

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

CUPA 25-144

Fielding Hills Amendment

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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 August 20, 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 (CUPA) has been submitted by DMW Family Holdings, LLC to amend the existing Fielding Hills Winery Conditional Use Permit (22-263) in order to expand the winery to encompass the adjoining property in order to allow the former Nefarious Cellars facilities to be used as a place for public and private assembly and to delete the follow Conditions of Approval: decorative free standing wall, a 6,000 square foot outside covered production facility and an outdoor crush pad and off-load area that had been requested to be enclosed.

2. General Information

Project Location(s):	The existing Fielding Hills property is located at 565 S Lakeshore Rd, Chelan, WA 98816 The former Nefarious Cellars property is located at 495 S Lakeshore Rd, Chelan, WA 98816
Parcel Number(s):	27-22-17-110-550 (Fielding Hills Winery) 27-22-17-110-600 (Former Nefarious Cellars Winery)
Legal Description & size:	The former Nefarious Cellars parcel is Lot B of BLA 05-061 totaling 7.5 acres according to the Chelan County Assessor's information The current Fielding Hills Winery parcel is Lot A of BLA 05-061 totaling 2.87 acres
Applicants/Owners:	DMW Family Holdings, LLC 2350 Maple street Wenatchee, WA 98801
Urban Growth Area:	The subject properties are not located within an Urban Growth Area.
Comprehensive Plan Designation & Zoning:	Both properties are designated and zoned Rural Recreation/Residential (RRR)

3. Site Information

Existing Land Use & Permit History	Both properties are currently approved to operate as wineries, Fielding Hills under file number 2022-263 and the former Nefarious Cellars under AUP 2005-004
Site Physical Characteristics:	Both parcels are sloping, rising steeply to the south along Hwy 97A
Adjacent Properties:	The surrounding properties are utilized for residential, recreational and agricultural

Property North:	High density single family residential along Lake Chelan and agricultural
Property East:	Newer single-family residential subdivision
Property South:	US Hwy 97A and agricultural
Property West:	Siren Song Vineyards Complex
Aquifer Recharge Area:	The Aquifer Recharge form was completed with the CUP amendment application. Pursuant to Chelan County Code (CCC) 11.82 Aquifer Recharge Area Overlay District, would not apply.
Fish & Wildlife Habitat Conservation Areas:	The provisions of CCC Chapter 11.78 Fish and Wildlife Habitat Conservation Areas Overlay District would not apply.
Geologically Hazardous Areas:	According to the Chelan County GIS mapping, the subject property does not contain potential geologic hazardous areas; therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay, would not 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 properties; therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.

4. Project / Design Information

Construction Phasing/Timing:	Utilizing the former Nefarious Cellars facility as a place of public and private assembly would commence upon receipt of all required permits and conditions of approval.
Traffic Circulation:	Access to both properties is an established driveway off South Lakeshore Road
Noise:	The development would be required to comply with CCC Chapter 7.35, Noise Control.
Visual Impact:	The visual impact is expected to be minimal as both facilities are currently developed.

5. Application & Public Hearing Notice Compliance

Application Submitted:	May 30, 2025
Determination of Completeness issued:	June 16, 2025
Notice of Application:	July 3, 2025
SEPA Determination	July 17, 2025
Notice of Public Hearing:	August 6, 2025
Public Hearing:	August 20, 2025

6. 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.

7. Noticing & Comments

- 7.1. The Notice of Application and Environmental Review was sent to surrounding property owners within 300 feet (excluding 60 feet right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on July 3, 2025, with comments due July 17, 2025. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. All comments are included in the file of record; no public comments were received. 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 Building Official	No Comment Received	
Chelan County Fire Marshal	July 8, 2025	Fire suppression requirements
Chelan County Public Works	No Comment Received	
WA State Department of Fish & Wildlife	No Comment Received	
Chelan County PUD	July 2, 2025	No comment on proposal
WA Dept. of Ecology	July 15, 2025	Water Resources program requirements
Yakama Nation	No Comment Received	
Confederated Tribes of Colville	No Comment Received	
WA Dept of Transportation	July 10, 2025	Access permit application required

8. Public Comments:

8.1. No public comments were received for this proposal.

9. SEPA Environmental Review

9.1. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed, and a Determination of Non-Significance (DNS) was issued on July 17, 2025 under WAC 197-11-355.

