

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

|                  |   |                        |
|------------------|---|------------------------|
| IN THE MATTER OF | ) | FINDINGS OF FACT,      |
|                  | ) | CONCLUSIONS OF LAW,    |
| CUP 21-153       | ) | CONDITIONS OF APPROVAL |
| YONAKA           | ) | AND DECISION           |
|                  | ) |                        |

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on January 5, 2022, 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 submitted for a RV Park. The proposed RV Park contains 13 RV sites with an internal roadway system.
2. The applicant/owner is David Yonaka, 288 Lure Lane, Wenatchee, WA.
3. The subject property is located at 47 Lure Lane, Wenatchee, WA 98801.
4. The parcel number for the subject property is 23-19-13-240-250.
5. The subject property is located outside of the Wenatchee Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Residential (RR-5).
7. Most of the subject property is currently vacant land that used to be orchard. The northeastern portion of the subject property is developed and includes the following structures (these three structures are not associated with the proposed RV Park):
  - 7.1 A commercial structure built in 1990 that is 4,800 sq.ft. in size
  - 7.2 A manufactured home placed in 1978
  - 7.3 An accessory structure (garage) built in 1980.
8. The subject property is generally flat in nature and is vegetated with non-native and ornamental vegetation.
9. The property to the north is fronted by Lure Lane, a county right-of-way. Land uses consist of a mix of either orchards or residences and is zoned Rural Residential/Resource 5 (RR5).
10. The property to the south is fronted by Easy Street, a county right-of-way. Land uses across the road consist of orchards, residences, or a mini storage to the southeast and is zoned Rural Residential/Resource 5 (RR5) or Rural Village (RV).
11. The property to the east is fronted by Lure Lane, a county right-of-way. Land uses consist of a mix of either orchards or residences and is zoned Rural Residential/Resource 5 (RR5).
12. The property to the west contains land uses consist of either a Chelan County PUD substation or residences and is zoned Rural Residential/Resource 5 (RR5) or Rural Village (RV).

13. The applicant submitted an Aquifer Recharge Disclosure Form dated April 13, 2021. The proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82.
14. 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.
15. According to the Natural Resources Stream Typing Maps, there is an unnamed drainage flowing across the subject property. A stream typing performed by the Chelan County Natural Resource Department found that there was no stream on the property. Therefore, the provisions of CCC Chapter 11.78 would not apply.
16. Chelan County GIS map layer does indicate that the subject property is located within a potential geologic hazard area; therefore, the provisions of CCC Chapter 11.86 would apply to the project. A geological site assessment prepared by Munson Engineers in August 2021 was submitted as additional documentation for the application; subsequent development will be required to follow the recommendations of the provided report, unless amended..
17. Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are indicated on or adjacent to the subject property; therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.
18. A comment from the WA Dept. of Archaeology & Historic Preservation indicated that the subject property is in an area that has high potential for archaeological resources and it is recommended that an archaeological survey be conducted prior to ground disturbing activities.
19. Construction is anticipated to commence upon completion of all required permits.
20. Domestic water service shall be provided by the Chelan County PUD.
21. Power is by an extension of the Chelan County PUD.
22. Sanitation is proposed as on-site septic system designed for the required capacity that has been approved by the Chelan Douglas Health District (CDHD) and a septic permit has been issued (20-462). The Hearing Examiner sets as a condition of approval that prior to operation of the RV park, the location of the approved on-site septic system must be approved by both the Chelan County PUD and the CDHD.
23. The applicant must comply with CCC Chapter 7.35 Noise and as a condition of approval will need to provide every renter a copy of the Chelan County Good Neighbor Guidelines as outlined in CCC Section 11.88290(3)(M).
24. As conditioned, the visual impact is anticipated to be minimal.
25. 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, 2021 with comments due October 13, 2021. Agency comments were considered by staff and, when appropriate, incorporated as 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 | September 29, 2021 | The subject property is located within Fire District #6. There is adequate fire flow to serve the proposal. Plans for fire apparatus access roads shall |

