

**CITY OF LEAVENWORTH
LAND USE HEARING EXAMINER**

IN THE MATTER OF

**LUA 2025-062
LUA 2025-067
PUD Substation**

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

THIS MATTER having come before the City of Leavenworth Hearing Examiner on April 7, 2026. The Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Conditions of Approval, and Decision as follows:

I. FINDINGS OF FACT

1. **Date of Application Submittal:** December 18, 2025
2. **Approvals Requested:** There are two types of application approvals being requested; (1) an application of a Conditional Use Permit (LUA2025-062) for a substation expansion and (2) a Planned Development Vacation (LUA2025-067).
3. **Project Location:** The project is located at 222 Chumstick Hwy, Leavenworth WA, within the General Commercial (GC) zoning district with a Planned Development overlay; Assessor's parcel number 241701440100. The property is legally described as "Lot A BLA2001-025. 11.46 acres".
4. **Project Description:**
 - 4.1. The Chelan PUD is proposing to rebuild the existing Leavenworth substation to meet growing electricity demands. The proposal includes the placement of two new 28 MVA transformers along with their associated switchgears and breakers just to the southeast of the existing substation on the 11.46 acre subject site. Upon completion of the new transformers, the existing transmission lines and distribution lines would be moved over to the new substation and the existing substation would be decommissioned.
 - 4.2. Once built, the new substation would occupy approximately one acre, and approximately 1.8 acres of land would be disturbed during construction. The substation site would include electrical switches and insulators, overhead aluminum buss work, switchgear, and various steel towers and supports. Below ground there would be concrete foundations, electrical and control conduits, and copper wire grid. The terrain would be graded to provide the substation site with perimeter site drainage and stormwater features. The new substation would be accessed from the existing internal service road and landscaped.
 - 4.3. The request also includes vacation of the existing historic Planned Development overlay, as the PUD substation is an allowed use within all zoning districts, including the underlying General Commercial zone, with a Conditional Use Permit. The Planned Development overlay was created in 1985 prior to the current conditional use permit process and updated development regulations.
5. **General Site Characteristics:** The project site is 11.46 acres in size and currently houses a 16,852 sq.ft. building used by Chelan PUD for its Leavenworth operations in the southwest corner. In the

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northeast corner there is a 4-bay garage, a small fueling station, and the existing substation. The property is abutted by Alpensee Strasse to the south, single-family residences to the east, Fire District 3 fire station to the north, and adjoining Chelan PUD properties to the north and west. The majority of the rest of site is undeveloped and covered in native trees, grasses, and shrubs.

6. Adjacent Land Uses:

- 6.1. **North:** Chelan County Fire District 3, Mini storage, PUD parcels, (LI - Light Industrial zoning).
- 6.2. **South:** Alpensee Strasse (city right-of-way).
- 6.3. **East:** Single family neighborhood (RL6 zoning).
- 6.4. **West:** PUD property (GC – General Commercial zoning) and US Hwy 2.

7. Permit History:

- 7.1. Chelan County Substation
 - 7.1.1. Annexation from Chelan County, 1986 ORD778
 - 7.1.2. Planned Development zoning overlay, PD85-01

