

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW, AND**
) **DECISION**
AA 25-316/ BP 250454)
Cascadian Properties)

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on January 7, 2026, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision as follows:

I. FINDINGS OF FACT

1. A request for an Administrative Appeal was submitted to appeal the issuance of BP 250454 for a new 135' monopole commercial telecommunications tower that would have the capacity for co-location. (Exhibit A)

2. GENERAL INFORMATION

- 2.1. Location: 22 CHESTNUT ST CHELAN FALLS, WA 98817
- 2.2. Parcel Number: 27-23-29-515-100
- 2.3. Abbrev. Legal Description: CHELAN FALLS BLOCK 16 LOT 21& LOT 22
0.1400 ACRES
- 2.4. Owner: CASCADIAN PROPERTIES WAREHOUSE LLC
- 2.5. Agent: JESSICA PIERCE, FOR VERTICAL BRIDE – RYKA LAND SERVICES
- 2.6. Zoning District: RURAL INDUSTRIAL (RI)
- 2.7. Existing Land Use & Site History: AG RELATED ACTIVITIES PER
ASSESSORS RECORDS

3. APPLICATION & PUBLIC HEARING NOTICE COMPLIANCE

- 3.1. SEPA Determination Issued: 10/21/2025
- 3.2. Building Permit Issued: 11/14/2025
- 3.3. Appeal Submitted: 12/02/2025
- 3.4. Notice of Public Hearing: 12/27/2025
- 3.5. Public Hearing: 1/07/2025
4. On June 30, 2025 an application and SEPA Checklist was submitted to Community Development for a 135' monopole commercial telecommunications tower. (Exhibit B)
5. The subject property of this appeal (AA 25-316) is located at 22 Chestnut St., Chelan Falls, WA 98817. Parcel 27-23-29-515-100.

6. The abbreviated legal description for the subject property is: CHELAN FALLS BLOCK 16 LOT 21 & LOT 22 0.01400 ACRES.
7. The development property is located in the Rural Industrial (RI) zoning district.
8. The Properties directly North, South, East, and West of the proposed development are all zoned Rural Industrial (RI).
9. Pursuant to Chelan County Code 11.04.020 Chelan County District Use Chart, Wireless Communication Facilities are permissible within the Rural Industrial zone. Permitted use subject to CCC 11.91.
10. The development is not exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(25)(ii) because, the tower exceeds the 60 ft. threshold.
11. On July 31, 2025, the environmental review was referred to agencies and surrounding property owners within the 300 ft. excluding 60 ft. of right-of-way. Comments were due August 14, 2025.
12. On September 11, 2025 the environmental review was re-noticed as the subject property was not posted during the first notice of environmental review. Comments for the second notice were due by September 25, 2025
13. On October 15, 2025 a notarized Affidavit of Posting was returned to Chelan County Community Development stating the environmental review was posted on the subject property from September 10, 2025 to September 24, 2025.
14. Appropriate notice of environmental review was referred to appropriate local agencies, and mailed to property owners within 1000 ft. of the subject property (excluding 660 ft. of the street rights of way), posted on the subject property, and published in the newspaper in accordance with CCC Title 14, Development Permit Procedures and Administration.
15. On October 21, 2025 a Determination of Non-Significance was issued under WAC 197-11-355.
16. The administrator did not determine the information reviewed by the SEPA Responsible Official contained substantial evidence that warranted mitigation measures for the SEPA Determination, nor denial of the building permit issuance.
17. The proposed development is not on any shorelines of the state. Therefore, the provisions of the current Shoreline Master Program do not apply.
18. Pursuant to FEMA Firm Panel 5300150100B the proposed development is not located within the 100-year floodplain. Therefore, the provisions of the Chelan County Code Chapter 11.84 Frequently Flooded Areas Overlay Districts, do not apply.
19. The proposed development does not contain wetland environments. Therefore, the provisions of the Chelan County Code Chapter 11.80 Wetland Areas Overlay Districts, do not apply.
20. The proposed development is not located on ground that was occupied by an orchard during the era when lead arsenate was used as a pesticide; therefore, legacy pesticide testing is not required per the Department of Ecology's 'Dirt Alert' map.

21. The proposed development is not located within a geologic hazard area. Therefore, the provisions of the Chelan County Code Chapter 11.86, Geologically Hazardous Areas Overlay District, would not apply.

22. The proposed development is consistent with Chelan County Code Chapter 11.91 Wireless Communication Facilities.

23. Pursuant to 11.91.060(6) Federal Requirements. All towers must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commissions (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.

24. Permit BP 250454, Condition of Approval #3 provides that the property owner is responsible for obtaining all applicable permits from local, state, and federal agencies.

