

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)
CUP 20-015)
Knudtson)
CHELAN COUNTY)
COMMUNITY DEVELOPMENT)

RECEIVED
DEC 04 2020

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

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on December 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:

I. FINDINGS OF FACT

1. This is an application for a Conditional Use Permit has been submitted by Stace and Angie Knudtson (owners) for a Places of Public and Private Assembly use to utilize their existing home, accessory structure and landscaped property as an event venue. Access to the subject property is off of Stemilt Loop Rd. Domestic water is provided by an existing private well and the event venue would also utilize the existing on-site septic system. The parcel is zoned Rural Residential/Resource 10 (RR10).
2. The applicant/owner is Stace and Angie Knudtson, 6422 Stemilt Loop Rd., Wenatchee, WA 98801.
3. The subject property is located at 6422 Stemilt Loop Rd., Wenatchee, WA 98801.
4. The abbreviated legal description of the subject property is T 21N R 20EWM S 13 L 3 CE 04-001 BLAGREEMENT. The subject property is approximately 2.17 acres in size per the Assessor's records.
5. The subject property is not within an Urban Growth Area.
6. The Comprehensive Plan designation and zoning is Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10).
7. The subject property has an existing 1,908 sq. ft. house built in 2007 that is used for residential purposes and a 1,260 sq. ft. garage built in 1997.
9. The property to the north is Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10).
10. The property to the south is Stemilt Loop Road / Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10).
11. The property to the east is Stemilt Loop Road / Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10).
12. The property to the west is Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10).
13. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped September 8, 2020. The proposed project does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.

14. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does not contain identified habitat. Therefore, the provisions of CCC Chapter 11.78, do not apply.
15. Pursuant to the Natural Resources Stream Typing Maps, there are no streams located on the subject property. Therefore, the development is not subject to CCC Chapter 11.78.
16. Chelan County GIS mapping indicates that the subject property is located within a potential geologic hazard area due to potential landslide hazards found on the property. Therefore, the provisions of CCC Chapter 11.86 would apply.
17. Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are located on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply to the project.
18. Pursuant to Revised Code of Washington (RCW) 27.53.020, if cultural resources are found, the applicant will be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes of the Colville Reservation, and Chelan County Community Development. No comments were received on the proposal from DAHP or Tribes.
19. Operation of the event venue within the existing home, accessory structure and landscaped property is anticipated to commence upon completion of all required conditions and permits.
20. The subject property will be accessed from a private driveway off of Stemilt Loop Rd.
21. Domestic water is currently supplied by an existing private well found on the property. A well log was submitted by the project proponents as part of their application materials.
22. Power is by an extension of the Chelan County PUD.
23. The subject property is currently served by a private septic system.
24. The applicant must comply with CCC, Chapter 7.35 Noise.
25. As conditioned, the visual impact is anticipated to be minimal. The proposed use is compatible to the current residential uses of the surrounding properties.
26. The Notice of Application was referred to surrounding property owners within 300 ft. (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on September 29, 2020 with comments due October 13, 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 Assessor		No Comment.
Chelan County Building Official	October 1, 2020	If the existing home is to be used for commercial purposes, the applicant must submit for a change of use permit pursuant to Chelan County Code Title 3.
Chelan County Fire Marshal	October 15, 2020	The subject property is located within Fire District #1. Alternate fire flow provisions are not necessary.
Chelan County Fire District No. 1		No Comment.

