Chelan County provided a Notice of Application to all providers; comments are included in the file of record.
 - 28.5.3 Hearing Examiner Finding: Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. All received comments are included in the file of record. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service.
 - 28.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 28.6.1 The construction of the on-site water storage tanks would not result in undue adverse impacts affecting the public health, safety, and welfare.
 - 28.6.2 Hearing Examiner Finding: As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
 - 28.7 Adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Titles 11 and 15 of the Chelan County Code.
 - 28.7.1 Roads, ingress and egress: The proposed development would be accessed off of Wallace Road. Wallace Road is a public road with a 30' right-of-way width, 15'-18' of asphalt and no curb, gutter or sidewalk.
 - 28.7.3 Stormwater: The applicant shall comply with CCC Title 13.18 for stormwater drainage.
 - 28.7.4 Domestic and Irrigation Water: Domestic water is provided by the Malaga Water District.
 - 28.7.5 Sanitary Facilities: Septic permit approved by CDHD.
 - 28.7.6 Power: Power is provided by Chelan County PUD.
 - 28.7.7 Fire Protection: The proposed development is located in Chelan County Fire District #1.
 - 28.7.8 Parking and Loading: Off-street parking must comply with CCC Section 11.93.130 regarding off-street parking.
 - 28.7.9 All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
 - 28.8 Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
 - 28.8.1 Noise: Noise and vibration would be temporary during construction of the improvements. Construction noise is regulated by CCC Section 11.88.190 and CCC Chapter 7.35.
 - 28.8.2 Light/Glare: Lights appurtenant to the development are regulated by CCC Section 11.88.080.

- 28.8.3 Heat, Steam, Odors, Smoke and Dust: The proposed development would not generate heat, steam or odors.
- 28.8.4 Erosion: The subject property is located within a geologically hazardous area. A geologic site assessment would be required.
- 28.8.5 Wastes and Physical Hazards: No hazards identified.
- 28.8.6 Electrical Disturbance: The proposal would not result in electrical disturbances.
- 28.8.7 Hearing Examiner Finding: Based on the application materials submitted by the applicant, and the proposed minimization measures, the construction and operation of the switchyard would not impact adjacent properties in the vicinity with noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts. Any impacts on adjacent properties can be avoided or mitigated as conditioned.
- 28.9 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
 - 28.9.1 As conditioned, the proposed water tanks would be consistent with the goals and policies of the Comprehensive Plan.
- 29. Chelan County Code, Section 11.93.180, High and Low Impact Utilities. The following minimum criteria shall apply to public utility uses:
 - 29.1 Equipment storage shall be within an enclosed building.
 - 29.1.1 Per the submitted application materials, no equipment for the on-site water storage tanks are proposed to be stored on the subject property nor are storage buildings proposed. Therefore, this criterion would not apply to the proposed development.
 - 29.2 In all residential districts, no equipment storage shall be permitted on-site.
 - 29.2.1 Per the submitted application materials, no equipment would be stored on the subject property.
 - 29.3 The use shall be fenced.
 - 29.3.1 The proposed on-site water storage tanks would be fenced. Therefore, this criterion has been satisfied.
 - 29.4 The use shall be landscaped per the requirements of CCC Chapter 15.50 of this code.
 - 29.4.1 Landscaping is required per CCC, Chapter 15.50. Pursuant to CCC 15.50.050, variations in landscaping may be permitted including the allowance for the use of fencing for part or as a replacement for required landscaping area. The applicant has proposed both landscaping and fencing the water tanks. Therefore, this criterion would be satisfied.
 - 29.5 The minimum lot size in the district that utility use is located in may be waived on a finding that the waiver will not result in noise or other detrimental effects to adjacent properties.
 - 29.5.1 Per the submitted application materials and staff analysis, the proposed development would not have detrimental effects to adjacent properties. Once the development is completed a certificate of exemption would be applied for to create

a lot that surrounds the water tanks utilizing CCC Section 12.14.050(5), public use and benefit segregation.

30. Chelan County Code, Section 11.93.190, High Impact Public Facility.

30.1 General Requirements:

30.1.1 The minimum lot size in the district that a public facility is located in may be waived on a finding that the waiver will not result in noise or other detrimental effects to adjacent properties.

30.1.2 Hearing Examiner Finding: Per the submitted application materials and staff analysis, the proposed development would not have detrimental effects to adjacent properties. Once the development is completed a certificate of exemption would be applied for to create a lot that surrounds the water tanks utilizing CCC Section 12.14.050(5), public use and benefit segregation.

30.1.3 The hearing examiner may impose additional requirements to address issues such as, but not limited to, noise, public health and safety, vehicular access and odor.

30.1.4 Hearing Examiner Finding: Based on the application materials, the Hearing Examiner finds that any adverse impacts may be mitigated through the recommended conditions of approval and no additional requirements are necessary.

30.2 Schools:

30.2.1 Finding of Fact and Conclusion: The proposed use is not a school. Therefore, the requirements of this section would not apply.

30.3 Composting Facility, Solid Waste Transfer Station.

30.3.1 Finding of Fact and Conclusion: The proposed use is not a composting facility or a solid waste transfer stations. Therefore, the requirements of this section would not apply.

