

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

**CUP 25-177
Jelacic CUP**

) **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 5, 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 has been request by Syndicate Smith, LLC (agent) on behalf of Jill and Srdian Jelacic (owner) for a 1,451 sq. ft single family residence within the Icicle Valley Design Review District. The subject property is within the Rural Shoreline Designation of Icicle Creek. The property has an approved Shoreline Variance (SV 2022-118) which varied the setback from the shoreline buffer 100 ft to 47 ft. Single family residences within the Icicle Valley Design Review District require a CUP pursuant to Chelan County Code (CCC) Section 11.72.050. Access to the subject property would be from private drive off of Icicle Road and the subject property is zoned Rural Residential/Resource 20 (RR20).

2. General Information

Project Location(s):	7047 Icicle Road, Leavenworth, WA 98828
Parcel Number(s):	24-17-27-311-000
Legal Description & size:	East half of the Southwest quarter of Section 27, Township 24 North, Range 17 E.W. M, 0.36 acres
Applicants/Owners:	Jill and Srdjan Jelacic 8915 42 nd Ave NE Seattle, WA 988115
Urban Growth Area:	The subject properties are not located within an Urban Growth Area.
Comprehensive Plan Designation & Zoning:	Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)

3. Site Information

Existing Land Use & Permit History	The subject property is currently undeveloped. The property has an approved Shoreline Variance (SV 2022-118) which varied the setback from the shoreline buffer 100 ft to 47 ft. SV 22-118 was granted an extension, the shoreline variance expires December22, 2025.
Site Physical Characteristics:	The subject property is relatively flat parcel. The property is within shoreline jurisdiction and within the Rural Shoreline Environmental Designation.
Adjacent Properties:	The surrounding properties are development with low-density residential uses.

Property North:	Icicle River; Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
Property East:	Residential use, also owned by applicant; Rural Residential/Resource – 1 Dwelling Unit per 20 acres (RR20)
Property South:	Undeveloped; Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
Property West:	Single Family Residential; Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
Aquifer Recharge Area:	The Aquifer Recharge form was completed with the variance application. Pursuant to Chelan County Code (CCC), Section 11.82.060(2)(A), residential dwelling units and their accessory uses are exempt from the aquifer recharge area regulations under this chapter.
Fish & Wildlife Habitat Conservation Areas:	Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and species Maps and CCC Chapter 11.78 Fish and Wildlife Overlay District, the property contains Mule deer and Northern Spotted Owl habitat; therefore, the provisions of CCC Chapter 11.78 do 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:	Events would commence upon receipt of all required permits and conditions of approval.
Traffic Circulation:	The subject property is served by Icicle Road.
Noise:	The development is required to comply with CCC Chapter 7.35, Noise Control.
Visual Impact:	As conditioned, the visual impact is anticipated to be minimal.

5. Application & Public Hearing Notice Compliance

Application Submitted:	July 1, 2025
Determination of Completeness issued:	July 23, 2025
Notice of Application:	July 31, 2025
Notice of Public Hearing:	October 25, 2025
Public Hearing:	November 5, 2025

6. Noticing & Comments

- 6.1. The Notice of Application and Environmental Review was referred 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 31 2025, with comments due August 14, 2025. Agency comments are considered in this decision. All comments

are included in the file of record; public comments were received from an adjoining property owner. 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	No Comment Received	
Chelan County Public Works	No Comment Received	
WA State Department of Fish & Wildlife	No Comment Received	
Chelan-Douglas Health District	August 18, 2025	Recommend further approval of the development
Chelan County PUD	No Comment Received	
WA Dept. of Ecology	August 12, 2025	Questions about the SV
WA Dept. of Archaeology and Historic Preservation	No Comment Received	
Yakama Nation	No Comment Received	
Confederated Tribes of Colville	No Comment Received	
WA Dept. of Natural Resources	No Comment Received	
US Army Corps of Engineers	No Comment Received	
WA State Department of Transportation	No Comment Received	

7. Public Comments:

7.1. No public comments

8. SEPA Environmental Review

8.1. The applicant submitted an environmental checklist on July 1, 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) (Exhibit B) was issued on October 7, 2025. The SEPA Checklist and DNS are included within the file of record.

