

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

RECEIVED

IN THE MATTER OF)
CUP 20-009)
Dell/American Associated)

SEP 10 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 September 2, 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 submitted for a minor RV Park. The proposed minor RV Park is to have 27 RV sites with an internal roadway system. The application also proposes an office and a one bedroom SFR/shop building.
2. The applicant/owner is Ryan Dell / American Associated Inc., PO Box 505, Manson, WA 98831.
3. The subject property is located at 1000 Roses View Lane, Manson, WA 98831.
4. The parcel number for the subject property is 28-21-25-130-000.
5. The subject property is located outside of the Manson Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Residential/Resource 5 (RR5).
7. The subject property is currently vacant land that was formerly an orchard.
8. The subject property is vegetated with orchard grass and is generally flat in nature.
9. Surrounding property:
North: Lands consist of mostly orchards and are zoned Rural Residential/Resource 5 (RR5).
South: Fronted by Roses Ave and Wapato Lake Road, both county right-of-ways, and consist of lands in orchard/agricultural/residential use and are zoned Commercial Agriculture (AC) and Rural Residential/Resource 2.5 (RR2.5). East: Fronted by Roses Ave, a county right-of-way, and consist of land in orchard/agricultural/residential use and are zoned Rural Residential/Resource 5 (RR5) and Commercial Agriculture (AC), and West: Fronted by Wapato Lake Road, a county right of way, and consists of lands in residential/agricultural use and a fire station and are zoned Rural Residential/Resource 5 (RR5) and Rural Residential/Resource 2.5 (RR2.5).
10. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped May 26, 2020. The proposed project does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.
11. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does not contain any identified critical habitats. Therefore, the provisions of CCC Chapter 11.78, would not apply.
12. According to the Natural Resources Stream Typing Maps, no streams are indicated on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.78, would not apply.

13. 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 Stanton Geological Services on July 1, 2020 was submitted with application. Subsequent development will be required to follow the recommendations of the provided report, unless amended.
14. 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 would not apply.
15. A comment from the WA Dept. of Archaeology & Historic Preservation indicated that the subject property is in an area that has high potential for archaeological resources and they recommended that an archaeological survey be conducted prior to ground disturbing activities.
16. Construction is anticipated to commence upon completion of all required permits.
17. The subject property will be accessed off of Roses Avenue onto a proposed internal roadway system.
18. Domestic water is to be supplied by the Lake Chelan Reclamation District.
19. Power is by an extension of the Chelan County PUD.
20. Sanitation is proposed as on-site septic system designed for the required capacity and approved by Chelan Douglas Health District (CDHD). Staff recommended as a condition of approval, that prior to final completion of the CUP, the on-site septic system must be approved by the CDHD.
21. The applicant must comply with CCC Chapter 7.35 Noise.
22. As conditioned, the visual impact is anticipated to be minimal.
23. 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. These agencies and surrounding property owners were notified on June 25, 2020 with comments due July 9, 2020 Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	July 9, 2020	The subject property is located within Fire District #5. There is adequate fire flow to serve the proposal. Recommended conditions of approval for fire flow provisions were provided for the project
Chelan County Building Official	June 25, 2020	All proposed structures must comply with applicable building codes.
Chelan Douglas Health District	July 10, 2020	Recommended conditions of approval regarding the proposed public water system and septic systems were provided for the project.
Chelan County Public Works	July 13, 2020	Recommended conditions of approval regarding the proposed internal roadway

Agencies Notified	Response Date	Nature of Comment
		system and development standards were provided for the project.
Chelan County PUD		No Comment
WA Dept. of Ecology	July 7, 2020	Recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If levels are above MTCA requirements, Ecology recommends that potential buyers be notified of their occurrence.
Manson Community Council	July 10, 2020	Recommends denial due to close proximity of fire station and the limited visibility at the Roses Ave. and Wapato Point Rd. intersection
WA Dept. of Archaeology and Historic Preservation	July 7, 2020	DAHP indicated the subject property is located in an area that has high potential for cultural resources; therefore, a cultural survey is required.
Yakama Nation		No Comment
Confederated Tribes of Colville	June 25, 2020	No concerns with project as long as the recommended conditions are adhered to.
Chelan County Fire District No. 5	June 26, 2020	FD#5 provided a RV Park Disclosure that informed applicant about future activities planned for the fire station adjacent to the subject property.
Lake Chelan Reclamation District		No Comment

24. No public comments were received.
25. The application materials were submitted on May 26, 2020.
26. A Determination of Completeness was issued on June 19, 2020.
27. The Notice of Application was provided on June 25, 2020.
28. The Notice of Public Hearing was provided on August 21, 2020.
29. Being as the proposed minor RV Park is to be located on the parcel zoned Rural Residential/Resource 5 (RR5), the proposed development will be reviewed under the Rural Residential/Resource 5 criteria and provisions.
30. The purpose of the Rural Residential/Resource 5 land use designation of the Rural Element is to allow for rural development consistent with the rural character. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development. 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..."

