

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

CUP 2023-322

Chelan County Fire Dist. #5

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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 November 15, 2023, 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 has been submitted by the Manson Fire District for an expansion of the Essential Public Facilities uses onsite. There is currently a fire station onsite, and the proposed additions include an emergency Helipad, a new containerized firefighting training facility, sleeping units, training classrooms, exercise rooms, additional vehicle bays with offices and storage, enlarged storm drain facilities, new drain fields, new parking areas and circulation lanes. Access to the subject property is off Wapato Lake Road. The parcel is zoned Rural Residential/Resource 5 (RR5).
2. The applicant/owner is Chelan County Fire District 5, PO Box D, Manson WA 98831.
3. The project location and parcel number is 2010 Wapato Lake Rd, Manson WA 98831, No. 28-21-25-420-025. The subject property is 4.47 acres in size and the current legal description is: T 28N R 21EWM S 25 Lot D BLA 2018-364 Lot 1 SS#.
4. The property is outside of an Urban Growth Area.
5. Existing land zoning is Rural Residential/Resource 5 (RR5). The property is currently a fire station and has a history of orchard use.
6. The applicant submitted an Aquifer Recharge Form, date stamped September 21, 2020. The proposed project does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.
7. Properties to the south and east are zoned Rural Residential/Resource 2.5 (RR2.5). Properties to the north and west are zoned Rural Residential/Resource 5 (RR5).
8. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject properties contain spotted owl and wolverine habitat. Therefore, the provisions of CCC Chapter 11.78, do apply. However, due to the long history of farming on the parcel, it is unlikely that habitat for either species would be found.
9. No streams are located on the subject property. Therefore, the proposal is not subject to the provisions of CCC Chapter 11.78.
10. Chelan County GIS mapping indicates that the subject property is located within a potential geologic hazard area due to potential erosion hazards found on the property. Therefore, the provisions of CCC Chapter 11.86 do apply.

11. Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are located on or adjacent to the subject property; therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply to the project.
12. Soil sampling indicates that lead and/or arsenic contamination are above the cleanup standards and cleanup is required prior to occupancy under Model Toxics Control Act (WAC Chapter 173-340). The Department of Ecology has created Model Remedies for legacy pesticides. Compliance with a Model Remedy ensures the project meets minimum standards of the Model Toxic Control Act, and if implemented as described, the subject property would be successfully cleaned up to Washington State standards. The Model Remedies is available at <https://apps.ecology.wa.gov/publications/documents/2109006.pdf>.
13. Pursuant to Revised Code of Washington (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 of the Colville Reservation, and Chelan County Community Development. DAHP initially requested a Cultural Resource Report based on the proximity to Roses Lake, which is a known archaeological resource area. Because of the long history of orchard use on the site, and the existing Manson Fire Station, the Fire District requested that DAHP reconsider. After reviewing the existing site conditions more closely, DAHP has stated that an Inadvertent Discovery Plan would be sufficient, and a Cultural Resources Report would not be necessary.
14. Projects would be completed as funding becomes available for each project. Initial phasing is projected as follows:
 - Project 1: Firefighting Training Facility: 2026
 - Project 2: Storm Water Retention: 2023
 - Project 3: Emergency Heli Pad: 2026
 - Project 4: Residential quarters, training classrooms: 2026
 - Project 5: Truck bays: 2026
 - Project 6: Signs: 2027
15. An extended timeline has been requested because of the possibility that the project may not be funded immediately. The Manson Fire District is requesting a 16-year extension; with the following timeline:
 - Project 1: 2042
 - Project 2: 2039
 - Project 3: 2042
 - Project 4: 2042
 - Project 5: 2042
 - Project 6: 2043.
16. The subject properties would be accessed from Wapato Lake Road.
17. Water is provided by the Lake Chelan Reclamation District.
18. Power is by an extension of the Chelan County PUD.
19. There is currently an onsite septic system. A new septic permit would be required for the new facility.