25. Vertical Bridge (Applicant) submitted a building permit application for a 135' monopole on June 30, 2025.

26. Building Permit # 250454 for the new 135' monopole telecommunications tower was issued on November 14, 2025.

27. Telecommunication Act of 1996 states under 47 U.S.C. §332(c)(7)(B)(iv): Localities may not regulate placement, construction, or modification of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent they comply with FCC standards.

28. CCC 14.10.020 Limited administrative review of applications.

28.1. Limited administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of review are interpretation of codes and ordinances, boundary line adjustments and certificates of exemption, and other permits that are categorically exempt from SEPA compliance. The department may approve, approve with conditions, or deny the application after the date the application is accepted as complete, without public notice. The decision of the department is final. Decisions made and/or actions taken, including without limitation administrative interpretations, may be appealed to the hearing examiner pursuant to Chapter 14.12, except there shall be no administrative appeal of the issuance of building permits.

29. Agency Comments

Agencies Notified	Response Date	Nature of Comment
Chelan County Assessor	No Comment	No Comment
Chelan County Fire Marshal	September 16, 2025	Proposal must conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.

Agencies Notified	Response Date	Nature of Comment
Chelan County Building Official	No Comment	No Comment
Chelan-Douglas Health District	August 18, 2025	Existing septic tank to be properly abandoned when manufactured home is removed.
Chelan County Public Works	No Comment	No Comment
Chelan County PUD	July 31, 2025	No Comment for the proposal
WA Dept. of Fish & Wildlife	No Comment	No Comment
Chelan County Fire District #7	No Comment	No Comment
WA Dept. of Archaeology & Historic Preservation	No Comment	No Comment
Yakama Nation	No Comment	No Comment
Confederated Tribes of the Colville Reservation	No Comment	No Comment
Dept. of Ecology	No Comment	No Comment
Noxious Weeds Control Board	No Comment	No Comment
WSDOT	September 15, 2025	No Comment at this time

30. Public Comments were received from the following persons:

- 30.1. Bianca Heinrich dated September 25, 2025
- 30.2. Neil Anderson dated September 25, 2025
- 30.3. John Boersema dated August 22, 2025, September 17, 2025
- 30.4. Ward Fleischmann dated August 25, 2025
- 30.5. Cindy and Jim Walton dated August 20, 2025, August 22, 2025, September 08, 2025
- 30.6. Lynne Livermore dated September 07, 2025
- 30.7. Jonathan Smith dated October 01, 2025
- 30.8. Teague Block dated September 25, 2025
- 30.9. Josh Cohn dated September 25, 2025
- 30.10. David Michalek dated September 25, 2025
- 30.11. Nicole Martin dated August 21, 2025
- 30.12. Linda and Jeff Davis dated August 22, 2025
- 30.13. Becky Hughes dated August 24, 2025
- 30.14. Sidney Burns dated August 28, 2025

- 30.15. Jessie Sorensen dated September 25, 2025
- 30.16. Tom Montague dated September 25, 2025
- 30.17. Scott Dietrich received August 25, 2025, November 04, 2025
- 30.18. Nicole Martin dated August 21, 2025
- 30.19. Jack and Brenda Wolf dated September 22, 2025
- 30.20. Julie Spiegler dated September 25, 2025
- 30.21. Karl Cameron dated September 25, 2025
- 30.22. Richard Gillespie dated September 25, 2025
- 30.23. Anna Moroz dated September 25, 2025
- 30.24. Angie Moawad dated September 22, 2025
- 30.25. Doris Easley dated August 22, 2025
- 30.26. Laura Sell dated September 09, 2025
- 30.27. Nat Mote dated September 25, 2025
- 30.28. Mike Steed September 25, 2025

- 31. Chelan County is the lead agency for the applicable SEPA process.
- 32. Under SEPA, before a local government processes a permit application for a private land use project, the local government must make a threshold determination of whether the project is a major action significantly affecting the quality of the environment.
- 33. A significant impact means a reasonable likelihood exists that the proposal will have more than a moderate adverse impact on environmental quality.
- 34. An agency does not have to consider every conceivable environmental impact when making its threshold SEPA determination.
- 35. SEPA requires consideration of environmental impacts with attention to impacts that are likely, not merely speculative.
- 36. In reviewing the applicant's environmental checklist, the responsible official for the lead agency must both review the environmental checklist and determine if the proposal is likely to have a probable significant adverse environmental impact, based upon the proposed action, the information in the checklist and the investigation of the lead agency.
- 37. The lead agency's threshold determination must be based upon information reasonably sufficient to evaluate the environmental impact of a proposal.
- 38. If the responsible official determines that there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a Determination of Nonsignificance.
- 39. In the appeal before the Hearing Examiner, the appellant's challenge statements made within the environmental checklist.