10. Chelan County Comprehensive Plan

10.1. The Comprehensive Plan has been reviewed for consistency with residential and recreational land uses. Specifically, the goals and policies related to the Rural Residential/Resource (RRR) Comprehensive Plan designation.

10.2. The development is consistent with the Rural Recreation/Residential designation which is to “provide the opportunity for the development, redevelopment and infill of existing intensely developed rural recreational/residential areas for residential, recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Chelan County. 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 recreational 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.”

10.3. The Hearing Examiner finds that the proposal, as conditioned, would be consistent with the Rural Element of the Chelan County Comprehensive Plan.

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

11.1. A conditional use permit, including an amendment to same, may be approved only if all of the following review criteria and any special criteria listed in the chapter are met:

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

11.1.1.1. **Finding of Fact:** The criteria for places of public and private assembly has been addressed below.

11.1.1.2. **Conclusion:** Based on review of the application materials submitted, the criteria for approving applications for places of public and private assembly would be satisfied.

11.1.2. 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.

11.1.2.1. **Finding of Fact:** The proposed development is located in the Rural Recreational/Residential (RRR) zoning district. The RRR zoning district permits places of public and private assembly as a Conditional Use. The site plans of record for CU 22-263 and AUP 05-004, demonstrate that the proposed development would meet the applicable zoning standards per CCC Section 11.14.020.

11.1.2.2. **Conclusion:** Based on the site plans of record, the proposal would meet applicable zoning and critical areas regulations.

11.1.3. Compatibility with the adjacent uses and the protection of the character of the surrounding area.

11.1.3.1. **Finding of Fact:** The adjacent uses include residential, recreational and agricultural properties. The proposal is compatible with these adjacent uses and measures would be taken to protect the character of the surrounding properties.

11.1.3.2. **Conclusion:** Measures would be taken to protect the character of the surrounding area and maintain the existing look of the property.

11.1.4. Detrimental impacts on the natural environment and production use of the surrounding natural resource lands can be mitigated or avoided.

11.1.4.1. **Finding of Fact:** The proposed development of places of public and private assembly would not have detrimental impacts to the natural environment as the site has already been developed and is only proposing a new use of one of the properties.

11.1.4.2. **Conclusion:** The proposed development would not be detrimental to the natural environment.

11.1.5. No conditional use permit shall be issued without a written finding that:

11.1.5.1. 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.

11.1.5.1.1. **Finding of Fact:** Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.

11.1.5.1.2. **Conclusion:** Through the process of public and agency noticing, opportunity for review and comments were provided for the proposal.

11.1.5.2. No county facilities will be reduced below adopted levels of service as a result of the proposal.

11.1.5.2.1. **Conclusion:** The proposed development, as conditioned, would not result in county facilities reduced below adopted levels of service.

11.1.6. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.

11.1.6.1. **Conclusion:** The proposed development, as conditioned, would not have an adverse impact on public health, safety and welfare.

11.1.7. 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 Title 11 and 15 of the Chelan County Code.

11.1.7.1. **Finding of Fact:**

11.1.7.1.1. **Roads, ingress and egress:** The existing access is from South Lakeshore Road, also known as SR 971, there are no proposed changes to this access.

11.1.7.1.2. **Stormwater:** The developed property in in compliance with stormwater requirements.

11.1.7.1.3. **Domestic and Irrigation Water:** The parcels are served by public water provided by Bear Mountain Water District and a Group A water system developed by Nefarious Cellars. Irrigation is provided by a private irrigation system.

11.1.7.1.4. **Sanitary Facilities:** The parcels are served by City of Chelan sanitary sewer.

11.1.7.1.5. **Power:** Power is provided by Chelan County PUD.

11.1.7.1.6. **Fire Protection:** The development shall conform to all applicable requirements of the International Fire Code and Chelan County Code.

11.1.7.1.7. **Conclusion:** All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the CCC.

11.1.8. 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.

11.1.8.1. **Finding of Fact:**

11.1.8.1.1. **Noise and Vibration:** New noise impacts could be generated by the use of the former Nefarious Cellars facility as a place of public and private facility. The applicant has indicated that site operations would end at 10:00 p.m.