Agencies Notified	Response Date	Nature of Comment
Chelan Douglas Health District (CDHD)	October 21, 2020	Limit use of the existing septic system to 10 or fewer guests; all other guests must use the portable facilities provided for the event. Test domestic water prior to events. If plan to provide food and/or beverage service, existing well must become Group B public water system.
Chelan County Public Works (CCPW)	October 19, 2020	No road improvements are required to Stemilt Loop Rd. The applicant will be required to dedicate additional right-of-way to make right-of-way on Stemilt Loop Rd. 30' from centerline. Monumentation will be required to be placed on Stemilt Loop Rd. if not already monumented. No Traffic Impact Study required at this time. The private internal access must be constructed to meet a Rural Emergency Vehicle Access Road with an Emergency Vehicle Turnaround. The applicant will be required to show the dimensions and type of material proposed for the guest parking area in a general parking schematic submitted to Public Works. If improvements are required, the applicant is required to submit construction plans in accordance with Title 15 for approval prior to commencement of activities.
Chelan County PUD (PUD)		No Comment.
WA Dept. of Ecology	October 13, 2020	Limited to groundwater withdrawals of up to 5,000 gallons per day.
WA Dept. of Archaeology and Historic Preservation		No Comment.
Yakama Nation		No Comment.
Confederated Tribes of Colville	October 12, 2020	Requires an Inadvertent Discovery Plan prior to commencement of activities.

27. No public comments were received.
28. The subject project is categorically exempt from environmental review pursuant to WAC 197-11-800.
29. The application was submitted on September 8, 2020, with additional information submitted through September 24, 2020.

30. The Determination of Completeness was issued on September 24, 2020.
31. The Notice of Application was provided on September 29, 2020.
32. The Notice of Public Hearing was provided on November 21, 2020.
33. The purpose of the Rural Residential/Resource 10 (RR10) 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 "...intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component... home occupations; bed and breakfasts; and community facilities.”
 - 33.1 The Hearing Examiner has reviewed the proposed development for consistency with the Rural Residential/Resource 10 (RR10) designation. The applicant is proposing to utilize the landscaped property as well as the existing residence and accessory structure for an event venue.
 - 33.2 The proposed uses are consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
34. Chelan County Code Section 11.04.010 District Use Chart:
 - 34.1 The applicant is proposing to use an existing residence and accessory structure as an event venue. This use is listed as a Place of Public and Private Assembly in the district use chart, Chelan County Code (CCC) Section 11.04.020, and requires a conditional use permit (CUP) in the Rural Residential/Resource 10 (RR10) zoning district.
 - 34.2 The proposed use is permitted with an approved conditional use permit.
35. 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:
 - 35.1 All criteria required for a specific use by this chapter can be satisfied.
 - 35.1.1 Criteria for Places of Public and Private Assembly have been addressed below.
 - 35.1.2 Based on review of the application materials submitted, the criteria for this use can be satisfied.
 - 35.2 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.
 - 35.2.1 The subject property is located in the Rural Residential/Resource 10 (RR10); and the proposed use is allowed as a Conditional Use as identified in the District Use Chart in Chapter 11.04.
 - 35.2.2 The site plan of record, date stamped September 8, 2020, demonstrates the existing development meets the applicable zoning setbacks identified in CCC Section 11.10.020.
 - 35.2.3 The proposed use is not identified in CCC Chapter 11.90 for off-street parking. Pursuant to CCC Chapter 11.90.070, the administrator has

determined that the requirements would be 0.25 parking spaces for every attendee based on similar uses found in Table 11.90-3.

- 35.2.4 Landscaping for new commercial uses is required per CCC Chapter 15.50.020(1)(a). However, pursuant to CCC Section 15.50.055, existing conditions on the property such as the existing fencing and screening along the northern property line, the existing ornamental vegetation throughout the property, and existing structures make compliance impractical.
- 35.2.5 Based on the site plan of record, date stamped September 8, 2020, the proposed development meets the applicable requirements of CCC Chapter 11.10.
- 35.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 35.3.1 As proposed, the event venue meets the definition of Places of Public and Private Assembly as defined in CCC Section 14.98.1430
 - 35.3.2 The proposed development is located in a rural canyon outside of Wenatchee where residential development is spread out with significant areas of open space along with some agricultural use. The proposed event venue is targeting the scenic rural character of being high up on Stemilt Hill overlooking the surrounding area and down to the Columbia River below.
 - 35.3.3 As conditioned, the proposed use would be compatible with the character of the surrounding area.
- 35.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 35.4.1 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. The subject property is located within an area that is shown to have potential landslide activity per Chelan County GIS mapping. However, no new development is proposed for the proposed event venue use.
 - 35.4.2 As conditioned, the use will not be detrimental to the natural environment.
- 35.5 No conditional use permit shall be issued without a written finding that:
 - 35.5.1 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;
 - 35.5.2 Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
 - 35.5.3 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use.

