

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP 23-159)	DECISION AND CONDITIONS
Alatheia Riding Center)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on June 7, 2023, 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 has been requested for a Therapeutic Horse Riding Center. The proposed project will consist of a horse pasture, riding trails, and several new structures; including a large 23,000 sq. ft. arena, a 15,350 sq. ft. smaller arena, a 5,400 sq. ft. horse paddock, a 1,200 sq. ft. hay barn, a 300 sq. ft. tractor shed, and a 1,400 sq. ft. caretaker house.
2. The applicant/owners are Nancy and Glenn Grette.
3. The subject property is located at unassigned, Easy St., Wenatchee, WA 98801.
4. The parcel number for the subject property is 23-20-18-430-156.
5. The subject property is not located within an Urban Growth Area (UGA).
6. The abbreviated legal description of the subject property is Parcel B of BLA 2014-349 recorded under AFN 2410898. The subject property is 11.8 acres per the Assessor's records.
7. The largest portion of the parcel, and the portion that would be developed is zoned Rural Residential/Resource 5 (RR5). The remainder of the parcel would become an open space tract and is zoned Rural Village (RV).
8. The subject property is currently vacant, except for a small, dilapidated garage onsite that would be demolished. There was an orchard onsite during the time of legacy pesticide use. Lead arsenic contamination has been found onsite. This will be remediated using the Department of Ecology Voluntary Cleanup Program. The applicant has prepared a remediation plan.
9. Surrounding Properties:
 - 9.1 North: Residential use; Rural Residential/Resource 5 (RR5).
 - 9.2 South: Residential use, Rural Village (RV).
 - 9.3 East: Easy Street, Rural Village (RV).
 - 9.4 West: Lower Monitor Road and agricultural / residential use; Rural Residential/Resource 5 (RR5) and Rural Village (RV).
10. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property contains mule deer winter range habitat, Golden Eagle habitat, and shrubsteppe habitat. Therefore, the provisions of Chelan County Code (CCC) Chapter 11.78, would apply. According to the Washington State Department of Natural Resources Stream

Typing Maps and Chelan County GIS mapping, an F-type stream is located on southern portion of the subject property. On July 30, 2022, a stream typing (Exhibit F) of this stream was performed by Wetland Biologist Jay Dirkse of Grette and Associates and the determination was made that the channel onsite lacks water flow, signs of flow, pond or banks and the mapped stream falls short of the criteria for a stream. Pursuant to CCC 11.78.010(2) in the event of a conflict between the information shown on maps and information shown as a result of field investigations, the latter shall prevail.

11. The applicant has also applied for a Water Type Modification through the Department of Natural Resources, in order to change the stream designation on the maps. Based on the information provided by qualified biologist, no streams are indicated on or adjacent to the subject property, therefore, the provisions of CCC Chapter 11.78 Fish and Wildlife Habitat Conservation Areas Overlay District do not apply.
12. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped March 30, 2023. The proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82.
13. Pursuant to Federal Emergency Management Agency, FIRM map panel 5300150625C, the subject site does not contain floodplains. Therefore, the provisions of CCC Chapters 11.84 and 3.20 do not apply.
14. 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. The applicant has prepared a Geotechnical Engineering and Infiltration Evaluation for the proposal.
15. Pursuant to RCW 27.53.020, if cultural resources are found during construction, the applicant would be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development. The Department of Archeology and Historic Preservation requested a Cultural Resources Survey based on the size of the project and the high probability of onsite cultural resources. A Cultural Resources Survey was submitted and did not result in the identification of on-site archaeological resources. It is reasonable to conclude that the development will not affect any recorded archaeological or historic properties. No further consideration of cultural resources is necessary at this time. However, if human remains, burials, funerary items, sacred objects, or objects of cultural significance are found, the applicant shall adhere to all requirements of RCW 68.50.645 and shall immediately cease any activity which may cause further disturbance, and shall make the appropriate contacts.
16. If approved, the applicant plans to begin Phase 1; site grading, soil remediation and utility placement; immediately. Phase 2 would be the construction of the caretaker's house, hay barn, horse barn, and large riding arena; followed by Phase 3; construction of the small riding arena. Commencement of development would occur upon receipt of all required permitting.
17. The primary access for the proposed development would be off of Easy Street. There would be a secondary access off of Lower Monitor Road. The bulk of the traffic would be directed to access via Easy Street. The caretaker, staff, and deliveries would access via Lower Monitor Road. Link Transit also has a stop nearby off of Easy Street for participants to use. The site plan includes 85 spaces for parking, including 8 ADA spaces.
18. Domestic water would continue to be provided by Chelan County PUD.
19. Power would continue to be provided by Chelan County PUD.
20. The applicant shall comply with CCC Chapter 7.35 Noise.
21. As conditioned, the visual impact is anticipated to be minimal.

