

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP 21-291)	CONDITIONS OF APPROVAL
REIMERS)	AND DECISION
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on May 18, 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 for the development of three dispersed campsites.
2. The applicant/owners are Mark and Karla Reimers, PO Box 2367, Chelan, WA 98816.
3. The subject property is located at 36 Mountain Ridge Lane, Chelan, WA 98816.
4. The parcel number for the subject property is 28-22-34-130-025.
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/Resource (RR-10).
7. The subject property is developed in the NE corner with residence and accessory structure. The remainder of the property is vacant with interspersed vegetation growing throughout. The following is the permit history for the property.
 - 7.1 BP-970103 – 20’X24’ Garage (expired)
 - 7.2 BP-970414 – Placement of a 1976 14’x66’ mobile home (expired)
 - 7.3 CE 18-0051 – Previous I-502 grow operation (closed).
8. The NE Property is zoned RR10 and the NW property across Chelan Ranch Road is zoned Commercial Agricultural Lands (AC).
9. The property to the SE is zoned RR10 and the SW property across Chelan Ranch Road is zoned Commercial Agricultural Lands (AC).
10. Property to the east is zoned RR10 and also owned by Mark and Karla Reimers.
11. Property to the west is fronted by Chelan Ranch Road, a private road. Properties on the other side are zoned Commercial Agricultural Lands (AC).
12. The applicant submitted an Aquifer Recharge Disclosure Form dated July 7, 2021. The proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82.
13. 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.

14. According to the Natural Resources Stream Typing Maps, several Ns and Nf streams are on the subject property. Therefore, the provisions of CCC Chapter 11.78, apply.
15. Chelan County GIS mapping shows that the subject property is located within a potential geologic hazard area for erosive soils. Therefore, the provisions of CCC Chapter 11.86 apply to the project. A geological site assessment prepared by Deanne M. Reynolds on August 24, 2005 was submitted with application. Subsequent development will be required to follow the recommendations of the provided report, unless amended, and agreed to by Chelan County.
16. 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.
17. No comments were received from the Department of Archaeology and Historic Preservation or from any of the Tribes. Due to the revised comments of the CDHD, no excavation is anticipated to occur for this proposal.
18. Construction is anticipated to commence upon completion of all required permits.
19. The subject property will be accessed off of Chelan Ranch Road into a proposed parking area.
20. There is an existing private well on the subject property, but its location is near the existing residence, so the applicant has proposed to have campsite users tote in their own water. Per original Chelan Douglas Health District (CDHD) comments, this private well would need to go through a Group B public water system review since it will be providing water to the house and the 3 campsites. However, after subsequent conversations between the applicant and CDHD, the CDHD agreed to allow water to be toted in for potable water instead of expanding the private well. Because only toted in water will be available at each campsite, staff is recommending as a condition of approval, that no wood fires be allowed at the campsites and that only propane fires would be permitted at each campsite.
21. Power is by an extension of the Chelan County PUD.
22. Sanitation is proposed by providing each proposed campsite a sanican/portapotty. Original comments by the CDHD required a septic system for each campsite, however, in subsequent conversations with the CDHD, CDHD indicates that if there is no one onsite water and all waste is timely removed from the site, they had no comment.
23. The applicant must comply with CCC Chapter 7.35 Noise.
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	October 26, 2021	The subject property is located within Fire District #7. There is not adequate fire flow to serve the proposal. It is yet to be determined if the access and circulation would be adequate for emergency vehicles. Alternate fire flow provisions will be necessary. A recommended