- 35.5.4 No county facilities will be reduced below adopted levels of service as a result of the development
- 35.5.5 The proposed use is not anticipated to result in county facilities being reduced below adopted levels of service as a result. Chelan County Public Works indicated in their October 19, 2020 comment letter that no traffic impact study will be required at this time, but if the permitted uses change, additional review may be required.
- 35.5.6 As conditioned, the proposed use would not result in county facilities being reduced below adopted levels of service.
- 35.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 35.6.1 The proposed use of the subject property would include bringing porta-potties on site for events and for the events to be privately catered. In addition, the applicants have existing on site sanitation (septic system) and drinking water (private well). The Chelan-Douglas Health District indicated in their October 21, 2020 comment letter that the applicants will need to limit use of the existing septic system to 10 or fewer guests to prevent overload and failure of the septic system. All other guests must use the portable facilities provided for the event. Domestic water shall be tested prior to events for coliform and if the applicant ever plans to provide food and/or beverage services for events, the existing well will be required to become a Group B public water system. However, licensed food caterers are acceptable without this requirement if food prepared in advance.
 - 35.6.2 As conditioned, the proposed uses are not anticipated to result in an adverse impact on public health, safety and welfare.
- 35.7 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.
 - 35.7.1 Roads, ingress and egress: The subject property is accessed from a private driveway off of Stemilt Loop Rd., a county right-of-way.
 - 35.7.2 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
 - 35.7.3 Parking and Loading: As determined by the administrator, the applicant shall provide 0.25 parking spaces for every attendee (up to 100 attendees) for the proposed use of the subject property as an event venue.
 - 35.7.4 Domestic and Irrigation Water: Domestic water is from a private well. The property benefits from irrigation water from a private source.
 - 35.7.5 Sanitary Facilities: The property currently has an on-site septic system. Clients using the property as an event venue will be required to bring in porta-potties.
 - 35.7.6 Power: Power is provided by Chelan County PUD.

- 35.7.7 Fire Protection: The proposed development is located in Chelan County Fire District #1. Comments received from the Chelan County Fire Marshal, dated October 15, 2020, state that alternative fire flow provisions are not necessary for this project.
- 35.7.8 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.
- 35.8 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.
 - 35.8.1 Based on the application materials, and as conditioned, the proposed use of 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. No public comments were received indicating that nearby property owners were concerned with the proposal.
 - 35.8.2 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.
- 35.9 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.
 - 35.9.1 The use of the existing residence and the property for an event venue would be consistent with the goals and policies of the Rural Element of the Comprehensive Plan.
 - 35.9.2 The project is consistent with the Chelan County Comprehensive Plan.
- 36. Chelan County Code, Section 11.93.315: Places of Public and Private Assembly: The following minimum conditions shall apply to Places of Public and Private Assembly:
 - 36.1 The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.
 - 36.1.1 Applicant Response: “We are requesting to use our personal property, which is our permanent residence, for private events. Events will consist of primarily wedding of up to 100 guests, but reservations can also include family reunions, retreats, or other gatherings of up to 100 guests.”
 - 36.1.2 “Our property offers a fully landscaped 2.17 acres with its own nature trail, 1,260 sq. ft. shop, and the use of 1,800 sq. ft. of the lower level apartment in our home. This is all for the guests’ use. There is on-site parking available for up to 60 vehicles with an overflow area.”