31. 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.
32. The proposed development is located in the RR5 zoning district of Chelan County. According to Chelan County Code Section 11.04.020 District Use Chart, Minor RV parks are permitted as a Conditional Use.
 - 32.1 “Minor RV parks” pursuant to Chelan County Code Section 14.98.1534(2), are defined as “developed campgrounds having fifty (50) or fewer camp or RV sites, cabins and/or lodge units as allowed.”
33. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria - 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:
 - 33.1 All criteria required for a specified use by this chapter can be satisfied.
 - 33.1.1 Criteria for small-scale recreational or tourist use and subsequent RV Park have been addressed below.
 - 33.1.2 Based on review of the application materials submitted, the criteria for a Minor RV Park can be satisfied.
 - 33.2 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.
 - 33.2.1 The site plan of record, date stamped May 26, 2020, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.12.010.
 - 33.2.2 Minor RV parks are not identified in CCC chapter 11.90 for off-street parking. However, off-street parking is identified in CCC 11.93.330(4)(A) as one parking space per RV site.
 - 33.2.3 Landscaping is required per CCC Chapter 15.50. Pursuant to CCC Section 15.50.050, variations in landscaping may be permitted including the allowance for the use of fencing for part or as a replacement for required landscaping area.
 - 33.2.4 The subject property is located in the Rural Residential/Resource 5 (RR5); the RR5 zoning district allows for small-scale recreational or tourist use as a Conditional Use. The site plan of record, date stamped May 26, 2020, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.12.020.
 - 33.2.5 Based on the site plan of record, date stamped May 26, 2020, the proposed development would meet applicable zoning and critical areas regulations.
 - 33.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 33.3.1 The proposed use of 27 RV sites meets the definition of a minor RV park. The applicant also proposes a shop building with a 1 bedroom dwelling unit upstairs, an office building with bathrooms and showers for

- guests, a fenced dog park, and other recreational areas including a play structure, volleyball court, and horseshoe pits.
- 33.3.2 The proposed development is located in an area where recreational and residential development associated with Roses Lake meets up with the agricultural use of the nearby orchards. An adjacent property to the northwest is currently the location for Fire District #5's fire station. The proposed use is targeting the recreational character of the surrounding area with the associated tourism uses of Manson and the nearby wineries.
- 33.3.3 As conditioned, the proposed development would be compatible with the character of the surrounding area.
- 33.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 33.4.1 The subject property is not identified as a classified resource land pursuant to the Chelan County Comprehensive Plan. There are no protected critical areas on or nearby the subject property.
- 33.4.2 As conditioned, the use will not be detrimental to the natural environment.
- 33.5 No conditional use permit shall be issued without a written finding that:
- 33.5.1 After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development;
- 33.5.2 Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
- 33.5.3 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
- 33.5.4 No county facilities will be reduced below adopted levels of service as a result of the development
- 33.5.5 Construction of the proposed development is not anticipated to result in county facilities being reduced below adopted levels of service as a result.
- 33.5.6 As conditioned, the proposed development would not result in county facilities being reduced below adopted levels of service..
- 33.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 33.6.1 The proposed development of the subject property would include on site sanitation and drinking water to be supplied by the Lake Chelan Reclamation District to serve the RV Park facility. Final review and approval from the Chelan Douglas Health District and Lake Chelan Reclamation District would be required prior to future building permit submittal.
- 33.6.2 As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.