Agencies Notified	Response Date	Nature of Comment
		condition of approval is that each campsite shall have approved address numbers placed in a position that is plainly legible and visible from the street or road fronting the property.
Chelan County Building Official	October 1, 2021	The proposed canvas tents for camping purposes would be classified as R-1 Transient Uses per the IBC and will require permits. Per policy, the tents and supporting structures would need to be designed indicating that the structures comply with the associated design loads for the area. Also, the tent membrane and interior liner (if used) need to meet the fire propagation performance criteria of test method 1 or 2 of NFPA 701. The permit requirements for each tent would be permit application, structural design and dimensional plan, NFPA 701 compliance for membrane and fabric liner.
Chelan Douglas Health District	October 14, 2021 and April 29, 2022	<p>The original comment from the CDHD was that the private well that serves the property will need to go through a Group B public water system review process since there will be a total of four connections. Since water will be disposed of at the campsites, a septic system will be required. Portable toilets are not a long-term substitute for disposing of wastewater.</p> <p>A follow up discussion between the applicant and the CDHD was received on April 29, 2022 indicated that since there was no building structure onsite, water used by campers would be toted in and that a sanican/portapotty can be used to meet sanitation requirements for each campsite, no public water system or septic would be required.</p>
Chelan County Public Works	October 11, 2021	Recommended conditions of approval include demonstrating legal and perpetual access for the proposed facility and a drainage report and plan will be required to be submitted to Chelan County Public Works if new impervious surfaces greater than 5000 sq.ft. is created.
Chelan County PUD	October 13, 2021	Chelan PUD has existing electric facilities along the road. Any electrical service request related to this project would require a line extension and may require additional easements to be granted. Owner will need to apply for power with Chelan PUD if power is

Agencies Notified	Response Date	Nature of Comment
		needed.
WA Dept. of Ecology	October 12, 2021	A water right permit is required for all surface water diversions and for any groundwater withdrawals that will exceed 5,000 gallons per day for domestic supply.
WA Dept. of Archaeology and Historic Preservation	N/A	No Comment
Yakama Nation	N/A	No Comment
Confederated Tribes of Colville	N/A	No Comment
Chelan County Fire District No. 7	N/A	No Comment

26. Several public comments were received regarding this proposal and are detailed below:

Name(s)	Response Date	Nature of Comment
Paul Rachev	October 5, 2021, October 11, 2021	Discussion of applicant's code enforcement case. Tentrr website specifying fires are allowed and the applicant had a fire on property in 2019. Application is not in character with land usage in the area and applicant has shown a disregard for Chelan County Code. Follow up with letter adding in lack of sanitary facilities and renters trespassing on nearby private property.
Jon and Lisa Brenton	October 8, 2021	Application doesn't meet surrounding residential land use, renters don't abide by fire requirements, subject property conditions are a health hazard due to garbage, discarded household items, and derelict vehicles.
Gailanne Molver	October 12, 2021	Fire hazard concerns due to Tentrr website description and the applicant has had a recent fire on the subject property. Location of parking area is out of site of applicant's residence, but is in clear view of adjacent residences. Renters are encouraged to take nature walks and users have trespassed on neighboring properties.
Del Shull	October 13, 2022	Concerns about road maintenance responsibility and wildfire issues.
Megan and Jeffrey	October 6, 2022	Primary concern is fire control and lack of

Name(s)	Response Date	Nature of Comment
Benson		nearby water for fire protection. Proposed mitigation to protect against potential wildfire. Also concerned about road conditions and expanding usage by renters. Not sure who would be responsible for monitoring CUP requirements.

27. The applicant submitted an environmental checklist on July 7, 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 October 28, 2022. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
28. The application materials were submitted on July 7, 2021.
29. A Determination of Completeness was issued on September 24, 2021.
30. The Notice of Application was provided on September 29, 2021.
31. The Notice of Public Hearing was provided on May 18, 2022.
32. Being as the proposed campground is to be located on the parcel zoned Rural Residential/Resource 10 (RR10), the proposed development will be reviewed under the RR10 criteria and provisions. The purpose of the Rural Residential/Resource 10 land use designation of the Rural Element is to allow for rural development consistent with the rural character. RR10 designations can also act as buffers between designated resource lands and more intense rural 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..."*. The Hearing Examiner finds that the project, as conditioned, is consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
33. Chelan County Code, Chapter 11.12.010: Rural Residential/Resource 10 (RR10) - The proposed development is located in the RR10 zoning district of Chelan County. According to Chelan County Code Section 11.04.020 District Use Chart, minor RV parks/campgrounds are permitted as a Conditional Use.
 - 33.1 "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."
34. 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 s0078criteria listed in this chapter are met:
 - 34.1 All criteria required for a specified use by this chapter can be satisfied.
 - 34.1.1 Criteria for the minor RV park/campground have been identified below.
 - 34.1.2 The Hearing Examiner finds based on review of the application materials submitted, the criteria for developed campsites can be satisfied.