8. REGULATORY COMPLIANCE

- 8.1. **Application Submittal:** An application was submitted by Lisa Juchmes, an authorized representative of the Chelan County PUD (owner) on December 18, 2025. The application was determined to be complete on January 7, 2026.
- 8.2. **Noticing:** A combined Notice of Application and Notice of Public Hearing was issued on January 21, 2026, posted on three bulletin boards at City Hall, posted on the site, and mailed to all property owners within 350 feet of the subject property. The 14-day public comment period ended on February 5, 2026.
- 8.3. **The following agencies were sent a Notice of Application for review and comment on January 21, 2026:** Chelan County Fire District 3, Chelan County, Chelan County PUD, WSDOT, LINK Transit, City of Leavenworth Public Works Director, City of Leavenworth Building Official, Washington State Department of Fish and Wildlife, Department of Ecology, SEPA Register, Department of Archeology and Historic Preservation, Yakama Nation, and the Confederated Tribes of the Colville Nation.
- 8.4. **Agency Comments:** The Washington State Department of Archaeology and Historic Preservation (DAHP) submitted a comment letter requesting that a Cultural Resources Report be prepared if requested by the Tribes. As no such request was made, DAHP indicated that an Inadvertent Discovery Plan is sufficient.
- 8.5. **Public Comments:** 19 public comment letters were received regarding this proposal from the neighborhood of Alpensee Strasse, concerns summarized below. The full comments are included in Exhibit F.
 - 8.5.1. Many commentors questioned why the substation could not be placed on the north side of the current substation, which would be further away from the Alpensee Strasse neighborhood.

- 8.5.1.1. The PUD responded to this question with the following: Unfortunately, the property west of the current substation has several constraints that limit its suitability. These include existing and planned underground and overhead power lines, other critical infrastructure such as fuel tanks, pumps, fiber nodes, and a

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garage, as well as the presence of a wetland that significantly reduces the usable area due to required buffers and drainage concerns. In addition to these physical constraints, relocating the existing power lines would require acquiring new rights of way and easements. The relocation of fiber optic equipment and fuel tanks would also be costly and would require additional permitting. Together, these factors would significantly increase project costs and extend the project timeline. While Chelan PUD prioritizes using previously disturbed areas whenever feasible, the limited space and added cost at this location make rebuilding the substation west of the existing site not a viable option.

8.5.1.2. **City response:** The proposed substation complies with all applicable dimensional standards set forth in the Leavenworth Municipal Code (LMC). Pursuant to Critical Areas Regulations, development of a new substation within a wetland or its associated buffer is prohibited; therefore, siting the facility to the north is not feasible.

8.5.2. Open Space preservation. The neighborhood of Alpensee Strasse uses the PUD property as passive open space and they have created numerous trails through the PUD site. The neighbors want to continue to use the PUD property as a park with walking trails.

8.5.2.1. **PUD response:** We recognize that this area is valued by neighbors and appreciate people sharing how they currently use and enjoy the space. For this project, the only fencing proposed would be around the substation equipment itself. The surrounding property would continue to be used primarily for operating and maintaining electrical infrastructure, and it is not designated as a recreational trail.

8.5.2.2. Any future security measures, if needed, would be evaluated by Chelan PUD's security department at the appropriate time, with consideration for both public safety and the surrounding environment.

8.5.2.3. **City Staff response:** The substation would be situated on property owned by the PUD, which retains the right to restrict use of its property as a neighborhood park, particularly due to safety considerations.

8.5.3. Many comments mentioned concerns about landscaping and screening of the new PUD substation.

8.5.3.1. **PUD response:** We understand that substations can change the look of a neighborhood. Our goal is to be a good neighbor. We're committed to working with nearby residents to explore landscaping and screening options that help soften the appearance of the facility and better blend it into the surrounding area. We also heard that preservation of existing trees is a priority for the community. While some trees will need to be removed for the substation and transmission lines, we will preserve as many trees as possible while maintaining safe clearances from our electrical equipment.

8.5.3.2. **Staff response:** The Hearing Examiner may place a Condition of Approval to require specific landscaping and to restrict the removal of mature trees and vegetation.

8.5.4. Some commentors also discussed the lack of emergency egress from the existing Alpensee Strasse, and asked if the PUD could provide this through a neighboring private parcel.