| Agencies Notified                                 | Response Date     | Nature of Comment   |
|---|-------------------|---|
|   |                   | be submitted to Chelan County Public Works and Fire Prevention and Investigations for review and approval prior to any work being done.   |
| Chelan County Building Official                   | October 1, 2021   | All proposed community buildings or structures will require a building permit   |
| Chelan-Douglas Health District                    | December 31, 2021 | Domestic water will be provided through the Chelan County PUD and an on-site community septic system has been proposed and a septic permit has been issued (20-462). No objections to further approval of the project   |
| Chelan County Public Works                        | October 7, 2021   | Recommended conditions of approval include dedication of right-of-way; improving Lure Lane to meet Standard Plan PW-22; internal roadway to meet RV Park Road and Access Road Standards; construct the access approaches to meet Standard Detail PW-26; provide an updated road plan and circulation plan for approval; and submittal of a Drainage Report and Plan.      |
| Chelan County PUD                                 | October 8, 2021   | The PUD will need to approve a revised internal road plan to ensure existing PUD infrastructure within the transmission line easements is protected. The PUD will also need to approve the septic site plan along with the drainfield location to ensure existing PUD infrastructure is protected. An application for water service will need to be submitted for review. |
| WA Dept. of Archaeology and Historic Preservation | October 13, 2021  | DAHP indicated the subject property is located in an area that has high potential for cultural resources; therefore, a cultural survey is required.   |
| Yakama Nation                                     | No Comment        |   |
| Confederated Tribes of                            | November 18, 2021 | No issues.  |

| Agencies Notified                 | Response Date      | Nature of Comment       |
|-----------------------------------|--------------------|-------------------------|
| Colville                          |                    |                         |
| WA Dept. of Ecology               | No Comment         |                         |
| Chelan County Fire District No. 6 | September 30, 2021 | No issues with project. |

26. A public comment received from Doug Corulli on October 12, 2021 stated that he had no objections with the proposed RV Park but would like the potential stormwater runoff from the subject property to be captured and controlled so that there is no impact to his storage facility that is located on the southern side of Easy St. across from the project.
27. A public comment received from Erin and Russell Lake on October 13, 2021 stated that they object to the proposed RV Park due to its proximity to the location of an existing bus stop at the Easy St. and Lure Lane intersection, the potential for increased traffic on Lure Lane creating unsafe conditions, and the noises and nuisances often associated with RV Parks impeding on nearby residences.
28. The applicant submitted an environmental checklist on April 13, 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 December 23, 2021. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
29. The application materials were submitted on April 13, 2021, with additional information submitted on later dates.
30. A Determination of Completeness was issued on September 24, 2021.
31. The Notice of Application was provided on September 19, 2021.
32. The Notice of Public Hearing was provided on December 22, 2021.
33. Because the proposed RV Park is to be located on the parcel zoned Rural Residential/Resource 5 (RR5), the proposed development will be reviewed under the Rural Residential/Resource 5 criteria and provisions of the Chelan County Comprehensive Plan.
34. The purpose of the Rural Residential/Resource 5 land use designation of the Rural Element is to allow for rural development consistent with the rural character. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development. Additional uses may be considered with supplemental provisions, such as “...*new development of small scale recreational or tourist uses that rely on a rural location or setting but do not include a new residential component...*”
35. 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.
  - 35.1 “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.”

36. 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:
- 36.1 All criteria required for a specified use by this chapter can be satisfied.
    - 36.1.1 Criteria for small-scale recreational or tourist use and subsequent RV park have been identified below.
    - 36.1.2 The Hearing Examiner finds based on review of the application materials submitted, the criteria for a minor RV park can be satisfied.
  - 36.2 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.
    - 36.2.1 The site plan of record, date stamped July 15, 2021, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.12.010.
    - 36.2.2 Minor RV parks are not identified in CCC Chapter 11.90 for off-street parking. However, off-street parking is identified in CCC 11.93.330(4)(A) as one parking space per RV site.
    - 36.2.3 Landscaping is required per CCC Chapter 15.50. Pursuant to CCC Section 15.50.050, variations in landscaping may be permitted including the allowance for the use of fencing for part or as a replacement for required landscaping area. The site plan of record shows the existing cherry trees will remain around the perimeter as screening.
    - 36.2.4 The subject property is located in the Rural Residential/Resource 5 (RR5); the RR5 zoning district allows for small-scale recreational or tourist use as a Conditional Use. The site plan of record, date stamped July 15, 2021, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.12.020.
    - 36.2.5 The Hearing Examiner finds based on the site plan of record, date stamped July 15, 2021, the proposed development would meet applicable zoning and critical areas regulations.
  - 36.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
    - 36.3.1 The proposed use of 13 RV sites meets the definition of a minor RV park. The proposed development is located in an area where residential development is interspersed with agricultural use, which is primarily orchards. An adjacent property to the west of the subject property is the location of a substation owned by the Chelan County PUD and a property to the southeast across Easy St. is the location of a mini-storage facility. The proposed use is targeting the recreational character of Wenatchee and Cashmere along with the associated tourism uses of these cities as well.
    - 36.3.2 The Hearing Examiner finds that the proposed development would be compatible with the surrounding uses or character.

