

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

RECEIVED

IN THE MATTER OF )

CUP 2019-015 )

Christensen )

MAR 20 2020

CHELAN COUNTY )

COMMUNITY DEVELOPMENT

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 March 18, 2020, 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 for a RV Park. The proposed RV Park is to have 11 RV sites with an internal roadway system. The application also proposes a public bathhouse for use by park visitors. In addition to the RV Park, a U-pick fruit operation is to occur on the subject property. Said use is permitted outright in the zoning district and does not require review under Chelan County Zoning Code.
2. The applicant/owners are Kene & Jill Christensen, 331 Rd 11 S.E., Othello, WA 99344.
3. The project location and parcel number is 644 Union Valley Road, Chelan, WA, 98816 and is identified by Assessor's Parcel Nos. 27-22-01-100-000 / 27-22-01-200-050.
4. The legal description and size of the subject property is Government Lots 1 and 2 in the S 1/2 of the NE 1/4 of Township 27 N, Section 1, Range 22 E.W.M AND a portion of NW 1/4 of Township 27 N, Section 1, Range 22 E.W.M. The combined lots result in a total of approximately 168 acres per the Assessor's records.
5. The subject property is located outside of the Chelan Urban Growth Area.
6. The property is zoned Rural Residential/Resource 5 (RR5) / Rural Residential/Resource 10 (RR10).
7. The subject property is currently used for residential and recreational purposes. Currently on site, there is an existing residence, a mobile home, a barn, and two storage sheds (one of the existing sheds would be removed with development). Department of Community Development staff could not find record of the existing structures being permitted, but are assumed to be legally non-conforming and therefore, legally established.
8. Property to the north: Undeveloped hillside; Rural Residential/Resource 20 (RR20). Property to the south: Orchard/residential; Rural Residential/Resource 5 (RR5). Property the east: Undeveloped hillside/residential; Rural Residential/Resource 10 (RR10). Property the west: Union Valley Road, a county right of way; undeveloped hillside/residential/orchard; Rural Residential/Resource 5 (RR5).
9. Aquifer Recharge Area. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped November 25, 2019. The proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82.
10. Fish and Wildlife. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does contain identified mule deer habitat. Therefore, the provisions of CCC Chapter 11.78, do apply.

11. Riparian Area. According to the Natural Resources Stream Typing Maps, there is indication of an N-type stream located on the subject property. Without a stream typing, the more restrictive of buffer widths would apply. The required riparian buffer for a high intensity use is 150 ft. from OHWM.
12. Geologically Hazardous Areas. Chelan County GIS map layer does indicate that the subject property is located within a potential geologic hazard area. Therefore, the provisions of CCC Chapter 11.86 would apply to the project. A geological site assessment prepared by Black Rock Geoscience on November 8, 2019, was submitted with application. Subsequent development will be required to follow the recommendations of the provided report, unless amended.
13. 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 property. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District do not apply.
14. Construction is anticipated to commence upon completion of all required permits.
15. The subject property will access off of Union Valley Road onto a proposed internal roadway system.
16. Domestic water is to be supplied by a public water system yet to be developed. The subject property has an existing private well that is to be upgraded to the standards of a Group A or Group B public water system.
17. Power is by an extension of the Chelan County PUD.
18. Sanitation is proposed as on-site septic systems designed for the required capacity and approved by CDHD.
19. The applicant must comply with CCC Chapter 7.35 - Noise.
20. As conditioned, the visual impact is anticipated to be minimal.
21. The Notice of Application was referred to surrounding property owners within 1,000 ft. (excluding 60' of right-of-way), jurisdictional agencies and departments of the County.
22. These agencies and surrounding property owners were notified on January 7, 2020, with comments due January 21, 2020. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval.
  - 22.1 Chelan County Building Official – Response received January 10, 2020
  - 22.2 Chelan County Fire Marshal – Response received January 21, 2020.
  - 22.6 Chelan County Fire District No. 7 – No comment.
  - 23.7 Chelan Douglas Health District – Response received January 22, 2020 and February 5, 2020
  - 22.8 Chelan County Public Works – Response received January 16, 2020.
  - 22.9 Chelan County PUD – No comment.
  - 22.10 WA Dept. of Ecology – No comment.
  - 22.11 WA Dept. of Fish & Wildlife – No comment.
  - 22.13 WA Dept. of Archaeology and Historic Preservation – Response received January 13, 2020
  - 22.14 Yakama Nation – No comment.
  - 22.15 Confederated Tribes of Colville – Response received March 2, 2020.
23. A public comment was received by Tim Young on January 21, 2020, with concerns of extra RV traffic on the lower Union Valley Road as well as concerns with water.

