

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

RECEIVED

IN THE MATTER OF

CUPA 21-336

Chelan Ridge Holdings, LLC

)
SEP 28 2021

)
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 22, 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 Amendment to amend CUP 2004-020 to include an 800 sq.ft. open-air pavilion along with a 600 sq.ft. deck to be used for a pizza oven as well as additional wine tasting and food sales. CUP 2004-020 was a request for "Places of Public and Private Assembly", "Winery", and "Accessory uses, which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity" to allow for the operation of a 6,000 sq.ft. winery, an attached 1,800 sq.ft. tasting room, a 1,000 sq.ft. deck, special events, and food service known as the "Chelan Ridge Winery".
2. The owner is Chelan Ridge Holdings, LLC, Attn: William Swayne, 649 Manson Blvd., Manson, WA 98831.
3. The subject site is located at 900 Swartout Road, Manson, WA 98831.
4. The parcel number for the subject property is 28-22-32-607-255. The legal description is: Highline No 2 Lot 30 Lot B BA # 2005-018; 9.98 Acres.
5. The subject site is located in Chelan County, outside of an Urban Growth Area.
6. The Comprehensive Plan designation and Zoning designation for the subject site is Commercial Agricultural Lands (AC).
7. The subject property is near the top of a broad hilltop with active vineyard surrounding the existing winery building. A 25% stable slope drops about 80 to the southwest of the proposed pavilion area and mostly level solid terrain is above and to the north.
8. The subject property is currently developed as a winery with active vineyards.
9. Site characteristics:
Property to the north: Orchards that are zoned Commercial Agricultural Lands (AC).
Property to the south: Swartout Road / orchards that are zoned Commercial Agricultural Lands (AC).
Property to the east: Orchards that are zoned Commercial Agricultural Lands (AC).

Property to the west: Swartout and Klate Roads, residential uses, that are zoned Rural Residential/Resource 1 Dwelling Unit per 5 Acres (RR5).

10. According to WDFW PHS mapping, no Fish and Wildlife Habitat Conservation Areas currently exist on the property. Therefore, the provision of Chelan County Code Chapter 11.78 do not apply.
11. The water body shown on the Chelan County GIS mapping does not meet the requirements to be classified as a stream of any type per WAC 222-16-030. The water shown on the map is actually an irrigation canal and the requirements of Chapter 11.78 do not apply.
12. The subject site is located outside the shoreline jurisdiction.
13. Pursuant to the National Wetlands Inventory data, the subject site contains does not contain any wetlands. Therefore, the provisions of Chelan County Code Chapter 11.80 do not apply.
14. The applicant submitted an Aquifer Recharge Disclosure Form and a Vulnerability Rating sheet. The development is subject to Chelan County Code Chapter 11.82.
15. Pursuant to Federal Emergency Management Agency, FIRM map panel 5300150225A, the subject site does not contain flood plain. Therefore, the provisions of Chelan County Code Chapter 11.84 and 3.20 do not apply.
16. According to Chelan County GIS mapping, the subject property likely contains erodible soils and steep slopes. Therefore, pursuant to Chelan County Code Chapter 11.86, a geologic assessment is required. A geologic assessment, prepared by Heath Geotechnical Services was submitted with the application, which determined that no recommendations were necessary for the proposed development.
17. Pursuant to RCW 27.53.020, if cultural resources are found, the applicant will be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development.
18. Commercial building permits will be required for the open-air pavilion as well as the deck. Construction is anticipated to commence upon completion of all required permits.
19. The primary access is from Swartout Road, a County right-of-way. Chelan County Public Works is not requiring road improvements to Swartout Road and no Traffic Impact Study is being required. However, the applicant is required to dedicate additional right-of-way to make the right-of-way on Swartout Road and Klate Road 30 feet from centerline.
20. Existing structures on the property are served by the Chelan County PUD. New or expanded service may be required for the proposed open-air pavilion. The owner will need to apply with the Chelan County PUD at the time of building permit submittal.
21. Commercial domestic water is currently served by the Lake Chelan Reclamation District as approved by the Chelan-Douglas Health District.
22. The existing use is served by on-site septic system which was previously permitted by the Chelan-Douglas Health District. The permit number on file is 04-4P360-0126.
23. Pursuant to Chelan County Code Chapter 13.16, the proposed development will not create 5,000 square feet of new impervious surface. Therefore, a stormwater plan does not appear to be required.
24. The project is within Fire District #5. The Fire District Chief comments state that there is adequate fire flow to serve this project.
25. The applicant is required to meet the Chelan County Code Chapter 7.35 for noise controls. During normal operations, noise impacts are similar to surrounding uses. During special events, noise

levels may increase beyond that of a typical surrounding use. Commercial operation and events shall meet the requirements of WAC 173-60.

