

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT, CONCLUSIONS OF
)	LAW, CONDITIONS OF APPROVAL
CUP 2021-442)	AND DECISION
Siren Song Farms)	
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on April 6, 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. An application for a Conditional Use Permit was submitted by Siren Song Farms to allow for a place of public and private assembly. The applicant has not proposed any new structures associated with this development at this time. The farm would be open from late spring to early fall, from 12 pm to 10 pm. The subject property is located in the Rural Residential/Resource 5 (RR5) zoning district. Access is off US Hwy 97A. Domestic water would be provided by a private well and sanitation would be provided by luxury porta-potty trailers.
2. The Applicants/Owners are Siren Song Farms LLC, C/O Kevin Brown, PO Box 1623, Chelan, WA 98816.
3. The subject property is located at 7 Tunnel Hill Road, Chelan, WA.
4. The abbreviated legal description and parcel number of the subject property is Lot B of BLA 2008-005. Parcel No. 26-21-01-130-050.
5. The subject property is not within an Urban Growth Area.
6. The property is located within the Rural Residential/Resource 5 (RR5) zoning district and comprehensive plan designation in Chelan County.
7. The property is currently in commercial use. Permits for this property have been issued for BP 17018, a new 5,040 sq. ft. pole building for personal use.
8. The subject property is relatively flat.
9. The property to the north and west is zoned Rural Residential/Resource 20 (RR20).
10. The property to the east and south is zoned Rural Residential/Resource 5 (RR5).
11. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped September 27, 2021. The proposed development does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.
12. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does contain mule deer habitat. Therefore, the provisions of CCC Chapter 11.78, does apply.
13. Pursuant to the Federal Emergency Management Agency (FEMA), panel number 5300150225A of the FIRM maps, the subject property does not contain identified 100 or 500-year flood plain or

associated floodway; therefore, the provisions of CCC Chapter 11.84, Frequently Flooded Areas Overlay District Development, do not apply.

14. Pursuant to CCC Chapter 11.86, the subject property does not contain geologic hazards. Therefore, the provisions of CCC Chapter 11.86 Geologically Hazardous Areas Overlay District do not apply.
15. Pursuant to the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are indicated on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District do not apply.
16. No comment was received indicating that the proposed development would be located within an area of high probability for containing cultural resources.
17. The Applicant plans to begin operation upon approval of application.
18. The subject property is accessed off of Tunnel Hill Road. Tunnel Hill Road is classified as a Private Road.
19. Domestic Water: No new comment regarding expansion.
20. Water to the subject property would be supplied by a proposed well.
21. The subject property is currently serviced with power by Chelan County PUD..
22. Sanitation: No new comments regarding expansion.
23. The development must comply with CCC, Chapter 7.35 Noise.
24. Visual Impact: The surrounding properties would not be subject to unknown impacts.
25. The Notice of Application was referred to surrounding property owners within 300 ft. (excluding 60 ft. of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on November 2, 2021 with comments due November 16, 2021. Agency comments are considered by the Hearing Examiner and, when appropriate, set forth in the Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received.

Agencies	Response Date	Nature of Comment
Chelan County Fire Marshal	November 2,	No objection to the development if subject to the recommended conditions.
Chelan County Building Official		No Comment
Chelan County Public Works	February 7, 2022	Subject to recommended conditions of approval.
Chelan Douglas Health District	December 3, 2021	Recommends further approval if subject to the proposed conditions.
WSDOT		No Comment
Fire District 7		No Comment
Confederated Tribes of the Colville Reservation	November 2, 2021	No comments, questions, or concerns.

Agencies	Response Date	Nature of Comment
Department of Ecology	November 12, 2021	Prospective water users must obtain authorization from DOE before diverting surface water or withdrawing ground water.

26. Public comments received:
 - 26.1 Bari and Mark Rowe dated February 10, 2022.
27. The application was submitted on September 27, 2021.
28. The Determination of Completeness was issued on October 27, 2021.
29. The Notice of Application was provided on November 2, 2021.
30. The Notice of Public Hearing was provided on March 26, 2022.
31. Pursuant to WAC 197-11-800 of the State Environmental Policy Act (SEPA), the proposed action is categorically exempt from environmental review.
32. Rural Residential/Resource 5 (RR5). Purpose: Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.
33. Uses appropriate for these areas include: open space, residential, agriculture, and forestry. Additional use 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 or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include new residential development; intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, home occupation, bed and breakfasts and community facilities.
34. The proposal is consistent with the Chelan County Comprehensive Plan.
35. Chelan County Code, Conditional Use Permit Criteria 11.93.040: A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met:
 - 35.1 All criteria required for a specific use by this chapter can be satisfied.
 - 35.1.1 Criteria for place of public and private assembly have been addressed below.
 - 35.1.2 Based on review of the application materials submitted, the Hearing Examiner finds that the criteria for place of public and private assembly can be satisfied.