24. The applicant submitted an application and environmental checklist on November 11, 2019. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and a Determination of Non-significance (DNS) was issued on February 5, 2020. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
25. A Determination of Completeness was issued on December 26, 2019.
26. The Notice of Application was provided on January 7, 2020, by posting and mail.
27. The Notice of Public Hearing was issued on March 18, 2020.
28. City of Chelan's Comprehensive Plan. Being as the proposed RV Park is to be located on the parcel zoned Rural Residential/Resource 10 (RR10), the proposed development will be reviewed under the Rural Residential/Resource 10 criteria and provisions.
  - 28.1 The purpose of the Rural Residential/Resource 10 land use designation of the Rural Element is to allow for rural development consistent with the rural character. Additional uses may be considered with supplemental provisions, such as "...new development of small scale recreational or tourist uses that rely on a rural location or setting but do not include a new residential component...".
  - 28.2 The Hearing Examiner finds that the project, as conditioned, is consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
29. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria:
  - 29.1 A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met.
    - 29.1.1 All criteria required for a specific use by this chapter can be satisfied.
    - 29.1.2 Criteria for small-scale recreational or tourist use and subsequent RV Park have been addressed below.
  - 29.2 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.
    - 29.2.1 The subject property is located in the Rural Residential/Resource 10 (RR10). The RR10 zoning district allows for small-scale recreational or tourist use as a Conditional Use. The site plan of record, date stamped December 23, 2019, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.10.020.
    - 29.2.2 As previously addressed, the subject property does contain an N-typed stream. However, according to the site plan, the proposed development would be located more than 150 ft. from the identified stream.
  - 29.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
    - 29.3.1 The proposed development is fairly isolated in location. There is existing mature vegetation along Union Valley Road that provided some visual barrier from surrounding properties. The adjacent property to the south is currently an active orchard. No residences are located on site.
    - 29.3.2 The proposed use is targeting the rural character of the surrounding area with the associated agri-tourism U-Pick operation.

- 29.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 29.4.1 The subject property is not identified as a classified resource land pursuant to the Chelan County Comprehensive Plan.
- 29.5 No conditional use permit shall be issued without a written finding that: a) 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; b) No county facilities will be reduced below adopted levels of service as a result of the development
- 29.5.1 Chelan County provided a Notice of Application to all providers and received comments that are included in the file of record. No county facilities will be reduced below adopted levels of service as a result of the development.
- 29.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare
- 29.6.1 With development, on site sanitation and a Group A or B public water system is proposed to serve the RV Park facility. Review and approval from Chelan Douglas Health District would be required prior to final approval of the Conditional Use Permit application.
- 29.7 Adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Titles 11 and 15 of the Chelan County Code.
- 29.7.1 Roads, ingress and egress: The subject property fronts and access off of Union Valley Road, a county right-of-way. With development, an internal access road is proposed.
- 29.7.2 Stormwater: The applicant shall comply with CCC Chapter 13.18 for stormwater drainage.
- 29.7.3 Parking and Loading: Off-street parking must comply with CCC Section 11.93.330(4) regarding off-street automobile parking facilities within RV Parks.
- 29.7.4 Domestic and Irrigation Water: Domestic water is proposed via a Group A or B public water system and the parcel benefits from irrigation water.
- 29.7.5 Sanitary Facilities: The installation of 2 on-site septic systems designed for the hook-ups of RVs is proposed with application.
- 29.7.6 Power: Power is provided by Chelan County PUD.
- 29.7.7 Fire Protection: The proposed development is located Chelan County Fire District #7. However, based on comments received from the Chelan County Fire Marshal, dated January 10, 2020, alternative fire flow provisions are necessary for this project, due to the nature of the use and distance from a fire hydrant; recommended conditions of approval are proposed for the project.
- 29.8 Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.