- 8.5.4.1. **PUD response:** Providing emergency access in this way would require acquiring additional property and crossing multiple other parcels to connect to Chumstick Highway, including both privately and publicly owned land, as well as a wetland. These factors would introduce significant complexity, cost, and permitting requirements. It's also important to note that the proposed project does not create a public safety concern that would necessitate establishing a new emergency access route across Chelan PUD property.
- 8.5.4.2. **Staff response:** The City cannot grant access through private property for access from the neighborhood. The project does not impact existing traffic patterns.
- 8.5.5. Some neighbors had concerns over Electromagnetic fields (EMF) emissions from the new substation.
- 8.5.5.1. **PUD response:** Electromagnetic fields (EMF) are created whenever electricity flows through wires. This happens every day when we use lights, appliances, or electronic devices. Because of this, low levels of EMF are already present in homes, schools, and communities. EMF from substations and power lines has been studied extensively. The World Health Organization (WHO) reviewed decades of scientific research on extremely low frequency EMF (the type produced by electrical infrastructure like substations). Their review found no consistent evidence that typical EMF exposure causes health problems. Some studies have observed a possible link between long-term magnetic field exposure and childhood leukemia, but the evidence is limited and does not show that EMF causes the disease. Laboratory and biological studies have not identified a clear way that low-level EMF exposure would lead to illness. Based on the available science, the WHO concluded that the health benefits of reducing EMF exposure at these low levels are unclear, and that setting very low exposure limits is not supported by current evidence. For reference, EMF measured at a substation fence is typically 1-8 milligauss, similar to an electric toaster.
- 8.5.6. Noise impacts. Community members expressed concern over noise impacts to their neighborhood.
- 8.5.6.1. **PUD response:** Noise is an important concern. Transformers can produce a low humming sound while operating. Chelan PUD's design standard is to keep sound at the property line to less than 10 decibels above background levels — roughly comparable to the sound of a refrigerator.
- 8.5.6.2. **Staff response:** The proposed substation is required to follow LMC Chapter 9.33 and not exceed noise levels.
- 8.5.7. Minimizing light impact. Several concerns were raised regarding light impacts from the new substation.
- 8.5.7.1. **PUD response:** The substation will be designed with light-minimizing practices, including energy-efficient LED lighting, downward-directed fixtures, and timers or motion sensors. Lights are typically only on when crews are working at the site, helping reduce nighttime impacts.
- 8.5.7.2. **Staff response:** Compliance with LMC Chapter 14.28 Lighting Standards is required.
- 8.6. **SEPA Determination:** A Determination of Non-Significance (Exhibit E) was issued on October 10, 2025.

- 8.7. **Public Hearing Pursuant to the Leavenworth Municipal Code:** The staff report was completed and available to the public and was e-mailed to the Applicant, Hearing Examiner, and parties of record on or before April 1, 2026, seven days prior to the public hearing, to be held April 7, 2026 at 1:00 p.m.

9. CODE CONSISTENCY REVIEW

9.1. Comprehensive Plan Review:

- 9.1.1. **Hearing Examiner Finding:** The following Comprehensive Plan Policies are applicable to the project:

- 9.1.1.1. LU Policy 1.1: Permit new development where adequate public facilities and services can be provided.

- 9.1.1.1.1. Staff Conclusion: The PUD proposes providing a new substation, which would ensure adequate electricity in the future.

- 9.1.1.2. LU Policy 1.2: Provide and promote needed facilities that serve the general public, such as facilities for education, libraries, parks, culture and recreation, police and fire, transportation and utilities. Ensure that these facilities are located in a manner that is compatible with growth patterns.

- 9.1.1.2.1. Staff Conclusion: The substation provides electricity for the demands of the City of Leavenworth. The substation would be located on property with an existing substation that is owned by the PUD.

- 9.1.1.3. LU Policy 2.3: Promote compatibility between land uses and minimize land use conflicts when there is a potential for adverse impacts on lower intensity or more sensitive uses by ensuring that uses or structures meet performance standards that limit adverse impacts, such as noise, vibration, smoke and fumes.

- 9.1.1.3.1. Staff Conclusion: The proposed substation would meet or exceed standards for noise, light, vibration. No smoke or fumes would be present.