- 36.1.3 “Our intent is to accept reservations from mid-June to mid-October and have up to 10 bookings during those 19 weeks; primarily weekends.”
- 36.1.4 “We will not be responsible for food or catering; all food and beverages would be brought in by the client.”
- 36.1.5 In their Vehicle Circulation Plan, the applicant determined that with an event capacity of 100 guests, they would need parking for up to 25 vehicles. According to the applicant, they have designated an area for parking for 50 to 60 vehicles on their property with an area for possible overflow. The applicant has indicated that there will be drivable access for individuals with handicaps for drop off or allowance for parking closer on the property to the event area. The driveway shall remain free of vehicles during events and there would be no shoulder parking on Stemilt Loop Rd. Clients/Wedding Coordinators would need to provide parking attendants for events.
- 36.1.6 The applicant provided a site plan that shows these proposed parking areas, date stamped September 8, 2020 respectively, which illustrate the location of activities and movement of vehicles on and off the property.
- 36.1.7 The applicant has indicated through the application materials that the subject property will be seasonally used as a venue for weddings, mostly on the weekends. The maximum number of guests they are proposing is 100 people. The site plan, date stamped September 8, 2020, and application materials indicate that events will be held on the open space around the existing residential structures.
- 36.1.8 Staff recommended that the applicant provide Chelan County Community Development with a letter demonstrating compliance with the conditions of approval, which includes but is not limited to, the parking requirements of 0.25 spaces per attendee (for a total of 25 parking spaces), as required by Chelan County Public Works prior to utilizing the subject property as an event venue.
- 36.2 The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.
 - 36.2.1 Applicant Response: “Our property offers a fully landscaped 2.17 acres with its own nature trail, 1,260 sq. ft. shop, and the use of 1,800 sq. ft. of the lower level apartment in our home. This is all for the guests’ use.”
 - 36.2.2 “There is a 6’ deer fence that runs along the property that separates our property and the property with the pond. In addition to that fence there is a large section that has a row of Lilacs that run along the fence/property. Our property borders two parcels on that side and there is also another 6’ deer fence that separates their properties.”
 - 36.2.3 “There is on-site parking available for up to 60 vehicles with an overflow area.”
 - 36.2.4 In their Vehicle Circulation Plat, the applicants determined that with an event capacity of 100 guests, they would need parking for up to 25 vehicles. According to the applicants, they have designated parking for 50 to 60 vehicles on their lawn with an area for possible overflow. There

is drivable access for individuals with handicaps for drop off or parking closer to the venue site. The driveway shall remain free of vehicles during events and there would be no shoulder parking on Stemilt Loop Rd. Clients/Wedding Coordinators would need to provide parking attendants for events.

- 36.2.5 Pursuant to CCC Section 15.50.055, due to the existing fencing and screening around the subject property, the existing ornamental vegetation throughout the property, as well as the existing structures on the subject property make compliance with the landscaping requirements impractical. An aerial view on Google Maps shows that there is indeed a row of trees in between the Knudtson's property and the adjacent property. There are also trees along the property's frontage of Stemilt Loop Road.
 - 36.2.6 The subject property is surrounded by agricultural properties and forested open spaces that are greater than 10 acres in size and no adjacent residences have expressed concerns regarding potential increases in traffic and parking associated with the proposed conditional use.
 - 36.2.7 As determined by the administrator, the proposal requires 0.25 parking spaces for every attendee (up to 100 attendees) for a total of 25 parking spaces required.
 - 36.2.8 As proposed, the landscaping requirements of Chapter 15.50 are not practical due to the existing screening, landscaping, and structures located on and throughout the subject property.
 - 36.2.9 Staff recommend that the applicant provide Chelan County Community Development with a letter demonstrating compliance with the conditions of approval, which include parking requirements of 25 parking spaces, as required by Chelan County Public Works prior to utilizing the subject property as an event venue.
- 36.3 The operation shall include adequate sanitary facilities based on proposed capacity.
- 36.3.1 Applicant Response: The applicant identifies their clients/wedding coordinators as being responsible for bringing in porta-potties for any event held on the property. In addition, there is an 1,800 sq. ft. apartment on the lower level of the home that can be used by the event organizers.
 - 36.3.2 The Chelan-Douglas Health District indicated in their October 21, 2020 comment letter that the applicants will need to limit use of the existing septic system to 10 or fewer guests to prevent overload and failure of the septic system. All other guests must use the portable facilities provided for the event. In addition, the applicant shall ensure that the domestic water is tested prior to events for coliform (bacteria) and that if the water supply tests positive that proper disinfection methods are taken to ensure that the water supply is clear of all bacteria.
 - 36.3.3 Staff recommended a condition of approval that the Chelan-Douglas Health District requirements must be met prior to utilizing the property as an event venue