- 29.8.1 Based on the application materials, the applicant has indicated that operations on the subject property would not impact adjacent properties in the vicinity with noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.
- 29.8.2 Additionally, it has been noted that most of the adjacent properties are large in size or are currently undeveloped and vacant of residential development.
- 29.9 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
  - 29.9.1 The proposed RV park development would be consistent with the goals and policies of the Rural Element of the Comprehensive Plan.
- 30. Chelan County Code, Section 11.93.370: Small-Scale Recreational or Tourist Use:
  - 301.1 Small-scale recreational and tourism uses include activities and facilities defined in Section 14.98.1795: "Small scale recreation and tourism means a land use that relies on a setting to provide recreational or tourist use, including recreational center and commercial facilities to serve those uses, but that does not include new residential development. It includes activities and facilities such as, but not limited to, cultural/religious camps, retreat centers, campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities, and similar uses. Small scale recreational and tourist uses are of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure and public service."
    - 30.1.1 Based on the above definition of small scale recreation and tourist use, the proposed RV Park facility would meet the definition and intent of a small scale recreation tourist use. Additionally the subject property exceeds the required lot size of the RR10 zoning districts. The proposed use would only occupy a small portion of the total acreage of the subject property.
  - 30.2 Facilities and activities that may occur within small-scale recreational or tourist uses include administrative and storage buildings, meeting/conference facilities, recreational facilities including but not limited to trails, equestrian facilities, interpretive and/or educational facilities, ball fields, swimming pools, exercise facilities/gymnasiums, as well as short-term visitor accommodations such as lodges, cabins, tent and RV camp sites, consistent with applicable building codes and the requirements of this code.
    - 30.2.1 The proposed small scale recreation and tourist use is to provide (11) RV camp sites for visitor accommodations.
  - 30.3 No more than 6,500 square feet of gross floor area shall be devoted to buildings and structures for each ten acres of land area within the project site. Caretakers' residences authorized herein may be in addition to the 6,500 square feet of gross floor area for other buildings and structures.
    - 30.3.1 Per the Assessor's records, there is an approximate total of 4,000 sq. ft. of lot coverage (excluding the 3,700 sq. ft. dwelling or "caretaker's unit"). Being as the subject property is 168 acres, the total allowable gross floor area of building and structures on site may be 109,000 sq. ft. (168 total acres/ 10 acres = 16.8 x 6,500 = 109,000 total sq. ft. of floor area)

30.4 One single-family dwelling unit may be allowed for each twenty acres of land within the project site for the use of on-site staff or landowner. The permitted residence may be a detached residential unit, or it may be part of an overall structure that includes additional services, as allowed by existing building codes, including but not limited to: an office, convenience store, recreation/game room, laundry, bathrooms, showers, etc. Such facilities are intended to serve the needs of the park facility users and staff only. New residential development shall not be permitted on the site for year-round or second home residential housing, except as permitted herein for an on-site manager, caretaker, or landowner.

30.4.1 Based on the site plan of record and application materials, a bathhouse to serve campers of the RV Park is proposed with application. No new residential dwelling units are proposed.

30.5 Lodging facilities associated with small-scale recreational or tourist uses shall meet the following standards:

30.5.1 Permitted lodges may include additional services to be located within the structure, as allowed by existing building codes, including but not limited to the following: office, convenience store, recreation/game facilities, laundry, bathrooms, showers, etc. Such facilities are intended to serve the needs of the park facility users and staff only. Commercial uses shall not be opened and/or available for use by the general public.

30.5.2 Campground/RV parks shall meet the general site development requirements of Section 11.93.330, and shall have no more than twenty camp or RV sites or any combination thereof to the maximum of twenty.

31.5.2.1 The proposed RV Park would have (11) RV sites.

30.5.3 As approved by the hearing examiner, short-term/temporary occupancy of recreational vehicles for a time period of not more than 10 days during any 60-day period is permitted.

31.5.3.1 Based on the application materials, the applicant did not include a desire for the RV Park to have a short-term/temporary occupancy applied to the RV sites.

30.5.4 Mixed use development allows the option to create up to five units within a lodge or five cabin units, and fifteen RV or tent sites, provided all other applicable provisions of this section are met.

31.5.4.1 The proposed RV Park is limited to (11) RV sites.

### 31. Chelan County Code, Section 11.93.330: Recreational Vehicle Parks/Campground

31.1 Location of an RV Park/Campground. (A) Any parcel of property being considered for an RV park/campground must front on and/or have direct access to a public street or road at a minimum of one location. Primitive roads and U.S. Forest Service roads shall not be considered suitable access to an RV park/campground. (B) RV parks/campgrounds shall not be permitted in any area found unsuitable for such development because of poor drainage, physical topography, soil characteristics, rock formations, or other features that may be harmful to the public health, safety, or general welfare.