- 36.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 36.4.1 The subject property is not identified as a classified resource land pursuant to the Chelan County Comprehensive Plan. Chelan County GIS mapping shows that the subject property is likely to contain soils prone to severe erosion as well as having a risk of mass movement/landslides as well. According to the Geologically Hazardous Area Evaluation performed by Munson Engineers, there are no signs of landslide activity on-site and there are no signs of erosive soil either. Several performance standards are suggested to be implemented if erosion ever became a problem on-site.
- 36.4.2 As conditioned, the use would not be detrimental to the natural environment.
- 36.5 No conditional use permit shall be issued without a written finding that:
- 36.5.1 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.
- 36.5.2 Chelan County provided a Notice of Application to all providers. Received comments are included in the file of record.
- 36.5.3 The Hearing Examiner finds that adequate capacity exists to provide services for water, sewage disposal, schools, and fire/police protection.
- 36.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 36.6.1 The proposed development of the subject property would include on site sanitation and drinking water to be supplied by the Chelan County PUD to serve the RV Park facility. A septic permit (20-462) has been issued by the Chelan Douglas Health District, but the applicant will need final approval for the location of the septic system from the Chelan County PUD prior to installation and operation of the RV park.
- 36.6.2 As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
- 36.7 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.
- 36.7.1 Roads, ingress and egress: The subject property fronts Lure Lane and Easy Street, which are both county-owned right-of-ways. With the development, an internal access road is proposed and access would be limited to a single access point off of Lure Lane. The applicant will need approval from the Chelan County PUD for the final location of the internal road to ensure that no utility infrastructure will be compromised.

- 36.7.2 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development
- 36.7.3 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
- 36.7.4 Parking and Loading: Parking is required at a rate of one space per RV site. The management of the RV Park would be conducted by the applicant from his residence, which is located further up Lure Lane. According to the application materials submitted, in the future, the applicant may decide to put an RV on-site to be used as an office in Space 13. As a condition of approval, the updated circulation plan will need to provide 2 parking spaces at Space 13. As conditioned, there appears to be enough parking for the proposed use of the subject property.
- 36.7.5 Domestic and Irrigation Water: Domestic water is proposed via individual hookups to the Chelan County PUD public water system and the entire parcel benefits from irrigation water provided by the Wenatchee Reclamation District as well.
- 36.7.6 Sanitary Facilities: The installation of an on-site septic system designed for the hook-ups of RVs is proposed with application and has already been approved by the Chelan-Douglas Health District (20-462). Location of the septic system will need to be approved by the Chelan County PUD prior to installation.
- 36.7.7 Power: Power is provided by Chelan County PUD.
- 36.7.8 Fire Protection: The proposed development is located in Chelan County Fire District #6. Comments received from the Chelan County Fire Marshal, dated October 26, 2021, states that alternative fire flow provisions are not necessary for this project since the nearest fire hydrant is approximately 100 feet away from the property boundary.
- 36.8 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.
  - 36.8.1 Based on the application materials, the applicant has indicated that operations on the subject property would not impact adjacent properties in the vicinity with noise, light, heat, steam, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.
  - 36.8.2 The Geological Site Assessment prepared by Munson Engineers in August 2021 provided several recommendations for the proposed development that will be included as conditions of approval that shall be followed if erosion is observed to be occurring on the subject property.
  - 36.8.3 Based on the above facts, noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties can be avoided or mitigated as conditioned.