11.1.8.1.2. **Light and Glare:** Lighting on the site would be regulated by CCC Section 11.88.080.

11.1.8.1.3. **Heat, Steam, Odors, Smoke and Dust:** The proposal would not generate heat, steam or odors.

11.1.8.1.4. **Erosion:** The subject property is not located within a geologically hazardous area.

11.1.8.1.5. **Wastes and Physical Hazards:** The Washington State of Ecology has indicated that because there will be no new construction for this proposal, clean up under MTCA is not required at this time.

11.1.8.1.6. **Electrical Disturbance:** The proposal would not result in electrical disturbances.

11.1.8.1.7. **Conclusion:** Based on the above facts, 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 can be avoided or mitigated as conditioned.

11.1.9. The granting of the proposed conditional use permit amendment is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.

11.1.9.1. **Finding of Fact:** The granting of this conditional use permit amendment is consistent with the goals, policies, and intent of Chelan County's Comprehensive Plan.

11.1.9.2. **Conclusion:** The development is consistent with the Chelan County Comprehensive Plan.

12. Chelan County Code, Section 11.93.315 Places of public and private assembly

12.1. The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.

12.1.1. **Finding of Fact:** The site plans of record, show specific parking areas totaling 76 spaces. The permit narrative indicates that at no time would the number of attendees on site exceed 200.

12.1.2. **Conclusion:** This provision has been met.

12.2. The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.

12.2.1. **Finding of Fact:** The former Nefarious Cellars property has been landscaped as required by their Administrative Use Permit. The Fielding Hills winery has also been shown to be following conditions of approval.

12.2.2. **Conclusion:** Staff did not recommend additional landscape requirements for the site.

12.3. The operation shall include adequate sanitary facilities based on proposed capacity.

12.3.1. **Finding of Fact:** Based on the development narrative the applicant indicates that current facilities are sufficient.

12.3.2. **Conclusion:** This provision has been met.

12.4. The proposal will not reduce county facilities below adopted levels of service as a result of the development.

12.4.1. **Conclusion:** The proposal would not reduce county facilities below adopted levels of service; therefore, the requirements would not apply.

12.5. Administrative review of the operation to determine compliance with conditions of approval shall be performed in the first and fifth year of operation, or upon receipt of a written compliant.

12.5.1. **Finding of Fact:** The review of the Conditional Use Permit helps ensure compliance with the requirements.

- 12.5.2. **Conclusions:** Staff recommended that the applicant submit a review letter the Chelan County in the first and fifth year after the date of this decision.
- 12.6. All events and activities shall comply with Chapter 173-60 WAC, Noise.
- 12.6.1. **Conclusion:** Staff recommended that noise be reviewed as part of the one- and five- year compliance review or in the instance a noise complaint should be filed.
- 12.7. The proposal shall include the maximum number of attendees (baseline) which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements.
- 12.7.1. **Conclusion:** The proposed development would have a maximum attendance of 200 people. The development has adequate parking with a total of approximately 76 spaces.
- 12.8. If a school is to be included in the facility as a separate structure, the criteria of Section 11.93.190 shall be met in addition to any other applicable criteria.
- 12.8.1. **Conclusion:** The requirement of this section does not apply.
- 12.9. If a daycare center/preschool is to be included in the facility, the criteria of Section 11.93.160 shall be met in addition to any other applicable criteria.
- 12.9.1. **Conclusion:** The requirement of this section does not apply.
- 12.10. For churches and religious facilities, one single-family dwelling unit may be included in addition to the facility for the residence of the cleric/priest/pastor/etc.
- 12.10.1. **Conclusion:** The requirement of this section does not apply.
13. An open record public hearing was held, after legal notice, on August 20, 2025.
14. Appearing and testifying on behalf of the applicant was Karen Peele. Ms. Peele testified that she was the agent authorized to appear and speak on behalf of the applicant and property owner. She stated that they had reviewed the Staff Report and agreed with all the representations therein. Regarding the proposed conditions of approval, the applicant did not have any objection incorporated from the administrative use permit into the Conditional Use Permit except as amended. She also indicated that they wish to be able to rent out the residence on the Nefarious property with a valid STR Permit. She indicated that they had obtained the STR Permit. She indicated that regardless of this consolidation, there would still be a maximum of 200 guests and that all parking would be on site.
15. Also testifying for the applicant was Mike Wade. Mr. Wade testified that he also was an agent of the applicant and property owner. He had questions regarding proposed Conditions of Approval 10, 12, 26, and 27 indicating that the conditions have already been satisfied. Regarding conditions 35, 36, and 37 he was not clear what they were intended to accomplish.
16. The Hearing Examiner indicated at the hearing that if the project was approved, he would likely add introductory language to conditions 10, 12, 26, and 27 indicating that those conditions are required to be complied with, if the condition has not already been met.
17. No member of the public testified at the hearing.
18. The following exhibits were admitted into the record:
- 18.1. Ex. A File of Record for CUP 22-263;
- 18.2. Ex. B File of Record for AUP 05-004;
- 18.3. Ex. C Staff Report;