- 31.1.1 The subject property fronts on and currently accesses off of Union Valley Road, which is not classified as a primitive road or US Forest Service road. With application, a geological site assessment prepared by Black Rock Geoscience on November 8, 2019 was provided. The report finds that the site is suitable for development as an RV Park and is considered free of geologic hazard.
- 31.2 RV Park Site Requirements
- 31.2.1 Based on an email from the applicant, dated February 19, 2020 the (11) RV sites are to be 32 ft. x 40 ft. for a total area of 1,300 sq. ft. The proposed sites are indicated to have a minimum separation distance of 10 ft. between units.
- 31.3 RV Park Road System
- 31.3.1 Based on comment letter received from Chelan County Public Works, dated January 16, 2020, Public Works will require a pre-construction meeting with the applicant to ensure that the proposed internal roadway system would meet the required criteria of CCC Section 11.93.330(3). An approved construction plan would be required to be provided prior to the activity commencing.
- 31.4 Off-Street Automobile Parking Facilities. (A) Off-street parking shall be provided at the rate of one space for each RV site. The hearing examiner may require additional off-street parking space as deemed appropriate to accommodate additional parking needs. (B) There shall be at least four off-street parking spaces provided for the RV park office, together with one additional parking space for each twenty-five RV sites. (C) Each parking space shall be a minimum of ten feet by twenty feet in size. All individual and common parking spaces shall be treated to eliminate dust.
- 31.4.1 Being as there are (11) RV sites proposed with development, (11) off-street parking spaces will be required in addition to (4) off-street parking spaces to accommodate for RV Park office parking—totaling (15) required off-street parking spaces
- 31.5 Sewage Disposal Requirements. (A) Provisions for the disposal of grey water shall be made at fifty-foot radii from those sites not connected to the sewer system. (B) Utility buildings providing flush toilets and showers for each sex shall be provided at convenient intervals throughout the park. Where RV spaces are not provided with individual sewer connections, utility buildings shall be located within three hundred feet of those spaces. The health officer shall determine the number of toilets and showers. All sewage from RVs and park buildings shall be discharged into a sewage disposal system approved by the appropriate agency.
- 31.5.1 The development proposes to have sanitation and domestic water hook ups available to the (11) RV sites. In addition, a public bathhouse for use by the park guests is proposed with application. The proposed on-site sanitation systems would be reviewed for compliance and adequacy by the Chelan Douglas Health District.
- 31.6 Fire Protection Standards. (A) All RV park proposals shall be reviewed by the Chelan County fire marshal to ensure adequate ingress and egress and internal circulation for emergency vehicles. (B) The Chelan County fire marshal shall review all RV park proposals to determine what fire protection measures are necessary for the park. (C) In the absence of adequate on-site water sources, as determined by the Chelan County fire

marshal, such as reservoirs, swimming pools, lakes, rivers and streams, the provisions of the current edition of the International Building/Fire Code, as adopted by Chelan County, shall apply for purposes of satisfying the required fire flows.

- 31.6.1 The Chelan County Fire Marshal was notified of the proposed development and provided recommended conditions of approval regarding fire flow and internal roadway requirements.
- 31.7 Solid Waste. (A) The storage, collection, and disposal of solid waste in an RV park shall be accomplished so as to prevent fire and health hazards, rodent harborage, insect breeding, accidents and odor. (B) Approved solid waste containers shall be located not more than one hundred fifty feet from any RV site. (C) Collection areas shall be screened with a view-obscuring fence and properly identified.
- 31.8 Utilities. (A) All RV parks situated within 500 feet of a public sewer trunk line shall be required to connect to the line if the owner of the line permits. (B) All utilities, such as domestic water, irrigation water, fire protection, storm drainage systems, etc., shall be installed in accordance with established guidelines. All power and communication lines shall be placed underground except where topography, soil, or other conditions make underground installation impractical as evidenced by the response of the supplier of such utilities.
- 31.8.1 The proposed development is not located within a sewer district. Chelan Douglas Health District was notified of the proposed development and provided recommended conditions of approval regarding sanitation and domestic water.
- 31.9 Sanitary Dump Stations. A conveniently located dump station for the disposal of self-contained sewage shall be provided in parks with twenty-five or more spaces. Additional dump stations may be required in parks having forty or more RV spaces. All dump stations shall be designed and developed to the standards of the Chelan-Douglas health district and the Department of Social and Health Services.
- 31.10 Perimeter Buffer Yards, Landscaping, Fencing, Landscape Materials.
- 31.10.1 As indicated in the site location map prepared by Black Rock Geosciences, the proposed RV sites are to be located in an area that is currently vegetated with orchard trees to the south and a mixture of deciduous trees to the west. To the east of the proposed RV sites is undeveloped hillside.
- 31.10.2 The adjacent property to the south is also in orchard production. The common lot line between the subject property and the adjacent property is not easily distinguished as the south portion of the subject property is in similar production.
- 31.11 Recreation Areas. Usable recreation area shall be provided at a rate of not less than five hundred square feet for each RV site in the park. Required buffer yards, parking areas and RV spaces shall not constitute recreational areas. Minimum recreation areas shall be at least ten percent of the total area of the park. Each one square foot of intensively developed recreational area (swimming pool, recreation/game room, and game courts such as tennis, badminton, etc.) shall be calculated as one and one-quarter square feet toward each square foot required of usable recreation area required.