- 33.7 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.
- 33.7.1 **Roads, ingress and egress:** The subject property fronts and accesses off of Wapato Lake Road, a county right-of-way. With the development, an internal access road is proposed and access would be limited to two proposed access points on Wapato Lake Road.
- 33.7.2 **Stormwater:** The applicant shall comply with CCC Title 13. Chelan County Stormwater Guidelines and Procedure.
- 33.7.3 **Parking and Loading:** Parking is required at a rate of one space per RV site. There appears to be enough parking for the proposed use of the subject property.
- 33.7.4 **Domestic and Irrigation Water:** Domestic water is proposed via individual hookups to the Lake Chelan Reclamation District public water system and the entire parcel benefits from irrigation water provided by the Lake Chelan Reclamation District as well.
- 33.7.5 **Sanitary Facilities:** The installation of an on-site septic system designed for the hook-ups of RVs is proposed with application. Per Health District comment, the proposed generated waste for the parcel is 3,890 gallons per day and this exceeds the total allowed generated waste for the parcel by 551 gallons. The applicant will need to revise the project to ensure they do not exceed a total of 3,399 gallons per day.
- 33.7.6 **Power:** Power is provided by Chelan County PUD.
- 33.7.7 **Fire Protection:** The proposed development is located Chelan County Fire District #5. Comments received from the Chelan County Fire Marshal, dated July 9, 2020, state that alternative fire flow provisions are not necessary for this project since the nearest fire hydrant is approximately 40 feet away from the property boundary.
- 33.7.8 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.
- 33.8 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.
- 33.8.1 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, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.
- 33.8.2 The Geological Site Assessment prepared by Stanton Geological Services on July 1, 2020 provided several recommendations for the proposed development that if followed, would result in no adverse effects to geologic conditions observed on the subject property.

- 33.8.3 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.
- 33.9 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.
 - 33.9.1 The proposed Minor RV park development would be consistent with the goals and policies of the Rural Element of the Comprehensive Plan.
 - 33.9.2 The project is consistent with the Chelan County Comprehensive Plan.
- 34. CCC 14.98.1535 defines Recreational Vehicle Parks/Campground as follows:
 - 34.1 “Recreational Vehicle Parks/Campground means any lot or parcel of land upon which two or more recreational vehicles, campsites, and/or lodge or cabin units, as allowed, are located, established or maintained for occupancy by recreational vehicles as temporary living quarters for recreational or vacation purposes.” (*Emphasis added*).
- 35. Chelan County Code, Section 11.93.330: Recreational Vehicle Parks/Campground.
 - 35.1 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.
 - 34.1.1 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.
 - 35.1.1 The subject property fronts on and currently accesses off of Wapato Lake Road, which is not classified as a primitive road or US Forest Service road. With application, a geological site assessment prepared by Stanton Geological Services on July 1, 2020 was provided. The report finds that the site is suitable for development as an RV Park and would result in no adverse effects to geologic conditions observed on the subject property.
 - 35.1.2 As proposed, the development would meet the provisions for location.
 - 35.2 RV Park Site Requirements.
 - 35.2.1 Based on review of the application materials submitted, each RV site is 1,250 square feet with a minimum width of 25 feet. There are 27 proposed sites on a parcel that is 2.12 acres in size. The site plan date stamped May 26, 2020 and associated narrative indicates that each RV site meets the 10 foot setbacks required by CCC Section 11.93.330(2)(A).
 - 35.2.2 As proposed, the RV sites would comply with the site requirements of CCC Section 11.93.330(2).
 - 35.3 RV Park Road System.

- 35.3.1 Based on comment letter received from Chelan County Public Works, dated July 13, 2020, Public Works will require 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.
- 35.3.2 The Hearing Examiner sets 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.
- 35.4 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.
- 35.4.1 Being as there are (27) RV sites proposed with development, (27) off-street parking spaces will be required in addition to (5) off-street parking spaces to accommodate for RV Park office parking and (4) off-street parking spaces to accommodate for the shop/residence—totaling (36) required off-street parking spaces. The site plan of record, date stamped May 26, 2020 and associated project narrative proposes a total of 36 off-street parking spaces.
- 35.4.2 As proposed, the RV Park would comply with the parking requirements of CCC Section 11.93.330(4).
- 35.5 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.
- 35.5.1 The development proposes to have sanitation and domestic water hook ups available to the (27) RV sites. In addition, a public bathhouse for use by the park guests is proposed with application. The proposed on-site sanitation system would be reviewed for compliance and adequacy by the Chelan Douglas Health District and demonstrate that the daily generated waste does not exceed a total of 3,399 gallons per day.
- 35.5.2 As conditioned, the proposed development would be required to meet the approved sewage disposal requirements of the Chelan Douglas Health District..
- 35.6 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.

35.6.1 The Chelan County Fire Marshal was notified of the proposed development and provided recommended conditions of approval regarding fire flow and internal roadway requirements.

