

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF
CUP 20-008
Bronsin Haueter

RECEIVED
JAN 20 2021
CHELAN COUNTY
COMMUNITY DEVELOPMENT

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on January 6, 2021, 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 was requested by Roy "Bronsin" Haueter for the addition of 13 RV spaces within an existing unpermitted minor RV park. The existing parcel is 2.38 acres in size. The existing operation has nine mobile homes and three cabins with campsites.
2. The applicant/owner is Roy "Bronsin" Haueter, 1888 E. Best Ave., Coeur d' Alene, ID 83814. The Applicant's agent is Julie Norton.
3. The subject property is located at 3601 Self's Motel Road, Cashmere, WA 98815.
4. The parcel number for the subject property is 23-19-11-220-400.
5. The subject property is not located within an Urban Growth Area (UGA).
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Residential (RR-5).
7. Prior to 1963, the Self's Motel was placed on site and consisted of an office manager's residence and three, one bedroom, one bath, cabins. The applicant has stated that the Motel is not being used.
8. On October 14, 1963 a special use permit, file #289, was approved for the placement of three (3) independent trailers and six (6) camper trailer spots with a bathhouse.
9. In 1998, a code violation file, CV 98-054, was opened to address the number of trailers on-site. This violation was resolved with an agreement that a total of nine (9) mobile homes (or spots) rather than trailers and campers could be placed.
10. A second code violation, file CE 2014-0026 was opened to address the placement of a double-wide manufactured home and an addition to a separate mobile home. In May of 2014, a site visit determined that the current use has ten (10) mobile homes and two (2) RV spots along with the Motel cabins and manager's residence. With this application the applicant is proposing removing one single-wide mobile home and is requesting a total of eighteen (18) RV spaces, two existing and sixteen new.
11. Regardless of the decision on this application, in order to resolve the outstanding code violation, CE 2014-0026, at a minimum, the applicant will need to reduce the number of mobile homes to nine units and obtain a building permit for placement of the double-wide pursuant to existing zoning and building codes.

12. On June 3, 2015, the Hearing Examiner approved CUP 2014-326, which authorized eighteen (18) RV spaces in an existing mobile home park (reference special use permit #289, containing nine (9) mobile homes and an existing motel containing three (3) cabins with one manager's residence). The applicant proposed forty-eight (48) parking spaces with an internal trail system for existing mobile home accesses, recreational space, fencing along most of the perimeter and related infrastructure.
13. On June 3, 2018, CUP 2014-326 expired and the applicant stated they wish to abandon the development.
14. The existing 3 cabins contain 7 separate residential units and the existing house contains 3 separate residential units. However, staff could not find any permits converting the cabins or house into multiple units.
15. During a site visit conducted on September 2, 2020, staff observed 5 RV's currently on the subject property. None of these RV's are located on site with proper permits
16. The subject property is sparsely vegetated with a few trees and the grass and is generally flat in nature.
17. The property to the north is Red Apple Road, a county right of way. Commercial Agriculture (AC) zoning, in agricultural use
18. The property to the south is Self's Motel Road, a county right of way. Zoned Rural Residential 5 - orchard use with one residence
19. The property to the east is Rural Residential 5 - orchard use with one residence
20. The property to the west is Rural Residential 5 - orchard use.
21. The applicant submitted an Aquifer Recharge Disclosure Form dated March 3, 2020. The proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82.
22. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species data, the subject site contains habitat area for Mule Deer. Therefore, the provisions of Chelan County Code Chapter 11.78 do apply.
23. 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.
24. Pursuant to Chelan County Code Section 11.86.202, the site is near an earthquake fault line. Therefore the provisions of the Chelan County Code Chapter 11.86 apply. A geological site assessment was not submitted with the application. One would be required for ALL new or after-the-fact building permits on this property.
25. Pursuant to 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.
26. Construction is proposed to commence upon receipt of all required permits.
27. The subject property is accessed off of Self's Road and Red Apple Road. Self's Road is a 60-foot right-of-way and is classified as a Rural Local Access Road in the County road system. Red Apple Road is a 45-foot right-of-way and is classified as a Rural Local Access Road in the County road system.
28. Domestic water service shall be by expansion of the Country Cabins & Mobile Park, a public water system.