- 36.9 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.
  - 36.9.1 The proposed RV park development would be consistent with the goals and policies of the Rural Element of the Comprehensive Plan.
  - 36.9.2 The project is consistent with the Chelan County Comprehensive Plan.
- 37. 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:
  - 37.1 Location of an RV Park/Campground. (A) Any parcel of property being considered for an RV park/campground must front on and/or have direct access to a public street or road at a minimum of one location. Primitive roads and U.S. Forest Service roads shall not be considered suitable access to an RV park/campground. (B) RV parks/campgrounds shall not be permitted in any area found unsuitable for such development because of poor drainage, physical topography, soil characteristics, rock formations, or other features that may be harmful to the public health, safety, or general welfare.
    - 37.1.1 The subject property fronts on both Easy Street and Lure Lane and currently accesses off of Lure Lane, which is not classified as a primitive road or US Forest Service road.
    - 37.1.2 A Geologically Hazardous Area Evaluation was prepared by Munson Engineers in August 2021 was provided with the application materials. The report finds that the site is suitable for development as an RV Park and that there are no signs of either erosive soil or landslide activity on the subject property.
    - 37.1.3 As proposed, the development would meet the provisions for location.
  - 37.2 RV Park Site Requirements.
    - 37.2.1 Based on review of the application materials submitted, each RV site is at least 1,250 sq.ft. in size with a minimum width of 25 feet. There are 13 proposed sites on a parcel that is 4.38 acres in size. The site plan date stamped July 15, 2021 and associated narrative indicates that each RV site meets the 10-foot setbacks required by CCC Section 11.93.330(2)(A).
    - 37.2.2 As proposed, the RV sites would comply with the site requirements of CCC Section 11.93.330(2).
  - 37.3 RV Park Road System.
    - 37.3.1 Based on comment letter received from Chelan County Public Works, dated October 7, 2021, Public Works will require that the proposed internal roadway system would meet the required criteria of CCC Section 11.93.330(A) – RV Park Road and Access Road Standards. No traffic impact study will be required at this time, but the applicant will need to construct the access approaches to meet an Industrial/Commercial Driveway approach (Standard Detail PW-26).
    - 37.3.2 Based on the comment letter received from the Chelan County PUD on October 8, 2021, the plans for the proposed internal roadway system would need to be submitted for approval prior to construction commencing to demonstrate that no

grading or fill will occur under the transmission line or near poles or guys and that appropriate clearance is provide between the road and poles as well.

- 37.3.3 The Hearing Examiner sets as a condition of approval that a letter of approval from Chelan County Public Works and a letter of approval from Chelan County PUD, in regard to the internal roadway system, be provided to Chelan County Community Development prior to the actual construction of the improvements.
- 37.4 Off-Street Automobile Parking Facilities. (A) Off-street parking shall be provided at the rate of one space for each RV site. The hearing examiner may require additional off-street parking space as deemed appropriate to accommodate additional parking needs. (B) There shall be at least four off-street parking spaces provided for the RV park office, together with one additional parking space for each twenty-five RV sites. (C) Each parking space shall be a minimum of ten feet by twenty feet in size. All individual and common parking spaces shall be treated to eliminate dust.
- 37.4.1 Being as there are (13) RV sites proposed with development, with Space 13 potentially being used for park management in the future (14) off-street parking spaces will be required. The site plan of record, date stamped July 15, 2021 and associated project narrative proposes a total of 13 off-street parking spaces, but will need to be updated to include (14) off-street parking spaces in the circulation plan to be submitted to Public Works and Chelan County Community Development prior to the actual construction of improvements.
- 37.4.2 As proposed, the RV Park would comply with the parking requirements of CCC Section 11.93.330(4).
- 37.5 Sewage Disposal Requirements. (A) Provisions for the disposal of grey water shall be made at fifty-foot radii from those sites not connected to the sewer system. (B) Utility buildings providing flush toilets and showers for each sex shall be provided at convenient intervals throughout the park. Where RV spaces are not provided with individual sewer connections, utility buildings shall be located within three hundred feet of those spaces. The health officer shall determine the number of toilets and showers. All sewage from RVs and park buildings shall be discharged into a sewage disposal system approved by the appropriate agency.
- 37.5.1 The development proposes to have sanitation and domestic water hook ups available to the (13) RV sites. The proposed on-site sanitation system has been approved by the Chelan Douglas Health District (20-462), but the location of the septic system would need to be approved by the Chelan County PUD prior to installation to ensure that existing utility infrastructure is not compromised. Domestic water hook ups would need to meet the requirements of the Chelan County PUD.
- 37.5.2 As conditioned, the proposed development meets the sewage disposal requirements of the Chelan Douglas Health District and the domestic water hook up requirements of the Chelan County PUD.
- 37.6. Fire Protection Standards. (A) All RV park proposals shall be reviewed by the Chelan County fire marshal to ensure adequate ingress and egress and internal circulation for emergency vehicles. (B) The Chelan County fire marshal shall review all RV park proposals to determine what fire protection measures are necessary for the park. (C) In the absence of adequate on-site water sources, as determined by the Chelan County fire marshal, such as reservoirs, swimming pools, lakes, rivers and streams, the provisions of

the current edition of the International Building/Fire Code, as adopted by Chelan County, shall apply for purposes of satisfying the required fire flows.