- 36.4 The proposal will not reduce county facilities below adopted levels of service as a result of the development.
- 36.4.1 Applicant Response: No response
- 36.4.2 Chelan County has not adopted levels of service for any facility serving the proposed development. Comments received from Chelan County Public Works on October 19, 2020 state that no road improvements are required to Stemilt Loop Road; however, the applicant will be required to construct the private access easement to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) with an Emergency Vehicle Turnaround (Standard Plan PW-23 A or B). In addition, the applicant will be required to show the dimensions and type of material proposed for the guest parking area on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project. Lastly, the existing access to the County Road shall be brought up to the Commercial Driveway Approach standard, per Title 15.30, Appendix A, Standard Plan PW-26. In addition, the applicant shall meet the parking lot design requirements of CCC Section 11.90.030.
- 36.4.3 Staff recommended that the applicant provide Chelan County Community Development with a letter demonstrating compliance with the conditions of approval required by Chelan County Public Works prior to utilizing the subject property as an event venue.
- 36.5 Administrative review of the operation to determine compliance with conditions of approval shall be performed in the first and fifth year of operation, or upon receipt of a written complaint.
- 36.5.1 Applicant Response: No response.
- 36.5.2 The administrative review helps ensure compliance with the requirements. The primary areas include parking requirements as well as the conditions of approval by Public Works.
- 36.5.3 Staff recommended a condition of approval that permits a review, at the Administrator's discretion, by the Hearing Examiner at the conclusion of years one and five years of operation or upon receipt of written complaint. Staff is recommended that the applicant submit a review letter to Chelan County Community Development by December 31st in the first and fifth years of operation or upon receipt of a written complaint and as directed by Chelan County Community Development.
- 36.6 All events and activities shall comply with Chapter 173-60 WAC, Noise.
- 36.6.1 Applicant Response: "All events and activities shall comply with Chapter 173-60 WAC. All noise related activity shall cease at 9:30 pm; including, but not limited to, music, DJ announcements and use of PA system."

- 36.6.2 Chelan County has adopted noise regulations. The applicant is required to meet the Chelan County Code Chapter 7.35 for noise controls.
- 36.6.3 Staff recommends that noise be evaluated as part of the one and five year compliance review.
- 36.7 The proposal shall include the maximum number of attendees (baseline) which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements.
 - 36.7.1 Applicant Response: “Events will consist of primarily weddings of up to 100 guests, but reservations can also include family reunions, retreats, or other gatherings of up to 100 guests.”
 - 36.7.2 “We want to offer a peaceful, well manicured, open setting. We plan to accommodate up to 100 guests and up to 60 vehicles.”
 - 36.7.3 “We will not operate year round, but rather from mid June to mid October depending on weather. Day of operation will be primarily weekends with up to 10 bookings during said time frame.”
 - 36.7.4 The applicant has indicated the maximum number of people would be 100.
 - 36.7.5 The use of the subject property as an event venue shall be limited to June 1st through October 31st of each calendar year. Staff recommended that the maximum number of attendees be evaluated as part of the one and five year compliance review with respect to parking spaces, traffic flow, occupancy load and building standards including restroom requirements.
- 36.8 If a school is to be included in the facility as a separate structure, the criteria of Section 11.93.190 shall be met in addition to any other applicable criteria.
 - 36.8.1 Based on the application materials, no school is proposed.
 - 36.8.2 This provision does not apply.
- 36.9 If a daycare center/preschool is to be included in the facility, the criteria of Section 11.93.160 shall be met in addition to any other applicable criteria.
 - 36.9.1 Based on the application materials, no daycare center/preschool is proposed.
 - 36.9.2 This provision does not apply.
- 36.10 For churches and religious facilities, one single-family dwelling unit may be included in addition to the facility for the residence of the cleric/priest/pastor/etc.
 - 36.10.1 Based on the application materials, no church or religious facility is proposed.
 - 36.10.2 This provision does not apply.
- 37. An open record public hearing after due legal notice was held using Zoom video conferencing on December 2, 2020.
- 38. The Applicant was given notice of the date, time and manner of the hearing. The Applicant did not appear at the hearing.