- 35.2 The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
 - 35.2.1 The proposed development is located in the Rural Residential/Resource 5 (RR5) zoning district. The RR5 zoning district permits places of public and private assembly as a Conditional Use. The site plan of record, date stamped November 27, 2021, demonstrates that the proposed development would meet the applicable zoning standards per CCC Section 11.12.020.
 - 35.2.2 Based on the site plan of record, the proposed development would meet applicable zoning and critical areas regulations.
- 35.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 35.3.1 The subject property is operating an existing lavender farm.
 - 35.3.2 The proposed use of the property would not change from its existing use, and as conditioned, is compatible with the surrounding area.
- 35.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 35.4.1 The proposed development of places of public and private assembly would not be detrimental to the agricultural resource land as the property is already cleared for the development.
 - 35.4.2 The proposed development would not be detrimental to agricultural resource land.
- 35.5 No conditional use permit shall be issued without a written finding that:
 - 35.5.1 After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.
 - 35.5.2 Chelan County provided a Notice of Application to all providers and received comments are included in the file of record.
 - 35.5.3 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed uses.
 - 35.5.4 No county facilities will be reduced below adopted levels of service as a result of the development.
 - 35.5.5 The proposed development, as conditioned, would not result in county facilities reduced below adopted levels of service.
- 35.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 35.6.1 The proposed development, as conditioned, would not have an adverse impact on public health, safety and welfare.

- 35.7 A finding shall be made 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 Title 11 and 15 of the Chelan County Code.
- 35.7.1 Roads, ingress and egress: The subject property fronts on US 97A and accesses off Tunnel Hill Road, a private road. The Applicant will be required to demonstrate legal access for the uses allowed in this permit.
- 35.7.2 Stormwater: The applicant shall comply with Chelan County Code Title 13; Chelan County Stormwater Guidelines and Procedure.
- 35.7.3 Domestic and Irrigation Water: Single use well.
- 35.7.4 Sanitary Facilities: On-site septic systems may be required by the Chelan-Douglas Health District. If so, septic permits shall be approved by Chelan Douglas Health.
- 35.7.6 Power: Power is provided by Chelan County PUD.
- 35.7.7 Fire Protection: Fire protection is provided by Chelan County Fire District #7.
- 35.8 Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
- 35.8.1 Noise and Vibration: Noise and vibration would be temporary during construction of the improvements. Construction noise is regulated by CCC Section 11.88.190 and CCC Chapter 7.35.
- 35.8.2 Light and Glare: Lights appurtenant to residential development are regulated by CCC Section 11.88.080.
- 35.8.3 Heat, Steam, Odors, Smoke and Dust: The proposed development would not generate heat, steam or odors.
- 35.8.4 Erosion: Pursuant to CCC Chapter 11.86, the subject property does not contain geologic hazards. Therefore, the provisions of CCC Chapter 11.86 Geologically Hazardous Areas Overlay District do not apply.
- 35.8.5 Water Quality: As conditioned, the proposed development would have to meet standards as required by Chelan Douglas Health District.
- 35.8.6 Wastes and Physical Hazards: No hazards identified.
- 35.8.7 Electrical Disturbance: The proposal would not result in electrical disturbances.
- 35.8.8 Based on the above facts, the Hearing Examiner finds that the noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties can be avoided or mitigated as conditioned.

- 35.9 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
 - 35.9.1 The proposed places of public and private assembly CUP is consistent with the goals and policies of the Resource Element of the Comprehensive Plan.
 - 35.9.2 Based on the application materials, the Hearing Examiner finds that the development is consistent with the Chelan County Comprehensive Plan.
- 36. Chelan County Code, Section 11.93.315: Places of Public and Private Assembly. The following minimum conditions shall apply to places of public and private assembly:
 - 36.1 The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.
 - 36.1.1 The site plan of record, date stamped September 27, 2021, shows an open field labeled parking area. In the permit narrative the applicant indicates that the development has parking for a minimum of 150 cars and a maximum of 500 cars.
 - 36.1.2 An operation, circulation and access plan would need to be submitted for review and approved by Chelan County Public Works prior to commencement of development and activity.
 - 36.2 The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.
 - 36.2.1 Based on the application materials, the Hearing Examiner finds that there are no adverse impacts to the subject property.
 - 36.2.2 The Hearing Examiner finds that as conditioned, the proposed use would not result in adverse impacts.
 - 36.3 The operation shall include adequate sanitary facilities based on proposed capacity.
 - 36.3.1 The proposed use and plans submitted to the county did not indicate the addition of any restrooms. If restrooms are required by the Health District, the Applicant shall comply with all requirements set by the Health District.
 - 36.4 The proposal will not reduce county facilities below adopted levels of service as a result of the development.
 - 36.4.1 The proposed use is not proposing to reduce county facilities below adopted levels of service. Therefore, the requirements would not apply.
 - 36.5 Administrative review of the operation to determine compliance with conditions of approval shall be performed in the first and fifth year of operation, or upon receipt of a written complaint.
 - 36.5.1 The review of conditional use permits helps ensure compliance with the requirements.
 - 36.5.2 The Hearing Examiner sets as a condition that the applicant submit a review letter to Chelan County in the first and fifth year after the date of

this decision. This letter shall set forth specific facts, as opposed to conclusory statements, as to how the Applicant is complying with each condition.