29. Chelan County PUD provides electrical services to the subject property.
30. Per email dated November 5, 2020, soil/site evaluations for placement and design of onsite sewage system would be required prior the CUP approval.
31. The applicant must comply with CCC, Chapter 7.35 Noise. Noise is similar to other public uses.
32. The applicant submitted an environmental checklist with application on March 3, 2020. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and a Determination of Non-significance (DNS) was issued on June 2, 2020. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
33. 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 April 7, 2020 with comments due April 21, 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 | April 7, 2020 | |
| Chelan County Building Official | No Comment | |
| Chelan-Douglas Health District | April 21, 2020 and June 15, 2020 | |
| Chelan County Public Works | April 21, 2020 | |
| Chelan County PUD | No Comment | |
| Chelan County Fire District No.6 | No Comment | |
| Cashmere School District | No Comment | |
| WA Dept. of Archaeology and Historic Preservation | No Comment | |
| Yakama Nation | No Comment | |
| Confederated Tribes of Colville | April 8, 2020 | |
| WA Dept. of Ecology | No Comment | |
| Chelan County Code Enforcement | April 8, 2020 | |
| Wenatchee Reclamation District | April 7, 2020 | |

34. Public comment was received from Michael Addleman on April 27, 2020, with additional pictures submitted on September 10, 2020. Mr. Addleman has concerns of noise mitigation,

- waste/excrement disposal, management of site use, non-compliance and absence of owner, too many cars on the property, and unpermitted RV's on the property.
35. Public comment was received from Rod Grams on April 21, 2020. Mr. Grams has concerns of the owner's past non-compliance, septic issues, waste disposal, fencing, too many cars, etc.
 36. Public comment was received from Dale Jones on August 7, 2015, January 28, 2015, April 14, 2020 and August 26, 2020. Mr. Jones is concerned that the septic and drainfield size has been "embellished." He is also concerned about the current residents, discarded appliances and dead car bodies.
 37. Public comment was received from Michelle Green on behalf of Dale Jones on October 15, 2020. Ms. Green is concerned that if required to fence the entire property Mr. Jones' property would be compromised.
 38. Public comment was received from Tammy Keogh on April 21, 2020.
 39. The application materials were submitted on March 3, 2020.
 40. A Determination of Completeness was issued on March 12, 2020.
 41. The Notice of Application was provided on April 7, 2020.
 42. The Notice of Public Hearing was provided on August 1, 2020 (continued), August 12, (continued), September 2, (continued), September 16, (continued), October 21, 2020 (continued), November 18, 2020 (continued), December 16, 2020 (continued), and January 6, 2021.
 43. Chelan County Comprehensive Plan. The proposed RV Park is located on a parcel located in a Rural Residential/Resource 5 (RR5), the existing development would be reviewed under the Rural Residential/Resource 5 (RR5) criteria and provisions. 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.
 44. Chelan County Code, Chapter 11.12.010: Rural Residential/Resource 5 (RR5) - 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, a "*recreational vehicle park (RV)/campgrounds, minor*" is allowed with approval of a conditional use permit.
 - 44.1 "Minor RV parks" pursuant to Chelan County Code Section 14.98.1534(2), is defined as "developed campgrounds having fifty (50) or fewer camp or RV sites, cabins and/or lodge units as allowed."
 45. 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:
 - 45.1 All criteria required for a specified use by this chapter can be satisfied.
 - 45.1.1 Criteria for a minor RV park have been identified below.
 - 45.1.2 Based on review of the application materials submitted, the Hearing Examiner finds that the criteria for a minor RV park cannot be satisfied.
 - 45.2 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.