20. The applicant must comply with CCC Chapter 7.35 Noise.
21. The visual impact is anticipated to be minimal. The proposed use is compatible with the surrounding properties.
22. 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 September 19, 2023 with comments due October 5, 2023. Agency comments are considered by the Hearing Examiner and, when appropriate, associated recommended Conditions of Approval are provided.
23. The following is a list of agencies who received notice and the date comments were received. No public comments were received:

| Agencies Notified | Response Date | Nature of Comment |
|---------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chelan County Assessor | | No Comment. |
| Chelan County Building Official | | No Comment. |
| Chelan County Fire Marshal | October 9, 2023 | No issues. |
| Chelan County Fire District No. 5 | October 5, 2023 | No issues. This is their project. |
| Chelan Douglas Health District (CDHD) | September 28, 2023 | New septic permit needed for new facility. A public water availability letter from LCRD agreeing to provide water. |
| Chelan County Public Works (CCPW) | September 26, 2023 | The applicant would be required to comply with Chelan County Stormwater Guidelines and Procedures. This would be completed during the building permit process. |
| Chelan County PUD (PUD) | | No Comment. |
| WA Dept. of Ecology | October 3, 2023 | Toxic cleanup required. |
| WA Dept. of Archaeology and Historic Preservation | October 3, 2023 | Cultural Resource Report requested. |
| Yakama Nation | | No Comment. |
| Confederated Tribes of Colville | | No Comment. |

24. A Determination of Non-Significance (DNS) was issued on October 10, 2023.
25. The application materials were submitted on July 26, 2023.
26. A Determination of Completeness was issued on September 12, 2023.
27. The Notice of Application was provided on September 21, 2023.
28. The Notice of Public Hearing was issued on November 2, 2023.
29. Chelan County Comprehensive Plan – Chapter 3 Rural Element. The purpose of the Rural Residential/Resource 5 (RR5) land use designation of the Rural Element is to provide opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the

comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development. Uses appropriate for these areas include: Open space, residential, agriculture, 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...community facilities.

- 29.1 The Hearing Examiner has reviewed the proposed development for consistency with the RR5 designation. The applicant is proposing to provide an upgrade to an existing fire station which would be considered a community facility.
- 29.2 Hearing Examiner Finding: The proposed uses are consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
- 30. Chapter 6: Capital Facilities Element: The Capital Facilities Element specifically states that Fire Station 52 in Fire District 5 does not meet the standards and needs to be upgraded. Fire District 5 provides fire protection for the Manson area, which encompasses about 19 square miles and shares a border with Fire District 7. The Fire District identified the need to replace Fire Station 51 and update Fire Station 52, which do not meet the minimum safety standards and cannot accommodate the growing needs of the districts. New and updated facilities will allow for personnel staffing the facilities that will produce quicker response times, which is critical when responding to fire or medical emergencies. The District is researching grants and other funding opportunities, including a levy for a bond to be approved by voters.
 - 30.1 Personnel: One career firefighter (chief) and 25 volunteers
 - 30.2 Stations: Station 51 Location: 250 W. Manson Blvd, Manson (is a rented facility owned by the Lake Chelan Reclamation District; typically houses two engines, one brush, and one aid vehicle.
 - 30.3 Station 52 Location: 2010 Wapato Lake Rd, Manson; typically houses two engines, one brush, one tender, and one utility vehicle.
 - 30.4 The Hearing Examiner has reviewed the proposed development for consistency with the Capital Facilities Element. The applicant is proposing to comply with the Comprehensive Plan Element by updating the fire station, as stated as a necessary upgrade in the Chelan County Comprehensive Plan.
 - 30.5 Hearing Examiner Finding: The proposed upgrades are consistent with the goals and policies of the Capital Facilities Element of the Chelan County Comprehensive Plan.
- 31. Chelan County Code Section 11.04.010 District Use Chart:
 - 31.1 The applicant proposed additions to the existing Fire Station 52, including a live fire training facility, sleeping units, training classrooms, multi-purpose rooms, exercise rooms, additional vehicle bays, and a helipad. The helipad in its' proposed use for emergency and forest-related support is an outright allowed use in the RR5 zone. A fire station is considered an Essential Public Facilities in the district use chart, Chelan County Code (CCC) Section 11.04.020, and requires a conditional use permit (CUP) in the RR5 zoning district.
 - 31.2 Hearing Examiner Finding: The proposed use is permitted with an approved conditional use permit.

