

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP-2018-215)	DECISION AND CONDITIONS
Van Assche)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on January 23, 2019, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

FINDINGS OF FACT

1. This is an application for a Conditional Use Permit to operate a 13,720 square foot existing warehouse that will allow storage, production, approximately 14 wine tasting venues serving pre-packaged food and future event space. Currently the property has a 13,720 square foot building warehouse on the parcel the proposal will utilize.
2. The property owners are Steven & Christel Van Assche, 7916 167th St SE, Snohomish, WA 98296.
3. The address of the subject site is 6 Chelan Falls Road, Chelan WA 98817.
4. The parcel number for the subject property is 27-23-29-210-250.
5. The subject site is located in Chelan County, outside of an Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Industrial (RI).
7. The property is currently in industrial use. According the Chelan County Assessor's records the following construction occurred on the site:
 - 7.1 1929-Cold Storage 3,600 square feet, Machine Room 208 square feet
 - 7.2 1945-Cold Storage 2,400 square feet
 - 7.3 1948-Cold Storage 13,720 square feet
8. The site is relatively flat, with existing cold storage buildings on the property.
9. The property to the north of the subject site is zoned Rural Industrial (RI) and Rural Public Lands and Facilities (RP).
10. The property to the south of the subject site is zoned Rural Industrial (RI) and Rural Public Lands and Facilities (RP).
11. The property to the east of the subject site is zoned Rural Industrial (RI) and is also the Columbia River.
12. The property to the west of the subject property is Rural Industrial (RI) and Rural Residential/Resource 20 (RR20) and is also State Route 150.

13. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped July 17, 2018. The proposed development does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.
14. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does not contain any priority habitat.
15. The subject property is not located within a shoreline jurisdiction.
16. Pursuant to the Federal Emergency Management Agency (FEMA), panel number 5300150100B of the FIRM maps, there is no floodplain on the subject property. Therefore, the provisions of CCC, Chapter 11.84, Frequently Flooded Areas Overlay District and CCC, Chapter 3.20, Flood Hazard Development, do not apply.
17. The Chelan County GIS map layer indicates that a portion of the subject property is located in a potential geologic hazard area for erosive soil. Therefore, the provisions of CCC, Chapter 11.86 apply to the project.
18. Staff recommended a condition of approval requiring submittal of a geologic site assessment prior to issuance of a building permit(s).
19. There are no known cultural resource sites on the subject property. Pursuant to Revised Code of Washington (RCW) 27.53.020, if cultural resources are found, the applicant will be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development.
20. Applicant plans to begin construction upon approval and receipt of all necessary permits.
21. According to the site plan of record, dated July 17, 2018, the property is accessed by an existing driveway located off Chelan Falls Road. A Commercial Access Approach Permit will be required.
22. Water to the subject site is supplied by an existing on-site well.
23. Chelan County PUD provides electrical services to the subject site.
24. On-site septic will serve the proposed project.
25. Noise will be similar to other commercial and agricultural uses in the vicinity. The project must comply with CCC, Chapter 7.35 Noise and RCW 70.107.
26. According to the Site Plan/Landscape Plan date stamped July 17, 2018, visual impacts will be from the existing cold storage facility.
27. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on September 11, 2018 with comments due September 25, 2018. The following agencies provided comments:
 - 27.1 Chelan County Public Works responded on September 24, 2018
 - 27.2 Chelan County Fire Marshal responded on September 26, 2018
 - 27.3 Chelan-Douglas Health District responded on September 20, 2018
 - 27.4 Chelan County Fire District #7
 - 27.5 Washington State Department of Transportation (WSDOT)
 - 27.6 Department of Ecology
28. The following agencies were notified but did not respond:
 - 28.1 Chelan County Building