- 26. The existing structures and parking lot are visible from Swartout Road and Klate Road. No new visual impact is expected.
- 27. The Notice of Application and environmental review was referred to jurisdictional agencies, departments and adjacent property owners, within 1,000 feet excluding 60' public right-of-way, on August 28, 2021. Comments were due on September 11, 2021. Comments are addressed, as appropriate, within this decision and in the form of Conditions of Approval. No public comments were received. The following agencies and departments were noticed:

Agencies Notified	Response Rec'd Date	Agencies Notified	Response Rec'd Date
Chelan County Public Works	9/10/2021	Chelan County PUD No 1	8/31/2021
Confederated Tribes of Colville	9/7/2021	Chelan County Building Official	9/1/2021
Department of Fish and Wildlife	None	Department of Ecology	9/9/2021
Chelan Douglas Health District	9/3/2021	Fire District #5	9/1/2021
Yakama Nation	None	Department of Archaeology	None
Chelan County Fire Marshal	None		

- 28. The application materials were submitted on July 27, 2021.
- 29. A Determination of Completeness was issued on August 20, 2021.
- 31. The Notice of Public Hearing was provided on September 11, 2021.
- 32. The applicant submitted an environmental checklist on July 27, 2021. 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 September 15, 2021. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
- 33. The proposed development is for an addition to a winery which is not specifically addressed within the Chelan County Comprehensive Plan. However, the proposed development is located within Commercial Agricultural Lands (AC) designation states: *“Purpose: To assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses. Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist*

uses that rely upon a rural setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.”

- 33.1 Wineries generally have associated agricultural land for the vineyard that produces the grapes for wine making. The intent of the proposed “Places of Public/Private Assembly” is to encourage agri-tourism, serving not only the residents of Chelan County, but visitors as a possible destination point. The subject property will maintain its rural characteristics. As proposed and conditioned, the application complies with the Goals and Policies identified in the Chelan County Comprehensive Plan.
34. **Chelan County Code, Section 14.98.2005: Winery.** Per code definition, “Winery” means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area. Distilleries and breweries, for the purposes of placement in various zoning districts and regulation requirements, are synonymous with winery.
35. **Chelan County Code, Section 14.98.1430: Place of public/private assembly.** Per code definition, “Place of public/private assembly” means a building or space used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, socializing, or awaiting transportation. Such uses include, but are not limited to, meeting halls, clubhouses, grange, cinemas, theaters, and churches and religious facilities.
36. **Chelan County Code, Section 11.30.010: Commercial Agricultural Lands (AC).** The proposed development is located in the AC zoning district of Chelan County. According to Chelan County Code Section 11.04.020 District Use Chart, wineries with greater than 1,500 sq.ft. of retail space require a Conditional Use Permit. In addition, “Places of Public and Private Assembly” also require a Conditional Use Permit.
37. **Chelan County Code 11.30.020 Standards.** All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:
- 37.1 Minimum lot size: ten acres, which measures to the centerline of adjoining public rights-of-way. Cluster subdivisions approved pursuant to Title 12 of the Chelan County Code may have reduced minimum lot sizes. Where a land division process would result in a fractional lot that is less than the required minimum but greater than fifty percent of the minimum area of the district, said lot may be allowed. Only one fractional lot per land use application may be created through this process.
- 37.2 Minimum lot width: one hundred fifty feet at the front building line.
- 37.3 Maximum building height: thirty-five feet except as provided for in Section 11.88.170.
- 37.4 Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.
- 37.5 Minimum Setback Distances.
- 37.6 Setbacks from Agriculture.
- 37.6.1 The existing structures were reviewed at time of building permits for consistency with the required standards.
- 37.6.2 No additional review is required at this time.