- 45.2.1 The site plan of record, date stamped October 26, 2020, demonstrates the proposed development would not meet applicable zoning setbacks identified in CCC Section 11.12.010.
- 45.2.2 In review of the proposed development staff has the responsibility to look the cumulative impact of the property, the mobile home park, cabins and the proposed RV Park. The five (5) mobile homes shown on the north side of the property do not meet the front yard setback of twenty-five (25) feet.
- 45.2.3 Landscaping and buffer yards are required pursuant to Chelan County Code (CCC) 11.93.330(10).
- 45.2.4 Based on the site plans of record, date stamped October 26, 2020, the Hearing Examiner finds that the proposed development does not meet the applicable zoning and critical areas regulations.
- 45.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 45.3.1 The property is zoned RR5. A minor RV Park is allowed to operate with an approved CUP. The neighboring properties are zoned RR5 as well, but currently used for existing orchard. The Hearing Examiner finds that the proposed use of an additional 13 RV site does not meet the character or the intensity of the surrounding area. The majority of the surrounding properties are orchards with single family residences.
 - 45.3.2 The Hearing Examiner finds that due to the intensity of the project in conjunction with the surrounding properties, the use is ultimately not compatible.
 - 45.3.3 The Hearing Examiner finds that the proposed development would be incompatible with the surrounding uses or character.
- 45.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 45.4.1 The subject property is not identified as a classified resource land but is located within Mule Deer habitat.
 - 45.4.2 As conditioned, the proposed development would not be detrimental to the natural environment.
- 45.5 No conditional use permit shall be issued without a written finding that:
 - 45.5.1 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.
 - 45.5.2 No county facilities will be reduced below adopted levels of service as a result of the development.
 - 45.5.3 Chelan County provided a Notice of Application to all providers. Received comments are included in the file of record.

- 45.5.4 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
- 45.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 45.6.1 Based on the application materials, the proposed minor RV Park does not meet adequate measures for health, safety, and welfare.
 - 45.6.2 The utility design submitted with the application is cluttered and unclear regarding the existing septic system and proposed septic system locations. It appears that the five (5) mobile home were placed over the existing system. The internal road system does not meet the minimum widths.
- 45.7 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.
 - 45.7.1 Roads, ingress and egress: The subject property is located on two different county rights of way, Self's Road and Red Apple Road. Access is limited to the two existing access points on Self's Rd. according to Chelan County Public Works Department.
 - 45.7.2 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
 - 45.7.3 Parking and Loading: Parking is required at a rate of one space per RV site. Per site visit on August 17, 2018 and September 2, 2020, the existing onsite parking does not match the site plan dated October 26, 2020.
 - 45.7.4 Domestic and Irrigation Water: Domestic water would be by expansion of the County Cabins & Mobile Park. Irrigation water is provided by the Wenatchee Reclamation District.
 - 45.7.5 Sanitary Facilities: The applicant has submitted a soil evaluation and proposed septic design to the Chelan-Douglas Health District for the proposed 6 RV sites date stamped October 5, 2020. The Chelan-Douglas Health District has not yet approved submitted design.
 - 45.7.6 Power: Power is provided by Chelan County PUD.
 - 45.7.7 Fire Protection: Fire protection is provided by Chelan County Fire District No. 6.
- 45.8 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.
 - 45.8.1 Noise and Vibration: Noise and vibration would likely be minimal during the proposed use. Noise is regulated by CCC Chapter 7.35.
 - 45.8.2 Light and Glare: Light and glare is regulated by CCC Section 11.88.080.

- 45.8.3 Heat, Steam, Odors, Smoke and Dust: The proposed development would not generate heat, steam, odors, smoke or dust.
- 45.8.4 Erosion: The subject property is not located within a geologically hazardous area for erosive soils. A geological assessment is not required with this application.
- 45.8.5 Water Quality: The proposed development may have an impact to the water quality of the mobile home park and the proposed RV Park due to the fact that there are currently 5 separate septic systems on the property and at least one has failed.
- 45.8.6 Wastes and Physical Hazards: No hazards were identified.
- 45.8.7 Electrical Disturbance: The proposal would not result in electrical disturbances.
- 45.8.8 Based on the above findings, 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 could be avoided or mitigated.
- 45.9 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.
 - 45.9.1 If the proposed development was in accordance to the RV Park/campground criteria in Chelan County Code Section 11.93.330, it would be consistent with the goals and policies of the Chelan County Comprehensive Plan and Chelan County Code.
 - 45.9.2 By design, this development does not meet the criteria in the Chelan County Comprehensive Plan and Chelan County Code.
- 46. Chelan County Code, Chapter 11.93.330: Recreational vehicle parks/campground - The following minimum conditions shall apply to major recreational vehicle (RV) parks/campgrounds, minor recreational vehicle (RV) parks/campgrounds, and small-scale recreational and tourist uses:
 - 46.1 Location of an RV Park/Campground.
 - 46.1.1 The location of the proposed minor RV park is adjacent to two (2) public right-of-ways, Selfs Road and Red Apple Road. The existing parcel is relatively flat. Although the parcel is within an earthquake fault zone and would require a geologic site assessment.
 - 46.1.2 Based on review of the application materials submitted, the applicant would need to submit a geologic site assessment prior to permit approval.
 - 46.2 RV Park Site Requirements.
 - 46.2.1 Each RV site is required to be 1,250 sf with a minimum width a 25' and a maximum allowed average unit density of 25 units per acre. All units shall observe a minimum 10' distance between RV's and unattached structures
 - 46.2.2 Based on the site plan of record, date stamped October 26, 2020 two (2) of the RV's do not meet the 10' separation requirement.
 - 46.3 RV Park Road System.