9. Chelan County Comprehensive Plan

9.1. The Comprehensive Plan has been reviewed; specifically, the goals and policies related to the Rural Residential/Resource 20 (RR20) Comprehensive Plan designation for consistency with residential and recreational land uses.

9.2. The development is consistent with the Rural Residential/Resource 20 purpose statement which says: "Purpose: To allow for low intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure. These areas provide greater opportunities for protection sensitive environmental areas and creating open space typical of a rural setting.

9.3. Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional use may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of 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.”

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

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

10.1. A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in the chapter are met:

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

10.1.1.1. **Finding of Fact:** Criteria for the proposed single-family residence has been addressed below.

10.1.1.2. **Conclusion:** Based on review of the application materials submitted, the criteria for single-family residence can be satisfied.

10.1.2. 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.

10.1.2.1. **Finding of Fact:** The site plan of record, date stamped July 1, 2025, demonstrates that the proposed residence would meet the applicable development standards in Chelan County Code (CCC) Section 11.32.030. All proposed development would meet the approved Shoreline Variance (SV 22-118) of 47 ft from the ordinary high-water mark (OHWM). The northern portion of the property is located within a Rural Shoreline Environment of Icicle creek.

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

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

10.1.3.1. **Finding of Fact:** Pursuant to CCC Section 11.72.050, the Icicle Valley Design Review Overlay District allows for single-family dwellings as a conditional use. The adjacent properties to the east and the west both have residences on them.

10.1.3.2. **Conclusion:** Based on the application materials, the proposed single-family residence is compatible with the existing and allowed uses of the surrounding area.

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

10.1.4.1. **Finding of Fact:** The subject property is classified as a rural land pursuant to the Chelan County Comprehensive Plan. The subject property contains critical habitats and is located within an area that is shown to have erosive soils per Chelan County GIS mapping.

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

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

10.1.5.1. 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.

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

10.1.5.1.2. **Conclusion:** The applicants have demonstrated that there are adequate services for the proposed residence, as conditioned.

10.1.5.2. No county facilities will be reduced below adopted levels of service as a result in county facilities reduced below adopted levels of service.

10.1.5.2.1. **Fact:** The proposed use is not anticipated to result in county facilities being reduced below adopted levels of service. No comments were received from Chelan County Public Works regarding adopted levels of service and no increase in Average Daily Traffic (ADT) on Icicle Road are anticipated as a result of the proposed residence.

10.1.5.2.2. **Conclusion:** As conditioned, the proposed residence would not result in county facilities being reduced below adopted levels of service.

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

10.1.5.3.1. **Conclusion:** The proposal, as conditioned, would not have an adverse impact on the public health, safety and welfare.

10.1.5.4. 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.

10.1.5.4.1. **Finding of Fact:**

10.1.5.4.1.1. **Roads, ingress and egress:** The site is accessed off of Icicle Road.

10.1.5.4.1.2. **Stormwater:** The application shall comply with CCC Title; Chelan County Stormwater Guidelines and Procedure, if a stormwater permit is required.

10.1.5.4.1.3. **Domestic and Irrigation Water:** Provided by a private well.

10.1.5.4.1.4. **Sanitary Facilities:** The existing onsite septic system is designed for single family residence.

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

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

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

10.1.5.5. 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.

10.1.5.5.1. **Finding of Fact:** Based on application materials, the applicant is proposing to construct a single-family residence. This proposed residence would not adversely 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.

10.1.5.5.2. **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.

10.1.5.6. 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.

10.1.5.6.1. **Finding of Fact:** The granting of a conditional use permit is consistent with the goals, policies, and intent of Chelan County's Comprehensive Plan and Zoning Code.

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

10.2. Chelan County Code, Section 11.72.070(2) Icicle Valley Design Review Overlay District

10.2.1. A cistern, well or pond with five-hundred-gallon minimum storage capacity, along with powered pumping system and at least two hundred feet of hose shall be provided for each residence or other principal structure.