- 37.7 Landscape standards shall be provided as prescribed in Chapter 15.50 of Title 15, Development Standards, as amended.
- 37.7.1 The proposed development is exempt for landscaping requirement pursuant to Chelan County Code Section 15.50.020(2)(F) and (G) because the proposed development is less than twenty percent of the existing gross floor area and will require less than twenty parking spaces.
- 37.7.2 No landscaping is required for the proposed development. A landscaping plan was previously implemented during the development of CUP 2004-020.
- 37.8 All plats, short plats, development permits and building permits issued for development activities on, or within five hundred feet of, land designated as agricultural lands shall contain a notice that the subject property is within or near designated long-term commercial agricultural lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.
- 37.8.1 The conditional use permit review recognizes potential conflicts between uses.
- 37.8.2 The Hearing Examiner determined that there are no potential conflicts between uses. The proposed development consists of expanding the current use as a winery and the closest residence is over 800 feet away from the winery.
- 37.9 Additional Public Notice Provisions. Upon receipt of an application for all plats, short plats, conditional use permits, variances and similar land use applications, the county shall provide notice of the application to adjacent property owners and all owners of property located within one thousand feet of the proposed subdivision or development per the provisions of Section 14.08.050.
- 37.9.1 Notice was provided to properties within 1,000' of the subject boundary, excluding 60' of public right-of-way.
- 37.9.2 The additional noticing requirements have been met.
- 37.10 All applications related to the following types of land uses shall meet with the agricultural review committee (ARC) to review proposed projects, identify possible impacts, outline possible mitigation measures, and make a formal recommendation to Chelan County staff prior to rendering a decision on the application or setting a public hearing. ARC review and recommendation shall be based on the agricultural good neighbor practices adopted by the Chelan County board of county commissioners, Chapter 10.30. All recommendations are for the consideration and final determination of the decision-making body.
- 37.10.1 A past Community Development Administrator issued a determination on October 27, 2014 that no review was required due to the fact that the ARC group has not been fully established.
- 37.10.2 This section of code does not apply.
38. **Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria:** The development standards of this title shall be used by the applicant in preparing the conditional use permit application and by the Hearing Examiner in determining the acceptability of permitting a conditional use in a certain location. The applicant has the burden of proving that the proposed use meets the criteria set forth in this chapter. 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:
- 38.1 All criteria required for a specific use by this chapter can be satisfied.

- 38.2 The review for compliance is completed with this decision.
- 38.3 According to the submittal materials and subject to the conditions of approval, all criteria required for the proposed development have been or can be satisfied.
39. A finding can be made that 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.
- 39.1 The site plan of record, date stamped July 27, 2021, demonstrates that the existing and proposed development would meet applicable development standards is CCC Section 11.30.020.
- 39.2 A geologic assessment, prepared by Heath Geotechnical Services was submitted with the application, which determined that no recommendations were necessary for the proposed development.
- 39.3 Based on the site plan of record and submitted application materials, the proposed development meets the zoning standards, the critical area regulations, and all other applicable development standards.
40. Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- 40.1 The adjacent land uses include agricultural and residential lands. Impacts to surrounding properties may result from traffic, noise, and light. However, the winery has been in operation for several years and the proposed development will not affect the current ambiance of the area.
- 40.2 The Hearing Examiner finds that the character of the surrounding area has not been significantly impacted by the existing winery and the proposed development would not appear to increase that impact.
41. Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 41.1 The proposed development is located within the agricultural designated resource lands. The project design includes elements that are complementary and compatible with agri-tourism.
42. No conditional use permit shall be issued without a written finding that:
- 42.1 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.
- 42.1.2 According to the application materials and the agency comments/review, adequate capacity exists to provide services for the proposal.
- 42.2 No county facilities will be reduced below adopted levels of service as a result of the development.
- 42.2.1 The subject property is accessed from Swartout Road. Chelan County Public Works has reviewed the proposal and no reduction of the adopted levels of service has been identified.
- 42.2.2 The proposed development is in compliance with the adopted levels of service.
- 42.3 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.

- 42.3.1 Impacts to the surrounding properties and the public health, safety and welfare have been reviewed with this decision.
- 42.3.2 The Hearing Examiner is setting as a condition to ensure that the proposed development will not result in undue adverse impacts to the public health, safety and welfare.
- 42.4 The Hearing Examiner finds that 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. Primitive or forest service roads may be considered appropriate access as provided in Section 11.88.070.
 - 42.4.1 According to the application materials and the agency comments, the proposed development shall provide adequate provisions 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 Title 11 and Title 15 of the Chelan County Code subject to the recommended Conditions of Approval.
- 42.5 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.
 - 42.5.1 According to the application materials and the agency comments, 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 subject to the recommended Conditions of Approval.
- 42.6 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.
 - 42.6.1 According to the application materials and above review, the proposed development is consistent and compatible with the intent, goals and objectives and policies of the Comprehensive Plan, and any implementing regulation.
- 42.7 All conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
 - 42.7.1 The Hearing Examiner has set conditions of approval.
 - 42.7.2 The Hearing Examiner's conditions of approval are measurable and can be monitored and enforced.
- 43. **Chelan County Code 11.93.315 Places of public and private assembly.** The following minimum conditions shall apply to places of public and private assembly:
 - 43.1 The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.
 - 43.1.1 The applicant has not provided a vehicle/pedestrian circulation plan. Chelan County Code Section 15.30.270(2)(c) provides the required standards for rural pedestrian facilities.