- 28.2 Chelan County PUD
 - 28.3 Department of Archaeology & Historic Preservation
 - 28.4 Confederated Tribes of Colville
 - 28.5 Yakama Nation
- 29. No public comments were received.
 - 30. The application materials were submitted on July 17, 2018.
 - 31. A Determination of Completeness was issued on September 7, 2018.
 - 32. The Notice of Application was provided on September 11, 2018.
 - 33. The Notice of Public Hearing was provided on January 11, 2018.
 - 34. Pursuant to WAC 197-11-800(6)(b)(i), granting of a conditional use permit for a wine tasting venue is exempt from threshold determination requirements, if the authorized activities will be conducted within an existing building and will not change the overall character of the building or facility.
 - 35. The project is consistent with Chelan County Code Section 11.93.040 (1) in the following respects:
 - 35.1 Criteria for a winery with greater than 1,500 square feet of retail space have been addressed below.
 - 35.2 Based on review of the application materials submitted, the criteria for the winery can be satisfied.
 - 36. The project is consistent with Chelan County Code Section 11.93.040 (2) in the following respects:
 - 36.1 The following provisions apply:
 - 36.1.1 SETBACKS: The proposed project is located in the Rural Industrial (RI) zoning district. The RI zoning requires the following setbacks: Front yard 10 feet from property line or fourth feet from the street centerline (whichever is greater), side and rear yard 0 foot setback, except 30 from the rear property line when the lot abuts any zone other than industrial. Pursuant to the site plan of record, date stamped July 17, 2018, the winery tasting room, production and storage facility, and future event space meet applicable zoning setbacks identified in CCC, Section 11.26.020.
 - 36.1.2 PARKING: Off-street parking is required, pursuant to CCC, Chapter 11.90. CCC, Section 11.90.040 states, the required parking shall be based on the sum of the parking requirements of each individual use on the property. Retail space requires 1 space for every 300 sq.ft. of gross floor area; the production facility requires 1 space per employee at peak shift, plus one space for every 300 square feet of office space. The submitted narrative states that the project will provide 100 parking stalls as there will approximately 10,000 sq.ft. of retail/tasting room space. A parking lot circulation/signage plan must be reviewed and approved by Chelan County Public Works prior to building permit submittal.
 - 36.1.3 LANDSCAPING: Landscaping is required pursuant to CCC, Chapter 15.50. Pursuant to CCC, Section 15.50.055, all or part of the landscaping requirements may be waived under any of the following conditions: (2) provide consideration to site location in relation to adjacent and surrounding uses and (3) when the inclusion of significant existing vegetation location on the site would result in as good as or better satisfaction of the purposes of this section. An alternative

landscape plan, in compliance with CCC, Section 15.50, will be required at the time of building permit submittal.

- 36.1.4 **CRITICAL AREA – GEOLOGICAL HAZARD:** The property contains a geologic hazard for erodible soils. Pursuant to CCC, Chapter 11.86, a geologic site assessment is required prior to issuance of any building permit(s).
- 36.2 Based on the site plan of record, date stamped July 17, 2018, the proposal appears to meet applicable zoning and critical areas regulations, with the recommended conditions of approval.
- 37. The project is consistent with Chelan County Code Section 11.93.040 (3) in the following respects:
 - 37.1 The applicant is proposing to use the existing building. The building is 13,720 sq.ft. on each floor. The proposal includes storage for product and wine production on the lower floor and the upper floor is intended to house approximately 14 wine tasting venues, serving pre-packaged food.
 - 37.2 The subject property is zoned Rural Industrial (RI). Lots to the north, east and south of the subject site are all zoned Rural Industrial (RI). Lots to the west are zoned Rural Industrial (RI) and Rural Residential/Resource 20 (RR20). The surrounding properties are industrial uses.
 - 37.3 As conditioned, the use of the property as a commercial winery is compatible with the surrounding land uses.
- 38. The project is consistent with Chelan County Code Section 11.93.040 (4) in the following respects:
 - 38.1 The project will be using existing buildings, adding parking and landscaping to the sight. A portion of the property is located in geologic hazard zone, requiring a geologic assessment to be submitted at time of building permit.
 - 38.2 The winery expansion will not detrimentally impact the use of the surrounding resource lands.
- 39. The project is consistent with Chelan County Code Section 11.93.040 (5)(a) in the following respects:
 - 39.1 Chelan County provided a Notice of Application to all providers. Comments are included in the file of record. The site will utilize existing access, water, sewer and power.
 - 39.2 The subject property has adequate services to accommodate the proposed use.
- 40. The project is consistent with Chelan County Code Section 11.93.040 (5)(b) in the following respects:
 - 40.1 The Notice of Application was sent to all agencies with jurisdiction for comment. No concerns were raised regarding adopted levels of service.
 - 40.2 The proposed use will not result in county facilities reduced below adopted levels of service.
- 41. The project is consistent with Chelan County Code Section 11.93.040 (6) in the following respects:
 - 41.1 The proposed structures must meet all applicable regulations for public health and safety, in accordance with permitting regulations.
 - 41.2 The proposed use, as conditioned, will not have an adverse impact on public health, safety and welfare.

