

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

CUP 25-081
Malaga Water District

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on July 16, 2025, 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. An application for a Conditional Use Permit amendment has been requested for a High Impact Utility. This application proposes to amend CUP 13-059 to allow up to five additional wells and two (2) well houses. Each well house would include an approximately 1,200 gallon per minute well pump, centralized data logger for the district's telemetry system and piping to connect into the District's existing system. Each well house would consist of an approximately 24 ft x 32 ft building. Access to the property is from W. Malaga Road.
2. **General Information**

Project Location:	3780 W. Malaga Road, Malaga, WA
Parcel Number(s):	22-21-28-420-050
Legal Description & size:	All that part of the North half of the southeast quarter of the Section 28, Township 22 North, Range 21, E.W.M., Chelan County, Washington.
Applicants/Owners:	Malaga Water District 3957 Malaga Ave Malaga, WA 98828
Agent:	Erik Howe RH2 Engineering, Inc 300 Simon St SE, Suite 5 East Wenatchee, WA 98802
Urban Growth Area:	The subject property is not located within an Urban Growth Area.
Comprehensive Plan Designation & Zoning:	Rural Village (RV)

3. Site Information

Existing Land Use & Permit History	The subject property currently containing several wells and well houses.
Property North and South:	Rural Village (RV)
Property East:	Rural Industrial (RI)
Property West:	Rural Recreational/ Residential (RRR)
Fish & Wildlife Habitat Conservation Areas:	Pursuant to the Washington State Department and Fish and Wildlife Priority Habitat Species Map, the subject property contains shrubsteppe

	and Golden Eagle. The provisions within Chelan County Code (CCC) 11.78 would apply.
Wetlands:	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.
Aquifer Recharge Area:	The applicant submitted an Aquifer Recharge Disclosure Form, date stamped March 11, 2025. The proposed development does require a vulnerability report, pursuant to CCC Chapter 11.82.
Frequently Flooded Areas:	Pursuant to Federal Emergency Management Agency, FIRM map panel 5300150450B, the subject property does not contain floodplains. Therefore, the provisions of CCC Chapters 11.84 and 3.20 do not apply.
Geologically Hazardous Areas:	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.
Cultural Resources:	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.

4. Project / Design Information

Construction Phasing/Timing:	Commencement of use to occur upon receipt of all required permitting.
Traffic Circulation:	The primary access for the proposed development would be off W. Malaga Road.
Domestic Water:	Domestic water would be provided by expansion of the Malaga Water District.
Power:	Power would continue to be provided by an extension of the Chelan County PUD.
Noise:	The applicant shall comply with CCC Chapter 7.35 Noise.
Visual Impact:	As conditioned, the visual impact is anticipated to be minimal.

5. SEPA Environmental Review

- 5.1. The applicant submitted an environmental checklist on March 11, 2025. 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 June 25, 2025. The SEPA Checklist and DNS are included within the file record and adopted by reference.

6. Noticing & Comments

- 6.1. The revised 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 April 17, 2025 with comments due May 1, 2025. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval.
7. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal		No Comment
Chelan County Building Official		No Comment
Chelan County Public Works	April 23, 2025	Recommended conditions of approval were provided regarding lot access and stormwater requirements.
Chelan County PUD	May 1, 2025	Contact PUD with questions regarding easements.
Chelan-Douglas Health District	April 9, 2025	Development would need approval from the Washington Department of Health
WA Dept. of Archaeology and Historic Preservation		No Comment
Yakama Nation		No Comment
Confederated Tribes of Colville		No Comment
Chelan County Fire District No. 1		No Comment
Washington Dept. of Fish and Wildlife		No Comment

7.1. Public comments: No public comment

8. Application & Public Hearing Notice Compliance

Application Submitted:	March 11, 2025
Determination of Completeness issued:	April 8, 2025
Notice of Application:	April 17, 2025
Notice of Public Hearing:	July 5, 2025
Public Hearing:	July 16, 2025

9. The Hearing Examiner will issue a decision within 10 working days from the close of the hearing. This decision will have a 21 day appeal period.

10. Chelan County Comprehensive Plan

- 10.1. The proposed development is located in the Rural Village (RV) zoning and therefore reviewed under the RV zoning criteria and provisions.

10.1.1. *Purpose: This designation recognizes the existence of intensely developed rural residential developments and communities, with densities less than 2.5 acres per dwelling unit, which typical will not have sewer service. This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural residential areas for residential and other rural development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural residential development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.*

- 10.1.2. *Uses appropriate for these areas include: developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding are, and be consistent with the goas and policies of the comprehensive plan. Such uses may include: intensification existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
- 10.1.3. The Hearing Examiner finds that the development, as conditioned, is consistent with the goals and policies of the Resource Element within the Chelan County Comprehensive Plan.