- 43.1.2 Per comments received from Chelan County Public Works, the Hearing Examiner is setting as a condition that the applicant provide a Parking and Circulation Plan pursuant to all the requirements of Chelan County Code 11.90 and Title 15, to address how parking placement and movement comply with Chelan County Code. As part of this Parking and Circulation Plan, 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.
- 43.2 The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.
- 43.2.1 The proposed development appears to be exempt from the landscaping requirement pursuant to Chelan County Code Section 15.50.020(2)(F) and (G) because the proposed development is less than twenty percent of the existing gross floor area and will likely require less than twenty parking spaces. However, if the project requires more than 20 parking spaces, landscaping will be required for the parking area.
- 43.2.2 Per comments received from Chelan County Public Works, the Hearing Examiner is setting as a condition that the applicant provide a Parking and Circulation Plan pursuant to all the requirements of Chelan County Code 11.90 and Title 15, to address how parking placement and movement comply with Chelan County Code. As part of this Parking and Circulation Plan, 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.
- 43.3 The operation shall include adequate sanitary facilities based on proposed capacity.
- 43.3.1 The applicant provided a copy of the Chelan-Douglas Health District approved septic system. The current system appears to be adequate for the winery and tasting room but has not been approved for the proposed development yet.
- 43.3.2 The applicant must obtain approval for the proposed development when submitting for the commercial building permits.
- 43.4 The proposal will not reduce county facilities below adopted levels of service as a result of the development.
- 43.4.1 Levels of service are addressed above.
- 43.4.2 The proposed development is in compliance with the adopted levels of service.
- 43.5 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.
- 43.5.1 The review of conditional use permits helps ensure compliance with the requirements.

- 43.5.2 The Hearing Examiner set as a condition that the applicant submit a review letter to Chelan County in the first and fifth year of operation (after the date of this decision).
- 43.6 All events and activities shall comply with Chapter 173-60 WAC, Noise.
 - 43.6.1 The applicant is required to meet the Chelan County Code Chapter 7.35 for noise controls.
 - 43.6.2 The Hearing Examiner set as a condition that noise be reviewed as part of the one and five year compliance review.
- 44. **Chelan County Code Title 13: Stormwater:**
 - 44.1 The proposed development is required to meet Chelan County Code Title 13, Stormwater.
- 45. **Chelan County Code Title 15: Development Standards:**
 - 45.1 Additional review will be required after submittal of the proposed internal roads, trails, fire protections, and parking lot landscaping standards are submitted. The proposed development is required to meet Chelan County Code Title 15, Development Standards, excepted as modified by this decision.
- 46. The subject property is designated as Commercial Agricultural Lands and as described, the proposed development is consistent with the Chelan County Comprehensive Plan. As conditioned, the proposed development is consistent with the criteria for the approval of a Conditional Use Permit pursuant to Chelan County Code Title 11. Environmental and critical area review has been completed and Determination of Non-significance was issued demonstrating that the proposed development does not have a probable significant adverse impact on critical areas.
- 47. An open record public hearing after due legal notice was held on September 22, via Zoom video conference.
- 48. Appearing and testifying was Bill Swayne. Mr. Swayne testified that he was the applicant and property owner. He indicated that all of the proposed conditions of approval were acceptable.
- 49. No member of the public testified at the hearing.
- 50. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
- 51. 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 site plan of record, the proposal meets applicable AC zoning regulations.
- 3. The proposed development, as conditioned, would not result in county facilities reduced below adopted levels of service.
- 4. The proposed development, as conditioned, would not have an adverse impact on public health, safety and welfare.
- 5. All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.

6. Based on the above facts, noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties could be avoided or mitigated as conditioned.
7. The project is consistent with the Chelan County Comprehensive Plan.
8. 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 CUPA 21-336 is hereby **APPROVED**, subject to the following Conditions of Approval.