18.4. Ex. D Remainder of Planning Staff File;

19. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
20. 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, CUPA 25-144 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

If approved, the following Conditions of Approval are recommended. 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.

The following are the existing approved conditions of approval for the Fielding Hills Winery (CUP 22-263) except as modified by this decision and will include the former Nefarious Cellars property and uses, so long as they are consistent with these conditions.

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 conditions of 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), this Conditional Use Permit shall be in conformance with the submitted application of record, including site plans date stamped June 27, 2022, with a new exhibit submitted October 12, 2022, and as amended by this decision.
3. Pursuant to CCC Chapter 11.93, the applicant is authorized to further develop the subject property through the construction of 4,964 square foot outdoor sitting patios with propane fire pits.
4. Hours of operation shall be from 10:00 a.m. to 10:00 p.m. All patrons must vacate the premises by 10:00 p.m.
5. The existing dwelling unit located in the former Nefarious Cellars facility shall be considered a caretaker residence until or unless such time a permit application is submitted to and approved by Chelan County Community Development for a short term rental permit.
6. The applicant shall comply with all applicable local, state and federal regulations consistent with these conditions.
7. The applicant is responsible for securing any and all state and federal agency permits and licenses as may be required.
8. The project shall proceed in conformance with the application and site plan of record on file with the Chelan County Planning Department except as modified herein.

9. Pursuant to CCC Section 11.88.080, security lights or any exterior lighting shall be low-intensity, non-flashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
10. Unless this condition has already been satisfied, pursuant to CCC Chapter 15.50, the applicant shall submit a Landscaping Plan for approval, at the time of submittal of any Chelan County Building Permit.
11. All formal off-street parking facilities shall comply with CCC Section 11.90.030.
12. Unless this condition has already been satisfied, pursuant to CCC Section 11.93.030, a letter of compliance shall be submitted by the applicant to Chelan County Community Development prior to the commencement of the proposed use; this letter shall include the following:
 - 12.1. A parking and circulation plan approved by Chelan County Public Works pursuant to CCC Section 11.93.330(3).
13. All signage shall be approved and installed consistent with CCC 11.92; Signs.
14. Permitted activity shall be in conformance with all applicable local, state and federal regulations, statutes, rulings or requirements including, but not limited to the CCC Chapters 11.18 (Rural Recreational/Residential), 11.93 (Conditional Uses), Section 11.93.315 (Places of Public and Private Assembly), and Section 11.93.320 (Winery with value-added operation retail component of nursery greater than 1,500 sq.ft.).
15. Pursuant to RCW 27.53.020, if cultural resources are found, 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.
16. Pursuant to CCC Section 11.93.070, in any case where a conditional use permit is granted under the terms of this title, no building or other permit shall be issued until after the end of the appeal period allowed in Title 14 of the Chelan County Code.
17. Pursuant to CCC Section 11.93.315(5), the applicant shall submit a compliance report to Community Development one year and five years after the date of this decision. The report shall include documentation regarding how each condition of approval is being met.
 - 17.1. Chelan County Community Development shall review the number of noise complaints, if any, to determine if the applicant shall be required to amend the type of noise (amplified or non-amplified), hours of operation or an increase buffering in order to reduce noise impacting the surrounding properties.
 - 17.2. Chelan County Community Development may require the applicant to provide a noise study as part of this review.
18. The applicant may be required to obtain Winery General Permit (Permit) coverage from the Department of Ecology (Ecology) if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may also require Permit coverage if a facility is determined to be a "Significant Contributor of Pollutants or a Significant Industrial User" as defined in Appendix B of the Permit.
19. Pursuant to CCC Chapter 11.04, only Food and Beverage Service shall be allowed as part of the winery tasting room. Food and Beverage Service is defined in CCC Section 14.98.835 as "catered food, prepackage food for activities and uses that are accessory to wineries and other similar uses". Restaurants are not an allowed use in the RRR zoning district.