11. Chelan County Code

11.1. CCC Section 14.98.1505: Public facility, high impact

- 11.1.1. “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.

11.2. CCC Section 14.98.1915: Utility, high impact

- 11.2.1. “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.

11.3. CCC Section 11.12.010: Permitted, accessory and conditional uses

- 11.3.1. The proposed development is located in the RV 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 RV zoning district.

11.4. Chelan County Code 11.20.020 Standards

- 11.4.1. All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:
- 11.4.1.1. Minimum lot size: twelve thousand square feet, which measures to the centerline of adjoining public rights-of-way.
- 11.4.1.2. Maximum building height: thirty-five feet.
- 11.4.1.3. Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.
- 11.4.1.4. Minimum Setback Distances.
- 11.4.1.4.1. Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.
- 11.4.1.4.2. Rear yard: twenty feet from the rear property line.

11.4.1.4.3. 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.

11.4.1.4.4. **Finding of Fact and Conclusion:** Setbacks would be reviewed at the time of building permit submittal.

11.4.1.5. (5) Off-street parking requirements in this district shall be as follows:

11.4.1.5.1. (D) Other off-street parking and loading shall be provided as prescribed in Chapter 11.90 of this title.

11.4.1.5.1.1. **Finding of Fact and Conclusion:** The proposed wells and well houses 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.

11.4.1.6. (6) Landscape standards shall be provided as prescribed in CCC Chapter 15.50, Development Standards, as amended.

11.4.1.6.1. **Finding of Fact and Conclusion:** 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 wells and well houses, a fenced perimeter around it is proposed, which is allowed pursuant to CCC Section 15.50.050(1) for safety considerations.

11.5. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria

11.5.1. 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:

11.5.2. *All criteria required for a specific use by this chapter can be satisfied.*

11.5.2.1. **Finding of Fact:** 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:

11.5.2.1.1. All equipment would be stored within the building.

11.5.2.1.2. No equipment would be stored on site outside of the building.

11.5.2.1.3. The Malaga Water District proposes to provide landscaping that meets the County's Alternative Compliance as listed in CCC Section 15.50.055. The district believes that the proposed landscaping improvements meet the intent of the landscaping standards.

11.5.2.2. **Conclusion:** 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.

11.5.3. *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.*

11.5.3.1. **Finding of Fact:** The property zoning is Rural Village. 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.

- 11.5.3.2. **Conclusion:** As conditioned, the proposed development would meet applicable zoning and critical areas regulations.
- 11.5.4. *Compatibility with the adjacent uses and the protection of the character of the surrounding area.*
- 11.5.4.1. **Finding of Fact:** 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.
- 11.5.4.2. **Conclusion:** Measures would be taken to protect the character of the surrounding area and maintain the existing look of the subject property.
- 11.5.5. *Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.*
- 11.5.5.1. **Finding of Fact:** The development would not have detrimental impacts on the natural environment. The development would not impair the productive use of the surrounding natural resource lands.
- 11.5.5.2. **Conclusion:** As conditioned, the proposed development would not be detrimental to the natural environment or the productive use of adjacent resource lands.
- 11.5.6. *No conditional use permit shall be issued without a written finding that: a) 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; b) No county facilities will be reduced below adopted levels of service as a result of the development*
- 11.5.6.1. **Finding of Fact:** Chelan County provided a Notice of Application to all providers; comments are included in the file of record.
- 11.5.7. *The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.*
- 11.5.7.1. **Finding of Fact:** The development provides positive impact to public health, safety and welfare. The domestic water provided by the proposed development combined facility would result in reliable, adequate domestic water supply for the residents and industries within the District's service area.
- 11.5.7.2. **Conclusion:** As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
- 11.5.8. *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.*
- 11.5.8.1. **Finding of Fact and Conclusion:**
- 11.5.8.1.1. **Roads, ingress and egress:** The proposed development would be accessed off of W. Malaga Road. W. Malaga Road is a public road with a 75-80' right-of-way width, 30' of asphalt and no curb, gutter or sidewalk.