- 36.6 All events and activities shall comply with Chapter 173-60 WAC, Noise.
 - 36.6.1 The Hearing Examiner set as a condition of approval that noise be reviewed as part of the one and five year compliance review.
- 36.7 The proposal shall include the maximum number of attendees (baseline) which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements.
 - 36.7.1 The proposed development would have an average attendance of 200 people with a maximum attendee of 1,000. The applicant has adequate parking and overflow parking over the 21 acres to accommodate the maximum attendees.
- 36.8 If a school is to be included in the facility as a separate structure, the criteria of Section 11.93.160 shall be met in addition to any other applicable criteria.
 - 36.8.1 The proposed use is not a school. Therefore, the requirement of this section would not apply.
- 36.9 If a daycare center/preschool is to be included in the facility, the criteria of Section 11.93.160 shall be met in addition to any other applicable criteria.
 - 36.9.1 The proposed use is not a daycare center/preschool. Therefore, the requirement of this section would not apply.
- 36.10 For churches and religious facilities, one single-family dwelling unit may be included in addition to the facility for the residence of the cleric/priest/pastor/etc.
 - 36.10.1 The proposed use is not a church or religious facility. Therefore, the requirement of this section would not apply.
- 37. An open record public hearing after due legal notice was held using Zoom video conferencing on April 6, 2022.
- 38. Appearing and testifying on behalf of the Applicant was Kevin Brown. Mr. Brown testified that he was an agent of the property owner and the applicant and was authorized to testify at this hearing. Mr. Brown testified about past events that have been held on the property. He indicated that the pole building on the property is for storage of farm equipment and agricultural products. He stated that there would be no restaurant on site. He testified that there would be no camping or lodging on site. Mr. Brown questioned the need for a septic system because they have "luxury" portable bathrooms. He had the same concern regarding the requirement for a water system on the site. Finally, he indicated that while he agreed with the fire suppression condition, he indicated that it might take time to arrange for the actual construction of these improvements. He stated that there is high pressure irrigation on the site.
- 39. Testifying from the public was Gary Hammon. Mr. Hammon testified as to access concerns, consistent with his written comment. He had concerns regarding safety for persons traveling to and from the event site. He also testified that he can hear music from the applicant's property, which is approximately 15 acres away.

40. Andrew Brunner with Chelan County Public Works testified that the applicant is required to improve the access road from 97A to the property in that it must be widened and graveled so as to meet emergency vehicle access requirements.
41. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision
42. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. The proposed uses are consistent with the goals and policies of the Rural Residential/Resource 5 (RR5) within the Chelan County Comprehensive Plan.
3. The proposed use is permitted with an approved conditional use permit.
4. As conditioned, the proposed use would be compatible with the character of the surrounding area.
5. As conditioned, the use will not be detrimental to the natural environment.
6. As conditioned, the proposed development would not have an adverse impact on public health, safety and welfare.
7. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use.
8. As conditioned, the proposed use would not result in county facilities being reduced below adopted levels of service.
9. As conditioned, all necessary facilities, improvements and services are consistent per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
10. 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.
12. The development is consistent with the Chelan County Comprehensive Plan.
13. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

III. CONDITIONS OF APPROVAL

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to CCC Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land; compliance with the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
2. Pursuant to CCC Section 11.93.080, the granting of a Conditional Use Permit 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.