- 34.2 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.
- 34.2.1 The site plan of record, date stamped July 7, 2021, demonstrates the proposed campsites would meet applicable zoning setbacks identified in CCC Section 11.12.010.
- 34.2.2 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 site.
- 34.2.3 Landscaping is required per CCC Chapter 15.50. Pursuant to CCC Section 15.50.050 the administrator may waive all or part of the landscaping requirements when the inclusion of significant existing vegetation located on the site would result in as good as or better than satisfaction of the purposes of this section. Due to the existing vegetation on site, these three developed campsites are already somewhat screened from neighboring properties and are isolated away from each other. The subject property is located in the RR10 zoning district, which allows for minor RV parks/campgrounds as a Conditional Use. The site plan of record, date stamped July 7, 2021, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.10.020.
- 34.2.4 The Hearing Examiner finds based on the site plan of record, date stamped July 7, 2021, the proposed development would meet applicable zoning and critical areas regulations.
- 34.2.5 The Hearing Examiner finds that the undisputed evidence is that the entire project site contains highly flammable natural vegetation.
- 34.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- 34.3.1 The proposed use of 3 developed campsites meets the definition of a minor RV park/campground. The applicant is proposing that each dispersed campsite will have a 12-ft. x 12-ft. canvas tent placed on a 12-ft. x 16-ft. platform, that potable water will be toted in by the used, and a portable toilet will be provided at each location. The proposed development is located in an area where large residential lots is the predominant use with some vacant lands as well. The proposed use is a different use than all others in the surrounding area.
- 34.3.2 The Hearing Examiner finds that as conditioned, the proposed development would meet Chelan County Code requirements and allowances, but does not match the surrounding private property usage.
- 34.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 34.4.1 The subject property is not identified as a classified resource land pursuant to the Chelan County Comprehensive Plan. Chelan County GIS mapping indicates that there is a drainage that flows along the northern property border; the proposed campsites are all located outside of the 50'

riparian setback of this Class IV stream. In addition, a Geologic Hazard Assessment, performed in 2005 by Deanne Reynolds (PE), indicates that the subject property is rated as “no-risk” as long as cut slopes do not exceed a 1.5:1 slope and fill slopes do not exceed a 2:1 slope and disturbed areas are re-vegetated to protect against erosion.

- 34.4.2 As conditioned, the use would not be detrimental to the natural environment.
- 34.5 No conditional use permit shall be issued without a written finding that:
 - 34.5.1 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.
 - 34.5.1.1 Chelan County provided a Notice of Application to all providers. Received comments are included in the file of record.
 - 34.5.1.2 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
 - 34.5.2 No county facilities will be reduced below adopted levels of service as a result of the development.
 - 34.5.2.1 Construction of the proposed development is not anticipated to result in county facilities being reduced below adopted levels of service as a result.
 - 34.5.2.2 As conditioned, the proposed development would not result in county facilities being reduced below adopted levels of service.
- 34.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 34.6.1 The proposed development of the subject property would include toted in potable water and the use of a sanican/portapotty for each campsite. Final review and approval from the Chelan County Building Department (and Chelan Douglas Health District) would be required prior to future building permit submittal.
 - 34.6.2 As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
- 34.7 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.
 - 34.7.1 Roads, ingress and egress: The subject property fronts and access off of Chelan Ranch Road, a private road. With the development, access onto

the subject property would be from an approved access point from Chelan Ranch Road onto a graveled parking lot.