- 9.1.1.4. UT Policy 1.3: Consider development requirements that reduce cost of placing and maintaining utilities, such as: alternative methods to open cut trenching like directional drilling and/or boring.

- 9.1.1.4.1. Staff Conclusion: The placement reduces cost by siting the new substation on property owned by the PUD that has an existing established use as an electrical substation.

- 9.2. Hearing Examiner Finding: The project is consistent with the City of Leavenworth Comprehensive Plan.

10. Leavenworth Municipal Code Review:

10.1. Chapter 21.90 Common Definitions:

- 10.1.1. "Public utility" means structures and uses associated with utilities, including but not limited to wastewater treatment, domestic wells, water treatment facilities, and power stations.

10.2. Chapter 18.25 District Uses

- 10.2.1. Findings of Fact: The new substation is a Public Utility and is listed as an allowed use with a Conditional Use Permit in all zones in the City of Leavenworth, except for Light Industrial where it is an outright permitted use.

10.2.2. The subject property has an underlying zoning of General Commercial with a Planned Development Overlay.

10.2.3. The proposed substation is replacing an existing substation that is on the same site and was approved by PD 85-01 (Exhibit B) in 1985.

10.2.4. Conclusion: The Leavenworth Municipal Code (LMC) has undergone substantial revisions since 1985, and public utility uses are now subject to approval through a Conditional Use Permit. In addition, the provisions of the original Planned Development are ambiguous and difficult to administer. Accordingly, staff has determined that the most appropriate approach is to vacate the Planned Development and process the proposal under the current Conditional Use regulations.

10.3. Chapter 18.30 Dimensional Standards

10.3.1. Findings of Fact: Lot size: There is no minimum lot size in the GC zone. The lot is 11.46 acres.

10.3.2. Building Height: Building height limits do not apply to utility poles, per LMC 18.30.050 Height Calculations and Exceptions. The maximum height of the utility poles as proposed is 55'.

10.3.3. Setbacks: The substation as proposed in the plan set (Exhibit A) would be placed far from all property lines, with the closest side being 61' to the northeast property line abutting the Alpanse Strasse neighborhood.

10.3.4. Lot Coverage: A maximum of 75% of the lot may be covered by structures. The substation would be a small percentage (approximately 8%) of the 11.46 acre lot.

10.3.5. Conclusion: The project meets all dimensional standards.

10.4. Chapter 18.52 Conditional Uses

10.4.1. SECTION 18.52.060 Additional Requirements and Conditions. In permitting a conditional use, the hearing examiner may impose, in addition to the regulations and standards expressly specified by this title, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the county as a whole. These conditions may include but are not limited to the following:

10.4.1.1. Increasing the required lot size or yard dimensions.

10.4.1.1.1. Finding of Fact: The proposed location of the substation exceeds setback requirements. The lot is adequate in size, at 11.46 acres.

10.4.1.1.2. Staff Conclusion: No additional conditions recommended.

10.4.1.2. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;

10.4.1.2.1. Finding of Fact: The proposed substation is located outside of required setback areas and will not impede light or air to adjacent properties. The facility will be largely screened from view by existing mature vegetation