32. The project is consistent with CCC 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:
- 32.1 All criteria required for a specific use by this chapter can be satisfied.
- 32.1.1 Criteria for an Essential Public Facilities has been addressed below.
- 32.1.2 Hearing Examiner Finding: Based on review of the application materials submitted, the criteria can be satisfied.
- 32.2 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.
- 32.2.1 The subject property is located in the RR5 zone; and the proposed use is allowed as a Conditional Use as identified in the District Use Chart in Chapter 11.04. The site plan of record, date-stamped October 23, 2023, demonstrates the existing development meets the applicable zoning setbacks and building height restrictions identified in CCC Section 11.12.020. The proposed use is identified in Table 11.90-3 CCC Chapter 11.90 and has the requirement of 0.3 parking spaces for every attendee of the training facility for off-street parking. The required parking spaces for the resident firefighters is one space per sleeping quarter. The proposal has a parking lot with 49 parking spaces and one handicap parking space, which is more than adequate for the proposed number of residents (12) and training participants (50 people at one event). Landscaping for new public facilities is required per CCC Chapter 15.50.020(1)(a). A landscaping plan was submitted with the application materials.
- 32.2.2 Based on the project drawings and the site plan of record, the proposed development meets the applicable requirements of CCC Chapter 11.12.
- 32.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- 32.3.1 The Fire Station already exists, and meets the definition of Essential Public Facility as defined in CCC Section 14.98.705. The proposed expansion is located at existing Fire Station 52 in Fire District 5 in Manson, WA. The surrounding uses are orchards, rural farms and an RV park. The Fire Station has been there since 1994 and is compatible with surrounding uses.
- 32.3.2 Hearing Examiner Finding: As conditioned, the proposed use would be compatible with the surrounding uses or character.
- 32.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 32.4.1 The subject properties are not identified as a classified resource land pursuant to the Chelan County Comprehensive Plan. Although there are Commercial Agriculture resource lands nearby the subject properties, the fire station has not impacted the use of the orchards. A Geological Hazard Assessment, date stamped July 26, 2023, was submitted and recommendations therein would be followed for the new development on the property to ensure no impacts to the natural environment.
- 32.4.2 Hearing Examiner Finding: As conditioned, the proposed use would not be detrimental to the natural environment.
- 32.5 No conditional use permit shall be issued without a written finding that:

- 32.5.1 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.
- 32.5.2 Chelan County provided a Notice of Application to all providers and all received comments are included in the file of record.
- 32.5.3 Hearing Examiner Finding: Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use.
- 32.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 32.6.1 The proposed expansion of the fire station would require a new septic permit.
 - 32.6.2 Hearing Examiner Finding: The proposed use is not anticipated to result in an adverse impact on public health, safety and welfare.
- 32.7 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.
 - 32.7.1 Roads, ingress and egress: The subject property is accessed from Wapato Lake Road. Chelan County Public Works had no comments on the road.
 - 32.7.2 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
 - 32.7.3 Domestic and Irrigation Water: A Water Availability Letter from the Lake Chelan Reclamation District was submitted, dated September 14, 2023.
 - 32.7.4 Sanitary Facilities: Per the comment letter from Chelan Douglas Health District, the property would need a new construction septic permit for the new facility.
 - 32.7.5 Power: Power is provided by Chelan County PUD.
 - 32.7.6 Fire Protection: This is a CUP for the expansion of the existing Fire Station.
 - 32.7.7 Parking and Loading: According to Table 11.90-3 in CCC Chapter 11.90, the applicant shall provide 0.3 parking spaces for every attendee of the training facility, and one space per sleeping quarter.
 - 32.7.8 All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
- 32.8 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.
 - 32.8.1 Based on the application materials, and as conditioned, the proposed use of the subject property would not impact adjacent properties in the vicinity with noise, light, heat, steam, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts. Anytime the facility is used for live firefighting training, the applicant would take all precautions set forth by the Department of Ecology for air pollution and would only burn during allowed burn windows. The alarm sounds of firefighting

equipment is necessary for public safety and is not a constant noise. No public comments were received indicating that nearby property owners were concerned with the property.