20. 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.
21. Pursuant to CCC Section 11.93.110, this conditional use permit shall become void three (3) years after approval or such other time period as established by the Hearing Examiner if the use is not completely developed. The applicants are requesting the Hearing Examiner to extend the expiration for finalizing this CUP application to four-years rather than the requisite three-year period due to supply chain issues as a result of the COVID pandemic. Said extension shall not exceed a total of six years and said phases and timelines shall be clearly spelled out in the application.
22. Pursuant to CCC Section 11.93.120, this action of the Hearing Examiner is final unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

Chelan County Public Works

23. Pursuant to CCC Chapter 15.30, frontage road improvements may be required per Washington State Department of Transportation on South Lakeshore Road (aka Hwy 971).
24. Pursuant to CCC, Section 10.20.410(2), addresses are assigned based on road origin and shall contain digits indicating the address from the origin of the road to the primary access location for the site.
25. Pursuant to CCC Section 12.08.020, the applicant shall be required to demonstrate legal and perpetual access for the proposed Facility.
26. Unless this condition has already been satisfied, pursuant to CCC Section 15.30, the applicant shall be required to construct the Private Internal Access road to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) beginning at S. Lakeshore Road (aka Hwy 971) and ending with an Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) within the proposed project.
27. Unless this condition has already been satisfied, the applicant shall be required to show the dimensions and type of material proposed for the guest parking area on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project.
28. Pursuant to CCC Section 15.30.340 the applicant shall be required to demonstrate or obtain a WSDOT Approach Permit approving the current access meeting WSDOT's standards for this project.
29. The applicant is required to submit construction plans and reports in accordance with Title 15. The plans must be submitted simultaneously under one Letter of Transmittal. The applicant would be required to have the Construction Plans approved by Chelan County Public Works Department prior to construction. The following are the minimum construction plan elements: Road Improvement Plan (including location of utilities); Erosion and Sedimentation Control Plan; Lot Access Plan; Signage and Painting Plan; Drainage Report and Plan.
30. A Pre-Construction Meeting with the owner/contractor and Chelan County Public Works Department would be required prior to commencement of construction.
31. The applicant shall be required to submit signed As-built Construction Plans by the applicant's engineer prior to Chelan County Public Works issuing final approval.
32. Pursuant to CCC Section 13.18.030(9) if a Drainage System is required, show any necessary easements in accordance with the approved drainage plan;
33. 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 5000 square feet is created and must be reviewed and approved. This shall be completed during the submittal of any building permits.

34. 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.

Chelan County PUD

35. There is concern over our access to the underground line and transformer being impeded by additional structures. From the drawings provided it appears the proposed structures are being built out close to the property lines leaving little room left for the District to access utilities with our crews or equipment. The applicant would need to remain in compliance with the terms of the easement attached including maintaining a clear access route to the transformer and be aware that no structures or fill are permitted within the easement area.

Chelan County Fire Marshal

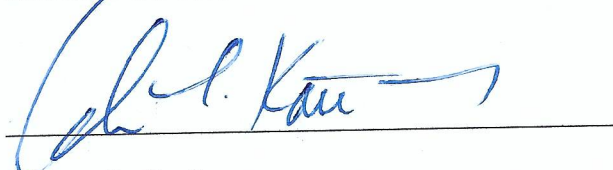
36. Pursuant to the comment letter received October 11, 2022, the applicant shall meet all applicable fire code sections prior to obtaining occupancy for the proposed project as outlined in this document.

Department of Ecology

37. Pursuant to the comment letter received August 24, 2022, The Washington State Department of Ecology (Ecology) requires that the soils within the proposed development be sampled and analyzed for lead and arsenic and for organochlorine pesticides. Prior to issuance of building permits, the applicant shall coordinate soil testing with Ecology to demonstrate compliance with the Model Toxics Control Act (MTCA) (Chapter 173-340 WAC).

Dated this 29 day of August, 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.