39. No member of the public attended the hearing.
40. The Hearing Examiner left the record open until 5:00 p.m. on December 2, 2020, for the Applicant to submit written comments. This was because the Applicant advised the Hearing Examiner that the Applicant was unable to connect to the Zoom meeting.
41. Before 5:00 p.m. on December 2, 2020, the Applicant submitted written comment, which written comment is admitted into the record.
42. That comment addressed issues surrounding parking, and sanitary facilities for the event.
43. The Hearing Examiner has considered the Applicant's comments and has revised the Conditions of Approval to allow for some flexibility in the event Chelan County Public Works and/or the Chelan – Douglas Health District agree.
44. 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.
45. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. The proposed uses are consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
3. The proposed use is permitted with an approved conditional use permit.
4. Based on review of the application materials submitted, the criteria for this use can be satisfied.
5. Based on the site plan of record, date stamped September 8, 2020, the proposed development meets the applicable requirements of CCC Chapter 11.10.
6. As conditioned, the proposed use would be compatible with the character of the surrounding area.
7. As conditioned, the use will not be detrimental to the natural environment.
8. As conditioned, the proposed development would not have an adverse impact on public health, safety and welfare.
9. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use
10. As conditioned, the proposed use would not result in county facilities being reduced below adopted levels of service.
11. As conditioned, the proposed uses are not anticipated to result in an adverse impact on public health, safety and welfare.
12. 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.
13. 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.
14. The project is consistent with the Chelan County Comprehensive Plan.

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

III. 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 Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, 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.
3. Pursuant to Chelan County Code 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.
4. 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.
5. Pursuant to CCC Chapter 11.93, the proposed use is not authorized unless and until all listed conditions are satisfied.
6. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including the site plans date stamped September 8, 2020 or as amended by this decision.
7. Pursuant to CCC Chapter 11.93, the applicant is authorized to use the subject property as a Place of Public and Private Assembly for various events. The number of guests will be no more than 100 in strict accordance with the standards established by this decision and any conditions imposed by the Hearing Examiner
8. Pursuant to CCC Section 11.93.315(5), the applicant shall submit a compliance report to Community Development by December 31st of the first year and fifth year of operation. The report shall include documentation regarding how each condition of approval is being meet.
9. Pursuant to CCC Section 11.90.060, the applicant will need to provide 0.25 parking spaces per attendee for a total of 25 parking spaces.
 - 9.1. The parking lot design requirements described in CCC Section 11.90.030 shall be met and reviewed by Public Works as part of their condition of approval.
 - 9.2. The placement of gravel on all parking areas may be modified so long as approved by Chelan County Public Works.
10. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan-Douglas Health District memorandum dated October 21, 2020:
 - 10.1. Limit use of the existing septic system to 10 or fewer guests to prevent overload and failure of the septic system, provided this condition is subject to modification by Chelan-