10.4.1.2.2. Staff Conclusion: No additional conditions recommended.

10.4.1.3. Controlling the location and number of vehicular access points to the property.

10.4.1.3.1. Finding of Fact: The substation does not require additional access points.

- 10.4.1.3.2. Staff Conclusion: No additional conditions recommended.
- 10.4.1.4. Increasing the street width.
 - 10.4.1.4.1. Finding of Fact: Alpanse Strasse is a 60' right-of-way. The entrance to the substation is located off Highway 2, which is a State Highway not regulated by the City of Leavenworth. The Washington State Department of Transportation did not comment on the proposal.
 - 10.4.1.4.2. Staff Conclusion: No additional conditions recommended.
- 10.4.1.5. Increasing the number of off street parking or loading spaces required:
 - 10.4.1.5.1. Finding of Fact: The substation does not require increased parking or loading spaces.
 - 10.4.1.5.2. Staff Conclusion: No additional conditions recommended.
- 10.4.1.6. Limiting the number, location and size of signs.
 - 10.4.1.6.1. Finding of Fact: Any signage required must comply with LMC 14.10, Signs.
 - 10.4.1.6.2. Staff Conclusion: No additional conditions recommended.
- 10.4.1.7. Requiring new landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;
 - 10.4.1.7.1. Finding of Fact: The PUD property has many mature native trees and vegetation. One of the main concerns of the neighborhood of Alpanse Strasse is to preserve as many mature trees as possible and to leave the site in as much of a native state as possible as well as providing screening for the adjacent homes.
 - 10.4.1.7.2. Staff Conclusion: Staff recommends a Condition of Approval that addresses landscaping and screening.
- 10.4.1.8. Specifying a specific time limit for construction, alteration or enlargement to begin for a structure to house a conditional use;
 - 10.4.1.8.1. Finding of Fact: The construction of the substation would adhere to LMC 9.34.030(B) hours of operation and noise levels. Construction hours are limited to the hours of 7:00am to 7:00pm.
 - 10.4.1.8.2. Staff Conclusion: No additional conditions recommended.
- 10.4.1.9. SECTION 18.52.090 Approval – Term – Permanent. Any approval of any application for a conditional use shall: A. Automatically be for a period of one year from the date of approval; B. At the expiration of its first year of approval, and after review by the community development director and assurance by the director that all conditions of approval have been or are being met, any such approved conditional use may be continued. At any time, the city may at its discretion require that the conditional use permit be reviewed by the hearing examiner, who will have the authority to revise the initial conditions of approval if need for mitigation is determined. All conditions of the permit shall continue to apply throughout the life of the use.
 - 10.4.1.9.1. Finding of Fact: If approved, this conditional use shall be authorized for one year.

10.4.1.9.2. Staff Conclusion: Staff recommends a condition of approval citing LMC 18.52.090 as applicable to the proposed development.

11. ANALYSIS & RECOMMENDATION

- 11.1. The Comprehensive Plan and the Leavenworth Municipal Code (LMC) identify utility substations as a permitted use within the General Commercial zoning district subject to approval of a Conditional Use Permit (CUP). Utility substations may also be permitted within the Planned Development (PD) Overlay District upon approval of an amendment to the PD.
 - 11.2. In reviewing the applicable development regulations and the procedural history of the site, staff determined that processing the proposal under the Conditional Use Permit provisions of the LMC, following removal of the existing PD overlay, provides the most consistent and legally defensible approach. The original PD overlay associated with the property was approved in 1985 and does not contain clearly defined conditions or development standards applicable to the proposed use.
 - 11.3. Accordingly, staff determined that removal of the PD overlay and review of the proposal through the Conditional Use Permit process would provide a clearer regulatory framework and ensure that the project is evaluated under the current standards and criteria of the LMC.
 - 11.4. As defined by the LMC, a Conditional Use is a use allowed in one or more zones as defined by the zoning code, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.
12. An open record public hearing was held on April 7, 2026.
13. Appearing and testifying on behalf of the applicant was the applicant was Abra O'Leary. Ms. O'Leary testified that she was an agent authorized to appear and speak on behalf of the applicant and property owner. She indicated that she had reviewed the staff report and had no objections with any of the representations contained therein. She also had reviewed the proposed Conditions of Approval and had no objections to any of them.
14. The following members of the public testified at the hearing:
- 14.1. Nancy Dunn: Ms. Dunn testified as to her concerns as she lives on Alpensee Strasse. She was concerned about whether the fire department will be able to expand its site. Concerns about the empty building that will remain on the site and the underground fuel tanks. She had concerns about the storage building and the wetlands on the site.
 - 14.2. Jennifer Gillespie: Ms. Gillespie also resides on Alpensee Strasse. She had concerns regarding flooding in the neighborhood and asked that the neighborhood be included in any stormwater design.
 - 14.3. Amy Summers: Ms. Summers lives on Alpensee Strasse directly behind the portion of the applicant's property to be developed. She had concerns as to where the new transmission lines would be located. She desired that the green space be protected and that mature trees be kept and the buffer be maintained.
 - 14.4. Randy Kirlin: Mr. Kirlin asked the Hearing Examiner to make a site visit to see that there are other areas in which to place the new substation.