10.2.1.1. **Finding of Fact:** The property is within a well-established neighborhood and within fire district No. 3. The applicant has accounted for a class A rated roof and fire-resistant siding consisting of treated wood and cement board.

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

10.2.2. All stilted foundations shall be enclosed.

10.2.2.1. **Finding of Fact:** The applicant is not proposing a stilted foundation.

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

10.2.3. Roofs shall be made of noncombustible materials as described in the International Building Code.

10.2.3.1. **Finding of Fact:** Class A fire rated roofing material would be used.

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

10.2.4. All chimneys shall be equipped with an approved spark arrestor, and all tree branches within fifteen feet of a chimney shall be removed.

10.2.4.1. **Finding of Fact:** A gas fireplace is proposed in the residence. Tree branches would be removed within a 15-foot radius accordingly.

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

10.2.5. All weeds and combustible debris (except for small scattered ornamental(s)) shall be cleared for a distance of at least thirty feet from each structure.

10.2.5.1. **Finding of Fact:** The buildable area of the site being limited and a reduction of the OHWM setback, a 30' buffer on all sides of the residence is not feasible. Vegetation would be cleared between the house and the western property line. No vegetation is to be removed within the OHWM buffer per the approved Shoreline Variance (SV 22-118).

10.2.5.2. **Conclusions:** This provision has been met.

10.2.6. Trees within one hundred feet of residences and other principal structures shall be thinned so that crowns do not touch each other, and pruned of all limbs within ten feet of the ground.

10.2.6.1. **Finding of Fact:** No trees are to be removed within the OHWM buffer per the approved Shoreline Variance. Vegetation would be cleared between the house and the western property line.

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

10.2.7. A house identification number, in conformance with standards developed by the design review board, shall be placed along Icicle Road for all residential structures.

10.2.7.1. **Finding of Fact:** House identification numbers are existing along Icicle Road for those on Icicle Island.

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

11. Icicle Design Review Guidelines

11.1. Design Criteria

11.1.1. Single-Family Dwellings Outside an Existing Subdivision.

11.1.1.1. Site Location.

11.1.1.1.1. Each individual site should utilize the best possible location in siting the structure. Existing timber stands and brush should be taken advantage of as much as possible for screening purposes.

11.2. **Applicant Statement:** The proposed property is within a well-established neighborhood and the residence is designed with careful consideration of the existing property. The residence is sited on the property to minimize disturbance to the land, necessitate minimal clearing of existing boulders and vegetation, as well as respect all buffers and setbacks per the shoreline variance SV 22-118. The footprint is 45 feet wide nestled between a very large boulder located along the northwest property line and an extension of the boulder field that extends along the southeastern property line.

11.2.1. Natural topographic features such as benches, rock outcrops and any other unique land form should be utilized in the site selection. Structures located at the far edge of forest clearings should be placed far enough from the road that they become an integral part of the landscape rather than a dominant feature.

11.3. **Applicant Statement:** The southern portion of the property is a steep slope covered in an expansive boulder field, while the southeastern property line features an extension of the boulder field up to about 47 feet shy of the OHWM. The northern property line is along the side channel of Icicle Creek, leaving the current access to the lot from a shared driveway easement along the northwestern property line in front of a very large boulder. The design of the residence footprint and location is meant to limit the impact to all of these existing features.

- 11.3.1. The structure should be oriented so that the gable end faces or is perpendicular to the primary road.

11.4. **Applicant Statement:** No gable ends are proposed. A shed roof is proposed and the equivalent of the gable end is facing the private access road.

- 11.4.1. **Conclusion:** Based on application materials submitted, the proposed residence, as conditioned, is consistent with Site Location guidelines.

11.5. Architectural Design.

- 11.5.1. Structural design should emphasize vertical alignment through type of siding, roof line and architectural design which conforms with existing form, line, color and texture of the surrounding environment.

- 11.5.1.1. **Applicant Statement:** The mono-slope low profile roof allows the house to tuck into the foot of the hillside minimizing the height and acting as a projection of the slope itself. A mix of vertically oriented dark cement-board siding and fire treated wood siding is intended to provide a shell that is resilient to wildfire and seasonal weather, yet would also visually tie into the tone, texture of existing rocks and vegetation of the area.