3. 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.
4. Pursuant to the requirements of the Chelan-Douglas Health District:
 - 4.1 Proposed activities would require a Group A public water system review and approval by Department of Health.
 - 4.2 If required by the Health District, the Applicant shall install a permitted septic system on the subject property to accommodate the number of visitors in lieu of a luxury porta-potty trailer.
 - 4.3 Food Service: For food service permitting process, the applicant would need to contact Chelan-Douglas Health District's Food Program at (509) 886-6400 for permitting requirements.
5. Pursuant to the requirements of the International Building Code and International Fire Code:
 - 5.1 The proposal/development shall conform to all applicable requirements of the International Fire Code and CCC administered by the Chelan County Fire Marshal.
 - 5.2 The development is located in an area that does not have a water supply that meets the fire-flow requirements for commercial operations. Providing the required fire flow is probably not attainable. However, there needs to enough water available to have a chance at stopping a fire.
 - 5.3 In lieu of the required fire-flow, an on-site water supply with a minimum size of 2,000 gallons would be required. The water supply would need have a dry hydrant connection to provide a means for the fire district to draft water from the tank or cistern. The hydrant would need to be located so that a fire apparatus can park within 10 feet. The tank or cistern also needs to have a water supply from a well or other source with an automatic refill capability and method of monitoring the level of water in the cistern. Plans showing the location of the tank/cistern and how it would be installed would need to be reviewed and approved prior to construction.
 - 5.4 Above ground water storage tanks may require a conditional use permit, issued through Community Development.
 - 5.5 Above ground or below tanks are considered structures and would require a building permit through Fire Prevention and Investigations.
 - 5.6 Class A roofing/noncombustible roof covering, as defined in the International Building Code, shall be used on all new construction in all areas of Chelan County.
 - 5.7 The fire suppression requirements must be fully constructed within 12 months of the date of this permit.
6. Pursuant to the requirement of the Chelan County PUD:
 - 6.1 There are multiple underground utility lines located along the frontage of and within the driveway of the subject property. Before any digging occurs please have all utilities located.
7. Pursuant to the requirement of the Chelan County Public Works:
 - 7.1 Primary Access. The access to the development shall meet the Rural Emergency Vehicle Access Road standard (Standard Plan PW-22), and have an Emergency Vehicle turnaround (Standard Plan PW-23-A or B).
 - 7.2 Primary Access. No Traffic Impact study would be required at this time from Chelan County Public Works, but if the permitted use changes, then a review from Chelan

- County Public Works would be required to determine if a Traffic Impact Study would be required.
- 7.3 Pursuant to CCC, Section 10.20.410(2) addresses are assigned based on road origin and shall contain digits indicating the address from the origin of the road to the primary access location for the subject property.
- 7.4 Pursuant to CCC Section 10.20.200, a road naming would be required for the shared driveway/access roads that serves three or more addressable parcels or structures. The applicant would be required to notify all affected property owners that have legal access/use to the access being named or a certified mail receipt would be required to prove such notification. That proof, a road naming fee must be submitted to Chelan County Public Works for each of the shared accesses being named. Approval would be to emergency services. Once a road name has been approved, a road name sign would be required to be installed by the applicant would be required to contact Chelan County Public Works for an inspection. More details, the road naming application and the road sign spec can be found online.
- 7.5 Pursuant to CCC Chapter 15.30, the applicant would 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 development.
- 7.6 The applicant would be required to show the dimensions and type of material proposed for the guest parking area on the CUP Site Plan for the proposed development. 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 development.
- 7.7 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 would 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:
- 7.7.1 Road Improvement Plan (including location of utilities)
 - 7.7.2 Erosion and Sedimentation Control Plan
 - 7.7.3 Lot Access Plan
 - 7.7.4 Signage and Painting Plan
 - 7.7.5 Drainage Report and Plan
- 7.8 A Pre-Construction Meeting with the owner/contractor and Chelan County Public Works Department would be required prior to commencement of construction.
- 7.9 The applicant would be required to submit signed As-built Construction Plans by the applicant's engineer prior to Chelan County Public Works issuing final approval.
- 7.10 Pursuant to CCC Section 12.08.020, the applicant would be required to demonstrate legal and perpetual access for the proposed Facility. The applicant will be required to demonstrate legal access for the uses allowed in this permit.
- 7.11 Pursuant to CCC Section 13.18.030(9) if a Drainage System is required, show any necessary easements in accordance with the approved plan.
- 7.12 Pursuant to CCC Chapter 13.18, a Drainage Report and Plan would be required to be submitted to Chelan County Public Works if any new impervious surface of 5,000 square feet is created and must be reviewed and approved. This shall be completed during the submittal of any building permits.
- 7.13 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 the 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.'

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 11.93.310(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.
10. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit Amendment shall be in conformance with the submitted application of record, including site plan date stamped May 12, 2021.
11. Pursuant to CCC 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.
12. Pursuant to CCC 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.
13. Pursuant to WAC 173.60, the applicant shall comply with all noise limits set forth within WAC 173.60.
14. There shall be no on-site food preparation, whether for sale, or other distribution to guests. This does not prohibit off-site food preparation served by caterers at events. Nevertheless, the applicant shall obtain all necessary permits for any food service.

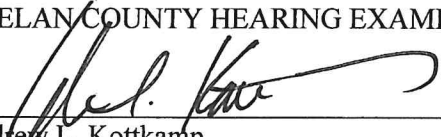
15. There shall be no camping or other overnight lodging on the site without required permits being obtained.

IV. DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 2021-442 is hereby **APPROVED**.

Dated this 11th day of April, 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.

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.