- 11.5.8.1.2. **Stormwater:** The applicant shall comply with CCC Chapter 13.18 for stormwater drainage.
- 11.5.8.1.3. **Parking and Loading:** Off-street parking must comply with CCC Section 11.93.130 regarding off-street parking.
- 11.5.8.1.4. **Domestic and Irrigation Water:** Domestic water is provided by the Malaga Water District.
- 11.5.8.1.5. **Sanitary Facilities:** Septic permit approved by CDHD.
- 11.5.8.1.6. **Power:** Power is provided by Chelan County PUD.
- 11.5.8.1.7. **Fire Protection:** The proposed development is located Chelan County Fire District #1.
- 11.5.8.2. All necessary facilities, improvements and services are consistent or could be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
- 11.5.9. *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.*
- 11.5.9.1. **Finding of Fact:**
- 11.5.9.1.1. **Noise and Vibration:** 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.
- 11.5.9.1.2. **Light and Glare:** Lights appurtenant to the development are regulated by CCC Section 11.88.080.
- 11.5.9.1.3. **Heat, Steam, Odors, Smoke and Dust:** The proposed development would not generate heat, steam or odors.
- 11.5.9.1.4. **Erosion:** The subject property is located within a geologically hazardous area. A geologic site assessment would be required.
- 11.5.9.1.5. **Wastes and Physical Hazards:** No hazards identified.
- 11.5.9.1.6. **Electrical Disturbance:** The proposal would not result in electrical disturbances.
- 11.5.9.2. **Conclusion:** Based on the application materials submitted by the applicant, and the proposed minimization measures 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.
- 11.5.10. *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.*
- 11.5.10.1. **Finding of Fact and Conclusion:** As conditioned, the proposed wells and well houses would be consistent with the goals and policies of the Comprehensive Plan.

11.6. **Chelan County Code, Section 11.93.180, High and Low Impact Utilities**

11.6.1. The following minimum criteria shall apply to public utility uses:

11.6.1.1. *Equipment storage shall be within an enclosed building.*

11.6.1.1.1. **Finding of Fact and Conclusion:** Per the submitted application materials, all equipment would be stored within the building. Therefore, this criterion would not apply to the proposed development.

11.6.1.2. *In all residential districts, no equipment storage shall be permitted on-site.*

11.6.1.2.1. **Finding of Fact and Conclusion:** Per the submitted application materials, no equipment would be stored on the subject property.

11.6.1.3. *The use shall be fenced.*

11.6.1.3.1. **Finding of Fact and Conclusion:** The proposed development would be fenced. Therefore, this criterion would have been satisfied.

11.6.1.4. *The use shall be landscaped per the requirements of Chapter 15.50 of this code.*

11.6.1.4.1. **Finding of Fact and Conclusion:** 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 additional wells and well houses. Therefore, this criterion would be satisfied.

11.6.1.5. *The minimum lot size in the district that a 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.*

11.6.1.5.1. **Finding of Fact and Conclusion:** Per the submitted application materials and Hearing Examiner analysis, the proposed development would not have detrimental effects to adjacent properties.

11.6.1.6. *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.*

11.6.1.6.1. **Finding of Fact and Conclusion:** Per the submitted application materials and Hearing Examiner analysis, the proposed development would not have detrimental effects to adjacent properties.

11.7. **Chelan County Code, Section 11.93.190, High Impact Public Facility**

11.7.1. *General Requirements*

11.7.1.1. *(A)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.*

11.7.1.1.1. **Finding of Fact and Conclusion:** Per the submitted application materials and Hearing Examiner analysis, the proposed development would not have detrimental effects to adjacent properties.

11.7.1.2. (B) *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.*

11.7.1.2.1. **Finding of Fact and Conclusion:** 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.

11.7.1.3. *Schools*

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

11.7.2. *Composting Facility, Solid Waste Transfer Station.*

11.7.2.1. **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.

11.7.3. *Public Agency Equipment Storage/Maintenance Yard.*

11.7.3.1. (A) *Equipment storage shall be within an enclosed building or behind a view-obscuring fence.*

11.7.3.1.1. **Finding of Fact and Conclusion:** Based on the application materials submitted, no equipment is proposed to be stored and/or maintained onsite.

11.7.3.2. (B) *The use shall be landscaped per the standards of Chapter 15.50, Title 15 of this code.*

11.7.3.2.1. **Finding of Fact and Conclusion:** 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 for the wells. Therefore, this criterion would be satisfied.

12. Hearing Examiner Analysis

12.1. The Hearing Examiner has reviewed the submitted application materials. The information in the application, as proposed and conditioned, complies with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code.