- 11.5.2. Natural earth tone colors should be utilized for siding, trim and metal roofing. Where possible, construction should utilize wood products or native materials (log construction, stone, etc.).

- 11.5.2.1. **Applicant Statement:** The residence is proposing a mix of natural wood siding and vertical natural toned cement board siding and trim on the new residence. The proposed residence would have a dark grey membrane roof that would blend into the tones of the existing boulders on site. The exterior of the residence and carport would also feature natural wood posts and beams.

- 11.5.3. Broken rooflines with a steep pitch are encouraged for all residential structures.

- 11.5.3.1. **Applicant Statement:** The seasonal snow loads directed the design of the residence toward a roof strategy prioritizing snow retention and the associated safety of this strategy. A mono-pitch low slope roof is proposed out of practicality. This limits the height and associated mass of the residence to be less visually obtrusive.

- 11.5.4. Building heights shall conform to the underlying forest resource (FR) zoning district and/or the shoreline conservancy environment requirements.

- 11.5.4.1. **Applicant Statement:** The building height is in conformance with zoning code; no variances are requested.

- 11.5.4.2. **Conclusion:** As conditioned, the proposed residence, is consistent with the Architectural Design guidelines.

11.6. Vegetation.

- 11.6.1. As much naturally occurring vegetation should be retained as construction allows. A natural vegetation buffer between the structure and road corridor or shoreline should be maintained to produce a filtered effect.

- 11.6.1.1. **Applicant Statement:** The residence has been carefully located on the site in the order to minimize the impact during construction and occupancy. Natural

vegetation would be preserved on the northern portion of the property within the OHWM setback.

- 11.6.2. Introduced vegetation or landscaping should be native or native appearing. Exposed manicured lawns should be screened in such a fashion to blend with the natural landscape.

11.6.2.1. **Applicant Statement:** Lawns are not proposed as part of this design application. Any new vegetation or landscaping would be per SV 22-118.

- 11.6.3. When the building site is visible from the primary road on-site grading should be kept to a minimum, and generally for construction purposes only. Artificial forms, such as cutbacks, earth mounds, rock or slash piles, should be avoided when grading, clearing, landscaping or locating driveways.

11.6.3.1. **Applicant Statement:** The residence would not be visible from Icicle Road, and has been located to create as minimal of a disturbance to native grade as possible. Artificial landscaping features are not proposed as part of this design application.

- 11.6.4. Other than the vegetation cleared for fire purposes, layering of vegetation around the building site by diversity of species and age classes is encouraged. Layering is accomplished by selective tree cutting to achieve a mixture of conifers with both mature overstories and understories, hardwoods, and dense shrubberies.

11.6.4.1. **Applicant Statement:** Vegetation on site is limited to the northern creek facing area, and there is already an approved planting plan associated with the approved variance (SV 22-188) that would be adhering to. No other changes to existing vegetation are planned on site.

11.6.4.2. **Conclusion:** The Hearing Examiner finds that landscaping plan would be satisfied by the shoreline variance (SV 22-118).

11.7. Setbacks.

- 11.7.1. Setback from road or shoreline should depend on density of vegetation, steepness of slope, and viewing distance.

11.7.1.1. **Applicant Statement:** All zoning setbacks are respected in the proposed design; a setback variance from the OHWM has been approved per SV 22-118. The building footprint has been located within the minimal existing buildable area provided by the steep slope/boulder field to the south and the creek to the north.

- 11.7.2. Staggered setbacks from adjacent structures within viewing distance are encouraged. A natural vegetation buffer between those structures should be maintained.

11.7.2.1. **Applicant Statement:** The residence is setback from Icicle Creek farther than the neighboring residence (across the private road). There is limited vegetation on site and in order maintain as much of a fire buffer as possible would not be able to maintain a natural vegetation buffer between adjacent structures. Existing boulders would remain and provide some level of visual buffer.

- 11.7.3. Structures should be located to maintain sufficient tree canopy to minimize visual impact of structures from higher vantage points.