30.4 Public Agency Equipment Storage/Maintenance Yard.

30.4.1 Equipment storage shall be within an enclosed building or behind a view-obscuring fence.

30.4.2 Hearing Examiner Finding: Based on the application materials submitted, no equipment is proposed to be stored and/or maintained onsite.

30.5 The use shall be landscaped per the standards of Chapter 15.50, Title 15 of this code.

30.5.1 Hearing Examiner Finding: Landscaping is required per CCC, Chapter 15.50. Pursuant to CCC 15.50.050, variations in landscaping may be permitted including the allowance for the use of fencing for part or as a replacement for required landscaping area. The applicant has proposed both landscaping and fencing the water tanks. Therefore, this criterion would be satisfied.

31. The Hearing Examiner has reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code, the proposed development would not have detrimental effects to adjacent properties.

32. An open record public hearing after legal notice was provided was held on March 6, 2024.

33. The File of Record, Chelan County Department of Community Development Staff Report, and exhibits were received, admitted into the record and considered by the Hearing Examiner.
34. Appearing and testifying on behalf of the Applicant and property owner was Erik Howe. Mr. Howe testified that he is an agent for the Applicant and property owner and is authorized to appear and testify on its behalf. Mr. Howe testified he had reviewed the staff report and had no objections to any of the representations contained therein. He has also reviewed the proposed Conditions of Approval and had no objections to any of those.
35. No member of the public testified at this hearing.
36. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
37. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. Based on review of the application materials submitted, the project is consistent with the Chelan County Comprehensive Plan.
3. The project meets the criteria in Chelan County Code, Section 11.93.040, Conditional Use Permit.
4. The project meets the criteria in Chelan County Code, Section 14.98.1915; High Impact Utilities.
5. The project meets the criteria in Chelan County Code, Section 14.98.1505: Public facility, high impact.
6. As conditioned, this project is consistent with the Chelan County Zoning Code.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based upon the above noted Findings and Fact and Conclusions, CUP 2023-431 is hereby **APPROVED**, subject to the conditions of approval.

IV. CONDITIONS OF APPROVAL

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to CCC Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land; compliance with the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
2. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plans date stamped October 31, 2023 or as amended by this decision.
3. Pursuant to CCC Section 11.93.180(3), the proposed on-site water storage tanks and associated infrastructure shall be fenced in substantial conformance with the site plan of record, date-stamped October 31, 2023.

4. Pursuant to CCC, Section 11.93.110, a conditional use permit shall become void if not acted upon, including but not limited to submitting a building permit or the placement of all infrastructure, within three years after approval or such other time period as established by the hearing examiner. The applicant may request a one-year extension, to be reviewed administratively, if the applicant submits a written request with community development thirty days prior to expiration.
5. Pursuant to CCC Section 11.88.080, security lights or any exterior lighting shall be low-intensity, non-flashing and designed to development toward the property or shall be shielded to keep light from directly projecting over property lines.
6. Pursuant to RCW 27.53.020, if the applicant or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this application, the applicant/ agent shall immediately notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination. If any Native American grave sites or archaeological resources are discovered or excavated, work shall stop immediately.
 - 6.1. An inadvertent discovery plan must be submitted with the building permit applicant and kept on-site during all land disturbing activities.
7. The construction of the on-site water storage tanks require approval from the Washington Department of Health, office of drinking water.
8. Pursuant to the comment letter issued by Chelan County Public Works on November 27, 2023, the applicant shall complete the following during the switchyard installment phase:
 - 8.1. Pursuant to CCC Section 10.20.410(2), addresses are assigned based on lot access origin and shall contain digits indicating the address from the origin of the road to the primary access location for the subject property.
 - 8.2. Pursuant to CCC Section 15.30.340, the applicant would be required to construct the access approaches onto Wallace Road to meet an Industrial/Commercial Driveway Approach (Standard Plat PW-26). The applicant would be required to obtain a Chelan County Approach Permits prior to constructing the Industrial/Commercial Driveway Approach. The Industrial/commercial approach apron shall be paved.
 - 8.3. Pursuant to CCC Chapter 15.30, Chelan County Public Works approves the construction of the internal road as proposed on the submitted site plan dated October 27, 2023 from RH2.
 - 8.4. Pursuant to CCC Chapter 15.30, the applicant would be required to show the dimensions and type of material proposed for the construction area on the CUP site plan for the proposed development.
 - 8.5. Pursuant to CCC Section 13.18.030(9), a drainage system is required, show any necessary easements in accordance with the approved drainage plan.
 - 8.6. Pursuant to CCC Chapter 13.18, a drainage report and plan would be required to be submitted to Chelan County Public Works if any new impervious surface of 5,000 square feet is created and must be reviewed and approved. This shall be completed during the submittal of any building permits.
 - 8.7. If a drainage system is required, or an existing drainage system is in place, this system shall be privately owned and maintained to its originally designed condition by all the property owners having a vested interest. A 'Notice to Title' shall be filed with the Chelan County Auditor's office prior to the submittal of a building permit stating:

The area within this site plan contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties' successors and assigns; that its contents are binding upon the parties' successors in interest and runs with the land. The drainage plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.

This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system.'

9. Pursuant to CCC Section 11.93.090, upon final action of the hearing examiner to deny an application for a conditional use permit, the department shall not accept filing of an application for substantially the same matter within one year from the date of the final denial of the application.
10. Pursuant to Chelan County Code Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

Dated this 7 day of March, 2024.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan 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.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.