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

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

37.7. Solid Waste. (A) The storage, collection, and disposal of solid waste in an RV park shall be accomplished so as to prevent fire and health hazards, rodent harborage, insect breeding, accidents and odor. (B) Approved solid waste containers shall be located not more than one hundred fifty feet from any RV site. (C) Collection areas shall be screened with a view-obscuring fence and properly identified.

37.7.1 The development proposes a solid waste storage and disposal area as shown on the submitted site plan date stamped July 15, 2021.

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

37.8. Utilities. (A) All RV parks situated within 500 feet of a public sewer trunk line shall be required to connect to the line if the owner of the line permits. (B) All utilities, such as domestic water, irrigation water, fire protection, storm drainage systems, etc., shall be installed in accordance with established guidelines. All power and communication lines shall be placed underground except where topography, soil, or other conditions make underground installation impractical as evidenced by the response of the supplier of such utilities.

37.8.1 The proposed development is not located within a sewer district. The Chelan-Douglas Health District has approved an on-site community septic system (20-462), but the applicant will need to obtain approval from the Chelan County PUD prior to installation to ensure that no existing utility infrastructure is compromised. The site plan of record, date stamped July 15, 2021, and associated narrative shows that each RV site will be provided hook ups to power and domestic water.

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

37.9 Sanitary Dump Stations. A conveniently located dump station for the disposal of self-contained sewage shall be provided in parks with twenty-five or more spaces. Additional dump stations may be required in parks having forty or more RV spaces. All dump stations shall be designed and developed to the standards of the Chelan-Douglas health district and the Department of Social and Health Services.

37.9.1 The development did not provide a conveniently located dump station on the submitted site plan, date stamped July 15, 2021. A dump station shall be developed according to the requirements of the Chelan-Douglas Health District and the location will need to be approved by the Chelan County PUD to demonstrate no impact to the transmission poles and anchors located in the PUD easement that transects the property. In addition, the entire drainfield area within the transmission easement shall be clearly delineated by a permanent non-

movable barrier such as a fence or row of boulders approved by the Chelan County PUD.

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

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

37.10.1 The applicant submitted a landscaping plan date stamped July 15, 2021 that includes leaving a row of existing cherry trees along Easy St. and the shared western property line.

37.10.2 The proposed development would meet the landscaping requirements of CCC 11.93.330(10).

37.11 Recreation Areas. Usable recreation area shall be provided at a rate of not less than five hundred square feet for each RV site in the park. Required buffer yards, parking areas and RV spaces shall not constitute recreational areas. Minimum recreation areas shall be at least ten percent of the total area of the park. Each one square foot of intensively developed recreational area (swimming pool, recreation/game room, and game courts such as tennis, badminton, etc.) shall be calculated as one and one-quarter square feet toward each square foot required of usable recreation area required.

37.11.1 The subject property is approximately 4.38 acres and 13 RV sites have been proposed, which requires a usable recreation area of 19,080 sq.ft. or more. According to the site plan date stamped July 15, 2021, and the associated narrative, the applicant is proposing a recreational area of 35,000 sq.ft. that includes a picnic shelter with several picnic tables for a gathering area.

37.11.2 As proposed, the development appears to meet the required square footage for recreation areas provisions of CCC Section 11.93.330(11).

37.12 Lighting. (A) All lighting shall be designed so as to eliminate light and glare spillover onto adjoining properties. (B) Community structures shall be adequately lit at night. (C) Adequate lighting shall be provided at the park entrance.

37.12.1 Lighting would be required to meet the standards of CCC Section 11.88.080.

37.12.2 As conditioned, the proposed development would meet the provisions of this section and CCC Section 11.88.080 for lighting regulations.

37.13 Signs. Signs and advertising devices shall be permitted in an RV park as follows: (A) One identification sign, not to exceed thirty-two square feet in total area, at the entrance of the RV park shall be permitted. The sign may be indirectly illuminated but shall be nonflashing. (B) Directional or informational signs for the conveyance of tenants and the public relating to parking, office, community buildings, circulation, etc., shall be permitted; provided, that each sign is not larger than two square feet in area. (C) Signs within the required buffer or required front yard along a public road shall be no higher than forty-two inches. No sign shall exceed the normal building height requirement prescribed by the zoning resolution for the district in which the park is located.