- Douglas Health District in the event the Applicant's offer for additional pumping is allowed.
- 10.2. All other guests must use the portable facilities provided for the event.
 - 10.3. Ensure domestic water is tested prior to events for coliform (bacteria); if positive test results, take proper disinfection methods to ensure water quality is clear of all bacteria.
 - 10.4. If event provider plans to provide food and/or beverage service, the existing well will be required to become a Group B public water system. However, licensed food caterers are acceptable without this requirement if food prepared in advance.
11. 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 October 19, 2020:
- 11.1. Primary Access. No road improvements required to Stemilt Loop Road.
 - 11.2. Primary Access: Pursuant to CCC Section 11.88.070(3); and Chapter 4, Sec. 6.14 of the Chelan County Transportation Element, the applicant is required to dedicate additional right-of-way to make the right-of-way on Stemilt Loop Road 30' from centerline. This right-of-way dedication shall be done by deed. You will need to have a surveyor verify the right-of-way and provide a survey to the County. The survey shall indicate the existing right-of-way and the portion being dedicated so that your surveyor can establish a legal description for that dedicated right-of-way for the deed.
 - 11.3. Primary Access: Pursuant to CCC Section 15.30.825 monumentation will be required to be placed on Stemilt Loop Road if not already monumented.
 - 11.4. Primary Access. 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.
 - 11.5. Pursuant to CCC Section 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.
 - 11.6. Pursuant to CCC Chapter 15.30, the applicant will be required to construct the Private Internal Access at a minimum, to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) with an Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) within the proposed project.
 - 11.7. The applicant will be required to show the dimensions and type of material proposed for the guest parking area on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project.
 - 11.8. **If** improvements are required, the applicant is required to submit construction plans and reports in accordance with Title 15. The plans must be submitted simultaneously under one Letter of Transmittal. The applicant will be required to have the Construction Plans approved by Chelan County Public Works Department prior to construction. The following are the minimum construction plan elements:
 - 11.8.1 Road Improvement Plan (including location of utilities).
 - 11.8.2 Erosion and Sedimentation Control Plan.
 - 11.8.3 Lot Access Plan.
 - 11.8.4 Signage Plan.
 - 11.8.5 Drainage Report & Plan
 - 11.9. A Pre-Construction Meeting with the owner/contractor and Chelan County Public Works Department will be required prior to commencement of access road construction.

- 11.10. The applicant will be required to show the dimensions and type of material proposed for the guest parking area on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project.
- 11.11. The applicant will be required to submit signed As-built Construction Plans by the applicant's engineer prior to Chelan County Public Works issuing final approval.
- 11.12. Pursuant to CCC Section 12.08.020, the applicant will be required to demonstrate legal and perpetual access for the proposed Event Facility.
- 11.13. Pursuant to CCC Section 15.30.340, the applicant will be required to construct the access approach onto Stemilt Loop Road to meet an Industrial/Commercial Driveway Approach (Standard Plat PW-26). The applicant will be required to obtain a Chelan County Approach Permit prior to constructing the Commercial Driveway Approach. The approach apron will be required to be paved.
- 11.14. Pursuant to CCC Section 13.18.030(9) **if** a Drainage System is required, show any necessary easements in accordance with the approved drainage plan;
- 11.15. Pursuant to CCC Chapter 13.18, A Drainage Report & Plan will be required to be submitted to Chelan County Public Works if any new impervious surface of 5000 square feet is created and must be reviewed and approved. This shall be completed during the submittal of any building permits.
- 11.16. **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."
12. Pursuant to CCC Section 11.93.030, a letter of compliance from Chelan County Public Works demonstrating that their conditions of approval have been met shall be submitted by the applicant to Chelan County Community Development prior to using the subject property as an event venue.
13. Pursuant to Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, 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.
14. 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.

15. 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.
16. Pursuant to the application materials, the events shall take place between June and October 15 of each year, all events and activities shall comply with Chapter 173-60 WAC, Noise, all noise related activity shall end by 9:30 pm, including but not limited to music, DJ announcements and us of the PA system, all parking shall occur on site, events shall be limited to 100 guests, and no food preparation shall occur on site as all food and beverages shall be catered and brought onsite already prepared.

IV. DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 20-015 is hereby **APPROVED**.

Dated this 3rd day of December, 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.