35.6.2 As conditioned, the proposed development would meet the required fire protection standards of CCC Section 11.93.330(6).

35.7 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.

35.7.1 The development proposes a solid waste storage and disposal area as shown on the submitted site plan date stamped May 26, 2020.

35.7.2 As proposed, the RV Park would meet the requirements for solid waste disposal, storage, and collection of CCC Section 11.93.330(7).

35.8 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.

35.8.1 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. The site plan of record, date stamped May 26, 2020, and associated narrative shows that each RV site will be provided hook ups to power and domestic water.

35.8.2 As conditioned, the proposed development would be required to install utilities in accordance with the established guidelines outlined in CCC Section 11.93.330(8).

35.9 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.

35.9.1 The development proposes a conveniently located dump station as shown on the submitted site plan, date stamped May 26, 2020. This dump station shall be developed according to the requirements of the Chelan-Douglas Health District.

35.9.2 As conditioned, the proposed development would meet the requirements of the CCC Section 11.93.330(9).

35.10 Perimeter Buffer Yards, Landscaping, Fencing, Landscape Materials.

- 35.10.1 The applicant submitted a landscaping plan date stamped May 26, 2020 that includes planting of trees throughout the RV Park along with a 6 foot sight obscuring fence along the shared property lines.
- 35.10.3 The proposed development would meet the landscaping requirements of CCC 11.93.330(10).
- 35.11 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.
- 35.11.1 The subject property is approximately 2.12 acres and 27 RV sites have been proposed, which requires a usable recreation area of 13,500 sq.ft. or more. According to the site plan and landscape plan, both date stamped May 26, 2000, and the associated narrative, the applicant is proposing a dog park as well as a park area that includes a volleyball court and playground.
- 35.11.2 As proposed, the development appears to meet the required square footage for recreation areas provisions of CCC Section 11.93.330(11).
- 35.12 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.
- 35.12.1 Lighting would be required to meet the standards of CCC Section 11.88.080.
- 35.12.2 As conditioned, the proposed development would meet the provisions of this section and CCC Section 11.88.080 for lighting regulations.
- 35.13 Signs. 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.
- 35.13.1 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 may require a building permit in compliance with CCC Chapter 11.92 for sign regulations. The site plan of record date stamped May 26, 2020 shows that the applicant is proposing a sign at the intersection of Roses Avenue and Wapato Lake Road.
- 35.13.2 The proposed development meets the provisions of this section and will be required to meet the standards of CCC Chapter 11.92 for sign regulations.
- 35.14 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.

35.14.1 Based on the site plan of record and application materials, a second story apartment for the manager's residence is proposed above the maintenance shop. In addition, a bathhouse connected to the park office to serve campers of the RV Park is proposed as well.

35.14.2 As proposed, the development meets meet the provisions of CCC Section 11.93.330(14).

35.15 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.

35.15.1 With the application, both a site plan and a landscape plan to an acceptable scale were 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 landscape plan shows the site being planted with trees of varying heights and species.

35.15.2 Based on comment letter received from Chelan County Public Works, the proposed internal roadway system would meet the required criteria of CCC Section 11.93.330(3) and an approved construction plan would be required to be provided prior to the activity commencing.

35.15.3 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.