37.13.1 The proposed development would be required to place a sign near the entrance of the RV Park to clearly identify the business; the installation of the sign may require a building permit in compliance with CCC Chapter 11.92 for sign regulations. The site plan of record date stamped July 15, 2021 does not show a proposed sign for the RV Park.

- 37.13.2 The proposed development does not meet the provisions of this section and as a condition of approval will be required to install a sign at the entrance that meets the standards of CCC Chapter 11.92 for sign regulations.
- 37.14 One single-family dwelling unit shall be permitted for an on-site manager's residence. The permitted manager's residence may include additional services to be located within the structure, as allowed by existing building codes, including but not limited to the following: office, convenience store, recreation/game facilities, laundry, bathrooms, showers, etc. Such facilities are intended to serve the needs of the park users and staff only.
- 37.14.1 Based on the site plan of record and application materials, management of the RV Park will occur from the applicant's home, which is located further up Lure Lane. Space 13 could be potentially being used for park management in the future..
- 37.14.2 As proposed, the development meets the provisions of CCC Section 11.93.330(14).
- 37.15 Required Plan. (A) All conditional use permit applications for an RV park shall be accompanied by a site plan, drawn to scale not to exceed one inch to one hundred feet, a circulation and parking plan, and a landscape plan. (B) Information Required. (i) Site plans for an RV park shall, at a minimum, disclose the following information: location of existing and proposed buildings, RV spaces, domestic and irrigation water distribution, sewage collection system, electrical and communication lines, solid waste collection areas, fire hydrants, location of lighting and signs, perimeter buffer and site boundaries and recreation areas and open space. If necessary, contour information shall be provided at two-foot intervals for slopes of zero percent to five percent and five-foot intervals for slopes of five percent or greater. (ii) Parking and circulation plans shall include public and private roads, ingress and egress routes, storm water drainage system, and number and location of parking spaces.(C) Landscaping plans shall include the name, location, and type of vegetation as well as its size at planting and maturity. Landscaping plans shall also disclose the provisions made for a permanently installed irrigation system where necessary. Screening plans shall describe the type, height and location of proposed screens and/or fences.
- 37.15.1 With the application, a site plan and landscape plan to an acceptable scale were submitted. The site plan includes the proposed internal roadway system and traffic flow direction. The spaces for the RV sites were included with a supplemental illustration demonstrating the proposed site sizes. The landscape plan shows the site being screened with existing cherry trees.
- 37.15.2 Based on comment letter received from Chelan County Public Works, the proposed internal roadway system would meet the required criteria of CCC Section 11.93.330(3) and an approved construction plan would be required to be provided prior to the activity commencing.
- 37.15.3 Based on the comment letter received from the Chelan County PUD, the plans for the proposed internal roadway system would need to be submitted for approval prior to construction commencing to demonstrate that no grading or fill will occur under the transmission line or near poles or guys and that appropriate clearance is provided between the road and poles as well.

- 37.15.4 To ensure that the proposed roadway system, RV sites, and parking would be in compliance with the CUP conditions of approval, staff is recommending that a letter of compliance be submitted by the applicant to Chelan County Community Development from both Public Works and the Chelan County PUD prior to the commencement of the approved RV Park activities.
- 37.16 Recreational Vehicle Spaces, Camp Sites, Cabins and/or Lodge Units Allowed. (B) Minor Recreational Vehicle (RV) Parks/Campgrounds. Developed campgrounds having fifty or fewer units.
- 37.16.1 The proposed RV Park would have (13) RV sites.
- 37.16.2 As conditioned, the provisions of this section would be met.
- 37.17 Lodge and Cabin Units.
- 37.17.1 No lodge facility or cabin units are proposed with the RV Park; therefore, this provision would not apply.
- 37.18 Accessory Structures. Accessory structures are permitted to accommodate additional campground user services, including but not limited to park office, convenience store, recreation/game facilities, bathrooms and showers. Such facilities are intended to serve the needs of the park users and staff only.
- 37.18.1 Based on the site plan of record and application materials, Space 13 may be used for park management in the future.
- 37.18.2 As conditioned, the provisions of this section would be met.
38. The applicant currently proposed a 13 space RV park. However, if the use is to expand beyond the proposed site plan, date stamped July 15, 2021, additional land use permits may be required. The applicant will need to submit letters of approval to Chelan County Community Development from the Chelan County PUD, Chelan County Public Works, and the Department of Ecology prior to operation of the RV Park.
39. An open record public hearing after due legal notice was held on January 5, 2022 via Zoom videoconference.
40. The entire planning staff file was admitted into the record at this hearing.
41. Appearing and testifying was Brian Baker. Mr. Baker testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Baker testified that he had reviewed the staff report and agreed with the representations stated within the staff report. He also reviewed the proposed Conditions of Approval and had no objection to any of those.
42. No member of the public testified at the hearing.
43. 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. As conditioned, the project is consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
3. Based on review of the application materials submitted, the criteria for a minor RV Park can be satisfied.