42. The project is consistent with Chelan County Code Section 11.93.040 (7) in the following respects:
- 42.1 *Roads, ingress and egress:* The property is primarily served by an existing driveway access off Chelan Falls Road, a 70-foot wide county road. The applicant may be required to construct a Rural Emergency Vehicle Access Turn-around (standard Plan PW-21-A or B) on the project site and obtain a Commercial Access Permit.
 - 42.2 *Stormwater:* Stormwater requirements will be addressed at the time of building permit review. Compliance with CCC, Chapter 13.16, Chelan County Stormwater Guidelines, will apply. See Chelan County Public Works Comments, dated September 24, 2018.
 - 42.3 *Parking and Loading:* As noted above, the narrative states the applicant intends to provide 100 parking stalls for the proposal. Parking stall dimensions are consistent with the requirements identified in CCC, Chapter 11.90. Staff recommended a condition of approval requiring submittal of a parking lot circulation plan and approval of the plan prior to building permit issuance.
 - 42.4 *Domestic Water:* Existing structures on site are served by an on-site well and reviewed by the Chelan-Douglas Health District. The applicant states in the narrative that they are currently conducting test confirming the well will adequately serve the project.
 - 42.5 *Sanitary Facilities:* Existing structures on site are served by an existing septic system. The existing septic system may need to be enhanced due to the occupancy of the use and will be reviewed at time of building permit submittal.
 - 42.6 *Power:* Power is provided by Chelan County PUD.
 - 42.7 *Fire Protection:* Fire protection is provided by Chelan County Fire District 7 and the Chelan County Fire Marshal. The Fire Marshal has indicated, in comments dated September 26, 2018, fire sprinklers may be required. In addition, a fire hydrant may be required if one is not located within 300 feet of the building.
 - 42.8 All necessary facilities, improvements and services are consistent with the requirements of Titles 11, 13 and 15 of the Chelan County Code, with recommended conditions.
43. The project is consistent with Chelan County Code Section 11.93.040 (8) in the following respects:
- 43.1 *Noise and Vibration:* Noise and vibration will be temporary during construction of the structures. Construction noise is regulated by CCC, Section 7.35 and RCW 70.107. Noise from the facility will be comparable to surrounding property and have minimal impact to adjacent properties.
 - 43.2 *Light and Glare:* Light and glare is regulated by CCC, Section 11.88.080. Pursuant to CCC, Section 11.90.030(2), all exterior lighting provided to illuminate off-street parking or loading areas must be directed and shielded to prevent illuminating surrounding residential uses. Staff recommended a condition of approval to be in compliance with these sections.
 - 43.3 *Heat, Steam, Odors, Smoke and Dust:* Pursuant to CCC, Section 11.90, all parking and loading areas shall be surfaced to standards for asphaltic concrete pavement (ACP) or pavers, porous concrete or other innovative techniques meeting the adopted standards, as approved by the county engineer, administrator, or stormwater engineer.
 - 43.4 *Erosion:* The subject property is located in a geologically hazardous area due to erodible soils. A geologic site assessment will be required prior to issuance of building permit(s).
 - 43.5 *Water Quality:* The applicant will be required to comply with CCC, Chapter 13.16, Stormwater Management for Chelan County, to control runoff from the ground disturbing

activities. Based on the location of the structures and their proposed uses, impacts to water quality are not anticipated.