- 46.3.1 Based on the comment letter provided by Chelan County Public Works, the department would need additional information to properly analyze the development, i.e. internal road and emergency turn-around. No access would be permitted from Red Apple Road, which would require internal circulation and internal access to all existing units and proposed RV's. An emergency access gate and knox box shall be installed on Red Apple Road in lieu of turn-around.
- 46.3.2 The applicant has not indicated how access from Red Apple Road would be removed and the mobile homes would gain access via an internal road system.
- 46.3.3 The internal circulation has not been adequately addressed per the comments received from the Chelan County Public Works.
- 46.4 Off-Street Automobile Parking Facilities.
 - 46.4.1 Based on the development narrative, the applicant requested the addition of 13 RV sites and each site is required to have one (1) off-street parking space.
 - 46.4.2 This provision has been met, although per the utility site plan, some of the parking spaces come very close to the reserve drainfield, which is not permitted. If the CUP were to be approved, a condition of approval is recommended to verify all RV and parking spaces are not over any septic systems or reserve drain fields. Pursuant to the septic permit submitted to Chelan County date stamped October 5, 2020 the site plan shows 2 RV's located over previously dedicated parking per the site plan of record..
- 46.5 Sewage Disposal Requirements.
 - 46.1.1 Based on the narrative submitted, the applicant states that each RV site would be connected to the septic system.
 - 46.1.2 Per the email dated November 4, 2020 from the Chelan-Douglas Health District, correspondence was sent to the applicant on October 23, 2020 stating the need to provide an updated design. The site plans submitted to the county on October 26, 2020 do not show a revised septic system design to meet the 6 RV's. Therefore, the health district cannot approve this proposed development.
- 46.6. Fire Protection Standards.
 - 46.6.1 Both the Chelan County Fire Marshal and the Chief of Fire District 6 met with the applicant and reviewed the application material. The Fire Marshal determined alternate fire flow provisions would be necessary.
 - 46.6.2 Per the comment letter from the Chelan County Fire Marshal dated April 21, 2020, a cistern having a minimum size of 3,000 gallons would be required in lieu of alternate fire flow, a fire apparatus access road designed in accordance with Chelan County Code Chapter 15.30 and a possible fence with a knox box on Red Apple Road. The updated site plan dated October 5, 2020 showing cistern, also shows designated parking in front of the cistern which is not permitted.
- 46.7. Solid Waste.
 - 46.7.1 The site plan of record date stamped March 3, 2020, shows the locations where the existing solid waste is being collected.
 - 46.7.2 This criteria has been met.
- 46.8. Utilities.

- 46.8.1 There is not a public sewer truck line within 500' of the proposed RV Park. On the Utility Plan supplied by the applicant, it appears to meet the requirement although the site plan extremely congested and difficult to review..
- 46.8.2 The applicant is proposing private on-site sewage disposal and treatment.
- 46.9 Sanitary Dump Stations.
 - 46.9.1 A septic line would be extended to each RV space. Therefore, this code section does not apply.
- 46.10 Perimeter Buffer Yards, Landscaping, Fencing, Landscape Materials.
 - 46.10.1 The development does have a 25' wide buffer that fronts on Selfs Road but the proposal would also need a 25' wide buffer on Red Apple Road as both are public right-of-ways. The intent of the buffer is to create a landscape screen and fence to reduce undue negative impact on the surround properties..
 - 46.10.2 The applicant intends to fence the entire property, only limiting the height of the fence on the Selfs Road property line to 4' tall; the rest would be 6' tall..
 - 46.10.3 The applicant intends to plant 5 trees and grass shrubs per the submitted landscape plan.
 - 46.10.4 By design this development does not meet the criteria within this Chelan County Code Section.
- 46.11 Recreation Areas.
 - 46.11.1 The site plan of record date stamped October 26, 2020, labeled 12,200 square feet of open grass recreation area.
 - 46.11.2 The applicant appears to have met the recreation areas criteria.
- 46.12 Lighting.
 - 46.12.1 Based on the utility plan submitted with the application, 3 yard lights are proposed, with one located near the entrance off Selfs Road.
 - 46.12.2 This criteria has been met.
- 46.13 Signs. Signs and advertising devices shall be permitted in an RV park as follows:
 - 46.13.1 A sign is proposed to be placed along the Selfs Road. No other details were submitted with the application. To place a sign in Chelan County, it would have to meet Chelan County Code Chapter 11.92 and would require a building permit.
 - 46.13.2 The Applicant would need to submit a sign building permit for review and approval.
- 46.14 One single-family dwelling unit shall be permitted for an on-site manager's residence.
 - 46.14.1 The narrative states the manager's residence would be in one of the existing buildings.
 - 46.14.2 This criteria has been met.
- 46.15 Required Plan.
 - 46.15.1 Based on comment letter received from Chelan County Public Works, a pre-construction meeting with the applicant would be required to ensure that the proposed internal roadway system would meet the required criteria of Chelan