- 31.11.1 The subject property is approximately 168 acres, which includes hillside trails, apple orchard, and a lawn with garden area. Additional agricultural attractions, such as U-pick berry patch and pumpkin patch are proposed with the RV Park development. Due to the property size, the required recreation area would exceed the minimum requirements of this section.
- 31.12 Lighting. (A) All lighting shall be designed so as to eliminate light and glare spillover onto adjoining properties. (B) Community structures shall be adequately lit at night. (C) Adequate lighting shall be provided at the park entrance.
- 31.12.1 Lighting would be required to meet the standards of CCC Section 11.88.080.
- 31.13 Signs and advertising devices shall be permitted in an RV park as follows: (A) One identification sign, not to exceed thirty-two square feet in total area, at the entrance of the RV park shall be permitted. The sign may be indirectly illuminated but shall be nonflashing. (B) Directional or informational signs for the conveyance of tenants and the public relating to parking, office, community buildings, circulation, etc., shall be permitted; provided, that each sign is not larger than two square feet in area. (C) Signs within the required buffer or required front yard along a public road shall be no higher than forty-two inches. No sign shall exceed the normal building height requirement prescribed by the zoning resolution for the district in which the park is located.
- 31.13.1 The proposed development would be required to place a sign near the entrance of the RV Park to clearly identify the business; the installation of the sign would require a building permit in compliance with CCC Chapter 11.92 for sign regulations.
- 31.14 One single-family dwelling unit shall be permitted for an on-site manager's residence. The permitted manager's residence may include additional services to be located within the structure, as allowed by existing building codes, including but not limited to the following: office, convenience store, recreation/game facilities, laundry, bathrooms, showers, etc. Such facilities are intended to serve the needs of the park users and staff only.
- 31.14.1 Based on the site plan of record and application materials, a bathhouse to serve campers of the RV Park is proposed with application; no new residential dwelling units are proposed.
- 31.15 Required Plan. (A) All conditional use permit applications for an RV park shall be accompanied by a site plan, drawn to scale not to exceed one inch to one hundred feet, a circulation and parking plan, and a landscape plan. (B) Information Required. (i) Site plans for an RV park shall, at a minimum, disclose the following information: location of existing and proposed buildings, RV spaces, domestic and irrigation water distribution, sewage collection system, electrical and communication lines, solid waste collection areas, fire hydrants, location of lighting and signs, perimeter buffer and site boundaries and recreation areas and open space. If necessary, contour information shall be provided at two-foot intervals for slopes of zero percent to five percent and five-foot intervals for slopes of five percent or greater. (ii) Parking and circulation plans shall include public and private roads, ingress and egress routes, storm water drainage system, and number and location of parking spaces. (C) Landscaping plans shall include the name, location, and type of vegetation as well as its size at planting and maturity. Landscaping plans shall also disclose the

provisions made for a permanently installed irrigation system where necessary. Screening plans shall describe the type, height and location of proposed screens and/or fences.