- 43.6 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, with the recommended conditions of approval.
- 44. The project is consistent with Chelan County Code Section 11.93.040 (9) in the following respects:
 - 44.1 Uses appropriate for the Rural Industrial (RI) zoning district, identified in the Comprehensive Plan Rural Element, Section VII(F), include agricultural uses and intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location. In addition, the location guidelines include the following:
 - 44.1.1 (2) Natural Resources: The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may be adjacent to designated resource lands.
 - 44.1.2 (4) Existing Land Uses: Industrial developments currently exist or the area may have been utilized in the past for industrial use. Areas identified as having potential for infill for industrial uses may be currently utilized for a variety of rural development and resource activities.
 - 44.1.3 The proposed winery is consistent with Goal RE4 the Comprehensive Plan, which states: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and Growth Management Act.
 - 44.2 The winery facility is consistent with the intent, goals, objectives and policies of the comprehensive plan. Specifically Goal RE4 and Section VII (F) of the Rural Element.
- 45. The project is consistent with Chelan County Code Section 11.93.040 (10) in the following respects:
 - 45.1 Proposed conditions are Chelan County Code requirements. Failure to comply with the conditions may result in the inability to obtain building permit(s) and/or may result in code violations subject to Title 16.
 - 45.2 Proposed conditions are measureable and can be enforced.
- 46. The project is consistent with CCC Section 11.93.320 (1) in the following respects:
 - 46.1 CCC, Section 11.93.420 refers to parking garage standards. The applicant is not proposing a parking garage.
 - 46.2 CCC, Section 11.93.420 does not apply to the project.
- 47. The project is consistent with CCC Section 11.93.320 (2) in the following respects:
 - 47.1 The application states the long range goal is to provide opportunities for wedding, musical and catered functions. A parking garage is not currently proposed.
 - 47.2 This criterion does not apply to the project.
- 48. The project is consistent with CCC Section 11.93.320 (3)(A) in the following respects:

- 48.1 *PARKING*: The applicant has submitted a parking circulation plan as part of the site plan of record, date stamped July 17, 2018. The plan requires approval from Chelan County Public Works. Staff recommended a condition of approval requiring approval of a parking lot circulation plan by Chelan County prior to submittal of building permit(s).
- 48.2 *NOISE*: Noise will be similar to that of the surrounding properties and commercial winery use. Compliance with CCC, Chapter 7.35 is required.
- 48.3 *LIGHTING*: All proposed lighting is required to comply with CCC, Section 11.88.080, which states, Parking lot lights, security lights, or any exterior lighting shall be low-intensity, nonflashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
- 48.4 *ODOR*: As stated above, the winery has been in operation since 2009. The expansion of the facility is not expected to significantly increase odors related to the winery.
- 48.5 *DRAINAGE*: The project is required to comply with CCC, Chapter 13.16, Stormwater Management for Chelan County. A Stormwater Drainage Plan will be required to be submitted to Chelan County Public Works if any new impervious surface of 5000 square feet is created and must be reviewed and approved prior to the submittal of any building permits.
- 48.6 *TRAFFIC*: The applicant is proposing primary access off Chelan Falls Road. Pursuant to CCC, Section 15.30.340(4) the secondary access on State Route 150 will be required to be removed or blocked off from any type of use. Chelan County Public Works requires construction of a Rural Emergency Vehicle Access Turn-around on the project site.
- 48.7 The design of the project, as conditioned, addresses and mitigates for the impacts of the facility.
- 49. The project is consistent with CCC Section 11.93.320 (3)(B) in the following respects:
 - 49.1 The applicant will be required to obtain Commercial Building Permits for the proposed tasting room facility, wine production and storage facility. Compliance with building, fire safety and health codes and all zoning restrictions will be verified prior to building permit issuance and final occupancy of the facilities.
 - 49.2 The winery will be required to adhere to all applicable building fire safety and health codes, and all zoning restrictions in the RI zoning district through the review and issuance of building permit(s).
- 50. The project is consistent with CCC Section 11.93.320 (3)(C) in the following respects:
 - 50.1 The applicant has submitted a narrative stating the project proposes to install 100 parking stalls. The applicant will be required to submit a final Circulation and Signage Plan to Chelan County Public Works for review and approval prior to submittal of building permit(s).
 - 50.2 The project, as conditioned, protects the best interests of the surrounding properties/neighborhood.
- 51. The project is consistent with CCC Section 11.93.320 (3)(D) in the following respects:
 - 51.1 As described in Question #9 of the CUP Application, the applicant is proposing approximately 14 tasting room with up to 13,720 square feet of public space available to the public with food and beverage service. Food and beverage service is defined as catered

food, service or pre-packaged food for activities and uses that are accessory to places of public and private assembly, wineries and other similar uses.