4. Based on the site plan of record, date stamped July 15, 2021, the proposed development would meet applicable zoning and critical areas regulations.
5. As conditioned, the proposed development would be compatible with the character of the surrounding area.
6. As conditioned, the use will not be detrimental to the natural environment.
7. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
8. As conditioned, the proposed development would not result in county facilities being reduced below adopted levels of service.
9. As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
10. 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
11. The project is consistent with the Chelan County Comprehensive Plan.
12. 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 of Law, CUP 21-153 is hereby **APPROVED.**

### **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 CCC Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land; compliance with the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
2. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site and landscaping plans date stamped July 15, 2021 or as amended by this decision.
3. The proposed use is not authorized unless and until all listed conditions are satisfied.
4. Pursuant to CCC Section 11.92.030, a building permit shall be required for the entrance business sign; the sign shall meet the requirements of CCC Section 11.93.330(13) for signage.
5. Pursuant to CCC Section 11.88.080, security lights or any exterior lighting shall be low-intensity, non-flashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
  - 5.1. Park entrance lighting shall be required pursuant to CCC Section 11.93.330(12).
6. Pursuant to CCC Chapter 7.35, the applicant will need to provide every renter a copy of the Chelan County Good Neighbor Guidelines as outlined in CCC Section 11.88290(3)(M).
7. Pursuant to CCC Section 11.93.330(7), all on-site collection areas for garbage disposal shall be fenced and located within 150 ft. from any RV site.

8. 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 construction of the internal roadway; this letter shall include the following:
  - 8.1. A parking and circulation plan approved by both the Chelan County PUD and by Chelan County Public Works pursuant to CCC Section 11.93.330(3). The parking plan shall demonstrate the required 14 parking spaces.
  - 8.2. A site plan showing the locations of the following: RV sites with hook up locations meeting the dimensional and spacing standards of CCC Section 11.93.330(2), on-site septic systems, fenced garbage collection areas, and.
  - 8.3. The approved septic permit as issued by the Chelan Douglas Health District for the proposed RV Park meeting the standards of CCC Section 11.93.330(5) and 11.93.330(8) in which the location of the septic area is approved by the Chelan County PUD.
9. Pursuant to RCW 27.53.020, prior to ground disturbing activities, consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) shall be required. Pursuant to comments received from DAHP on October 13, 2021, a professional archaeological survey of the project area shall be conducted and a report produced prior to ground disturbing activities.
  - 9.1. Documentation as provided by DAHP that this condition has been satisfied or is no longer applicable may be provided at time of letter of compliance submittal.
10. Pursuant to comments received from the Department of Ecology on October 11, 2021, historical aerial photos indicate a portion of your property was occupied by orchard during the time period when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. This project is required to conduct soil sampling prior to development under the Model Toxics Control Act (Chapter 173-340 WAC). If sampling indicates elevated levels of lead and arsenic, cleanup will be required prior to use by the public.
  - 10.1. Documentation as provided by the Department of Ecology that this condition has been satisfied or is no longer applicable may be provided at time of letter of compliance submittal.
11. Pursuant to comments received from the Department of Ecology on October 11, 2021, the applicant will need to obtain an NPDES Construction Stormwater General Permit from the Washington State Department of Ecology due to the potential for stormwater discharge from a construction site with disturbed ground, which includes road construction and utility placements. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
  - 11.1. Documentation as provided by the Department of Ecology that this condition has been satisfied or is no longer applicable may be provided at time of letter of compliance submittal.
12. Pursuant to CCC 11.93.030, no recreational vehicle may be located on the site, used or otherwise occupied, for any period longer than ninety (90) days in any calendar year.
13. Pursuant to CCC 11.93.030, the applicant shall ensure and maintain that no skirting of recreational vehicles is allowed, that all recreational vehicles shall be in operable condition with active license tabs, and no additional structures are permitted on any recreational vehicle.