- 34.7.2 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
- 34.7.3 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
- 34.7.4 Parking and Loading: Parking is required at a rate of one space per dispersed campsite. There appears to be enough parking for the proposed use of the subject property.
- 34.7.5 Domestic and Irrigation Water: Domestic water is proposed via water toted in by renters of the campsites.
- 34.7.6 Sanitary Facilities: The applicant is proposing to utilize a sanican/portapotty at each campsite for sanitary purposes.
- 34.7.7 Power: Power is provided by Chelan County PUD.
- 34.7.8 Fire Protection: The proposed development is located Chelan County Fire District #7. Comments received from the Chelan County Fire Marshal, dated October 26, 2021 state that alternative fire flow provisions will be necessary for this project. A subsequent comment on April 11, 2022, indicated that no onsite water would be necessary but address signs would be required so that emergency services can find the sites
- 34.7.9 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.
- 34.8 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.
 - 34.8.1 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.
 - 34.8.2 A Geologic Hazard Assessment, performed in 2005 by Deanne Reynolds (PE), indicates that the subject property is rated as “no-risk” as long as cut slopes do not exceed a 1.5:1 slope and fill slopes do not exceed a 2:1 slope and disturbed areas are re-vegetated to protect against erosion.
 - 34.8.3 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.
- 34.9 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.

- 34.9.1 The proposed development would be consistent with the goals and policies of the Rural Element of the Comprehensive Plan.
 - 34.9.2 The project is consistent with the Chelan County Comprehensive Plan.
- 35. Chelan County Code, Chapter 11.93.330: Recreational vehicle parks/campground:
 - 35.1 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.
 - 35.1.1 The subject property fronts on and currently accesses off of Chelan Ranch Road, which is not classified as a primitive road or US Forest Service road. With application, a Geologic Hazard Assessment, performed in 2005 by Deanne Reynolds (PE), indicates that the subject property is rated as “no-risk” as long as cut slopes do not exceed a 1.5:1 slope and fill slopes do not exceed a 2:1 slope and disturbed areas are re-vegetated to protect against erosion.
 - 35.1.2 As proposed, the development would meet the provisions for location.
 - 35.2 RV Park Site Requirements.
 - 35.2.1 The site plan date stamped July 7, 2021 and associated narrative indicates that each campsite meets the setbacks required by CCC Section 11.93.330(2)(A).
 - 35.2.2 As proposed, the dispersed campsites would comply with the site requirements of CCC Section 11.93.330(2).
 - 35.3 RV Park Road System.
 - 35.3.1 Based on comment letter received from Chelan County Public Works, dated October 11, 2021, no internal roads are required at this time, but the applicant will be required to demonstrate legal and perpetual access for the proposed facility.
 - 35.3.2 The Hearing Examiner sets as a condition of approval, legal and perpetual access be demonstrated through obtaining an approach permit from Chelan County Public Works.
 - 35.4 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.
 - 35.4.1 Being as there are three campsites proposed with the development, three off-street parking spaces will be required. The site plan of record, date stamped July 7, 2021 and associated project narrative proposes a 50-foot by 50-foot graveled parking lot.

- 35.4.2 As proposed, the three campsites would comply with the parking requirements of CCC Section 11.93.330(4).
- 35.5 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.
- 35.5.1 Per CDHD email dated April 29, 2022, the applicant is able to utilize a sanican/portapotty at each campsite.
- 35.5.2 As conditioned, the proposed development would be required to meet the approved sewage disposal requirements of the Chelan Douglas Health District.
- 35.6. 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.
- 35.6.1 The Chelan County Fire Marshal was notified of the proposed development and provided recommended conditions of addressing each campsite.
- 35.6.2 As conditioned, the proposed development would meet the required fire protection standards of CCC Section 11.93.330(6).
- 35.7. 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.
- 35.7.1 The applicant has proposed trashcans at each campsite that would be emptied on a regular basis. The Hearing Examiner has provided times for disposal at the end of each stay.
- 35.7.2 As proposed, the proposed campsites would meet the requirements for solid waste disposal, storage, and collection of CCC Section 11.93.330(7).
- 35.8. 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.