11.7.3.1. **Applicant Statement:** The established mature tree canopy would be preserved; the southern portion of the property is covered by an expansive boulder

field without any existing trees. New native plantings are required per the approved shoreline variance (SV 22-118), on the northern portion of the property.

- 11.7.3.2. **Conclusion:** As conditioned, the proposed residence is consistent with Setback guidelines.

11.8. Private Access Drives.

- 11.8.1. Private drives serving more than one building site are encouraged. The number of private drives accessing the primary road should be limited.

- 11.8.1.1. **Applicant Statement:** Icicle Island club is an established neighborhood which shares a single access off of Icicle Road to serve all of the existing residences, including the proposed the new residence.

- 11.8.2. While the approach of the access drive to the primary road should be at a right angle, curvilinear or winding driveways to the building site should be utilized; vegetation removal should only be done to accommodate the width of the driveway.

- 11.8.2.1. **Applicant Statement:** The approach from the shared access drive to the primary road is existing and being utilized currently by existing homes.

- 11.8.3. Grades for private drives should not exceed fourteen percent. Drain dips are encouraged in lieu of culverts where slopes permit, except at the intersection of a primary road.

- 11.8.3.1. **Applicant Statement:** The shared access drive for this property is existing and being utilized by the neighboring properties.

- 11.8.4. A house identification number sign may be placed along Icicle Road for all residential structures. It will be constructed of natural materials such as wood or stone. Identification signs are to be eight by sixteen inches in size with a brown background in ivory numbers.

- 11.8.4.1. **Applicant Statement:** House identification numbers exist along Icicle Road for all of Icicle Island, no changes are proposed.

- 11.8.4.2. **Conclusion:** As conditioned, the proposed residence is consistent with Private Access guidelines.

11.9. Water Quality.

- 11.9.1. Soil test holes may be required by the Chelan Douglas health district. These test holes may be required during the period of normal seasonal high-water runoff. Soil test results will be used to determine the degree of porosity of the soil, and the possible need for setbacks from surface water or wells of more than one hundred feet.

- 11.9.1.1. **Applicant Statement:** A 50-foot radial well setback is identified on the proposed site plan. The shared well on site is existing and currently in use by the neighboring property.

- 11.9.2. Complete plans for septic tank and acceptable water system shall be submitted with all applications.

- 11.9.2.1. **Applicant Statement:** The well and septic system already exists on site and are approved by the health district.

- 11.9.2.2. **Conclusion:** As conditioned, the proposed residence would meet the Water Quality.

11.10. Fire Protection.

11.10.1. On-site firefighting provisions are for the initial attack of the structure and the surrounding forest environment.

11.10.1.1. **Applicant Statement:** The current regulations regarding fire protection per the Chelan County Fire Marshal state that a single-family residence under 3,600 sf is not required a fire sprinkler system or any fire protection credits. This property is within a well-established neighborhood and within Fire District No. 3.

11.10.2. Site preparation for fire protection normally requires the removal of all fine forest fuels or a thirty-foot radius around the primary structure. Specifically, fine forest fuels include all weeds and combustible debris (except for small scattered ornamentals). Also trees within one hundred feet of the primary residence should be thinned so that the crowns do not touch each other and should be pruned of all dead limbs and debris within ten feet off the ground.

11.10.2.1. **Applicant Statement:** Most of the property is covered in an extensive boulder field. The primary vegetation is located on the northern creek side of the property and the removal of natural vegetation within the OHWM setback is prohibited. The radius would be maintained where possible.

11.10.3. All single-family residences shall have a cistern, well, or pond with five-hundred-gallon minimum storage capacity. Also, a powered pumping system shall be provided for each residence which can reasonably produce eighteen gallons per minute for a thirty-minute duration.

11.10.3.1. **Applicant Statement:** The current regulations regarding fire protection per the Chelan County Fire Marshal state that a single-family residence under 3,600 sf is not required a fire sprinkler system or any fire protection credits. This property is within a well-established neighborhood and within Fire District No. 3. The residence design has accounted for a class A rated roof, and fire-resistant siding consisting of treated wood and cement board.

11.10.4. Enough fire hose should be available to reach a one hundred-foot radius around the primary structure. The pump should be able to deliver a minimum of fifty pounds of pressure at the nozzle at the highest elevation of the one-hundred-foot radius.