- 14.5. Michael Doyle: Mr. Doyle asked that the project be looked at as a long term plan opposed to a short term solution. He asked whether existing power poles can be used. He asked that the applicant minimize minimal impacts on the neighbors.
- 14.6. Carolyn Griffen-Bugert: Ms. Griffen-Bugert testified that new siting for the new substation should be considered. She asked that it be sited on the existing footprint of the existing substation. She stated that any expansion should be within the currently developed area. She asked for an alternative placement analysis.
15. The following exhibits were entered into the record:
- 15.1. Ex. A Application materials
 - 15.2. Ex. B PD85-01
 - 15.3. Ex. C Geotechnical Report
 - 15.4. Ex. D SEPA Checklist
 - 15.5. Ex. E DNS
 - 15.6. Ex. F Public Comments
 - 15.7. Ex. G PUD response to public comments
 - 15.8. Ex. H Inadvertent Discovery Plan
 - 15.9. Ex. I Maps
 - 15.10. Ex. J Staff Report
 - 15.11. Ex. K Notice of Application and Hearing
 - 15.12. Ex. L Alpensee Letter dated March 26, 2026
 - 15.13. Ex. M Applicant Reply dated April 3, 2026 to Alpensee Residents Letter
6. 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 authority to render this Decision.
2. The requested Conditional Use Permit and Vacation of Planned Development are consistent with the Leavenworth Municipal Code and the Leavenworth 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, Conditional Use Permit Application LUA 2025-062 is hereby **APPROVED**. The planned development vacation, LUA 2025-067, is hereby **APPROVED** subject to the following Condition of Approval.

IV. CONDITIONS OF APPROVAL

1. All conditions composed herein shall be binding on the "Applicant," which term shall include the owner or owners of the property, heirs, assigns, and successors.
2. All conditions of the permit shall continue to apply throughout the life of the use.
3. The Applicant shall comply with all federal, State, and local laws and regulations.
4. Pursuant to LMC 18.52.090, any approval of an application for a conditional use shall:
 - 4.1. Automatically be for a period of one year from the date of approval;
 - 4.2. At the expiration of its time period of approval, and after review by the City to ensure that all Conditions of Approval have been or are being met, any such approved conditional use may be continued.
5. Pursuant to LMC Chapter 14.28, 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.
6. Pursuant to LMC 18.52.060(G), suitable landscaping shall be required to screen the substation from neighboring properties. Mature trees and vegetation shall be left undisturbed whenever possible and landscaping buffer shall be maintained between the substation and the adjacent properties.
7. All recommendations from the Geologically Hazardous Areas Assessment, prepared by Geosyntec Consultants on December 19, 2025 shall be followed.
8. The final Conditional Use Permit shall be in conformance with the submitted plans of record, date stamped December 18, 2025 (Exhibit A), or as amended by this decision.
9. Pursuant to RCW 27.53.060, and LMC Section 16.04.100, 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 Leavenworth Department of Community Development of the finding for local, state and tribal coordination.
 - 9.1. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan is attached as Exhibit H.

Dated this 13 day of April, 2026.

CITY OF LEAVENWORTH HEARING EXAMINER



Andrew L. Kottkamp

This decision is subject to appeal pursuant to the Leavenworth municipal code.

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