- 31.15.1 With application, a site plan to an acceptable scale was submitted. The site plan includes the proposed internal roadway system and traffic flow direction. The spaces for the RV sites were included with a supplemental illustration demonstrating the proposed site sizes. The subject property is currently landscaped with mature trees of varying heights and species.
- 31.15.2 Based on comment letter received from Chelan County Public Works, a pre-construction meeting with the applicant would be required to ensure that the proposed internal roadway system would meet the required criteria of CCC Section 11.93.330(3). An approved construction plan would be required to be provided prior to the activity commencing.
- 31.16 Recreational Vehicle Spaces, Camp Sites, Cabins and/or Lodge Units Allowed. (B) Minor Recreational Vehicle (RV) Parks/Campgrounds. Developed campgrounds having fifty or fewer units
  - 31.16.1 The proposed RV Park would have (11) RV sites.
- 31.17 Accessory structures are permitted to accommodate additional campground user services, including but not limited to park office, convenience store, recreation/game facilities, bathrooms and showers. Such facilities are intended to serve the needs of the park users and staff only.
  - 31.17.1 Based on the site plan of record and application materials, a bathhouse to serve campers of the RV Park is proposed with application.
- 32. The applicant is proposing the use of the 168 acre parcel as an RV Park with an agri-tourism element to include a U-pick operation of apples, berries, and pumpkins. Said use of agri-tourism is permitted outright in the zoning district and does not require review under Chelan County Zoning Code. However, if the use is to expand beyond the proposed U-pick operation, additional land use permits may be required.
- 33. Pursuant to CCC Section 11.93.330, parking standards for the RV Park require a total of 15 parking spaces. Although the U-pick operation is a permitted use and does not require zoning review, staff is recommending an additional 5 parking spaces be allocated in order to ensure adequate parking is accessible for the separate businesses.
- 34. The subject property is currently landscaped with mature trees and vegetation. Being as the parcel is large in size and is surrounded by agricultural activities, undeveloped hillside, and sprawled residential development, the requirement of landscaping is recommended to be waived. However, due to the existing orchard to the south of the subject property, staff is recommending that a fence and/or private property signs be placed in order to alleviate the potential of trespassing on the adjacent orchard property.
- 35. After due legal notice an open record public hearing was held on March 18, 2020.
- 36. The Hearing Examiner reviewed the applications and submitted materials.
- 37. The entire Planning staff file and records were admitted into the record at the hearing.
- 38. Testifying at the hearing were Keane and Jill Christensen. Mr. and Mrs. Christensen testified that they were the property owners and applicants. Mr. Christensen testified that Torrence Engineering would provide the engineering for a Class A water system. Mr. Christensen indicated that the

applicant would comply with all of the proposed conditions of approval. Mrs. Christensen testified that they agreed they would work with the Department of Archeology and Historical Preservation, but they did not believe that an archeological survey would be necessary.

39. No member of the public testified at the hearing.
40. 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 Chelan County Hearing Examiner has been granted the authority to render this decision pursuant to CCC Section 11.93.030.
2. Based on review of the application materials submitted, the criteria for a small-scale recreational or tourist use and RV Park can be satisfied.
3. Based on the site plan of record, date stamped December 23, 2019, the proposed development would meet applicable zoning and critical areas regulations.
4. As conditioned, the proposed development would be compatible with the character of the surrounding area.
5. As conditioned, the use will not be detrimental to the natural environment.
6. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service.
7. The proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
8. All necessary facilities, improvements and services are consistent or can be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
9. 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. The project is consistent with the Chelan County Comprehensive Plan.
11. Based on the proposed development of an RV Park, the use would meet the definition for small scale recreation and tourist use.
12. Based on the application materials, the proposed development would meet this provision.
13. As conditioned and based on the size of the subject property, the proposed development would not exceed the allowable total square footage of floor area.
14. As conditioned, the proposed development of a bathhouse facility as an additional service to the RV Park would meet the provision of this section.