County Section 11.93.330(3). An approved construction plan would be required to be provided to Public Works prior to the activity commencing.

46.15.2 To ensure that the proposed roadway system, RV sites, and parking would be in compliance with this section, staff recommends that a letter of compliance be submitted by the applicant prior to the commencement of the approved RV Park activities, pursuant to Chelan County Code Section 11.93.030. To date an internal circulation plan has not been submitted that has addresses the 'no access'

46.16 Minor Recreational Vehicle Spaces, Camp Sites, Cabins and/or Lodge Units Allowed (50

46.16.1 The site currently has 9 mobile home sites, 3 cabins with 7 units and a house with 3 units. The proposed RV Park would have 13 RV sites. The total density of the 34 units.

46.16.2 This criteria has been met.

46.17 Lodge and Cabin Units.

46.17.1 There are 3 existing cabins and 1 'house' on the property. Based on the site visit on August 14, 2018 and September 2, 2020, all 3 cabins and the house have been converted to duplexes and triplexes. After-the-fact building permit is required for each structure to ensure they meet building safety standards.

46.17.2 The 3 existing cabins and 1 house comply with standards for a minor RV Park.

46.18 Accessory Structures.

46.18.1 The application does not reflect any accessory structures other than what's been presented on the site plan of record date stamped October 26, 2020.

46.18.2 If in the future, the applicant would like to change or add a service, the conditional use permit would have to be amended.

47. The subject property is within a geologically hazardous area due to an earthquake fault line. Therefore, a geo assessment is required.

48. Based on an additional meeting staff had with the applicant and their attorney as well a site visit conducted September 2, 2020, the submitted narrative does not accurately account for what is currently existing on the subject property. The existing 3 cabins contain 7 separate residential units and the existing house contains 3 separate residential units. There are currently 5 RV's on the subject property that are not permitted.

49. A septic system application has been to both Chelan County and the Chelan-Douglas Health District submitted but per the email dated October 23, 2020 the design is only for 6 sites not 13 sites. Therefore, pursuant to Chelan county records, the Chelan-Douglas Health District has deemed the application incomplete/inconsistent.

50. Based on the code one of the requirements is fencing the entire RV park. All the mobile homes on the north side of the property, those near Red Apple Road, are within the 25' buffer would need to be relocated so a so a fence could be placed. To date the applicant has not submitted an internal road circulation necessary to access the mobile homes.

51. The International Building Code does not recognize RV's as habitable space as they cannot meet the energy code, snow load or structural integrity to provide safe housing. The applicant shall ensure and maintain: a) no skirting of RVs is allowed; b) all RV's shall be in operable condition with active license tabs; and c) no additional structures are permitted, including, but not limited to decking, covers or storage areas of any size.