- 32.8.2 Hearing Examiner Finding: 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.
- 32.9 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.
 - 32.9.1 The expansion of the existing Fire Station is specifically mentioned in the Capital Facilities Element of the Comprehensive Plan. The station would be consistent with the goals and policies of the Comprehensive Plan.
 - 32.9.2 The project is consistent with the Chelan County Comprehensive Plan.
- 33. Chelan County Code, Section 11.93.165: Essential Public Facilities. The following minimum conditions shall apply to Essential Public Facilities:
 - 33.1 The proposal is consistent with the goals and policies of the comprehensive plan and all applicable county code provisions.
 - 33.1.1 Fire Station 52 is specifically identified in the Chelan County Comp Plan “Chelan County Comprehensive Plan “Fire District 5 provides fire protection for the Manson area, which encompasses about 19 square miles and shares a border with Fire District 7. The Fire District identified the need to replace Fire Station 51 and update Fire Station 52, which do not meet the minimum safety standards and cannot accommodate the growing needs of the districts. New and updated facilities will allow for personnel staffing the facilities that will produce quicker response times, which is critical when responding to fire or medical emergencies. The District is researching grants and other funding opportunities, including a levy for a bond to be approved by voters.” Additional ambulance bays, fire fighter sleeping quarters, helipad and training facilities are all intended to respond to the growing need. As stated in the Comprehensive Plan, these facilities will allow for personnel staffing that will produce quicker response times.
 - 33.1.2 The Hearing Examiner finds that the proposal is consistent with the Chelan County Comprehensive Plan and applicable provisions of the Chelan County Code.
 - 33.2 There shall be a demonstrated need for the essential public facilities and/or special use within the community at large which shall not be contrary to the public interest
 - 33.2.1 Applicant Response: The need is identified in the Chelan County Comprehensive Plan. World Population Review notes that since 2010, Chelan County has increased 11% and at the same time areas near Lake Chelan have increased 18%. The District witnessed a more intense increase during COVID than past years. There is a belief that population shifts from urban areas were greater due to the recreational amenities of the area. The increase in population along with structures associated with the increase demonstrate the need for better facilities and qualified personnel.

- 33.2.2 The need for an updated fire station is listed in the Chelan County Comprehensive Plan.
- 33.2.3 Hearing Examiner Finding: The Hearing Examiner finds that the proposal is an essential need for the community at large and is not contrary to the public interest.
- 33.3 The applicant shall demonstrate that they have conducted a site selection process that has evaluated alternative sites within the county. The administrator may request review of specific sites or areas.
 - 33.3.1 Applicant Response: The best site has been selected. Alternative sites would need to be located within Fire District 5 and would need to be located adjacent to an active fire station. The selected site is at the center of the district allowing for quickest response times. The site is already owned by the Fire District and has adequate vacant land for all phases of the project.
 - 33.3.2 The site was selected in the Chelan County Comprehensive Plan.
 - 33.3.3 Hearing Examiner Finding: The Hearing Examiner finds that the proposal adequately underwent a site selection process.
- 33.4 The applicant shall demonstrate that appropriate public participation in the siting decision has occurred consistent with state law.
 - 33.4.1 Applicant Response: The decision to purchase the property occurred at regularly scheduled Fire Commissioner meetings that are open to the public. In 1994, following numerous arson fires near the current site, a landowner offered the property to the District at a reduced price. The property provided a central location with adequate land available for expansion, and a good location on a main arterial road.
 - 33.4.2 The CUP for the expansion of the Fire Station was properly noticed to the public according to Washington State Law.
 - 33.4.3 Hearing Examiner Finding: The Hearing Examiner finds that the proposal adequately underwent public notice.
- 33.5 The proposal/development incorporates specific features to ensure that it is consistent with the existing or intended character, appearance, and physical characteristics of the site and surrounding property.
 - 33.5.1 Applicant Response: The Fire District has included amenities on the property to offset any character differences with surrounding properties. There is currently a park onsite available and open to the public. The proposed buildings are not unlike the nearby agricultural buildings in the immediate area. The cargo containers are a specialized training facility with specific features that only the containers can reasonably provide. There are other nearby cargo containers used by agricultural operations as well. In addition, landscaping will be integrated into the project to screen the activities from adjacent properties.
 - 33.5.2 The proposal is consistent with the existing characteristics of the nearby properties.
 - 33.5.3 Hearing Examiner Finding: The Hearing Examiner finds that the proposal is consistent with the existing characteristics of the sites and surrounding properties.