35.16 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

35.16.1 The proposed RV Park would have (27) RV sites.

35.16.2 As conditioned, the provisions of this section would be met.

35.17 Lodge and Cabin Units.

- 35.17.1 No lodge facility or cabin units are proposed with the RV Park; therefore, this provision would not apply.
- 35.18 Accessory Structures. 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.
- 35.18.1 Based on the site plan of record and application materials, a park office with a bathhouse, recreation room, and laundry facilities is proposed to serve campers of the RV park. In addition, a maintenance shop is proposed to allow for maintenance equipment storage.
- 35.18.2 As conditioned, the proposed park office and maintenance shop would meet the provisions of this section and be for use by park users and staff only.
36. Department Analysis - The applicant is currently proposing a 27 space RV park with an office and maintenance shop. However, if the use is to expand beyond the proposed site plan, date stamped May 26, 2020, additional land use permits are required. The applicant will need to submit letters of approval from the Chelan-Douglas Health District and Chelan County Public Works prior to commencement of the project.
37. An open record public hearing after due legal notice was held using Zoom video conferencing on September 2, 2020.
38. Appearing and testifying on behalf of the applicant was John Torrence. Mr. Torrence indicated that he was an agent authorized to appear and speak on behalf of the property owner. Mr. Torrence indicated that the applicant had no objection to any of the proposed conditions of approval.
39. On the Hearing Examiner's question regarding how long visitors would be allowed to stay at the campground, the property owner and applicant, Ryan Dell, provided testimony. Mr. Dell indicated that the intent was for the RV sites, and the RV or park model home, to be vacation rentals and not long-term residences.
40. No member of the public testified at this hearing.
41. The Hearing Examiner does have significant concerns relating to the possibility of short-term potential long-term residential use (the applicant testified that they may want individuals to rent for several months over the winter).
42. A recreational vehicle park is, by definition, intended to be occupied by recreational vehicles as temporary living quarters for recreation/vacation purposes.
43. County staff has suggested that 180 days the maximum duration of a stay and that this is consistent with recreation and/or vacation purposes. The Hearing Examiner disagrees, believing that 180 days of use is more of a permanent residential use as opposed to a temporary living quarters for recreation/vacation use.
44. CCC 14.38.185(0) does define temporary use as "use established for a period of 180 calendar days, or when the need for the use has ceased, whichever is shorter. Temporary uses do not involve the construction or alteration of a permanent structure." The Chelan County Code does not define "temporary living quarters."
45. There was no evidence submitted at the hearing regarding recreation and/or vacation uses that last up to 180 days.

46. The Hearing Examiner's search of the term "temporary use" in the Chelan County Code revealed that the term "temporary use" is associated with a rock crusher industrial use within the District Use chart (CCC 11.04.020). The term "temporary uses" is also utilized in CCC 11.74, "Airport Overlay District" and 11.74.030(3). Finally, use of the term "temporary use" is also within various definitions such as "tent", "roadside stand", and "cabin".
47. The Hearing Examiner has concerns that recreational vehicles could stay for 180 days, be moved off of the site for one day, and then moved back for an additional 180 day stay, or otherwise manipulate the duration of a stay. This is clearly inconsistent with recreation and/or vacation use.
48. The Hearing Examiner finds that temporary living quarters for a recreational or vacation use is more consistent with a use that is not more than 90 days in any calendar year. The Hearing Examiner is quite aware that even with this definition, a person could stay for 90 days at the end of the year and 90 days at the beginning of the following year, resulting in 180 days of use. However, the Hearing Examiner has set conditions to preserve the use of a recreational vehicle as temporary living quarters at all times. This includes all park model homes and recreational vehicles that are rented by the applicant, or the applicant's agent, to visitors.
49. The Hearing Examiner has 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, the Hearing Examiner provides the attached conditions of approval.
50. 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. Based on review of the application materials submitted, the criteria for a minor RV park can be satisfied or conditionally satisfied.
3. Based on the site plan of record, date stamped May 26, 2020, 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. As conditioned, the proposed development would not result in county facilities being reduced below adopted levels of service.
7. As conditioned, 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. All necessary facilities, improvements and services are consistent or conditioned per the requirements of Chelan County Code.

11. As conditioned, the project is consistent with the Chelan County Comprehensive Plan and Chelan County Code.
12. As proposed, the RV sites would comply with the site requirements of CCC Section 11.93.330(2)..
13. As proposed, the RV Park would comply with the parking requirements of CCC Section 11.93.330(4).
14. As conditioned, the proposed development would be required to meet the approved sewage disposal requirements of the Chelan Douglas Health District.
15. As conditioned, the proposed development would meet the required fire protection standards of CCC Section 11.93.330(6).
16. As conditioned, the proposed development would meet the required fire protection standards of CCC Section 11.93.330(6).
17. As conditioned, the proposed development would be required to install utilities in accordance with the established guidelines outlined in CCC Section 11.93.330(8).
18. As conditioned, the proposed development would meet the requirements of the CCC Section 11.93.330(9).
19. The proposed development would meet the landscaping requirements of CCC 11.93.330(10).
20. As proposed, the development appears to meet the required square footage for recreation areas provisions of CCC Section 11.93.330(11).
21. Lighting would be required to meet the standards of CCC Section 11.88.080.
22. The proposed development meets the provisions of this section and will be required to meet the standards of CCC Chapter 11.92 for sign regulations.
23. As proposed, the development meets meet the provisions of CCC Section 11.93.330(14).
24. 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 20-009 is hereby **APPROVED**, subject to the following 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 and landscaping plans date stamped May 26, 2020 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 office and maintenance shop.
 - 3.1. These accessory structures 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 11.88.080, 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.
 - 5.1. Park entrance lighting and lighting for the proposed office and maintenance shop shall be required pursuant to CCC Section 11.93.330(12).
6. 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.
7. 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:
 - 7.1. 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 36 parking spaces.
 - 7.2. 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, and.
 - 7.3. 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).
8. 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.
 - 8.1. 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.
9. 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.
10. 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.
11. 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.