15. No lodge facility is proposed with the RV Park; therefore, this provision would not apply.
16. Being as the applicant did not specify a desired duration of RV space occupation, the hearing examiner does not require a condition of approval that would limit short term occupancy to not more than ten days during any 60-day period allowing for flexibility in RV space renting and occupation.
17. As conditioned, the proposed RV sites would comply with the requirements of Chelan County Code, Section 11.93.330.
18. The Hearing Examiner is requiring as a condition of approval, that a letter of approval from Chelan County Public Works, in regard to the internal roadway system, be provided to Chelan County Community Development prior to the commencement of the RV Park activities.
19. As conditioned, the RV Park would be required to allocate (15) off-street parking spaces.
20. As conditioned, the proposed development would meet the sewage disposal requirements of this section.
21. As conditioned, the proposed development would meet the required fire protection standards of Chelan County Code, Section 11.93.330.
22. As conditioned, the proposed RV Park would meet the requirements for solid waste disposal, storage, and collection.
23. As conditioned, the proposed development would be required to install utilities in accordance with the established guidelines.
24. The proposed RV Park would not result in more than 25 RV spaces; therefore the provisions of Chelan County Code, Section 11.93.330 would not apply.
25. The subject property is already landscaped with mature trees of varying heights and species; therefore, staff is recommending that the landscaping requirement of Chelan County Code, Section 11.93.330 be waived.
26. Additionally, as a way to distinguish private property, the Hearing Examiner is requiring as a condition of approval that the common property line along the orchard be demonstrated by fencing and/or posting of private property signs.
27. As proposed, the development would exceed the required square footage for recreation areas provisions of this section.
28. As conditioned, the proposed development would meet the provisions of this section and CCC Section 11.88.080 for lighting regulations.
29. As conditioned, the proposed development would meet the provisions of this section and CCC Chapter 11.92 for sign regulations.
30. As conditioned, the proposed development of a bathhouse facility as an additional service to the RV Park would meet the provision of this section.

31. To ensure that the proposed roadway system, RV sites, and parking would be in compliance with this section, staff is recommending that a letter of compliance be submitted by the applicant prior to the commencement of the approved RV Park activities.
32. No lodge facility or cabin units are proposed with the RV Park; therefore, the provisions in Chelan County Code, Section 11.93.330 would not apply.
33. As conditioned, the proposed bathhouse would meet the provisions of this section and be for use by park users and staff only.
34. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

## **DECISION**

Based upon the above noted Findings and Fact and Conclusions, CUP 2019-015 is hereby **APPROVED**, subject to the conditions of approval.

## **CONDITIONS OF APPROVAL**

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

1. Pursuant to CCC Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land; compliance with the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
2. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plans date stamped December 23, 2019 or as amended by this decision.
3. Pursuant to the requirements of the International Building Code and International Fire Code, a Chelan County Commercial Building Permit shall be required for the proposed bathhouse structure.
  - 3.1 The bathhouse structure shall be for use by RV Park users and staff only.
4. Pursuant to CCC Section 11.92.030, a building permit shall be required for the entrance business sign; the sign shall meet the requirements of CCC Section 11.93.330(13) for signage.
5. Pursuant to CCC Section 11.93.330, no landscaping shall be required for the proposed development; however, fencing and/or private property signs shall be required along the south property line. The signs shall meet the standards of CCC Section 11.92.030(13).
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.
  - 6.1 Park entrance lighting and lighting for the proposed bathhouse shall be required pursuant to CCC Section 11.93.330(12).

7. Pursuant to CCC Section 11.93.330(7), all on-site collection areas for garbage disposal shall be fenced and located within 150 ft. from any RV site.
8. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal Agency Comment response dated January 21, 2020 (Exhibit D).
9. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department memorandum dated January 16, 2020 (Exhibit E).
10. Pursuant to CCC Section 11.93.030, a letter of compliance shall be submitted by the applicant to Chelan County Community Development prior to the commencement of the proposed use. This letter shall include the following:
  - 10.1 A parking and circulation plan approved by Chelan County Public Works pursuant to CCC Section 11.93.330(3). The parking plan shall demonstrate the required 20 parking spaces.
  - 10.2 A site plan showing the locations of the following: RV sites with hook up locations meeting the dimensional and spacing standards of CCC Section 11.93.330(2), on-site septic systems, fenced garbage collection areas.
  - 10.3 An approved septic permit as issued by the Chelan Douglas Health District for the proposed RV Park meeting the standards of CCC Section 11.93.330(5)&(8).
  - 10.4 Verification that fencing and/or private property signs had been installed along the south property line. The signs shall meet the standard of CCC Section 11.92.030(13).
  - 10.5 Documentation from the Chelan County Fire Marshal that fire flow requirements have been satisfied pursuant to CCC Section 11.93.330(6) for fire protection standards.
11. Pursuant to RCW 27.53.020, prior to ground disturbing activities, consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) shall be required.
  - 11.1 Documentation as provided by DAHP that this condition has been satisfied or is no longer applicable may be provided at time of letter of compliance submittal.
12. Pursuant to Chelan County Code 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 11.93.090, 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.

14. Pursuant to Chelan County Code Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

Approved this 20<sup>th</sup> day of March, 2020.

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.