- 35.8.1 The proposed development is not located within a sewer district. CDHD was notified of the proposed development and provided recommended conditions of approval regarding sanitation and potable water in an email dated April 29, 2022. No RV's will be permitted onsite.
- 35.8.2 As conditioned, the proposed development meets the requirements of CCC Section 11.93.330(8).
- 35.9 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.
- 35.9.1 Since the applicant is only proposing three campsites, this requirement does not apply.
- 35.10 Perimeter Buffer Yards, Landscaping, Fencing, Landscape Materials.
- 35.10.1 No landscaping or fencing was proposed with the application.
- 35.10.2 The proposed development would meet the landscaping requirements of CCC 11.93.330(10). Pursuant to CCC Section 15.50.055, the inclusion of significant existing vegetation located on the site would result in as good as or better than satisfaction of the purposes of this section.
- 35.11 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.
- 35.11.1 The subject property is approximately ten acres and three campsites have been proposed, which requires a usable recreation area of 1,500 sq.ft. or more. According to the site plan, date stamped July 7, 2021, and the associated narrative, the applicant has not proposed a recreation area; however, the dispersed nature of the campsites includes walking trails on the subject property from the parking area to the campsites.
- 35.11.2 As proposed, the development appears to meet the required square footage for recreation areas provisions of CCC Section 11.93.330(11).
- 35.12 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.
- 35.12.1 Lighting would be required to meet the standards of CCC Section 11.88.080.
- 35.12.2 As conditioned, the proposed development would meet the provisions of this section and CCC Section 11.88.080 for lighting regulations by placing lighting at the entrance to the parking area that would not spillover onto adjoining properties across Chelan Ranch Road.
- 35.13 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.

35.13.1 The proposed development would be required to place a sign near the entrance of the parking area 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.

35.13.2 The proposed development would need to meet the provisions of this section and will be required to meet the standards of CCC Chapter 11.92 for sign regulations. The sign should include the addresses assigned to the campsites as well and should be visible for emergency vehicles to locate.

35.14 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.

35.14.1 Based on the site plan of record and application materials, the applicant currently lives on the adjacent property. No onsite manager or other facilities are proposed.

35.14.2 As proposed, the development meets the provisions of CCC Section 11.93.330(14).

35.15 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.

35.15.1 With the application, a site plan to an acceptable scale was submitted. The campsites and parking area were denoted on the site plan and the application included a supplemental picture showing the existing campsite. Based on comment letter received from Chelan County Public Works, an approved

approach permit and obtaining addresses for each campsite would be required to be provided prior to the activity commencing.

35.15.2 To ensure that the proposed parking would comply with this section, staff recommended that a letter of compliance be submitted by the applicant prior to renting out any of the campsites.

35.16 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.

35.16.1 The proposal consists of 3 dispersed campsites. No RV's will be allowed.

35.16.2 As conditioned, the provisions of this section would be met.

35.17 Lodge and Cabin Units.

35.17.1 No lodge facility or cabin units are proposed with the RV Park; therefore, this provision would not apply.

35.18 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.

35.18.1 No accessory structures are proposed; therefore this provision would not apply.

36. The applicant is currently proposing three dispersed campsites on a private property. However, if the use is to expand beyond the proposed site plan, date stamped July 7, 2021, additional land use permits may be required. The applicant will need to submit a letter of approval from Chelan County Public Works demonstrating an approved approach permit and proper addressing prior to renting the campsites.

37. An open record public hearing after due legal notice was held on May 18, 2022 via Zoom videoconference.

38. The entire planning staff file was admitted into the record at this hearing.

39. Appearing at the hearing was the Applicant, Mark Reimers. Mr. Reimers did not provide any testimony.

40. Testifying from the public were the following individuals:

40.1 Paul Rachey. Mr. Rachey hired attorney, Tom O'Connell, who has provided a written legal analysis. Mr. Rachey also testified that the Applicant is a chronic violator of the Chelan County Code.

40.2 Gailanne Molver. Mrs. Molver pointed out what she perceived to be inaccuracies within the staff report. She testified about her concerns regarding fire danger and that the Applicant's property contains significant tall and dry grasses and sagebrush. Her concern is that even a barbecue grill could start a fire. She also indicated that there would be no way to pack in enough water to fight a wildfire.

41. The public testimony, both written and oral, has overwhelmingly demonstrated, and has not been refuted by the Applicant, that there are significant prevailing winds on the subject property, that there are dry and highly flammable grasses, plants and weeds throughout the Applicant's property, that this dry vegetation is highly flammable and that there are neighboring properties

whose elevation is higher than the subject property, and immediately adjacent to the subject property, that is used for full time residential purposes and any fire could cause great harm.