52. Although per the utility site plan, some of the parking spaces come very close to the reserve drainfield, which is not permitted.
53. Per the email dated November 4, 2020 from the Chelan-Douglas Health District, correspondence was sent to the applicant on October 23, 2020 stating the need to provide an updated design. The site plans submitted to the county on October 26, 2020 do not show a revised septic system design to meet the 6 RV's; therefore, the health district cannot approve this proposed development.
54. Per the comment letter from the Chelan County Fire Marshal dated April 21, 2020, a cistern having a minimum size of 3,000 gallons would be required in lieu of alternate fire flow, a fire apparatus access road designed in accordance with Chelan County Code Chapter 15.30 and a possible fence with a knox box on Red Apple Road. The updated site plan dated October 5, 2020 showing cistern, also shows designated parking in front of the cistern which is not permitted.
55. An open record public hearing after due legal notice was held on January 6, 2021.
56. The entire planning staff file was admitted into the record at this hearing.
57. Appearing and testifying on behalf of the Applicant was Julie Norton. Ms. Norton is the attorney for the Applicant and was authorized to appear and speak on the Applicant's behalf. Ms. Norton testified consistent with her written materials. Ms. Norton placed significance on the approval of CUP 2014-326, which would have more recreational vehicles than that currently proposed. Ms. Norton requested that the staff report and prior decision on CP2014-326 be admitted into the record. The Hearing Examiner denied this request because this is a new application on new facts. Ms. Norton testified that the project had gone through various planners and multiple staff reports and that previous staff had recommended approval of the permit, but staff is now recommending denial. Ms. Norton testified that the project would eventually meet all County regulations, despite the inadequacies of the application materials set forth by staff in the staff report. Ms. Norton requested longer limits for times of stay in the recreational vehicles. She requested a 180 day limit. The Hearing Examiner finds that this is evidence of the Applicant's intent that the RV's be used for long-term housing.
58. The Hearing Examiner finds that the Applicant has multiple ongoing violations on the site that the Applicant has not taken any concrete action to resolve. Instead, the Applicant has submitted this application, asking for new RV sites and other uses on the property, without resolving existing deficiencies on the site.
59. Testifying from the public was Michelle Green. Ms. Green testified that she is an attorney and is representing Dale Jones at this hearing. Ms. Green indicated that her client agreed with the staff report and the recommendation for denial. Ms. Green pointed out the past and current Code violations demonstrating that the Applicant has a history of non-compliance with the Code, regardless of permits received. Ms. Green testified consistent with her written materials on file.
60. Also testifying from the public was Mike Addleman. Mr. Addleman testified that he lives adjacent to the subject property. He testified as to his observations of cars parking on Red Apple Road, activity that he believed was drug activity, that there was a port-a-potty on site (now removed) for a long period of time and that there is a doublewide trailer on the site. Mr. Addleman testified consistent with his written materials on the record. He indicated that he was the person who provided the drone video footage of the site.
61. Testifying for the County was Marcus Foster, attorney for Chelan County. Mr. Foster testified as the existing significant nuisance issues with the property. There is criminal activity on the property. There are many Code inconsistencies with the application. He indicated that the County was not confident that any conditions of approval would be met. Mr. Foster indicated that the

RV's on the site are being used for permanent residency. The nuisance issues relating to the property add to the inconsistency of this project with neighboring uses.

62. Staff Planner, Jamie Strother, also indicated that on the site plan, no setbacks for the RV's or mobile homes are shown. She also indicated that there are duplexes and triplexes on the site.
63. Andrew Brunner from Chelan County Public Works also testified. He indicated that the site plans are confusing and inconsistent with what was actually on the site. Construction plans still needed to be submitted and approved. He indicated that the site plans that have submitted are not accurate. He indicated that the existing trailers are directly accessing Red Apple Road, which is not consistent with the Chelan County Code.
64. In rebuttal, Ms. Norton testified that the Applicant has already received septic approvals from the Health Department, that the Code violation for the fence is because the fence is four inches too tall. She indicated that the Applicant had only owned the property for the past 8 years.
65. 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. Based on the facts found above, the criteria for a minor RV park are not satisfied.
3. Based on the site plans of record, date stamped October 26, 2020, the proposed development does not meet the applicable zoning and critical areas regulations.
4. The proposed development would be incompatible with the surrounding uses or character.
5. The proposed development would not be detrimental to the natural environment.
6. This application is inconsistent with the Chelan County Code.
7. By design, this development does not meet the criteria in the Chelan County Comprehensive Plan and Chelan County Code.
8. Based on the site plan of record, date stamped October 26, 2020 two (2) of the RV's do not meet the 10' separation requirement.
9. Perimeter Buffer Yards, Landscaping, Fencing, Landscape Materials - by design this development does not meet the criteria within this Chelan County Code Section.
10. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

III. DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 20-008 is hereby **DENIED**.

Dated this 20th day of January, 2021.

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.