14. Pursuant to Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, including but not limited to, submitting a building permit or the placement of all infrastructure, within three years after approval or such other time period as established by the hearing examiner. The applicant may request a one-year extension, to be reviewed administratively, if the applicant submits a written request with community development thirty days prior to expiration.
15. 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.
16. Pursuant to Chelan County Code Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

#### **Chelan County Public Works**

17. 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 on Easy Street 30' from centerline, if it is not already.
18. Lure Lane is classified as a Private Road in the County Road System. Lure Lane is a combination of paved (chip seal) roadway and gravel with unknown width at this time. Lure Lane shall meet the Rural Emergency Vehicle Access Road (Standard Plan PW-22) starting from Easy Street and ending just beyond the access to the RV Park.
19. Pursuant to Chelan County Code Title 15.30.360(2) Chelan County Public Works recommends the proposed access be constructed no less than one hundred twenty-five feet from a county collector intersection
20. The applicant will be required to construct an internal roadway system on the project site that conforms to Chelan County Code, and is acceptable by the Fire Marshal. At a minimum, Public Works will require the internal roadway to meet the Chelan County Code Title 11.93.330(A) RV Park Road and Access Road Standards. In lieu of the emergency turnaround, a secondary access/egress may be used if approved by the Fire Marshal.
21. 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.
22. Pursuant to Chelan County Code Title 15.30.340 Chelan County Public Works recommends the applicant to construct the access approaches to meet an Industrial/Commercial Driveway approach (Standard Detail PW-26).
23. Pursuant to Chelan County Code, Title 15.30.330, the applicant will be required to show the dimensions and type of material proposed for the RV and parking site on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a circulation plan indicating the size of the RV and parking sites, drive lane widths, type of surface material proposed, number of spaces, and a general parking schematic.
24. Pursuant to Chelan County Code, Title 10.20.410(2) Addresses are assigned based on road origin and shall contain digits indicating the address from the origin of the road to the primary access location for the site.

25. Pursuant to Chelan County Code Title 13, A Drainage Report & Plan may be required if any new impervious surface of 5000 square feet is created and must be reviewed and approved. If require, the report shall be submitted to Chelan County Public Works. This shall be completed prior to any road/parking area construction beginning.
26. 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.*

27. 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;

#### **Chelan County Fire Marshal**

28. Plans for a fire apparatus access road, designed in accordance with Chelan County Code Chapter 15.30, road standards and/or 11.93.330 Conditional Use Permit requirements for RV Parks, and shall be submitted to the Chelan County Public Works and Fire Prevention and Investigations for review and approval prior to project approval.
29. Class A roofing/noncombustible roofing covering, as defined in the International building Code, shall be used on all new construction in all areas of Chelan County.

#### **Chelan County PUD**

30. Based upon the plan provided, we are unable to determine if they are proposing grading or fill under the transmission line or near poles or guys. When we met with the applicant on site, there was a couple of feet of fill placed under the transmission line near structure M-Y2 17/8. The amount of new or proposed fill under the lines needs to be approved by the PUD. No fill is allowed against the wood transmission poles/guys and fill is not allowed that would cause NESC clearance violations. Cut/fill shall not affect PUD access to infrastructure for maintenance.
31. Water shall not be allowed to pond in the vicinity of the transmission structure. Adequate drainage will be required to ensure that water doesn't impact District infrastructure.

32. The proposed road seems to go through 2 of the 3 poles and under the guy wires on transmission structure M-Y2 17/8, this is a concern. The PUD will need to approve the actual plan around our structures. This will include how much clearance is between the road and poles, what are the minimum horizontal and vertical clearances between the road surface and guy wires, how do they plan to keep vehicles and trailers from hitting the poles, guy wires etc. Significant vehicle travel between the poles and guys needs to be evaluation and may not be allowed.
33. The proposed drainfield and septic tanks appear that they may be in the vicinity of our poles and guy anchors. Please provide an updated septic site plan which shows the PUD poles and anchors relative to the proposed infrastructure. No below ground septic system components will be allowed within 25' horizontally from any PUD infrastructure (e.g. poles, guy anchors, etc.).
34. The entire drainfield area within the transmission easement shall be clearly delineated by a permanent non-moveable barrier such as a fence or a row of boulders. This barrier shall be approved by the PUD and is to prevent district work crews from driving across the drainfield while conducting maintenance or repairs on the line.
35. This does not modify any conditions or rights provided by the existing easement language. The PUD holds a 100' wide easement for 2 lines of transmission structures across this property. Anything proposed within this easement area will need prior approval from the PUD.
36. This property is within the PUD's Monitor LUD water system. An application for water service will need to be submitted for review.

Dated this 7 day of January, 2022.

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.**