- 33.6 The applicant shall document known impacts to county services (water, sewer/septic, road, power, police/fire, etc.) and mitigation options to be reviewed and approved by the administrator.
- 33.6.1 Applicant Response: There should be no notable impact on traffic. It is anticipated that the firefighting training activities would have a notable impact on water usage. The firefighting training is expected to use 20 gallons per evolution and be retained onsite. Impacts to other services would be minimal, besides an obvious increase in the fire service for the area.
- 33.6.2 Impacts are expected to be minimal, with the exception of the water use. Lake Chelan Reclamation District is aware of the project and has provided a Water Availability Letter for the fire station.
- 33.6.3 Hearing Examiner Finding: The Hearing Examiner finds that the proposal has documented known impacts.
34. The Hearing Examiner has reviewed the applications and submitted materials. The information in the application, as proposed, complies with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code.
35. An open record public hearing after legal notice was provided was held on November 15, 2023.
36. Exhibits A through E were admitted into the record and considered by the Hearing Examiner.
- 36.1 Ex. A Site Plan of Record dated October 23, 2023;
- 36.2 Ex. B Architectural drawings;
- 36.3 Ex. C Geologic Hazard Assessment;
- 36.4 Ex. D Agency Comments;
- 36.5 Ex. E Inadvertent Discovery Plan;
- 36.6 Ex. F Staff Report;
- 36.7 Ex. G Remainder of Planning staff file of record.
37. Appearing and testifying on behalf of the Applicant/property owner was Paul Coppock. Mr. Coppock testified that he is an agent for the Applicant and property owner and is authorized to appear and testify on its behalf. He testified that all of the proposed Conditions of Approval were acceptable, and that he had reviewed the staff report and had no objections to any of the representations contained therein.
38. No member of the public testified at this hearing.
39. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
40. 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 11.04.010, District Use Chart.
5. The project meets the criteria in Chelan County Code, Section 11.93.165, Essential Public Facilities.
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 2023-322 is hereby **APPROVED**, subject to the conditions of approval.

IV. CONDITIONS OF APPROVAL

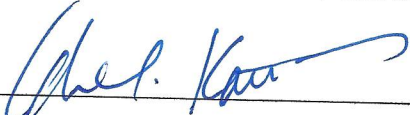
All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

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 Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, within three years after approval or such other time period as established by the hearing examiner. According to the timeline set in Finding of Fact No. 15, the applicant will be allowed up to 16 years to complete all the phases as funding becomes available.
3. Pursuant to Chelan County Code 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.
4. 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.
5. The proposed use is not authorized unless and until all listed conditions are satisfied.
6. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including the site plan date stamped October 23, 2023 or as amended by this decision.
7. Pursuant to CCC Section 11.90.060, the applicant will need to provide 0.3 parking spaces per attendee of the training facility and 1 space per sleeping quarter for a total of at least 27 spaces. The applicant is proposing 49 spaces which will be more than adequate.
8. Pursuant to the comment letter from the Department of Ecology, dated October 3, 2023, the applicant shall complete clean up of lead and/or arsenic contamination prior to building occupancy, using Model Remedies provided by the Department of Ecology to ensure the project meets the minimum standards of the Model Toxics Control Act (WAC 173-340).
9. Pursuant to the Clean Air Act, anytime the facility is used for live firefighting training, the applicant shall take all precautions set forth by the Department of Ecology for air pollution and

- shall only burn during allowed burn windows.
10. Pursuant to the comment letter from Chelan County PUD, the applicant shall be required to record easements for all primary power sited on the parcel or secondary power that crosses one or more parcels to serve another parcel. The applicant shall apply for a permit from Chelan County PUD for a line extension.
 11. The subject property shall comply with the recommendations set forth in the Geological Hazard Assessment dated June 30, 2023 prepared by Anderson Geological Consulting, LLC, or due to the phasing for this project, the applicant may supply an updated Geological Hazard Assessment conducted by a qualified professional at the time of specific project construction.
 12. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department dated September 26, 2023.
 13. The applicant shall be required to comply with Chelan County Stormwater Guidelines and Procedures. This may be completed during the Building Permit Application.
 14. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan Douglas Health District memorandum dated September 28, 2023.
 15. The applicant shall be required to receive a new construction septic permit to serve the new facility.
 16. The applicant shall provide a public water availability letter from the Lake Chelan Reclamation District agreeing to provide domestic water to the new facility.
 17. Pursuant to RCW 27.53.060, and CCSMP Section 4.1, if the applicant or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this permit, the applicant/agent must 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.
 18. An inadvertent discovery plan must be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan is attached as Exhibit E.
 19. Pursuant to Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, 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.
 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 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 17 day of November, 2023.

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.