- 51.2 The requirement to limit square footage of the accessory uses pertains to wineries with less than 1,500 square feet. The project is for a winery with greater than 1,500 square feet of retail space.
- 51.3 The conditional use permit does not limit the amount of overall retail space allowed for wineries with greater than 1,500 square feet of retail space; Therefore, it is recommended that the project proceed in substantial conformance with the application materials date stamped July 17, 2018.
52. As set forth in Finding of Fact 49, the project is consistent with CCC Section 11.93.320 (3)(E).
53. The applicant is requesting a conditional use permit for a wine tasting facility. The proposal includes the use of an existing 13,720 square foot two story building. The first floor will provide ample storage for product and production. The second floor will be dedicated to wine tasting, with approximately 14 different venues that will serve pre-packaged food, beverage items. The 14 wine tasting venues are intended to give small vineyards the opportunity to build the facility and support necessary in the Greater Wenatchee Valley. The long range goal is to provide a venue for weddings, musical and catered functions within a portion of open space. Permitting for places of public and private assembly are not a part of this permit.
54. Once the applicant is ready to move forward with the goal of using the facility as a venue for weddings, musical and catered functions, the applicant will need to amend the conditional use permit to address Chelan County Code Section 11.93.315, Places of Public and Private Assembly.
55. Use of the existing building is consistent with Goal RE 4 of the Chelan County Comprehensive Plan, which states, "Encourage rural economic development consistent with the goals and policies of the Chelan Comprehensive Plan and the Growth Management Act."
56. Chelan-Douglas Health District indicated in the comment letter dated September 20, 2018, prior to issuance of building permit documentation of a well log and water testing showing all parameters within Washington State regulations. A permit for an adequate on-site septic must be obtained prior to issuance of any building permit.
57. Chelan-Douglas Health District indicated in the comment letter dated September 20, 2018, the applicant shall contact the Food Program Manager for the Chelan area for requirements regarding food and beverage service.
58. The property is located within an identified geologically hazardous area for erodible soils. Prior to issuance of a building permit, the applicant will be required to submit a geologic site assessment in compliance with CCC, Chapter 11.86. The applicant will be required to comply with any recommendations identified in the report.
59. A landscaping plan and a parking/circulation plan will be reviewed at time of building permit submittal. The applicant should be aware that additional zoning review will be completed at the time of building permit submittal and may result in additional requirements and conditions.
60. Staff reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code, staff recommended APPROVAL subject to recommended conditions of approval,

61. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
62. An Open Record Public Hearing after due legal notice was held on January 23, 2019.
63. Appearing and testifying on behalf of the Applicant was Steve Van Assche. Mr. Van Assche testified that he is the property owner and the Applicant. Mr. Van Assche testified that all of the proposed Conditions of Approval were acceptable and that the property was currently being used for boat storage.

Also providing comment was Bob Plumb, Chelan County Fire Marshall. Fire Marshall Plumb indicated that there currently is no water for fire suppression at the facility and a water supply will be required. Fire Marshall Plumb indicated that 4,500 GPM for a 4 to 5 hour duration would be required unless there was a sprinkler system within the building which would reduce the requirements to 1,000 GPM for a 2 hour period.

Mr. Van Assche indicated that they were planning to have a water holding pond, that would hold 200,000 gallons of water with dry hydrants to the property. Mr. Van Assche was aware that a water source for fire suppression would be needed before building permits could be approved.

64. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. Referral agency comments were received and considered in the review of this proposal.
3. The site of the subject proposal is in the Rural Industrial land use designations. As described, the proposal is consistent with the Chelan County Comprehensive Plan.
4. As conditioned, the subject proposal is consistent with the Chelan County Code, Title 11.
5. Environmental and Critical Areas review has been completed. As conditioned, the proposal does not have negative impacts on critical areas which cannot be mitigated.
6. Subject to the Conditions of Approval, the project design is consistent with the Chelan County Code.
7. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 2018-215 is hereby **APPROVED**.