13. An open record public hearing was held, after legal notice, on July 16, 2025.

14. Appearing and Testifying was Erik Howe. Mr. Howe testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. He indicated that they agreed with the Staff Report but indicated that two test wells have been drilled. He indicated that they agreed with all of the Proposed Conditions of Approval. Mr. Howe stated that all of the wells will be consolidated in the same area and that the current wellhead protection area will not be expanded.

15. Testifying from the public were the following individuals:

15.1. Jon Port: Mr. Port first requested a continuance until issues surrounding the wellhead protection area could be more fully addressed. He stated that the wellhead protection areas will be expanded and will impact his properties.

- 15.1.1. Based upon the testimony later in the hearing from Mr. Howe and Mr. Ryan Peterson on behalf of the applicant, the Hearing Examiner denies Mr. Port's request for a continuance. The Hearing Examiner finds that the convincing testimony from Mr. Peterson is that the wellhead protection area is not being expanded and that the new wells will have their own wellhead protection areas but those wellhead protection areas will be within the current existing wellhead protection area.
 - 15.2. Mr. Port also testified that the water district is opposing two of his subdivisions on water related issues.
 - 15.2.1. In rebuttal, the applicant had the following testimony:
 - 15.2.1.1. Erik Howe: Mr. Howe testified that the concerns of Mr. Port were related to the existing well and its wellhead protection area and not the new wells.
 - 15.2.1.2. Ryan Peterson: Mr. Peterson testified that he was an agent appearing and testifying on behalf of the applicant. He is with RH2 Engineering. He stated that while Mr. Port's concerns may be valid, the wellhead protection area for the new wells will be contained within the current wellhead protection area. The wellhead protection area for the new wells are smaller than the existing wellhead protection area and therefore will lie within the same area of the current wellhead protection area.
 - 15.3. Sharon Seal: Ms. Seal stated that she owned land impacted by the current wellhead protection area.
 - 15.4. Vicki Malloy: Ms. Malloy testified that she is a Malaga resident and that this wellhead area will impact Malaga residents.
16. The following exhibits were admitted into the record:
- 16.1. Ex. A Site Plan of Record, date stamped March 11, 2025;
 - 16.2. Ex. B Inadvertent discovery plan;
 - 16.3. Ex. C Staff Report;
 - 16.4. Ex. D Remainder of Staff File.
17. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
18. 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 the authority to render this decision.
2. As conditioned, this application is consistent with the Chelan county Code and Chelan County Comprehensive Plan.
3. 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, CUP 25-081 is hereby **APPROVED** subject to the following 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 March 11, 2025 or as amended by this decision.
3. Pursuant to CCC Section 11.93.180(1), The applicant shall ensure that all equipment shall be stored within an enclosed building.
4. Pursuant to CCC Section 11.93.180(3), the proposed construction of up to five (5) wells, well houses and associated infrastructure shall be fenced in substantial conformance with the site plan of record, date-stamped March 11, 2025.
5. 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.
6. 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.
7. 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.
 - 7.1. An inadvertent discovery plan must be submitted with the building permit applicant and kept on-site during all land disturbing activities (Exhibit B).
8. The construction additional on-site wells and well houses require approval from the Washington Department of Health, office of drinking water.
9. The proposed well house for well #7 appears to be close to Chelan County PUD transmission lines. Prior to the structure being installed we need to verify that there is adequate clearance during a wind event and the wires are displaced.
10. Pursuant to the comment letter issued by Chelan County Public Works on April 23, 2025, the applicant shall complete the following during the on-site water storage tank facility:

- 10.1. 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 site.
- 10.2. Pursuant to CCC Section 15.30.340, the applicant would be required to construct the access approach onto W. Malaga Road to meet the an Industrial/Commercial Driveway Approach (Standard Plat PW-26). The applicant would be required to obtain a Chelan County Approach Permit prior to constructing the Industrial/Commercial Driveway Approach. The Industrial/Commercial approach apron shall be paved.
- 10.3. Pursuant to CCC Chapter 15.30, Chelan County Public Works approves the construction of the internal road as proposed on the submitted CUP application dated 3/11/2025 from RH2 Engineering.
- 10.4. Pursuant to CCC Chapter 15.30, the applicant would be required to show the dimensions and type of material proposed for the constructed area on the CUP site plat for the proposed development.
- 10.5. Pursuant to CCC Section 13.18.030(9), a drainage system is required, show a necessary easement in accordance with the approved drainage plan.
- 10.6. Pursuant to CCC Chapter 13.18, a Drainage Report & 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 submitted of any building permits.
- 10.7. 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:
 - 10.7.1. '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.
 - 10.7.2. 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.'
11. 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.

12. 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 30 day of July, 2025

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.