IV. 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 Chelan County Code Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land, compliance with the conditions of the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
2. All Conditions of Approval from the approved CUP 2004-020 decision approved by the Hearing Examiner on February 8, 2005 shall be in full force and effect unless modified by this decision.
3. The applicant shall comply with all applicable local, state and federal regulations consistent with these conditions.
4. The applicant is responsible for securing any and all state and federal agency permits and licenses as may be required.
5. The project shall proceed in conformance with the application and site plan of record on file with the Chelan County Planning Department except as modified herein.
6. Pursuant to CCC Section 11.93.040(10), this Conditional Use Permit Amendment shall be in conformance with the submitted application of record, including site plans date stamped July 27, 2021 or as amended by this decision.
7. 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 open-air pavilion and new deck.
8. 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.
9. 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:
 - 9.1. A parking and circulation plan approved by Chelan County Public Works pursuant to CCC Section 11.93.330(3).
10. Permitted activity shall be in conformance with all applicable local, state and federal regulations, statutes, rulings or requirements including, but not limited to the Chelan County Code Chapters

11.30 (Commercial Agricultural Lands), 11.93 (Conditional Uses) and section 11.93.330 (Places of Public and Private Assembly).

11. Pursuant to RCW 27.53.020, if cultural resources are found, the applicant will be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development.
12. Pursuant to Chelan County Code Section 11.93.070, in any case where a conditional use permit is granted under the terms of this title, no building or other permit shall be issued until after the end of the appeal period allowed in Title 14 of the Chelan County Code.
13. Pursuant to Chelan County Code Section 11.93.315(5), the applicant shall submit a compliance report to Community Development one year and five years after the date of this decision. The report shall include documentation regarding how each condition of approval is being met.
 - 13.1. Chelan County Community Development will review the number of noise complaints, if any, to determine if the applicant shall be required to amend the type of noise (amplified or non-amplified), hours of operation or an increase buffering in order to reduce noise impacting the surrounding properties.
 - 13.2. Chelan County Community Development may require the applicant to provide a noise study as part of this review.
14. 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.
15. Pursuant to Chelan County Code Section 11.93.100, a change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional and are existing prior to the effective date of Resolution 2000-129, codified in this title, shall conform to all regulations pertaining to conditional uses.
16. Pursuant to Chelan County Code Section 11.93.110, this conditional use permit shall become void after three (3) years after approval or such other time period as established by the Hearing Examiner if the use is not completely developed. Said extension shall not exceed a total of six years and said phases and timelines shall be clearly spelled out in the application.
17. Pursuant to Chelan County Code Section 11.93.120, this action of the Hearing Examiner is final unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

Chelan County Public Works

18. Pursuant to Chelan County Code Title 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 Swartout Road and Klate Road 30' from centerline.
19. Pursuant to Chelan County Code Title 15.30, the applicant will be required to construct the Private Internal Access road 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.
20. 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.

21. 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: Road Improvement Plan (including location of utilities), Erosion and Sedimentation Control Plan, Lot Access Plan, Signage and Painting Plan, Drainage Report and Plan.
22. A Pre-Construction Meeting with the owner/contractor and Chelan County Public Works Department will be required prior to commencement of construction.
23. 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.
24. Pursuant to Chelan County Code Title 12.08.020, the applicant will be required to demonstrate legal and perpetual access for the proposed Facility.
25. Pursuant to Title 15.30.340 the applicant will be required to construct the access approach onto Swartout Road to meet the County's 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.
26. Pursuant to Chelan County Code Title 13.18.030(9) if a Drainage System is required, show any necessary easements in accordance with the approved drainage plan.
27. Pursuant to Chelan County Code Title 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.
28. 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.

Department of Ecology

29. Pursuant to the comment letter received from the Department of Ecology on September 9, 2021,

30. The applicant may be required to obtain Winery General Permit (Permit) coverage from the Department of Ecology (Ecology) if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may also require Permit coverage if a facility is determined to be a “Significant Contributor of Pollutants or a Significant Industrial User” as defined in Appendix B of the Permit.

Chelan County PUD

31. Pursuant to the comment letter received from the Chelan County PUD on August 31, 2021.
- 31.1. Electrical service is available at the subject property.
 - 31.2. A Line Extension or Facility Modification may be necessary
 - 31.3. Easements will be required for all primary power sited on the parcel or secondary power that crosses one or more parcels to serve another parcel.
 - 31.4. Owner will need to apply for power with Chelan PUD.

Dated this 27 day of September, 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.