CONDITIONS OF APPROVAL

1. Pursuant to CCC, Section 11.93.070, in any case where a conditional use permit is granted under the terms of this title, no building or other permit shall be issued until after the end of the appeal period allowed in Title 14 of the Chelan County Code.
2. 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.
3. All conditions of approval for CUP 2018-215 shall be completed prior to final certificate of occupancy for the commercial building permit(s).
4. Pursuant to Chelan County Code, Section 11.93.315, Places of public and private assembly, the applicant shall submit an application to amend the conditional use permit prior to use of the site as an event venue.
5. Pursuant to CCC, Title 3, the applicant shall obtain a commercial building permit and a certificate of occupancy, from Chelan County, for the proposed tasting room facility, wine production and storage facility.
6. Pursuant to Chelan County Code , Section 15.30.340(4), the access closest to SR 150 on Chelan Falls Road will be required to be removed or blocked off from any type of use.
7. No Traffic Impact Study will be required at this time but if the permitted use changes, then a review from Chelan County Public Works Will be required to determine if a Traffic Impact Study will be required.
8. Pursuant to Chelan County Code Section 15.30.340, the applicant will be required to obtain a Chelan County Commercial Approach Permit for the construction of the access off of Chelan Falls Road.
9. If the applicant request to access rom SR 150, the applicant shall demonstrate or obtain a Washington State Dept. of Transportation Access Permit and resubmit a new site plan showing the location of the access.
10. Pursuant to Chelan County Code Section 15.30.020, If the applicant proposes to access from SR 150 and use Rd# 352A (unopened Right-of-way), that portion not being vacated, the applicant shall construct that portion to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22). This would require a Chelan County Work in Right-of-Way Permit, a survey to determine the location of the unopened right-of-way of Rd#352A and construction plans.
11. Pursuant to Chelan County Code Section 10.20.460, Addresses are assigned based on road origin and shall contain digits indicating the address from the origin of the road to the primary access location for the site. The applicant shall have the existing structure reviewed for addressing purposes.
12. Pursuant to Chelan County Code Section 15.30.020, the applicant will be required to construct a Rural Emergency Vehicle Access Turn-around (Standard Plan PW-21-A or B) on the project site. This can be within the proposed parking lot or the applicant can propose a location.
13. The applicant will be required to show the dimension and type of material proposed for the 3 parking lots on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking lot circulation plan indication the size of the parking area, type of surface material proposed for the parking lot and access road, number of parking spaces, general parking schematic, location of Emergency Vehicle Turn-around, and signage plan.

14. Pursuant to Chelan County Code Section 13.18, A Drainage Report & Plan will be required to be submitted to Chelan County Public Works if any new impervious surface of 5000 square feet is created and must be reviewed and approved prior to the submittal of any building permits in accordance with Title 13.
15. If a drainage system is required, this system shall be privately owned and maintained to its originally designed condition by all the property owners having a vested interest. A "Notice to Title" shall be filed with the Chelan County Auditor's office prior to the submittal of a Building Permit, stating:

"The area within this site plan contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties' successors and assigns; that its contents are binding upon the parties' successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.


This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system.
16. Pursuant to CCC, Chapter 11.86 Geologically Hazardous Areas, the applicant shall submit a geologic site assessment as time of building permit application submittal.
17. Pursuant to CCC, Section 11.88.080, Parking lot lights, security lights, or any exterior lighting shall be low-intensity, nonflashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines. The applicant shall submit an illumination plan showing the proposed lighting within the parking area and methods used to prevent the light from glaring onto adjacent properties at the time of building permit submittal.
18. The applicant shall comply with CCC, Chapter 7.35, Noise Control. Construction hours are limited to the hours of seven a.m. to ten p.m.
19. Pursuant to RCW 27.53.020, if the applicants or their agents discover previously unknown historic or archeological remains/artifacts while conducting the development activities authorized by this permit, the applicant/agent shall 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.
20. Pursuant to CCC, Section 11.93.090, upon final action of the hearing examiner to deny an application for a conditional use permit, the department shall not accept filing of an application for substantially the same matter within one year from the date of the final denial of the application.
21. Pursuant to CCC, Section 11.93.110, 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.

22. Pursuant to CCC, 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.
23. The Applicant shall provide a supply of water or alternative means of fire suppression that is acceptable to the Chelan County Fire Marshall, prior to beginning any operations on the subject property as requested by this permit.

Approved this 28th day of January, 2019.

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.