11.10.4.1. **Applicant Statement:** The current regulations regarding fire protection per the Chelan County Fire Marshal state that a single-family residence under 3,600 sf is not required a fire sprinkler system or any fire protection credits. This property is within a well-established neighborhood and within Fire District No. 3. The residence design has accounted for a class A rated roof, and fire-resistant siding consisting of treated wood and cement board.

11.10.5. The pumping system should have at least a one-inch port, with a four to five horsepower engine which will develop approximately one hundred pounds of pressure. This is not to discourage the utilization of a gravity flow type of system.

11.10.5.1. **Applicant Statement:** The current regulations regarding fire protection per the Chelan County Fire Marshal state that a single-family residence under 3,600 sf is not required a fire sprinkler system or any fire protection credits. This property is within a well-established neighborhood and within Fire District No. 3. The residence design has accounted for a class A rated roof, and fire-resistant siding consisting of treated wood and cement board.

11.10.6. The water storage facility should be designed to be functional and operable during the normal forest service firefighting season.

11.10.6.1. **Applicant Statement:** The current regulations regarding fire protection per the Chelan County Fire Marshal state that a single-family residence under 3,600 sf is not required a fire sprinkler system or any fire protection credits. This property is within a well-established neighborhood and within Fire District No. 3. The residence design has accounted for a class A rated roof, and fire-resistant siding consisting of treated wood and cement board.

11.10.7. The water pumping system should be located at least thirty feet from the structure or in a position such that access to the pump is protected in the event of structural fire.

11.10.7.1. **Applicant Statement:** The current regulations regarding fire protection per the Chelan County Fire Marshal state that a single-family residence under 3,600 sf is not required a fire sprinkler system or any fire protection credits. This property is within a well-established neighborhood and within Fire District No. 3. The residence design has accounted for a class A rated roof, and fire-resistant siding consisting of treated wood and cement board.

11.10.8. All structural chimneys shall be equipped with an approved spark arrestor and all tree branches within fifteen feet of the chimney shall be removed.

11.10.8.1. **Applicant Statement:** A gas fireplace is proposed in the residence. Tree branches would be removed within a fifteen-foot radius accordingly.

11.10.8.2. **Conclusion:** As conditioned, the proposed residence is consistent with Fire Protection guidelines.

12. An open record public hearing was held, after legal notice, on November 5, 2025.

13. Appearing and testifying on behalf of the applicant was Samantha Wade. Ms. Wade testified that she was an agent authorized to appear and speak on behalf of the applicant and property owner. The Hearing Examiner would note that the property owners were present at the hearing as well but did not testify. Ms. Wade testified that she had reviewed the staff report and had no objections to any of the representations contained therein. Ms. Wade also testified that she had reviewed the proposed conditions of approval and had no objection to any of those.

14. No member of the public testified at this hearing.

15. The following exhibits were admitted into the record:

15.1.Ex. A Comments;

15.2.Ex. B Staff Report;

15.3.Ex. C Remainder of Planning Staff File.

16. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

17. 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 2025-207 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. 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.
2. The applicant shall comply with all applicable local, state and federal regulations consistent with these conditions.
3. The development shall proceed in conformance with the application and site plan of record on file with the Chelan County Planning Department except as modified herein.
4. Pursuant to CCC Section 11.02.040, prior to commencement of construction the applicant shall obtain all required and necessary building permits.
5. Pursuant to CCC Chapter 11.72, the residence shall be in conditioned conformance with the requirements of the Icicle Valley Design Review District.
6. 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.
7. Pursuant to CCC Section 11.93.040(1), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plan dated received July 1, 2025.
8. Pursuant to CCC Section 11.93.040(4), detrimental impacts on the natural environment and productive use of surrounding natural resource lands shall be mitigated or avoided.
9. Pursuant to CCC Section 11.93.040(8) and Chapter 7.35, the applicant shall ensure that all noise regulations are met.
10. 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.
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 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.
13. Pursuant to CCC Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of CCC Title 14.

Dated this 12 day of November, 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.