Chelan-Douglas Health District

12. The proposed project may require an additional soil/site evaluation for placement of onsite sewage system in addition to a new construction application for a new septic system. This evaluation can be completed by the Chelan-Douglas Health District or a state licensed septic system designer or professional engineer.

Chelan County Public Works

13. The applicant will be required to construct an internal roadway system on the project site that conforms to Chelan County Code, and is acceptable by the Fire Marshal. At a minimum, Public Works will require the internal roadway to meet the Chelan County Code Title 11.93.330(A) RV Park Road and Access Road Standards. In lieu of the emergency turnaround, a secondary access/egress may be used if approved by the Fire Marshal.
14. Pursuant to Chelan County Code Title 15.30.340 the applicant will be required to construct the access approaches to meet an Industrial/Commercial Driveway approach (Standard Detail PW-26). The applicant will be required to obtain a Chelan County Public Works Approach Permit prior to constructing the Commercial Driveway Approach. The approach apron will be required to be paved.
15. 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.
16. Pursuant to Chelan County Code, Title 15.30.330, the applicant will be required to show the dimensions and type of material proposed for the RV and parking site on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a circulation plan indicating the size of the RV and parking sites, drive lane widths, type of surface material proposed, number of spaces, general parking schematic and the location of the Emergency Vehicle Turn-around.
17. Pursuant to Chelan County Code, Title 10.20.410(2) 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.
18. Pursuant to Chelan County Code Title 13, A Drainage Report & Plan may be required if any new impervious surface of 5000 square feet is created and must be reviewed and approved. If require, the report shall be submitted to Chelan County Public Works. This shall be completed prior to any road/parking area construction beginning.
19. If a drainage system is required, or an existing drainage system is in place, 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.

Chelan County Fire Marshal

20. New business shall have approved address numbers, building numbers or approved site identification placed in a position that is plainly legible and visible from the street or road fronting the property. The design of the proposed sign shall be submitted to the Fire District and/or fire Marshal for approval prior to installation.
21. All land upon which buildings or portions of buildings are hereafter constructed in or moved within Chelan County, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in CCC Section 15.40.040 and the current edition of the International Fire Code.
22. The minimum fire flow and flow duration for buildings other than one and two-family dwellings shall be as specified in Table B105.1(2) of the IFC, except that a reduction in required fire flow of up to seventy-five percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than one thousand five hundred gallons per minute.
23. In lieu of the required fire-flow, a cistern having a minimum size of 3,000 gallons would be required (NFPA 1142 Standard on Water supplies for Suburban and Rural Fire Fighting Section 4.2.2). The cistern would need to have a dry hydrant connection to provide a means for the fire district to draft water from the cistern. The hydrant would need to be located so that a fire apparatus can park within 10 feet. The cistern also needs to have a water supply from a well or other source with an automatic refill capability and method of monitoring the level of water in the cistern. Plans showing the location of the tank/cistern and how it would be installed would need to be reviewed and approved prior to construction.
24. Plans for a fire apparatus access roads, designed in accordance with Chelan County Code Chapter 15.30, road standards and/or 11.93.330 Conditional Use Permit requirements for RV Parks, and shall be submitted to the Chelan County Public Works and Fire Prevention and Investigations for review and approval prior to project approval.
25. Class A roofing/noncombustible roofing covering, as defined in the International building Code, shall be used on all new construction in all areas of Chelan County.

Hearing Examiner

26. Pursuant to CCC 11.93.030, no recreational vehicle may be located on the site, used or otherwise occupied, for any period longer than ninety (90) days in any calendar year. The sole exception is for one recreational vehicle and one park model home owned by the applicant and rented by the applicant as a short term vacation rental.
27. Pursuant to CCC 11.93.030, the applicant shall ensure and maintain that no skirting of recreational vehicles or park model homes allowed, that all recreational vehicles and park model homes shall be operable condition with active license tabs, and no additional structures are

permitted on any recreational vehicle or park model home, including, but not limited to decks, covers, storage areas, wheel covers, or any similar modifications.

Approved this 9th day of September, 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.