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. 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 7, 2021, the proposed development would meet applicable zoning and critical areas regulations.
5. As conditioned, the proposed development would meet Chelan County Code requirements and allowances, but does not match the surrounding private property usage.
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 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 21-291 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 7, 2021 or as amended by this decision.

3. Pursuant to the requirements of the International Building Code and International Fire Code, a Chelan County Commercial Building Permit shall be required for each one of the proposed tent platforms.
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 Section 11.93.330(7), each campsite shall be provided its own garbage container to be emptied on a weekly basis.
7. 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:
 - 7.1. Demonstration of legal and perpetual access for the proposed parking lot and campsites pursuant to CCC 12.08.020
 - 7.2. 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.
 - 7.3. A detailed narrative as to how each Condition of Approval will be satisfied. Conclusory statements are not sufficient. Facts will be required to demonstrate compliance.
8. 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.
9. 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.
10. 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.
11. As stated in the application materials submitted on July 7, 2021, no wood fires would be allowed at any of the proposed campsites. Based upon the testimony from the public as to the topography and vegetation on the subject property, as well as there was a prior fire on the property, and the fact there will not be any dependable water on site, no propane fires will be permitted. This excludes barbecues that are fueled by propane canisters 16 oz. or less, or gas backpacking type stoves. All cooking shall be performed upon a fire proof mat provided by the Applicant, which dimensions shall be, at a minimum, 24" x 36". No cooking shall be allowed directly upon the ground, whether on the fire proof mat or not.
12. The applicant shall provide site maps at each campsite that clearly demonstrate property boundaries to keep renters from trespassing on nearby private property.

13. A property management plan shall be developed pursuant to CCC Section 11.88.290(3)(K) and a copy of this should be kept at each campsite. This property management plan shall include a fire protection plan meeting the requirements of CCC Section 11.88.290(3)(I). In addition, the applicant must provide evidence that the good neighbor guidelines have been effectively relayed to renters by incorporating it into the property management plan and posting it online when advertising pursuant to CCC Section 11.88.290(3)(M).
14. Pursuant to CCC Section 16.14.010, the administrator may suspend or revoke any permit issued by the department if the permit holder has committed a code violation in the course of performing activities subject to that permit or the permit holder has failed to comply with the provisions of the permit. Such permit suspension or revocation shall be carried out through the notice and order provisions of this title, and shall be effective upon service of the notice and order to the person responsible for code compliance. The permit holder may appeal such suspension as provided for in this title.

Chelan County Public Works

15. No frontage improvements required. However, if permitted use changes, then review by Chelan County Public Works shall be required.
16. Pursuant to Chelan County Code Title 12.08.020, the applicant will be required to demonstrate legal and perpetual access for the proposed Facility.
17. Primary Access. No Traffic Impact Study will be required at this time from Chelan County Public Works, 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.
18. 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.
19. 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.

Chelan County Fire Marshal

20. The proposal/project shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
21. New business shall have approved address numbers, building numbers or approved site identification placed in a position that is plainly legible and visible from the street or road fronting the property. The design of the proposed sign shall be submitted to the Fire District and/or fire Marshal for approval prior to installation.

Hearing Examiner Conditions (authorized by CCC 11.93.030)

22. All porta-a-potties shall be emptied on a monthly basis, or if needed, sooner.
23. The Applicant shall comply with all requirements within CCC 11.93.330, except as modified herein.
24. No travel trailer or other recreational vehicles shall be allowed at the campsite.
25. No motorized vehicles will be allowed from the parking area to the individual campsites.
26. The duration of stay at a campsite shall not exceed seven (7) consecutive days for any renter.
27. Upon complaint of violation of any Conditions of Approval, Chelan County may, at its sole discretion, refer this permit to the Hearing Examiner for public hearing on the alleged violation, where the Hearing Examiner will have the authority to amend any Condition of Approval, or if appropriate, revoke this permit.
28. Before any excavation may take place, Chelan County Department of Community Development, the Confederated Tribe of Colville, and the Washington Department of Archeology and Historic Preservation shall be notified and allowed to comment, and the Applicant shall comply with all recommendations.
29. No tents provided by users will be allowed. The only tent allowed is the single tent per site provided by the Applicant.

Dated this 23 day of May, 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

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.