40. The appellants have failed to raise any issues or offer any substantive proof that there are any significant, probable environmental impacts that were not considered by the responsible official. The responsible official reviewed all of the appellants' letters and evidence submitted prior to the issuance of the Determination of Nonsignificance in this case.
41. The responsible official correctly determined that there were no probable, significant environmental impacts related to the applicants proposed use.
42. The SEPA responsible official had sufficient facts and information regarding the potential, probable significant environmental impacts at the time the DNS was issued.
43. An open record public hearing was held, after legal notice, on January 7, 2026.
44. Appearing and testifying on behalf of the applicant was Jessica Pierce. Ms. Pierce stated that she was the agent of the applicant and that they had responded to the appellants appeal issues in written form.
45. Also testifying on behalf of the applicant was Meridee Pabst. Ms. Pabst testified that she was also an agent of the applicant and property owner. She correctly stated that the challenged SEPA checklist is just the document that starts the SEPA process. After that document is submitted, then the lead agency, in this case Chelan County, does its own investigation. She stated that all comments submitted by the public and the appellants were considered by staff in issuing the Determination of Nonsignificance. She argued that the remedies offered by the appellants were either not authorized by the code (moving the site) or denial of the permit. She stated that radio frequency admissions are legislated by federal law and therefore preempted by federal law. She also indicated that decreased property values is not a SEPA determination. She commented that in the materials submitted by the appellants, there is a document that has landing instructions for hang gliders to land in the landing zone of the park. These instructions would allow persons landing to avoid the proposed tower.
46. Testifying from the appellants was Scott Dietrich. Mr. Dietrich testified consistent with the majority of the comments that were submitted both by himself and other appellants. He indicated that he had been told by staff in August that the project would be approved. He feels that this means that there was not a full review of the environmental factors. He made arguments about what he characterized as inconsistencies or untruths within the SEPA checklist. He testified that the assessor characterizes the subject property as a residential use. He testified about the view impacts the tower will cause.
47. Deanna Walter, Director of Chelan County Community Development, testified that the assessors code for taxation purposes is different from the zoning code. She stated the subject property, as well as the properties surrounding the subject property, are zoned rural industrial. Also, regarding hang glider landing in the PUD park, she stated that there had been no permit issued by Chelan County to approve this use and therefore it is not an authorized use.
48. The following exhibits were admitted into the record:
 - 48.1. Ex. A AA 25-182 Appeal Request materials
 - 48.2. Ex. B Building Permit Application Materials
 - 48.3. Ex. C SEPA Checklist submitted with permit by applicant reviewed by staff

- 48.4. Ex. D SEPA DNS issued 10/21/2025
- 48.5. Ex. E SEPA Checklist submitted by surrounding property owner during noticing with personal commentary reviewed by staff
- 48.6. Ex. F Agency Comments from Environmental Review
- 48.7. Ex. G Public Comments from Environmental Review
- 48.8. Ex. H Articles provided by public
- 48.9. Ex. I Staff Report;
- 48.10. Ex. J Remainder of Planning Staff File.
- 48.11. Ex. K Applicants NEPA document
- 48.12. Ex. L Applicant PowerPoint Photo Simulations
- 48.13. Ex. M Packet from appellant delivered to the Hearing Examiner on January 6, 2026
- 48.14. Ex. N Revised Staff Report
- 48.15. Ex. O January 6, 2026 letter from Jessica Pierce

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

50. 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. The Appellant has the burden of proof to demonstrate that the SEPA Determination was clearly erroneous.
3. A finding is clearly erroneous when, although there is evidence supported, the reviewing authority of on the record is left with the definite and firm conviction that a mistake has been committed.
4. An agency's decision to issue a DNS must be accorded substantial weight.
5. "Probable" means likely or reasonable likely to occur, as in "[A] reasonable probability of more than a moderate effect on the quality of the environment."
6. The term "probable" is used to distinguish likely impacts from those that merely have a possibility of occurring but are remote or speculative.
7. The Responsible Official's SEPA decision is reviewed under the clearly erroneous standard.
8. Even an MDNS does not require that all environmental impacts be totally eliminated.
9. The Appellant has not satisfied its burden of proof.

10. The responsible official did not make a mistake in making the SEPA Determination of a Mitigated Determination of Non-Significance.
11. BP 250454 was properly approved.
12. 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, BP 250454 is hereby **APPROVED** and AA 25-316 is hereby **DISMISSED**.

Dated this 20 day of January, 2026

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.