22. The applicant submitted an environmental checklist on March 30, 2023. 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 an Optional Determination of Non-significance (DNS) was issued on May 10, 2023. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
23. 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 April 21, 2023, with comments due May 9, 2023. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received.

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	May 7, 2023	The proposal shall conform to all applicable requirements of the IFC and the CCC
Chelan County Building Official		No Comment
Chelan County Public Works	February 27, 2023	If approved, the applicant would complete Public Works Conditions of Approval (Exhibit G) within 3 years of the approval date of the Conditional Use Permit.
Chelan County PUD		No Comment
WA Dept. of Ecology	May 5, 2023	An NPDES Construction Stormwater General Permit from the Dept of Ecology is required. Contaminated soils must be remediated, and the final cleanup report submitted to the Department of Ecology.
WA Dept. of Archaeology and Historic Preservation	April 24, 2023	There is a high probability of cultural resources within the proposed project area. Therefore, DAHP recommends a professional archaeological survey be conducted and a cultural resources report be submitted prior to commencement of building.
Yakama Nation		No Comment
Chelan-Douglas Health District		No Comment
Department of Natural Resources		No Comment
Wenatchee Reclamation District	April 21, 2023	No concerns

Agencies Notified	Response Date	Nature of Comment
Confederated Tribes of Colville	May 3, 2023	Inadvertent Discovery Plan on site during construction
Chelan County Fire District No.1		No Comment
Washington Dept. of Fish and Wildlife	May 9, 2023	Recommends avoiding development within the drainage area.

24. A public comment was received from Marjie and David Brown on May 1, 2023 in support of the project.
25. The application was submitted on March 30, 2023 and determined complete on April 18, 2023. The Notice of Application was issued on April 25, 2023 and the Notice of Public Hearing issued on May 25, 2023.
27. Chelan County Comprehensive Plan - The proposed development is located in the Rural Residential/Resource 5 (RR5) zoning and reviewed under the Rural Element of the Comprehensive Plan. Rural Element, Chapter 3, section I (C) states that Rural character refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:
- 27.1 In which open space, the natural landscape, and vegetation predominate over the built environment;
 - 27.2 That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas
 - 27.3 That provide visual landscapes that are traditionally found in rural areas and communities;
 - 27.4 That generally do not require the extension of urban governmental services; and
 - 27.5 That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.
28. Uses appropriate for the RR5 zoning district, identified in the Comprehensive Plan, include open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing 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 occupations; bed and breakfasts; and community facilities.
28. Other applicable Goals of the Chelan County Comprehensive Plan include:
- 28.1 GOAL LU 12: Encourage development and maintenance of recreational facilities and opportunities to meet the needs of residents and visitors.

- 28.2 GOAL RE 1: Maintain a balance between human uses and the natural environment in rural areas of the County.
- 28.3 GOAL RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.
- 28.4 GOAL ED 2: Encourage the retention and growth of recreational and tourist-based industries consistent with the comprehensive plan.
- 28.5 GOAL PR 2: Encourage development and maintenance of recreational facilities and opportunities to meet the needs of residents and visitors.
- 28.6 Alatheia Riding Center provides an important service in Chelan County and is an ideal use of the Rural Resource zones of Chelan County.
- 28.7 Alatheia Riding Center is consistent with the Comprehensive Plan Rural, Land Use, Resource, and Economic Development Elements of the Comprehensive Plan.
- 28.8 The Hearing Examiner finds that the project, as conditioned, is consistent with the goals and policies of the Chelan County Comprehensive Plan
29. CCC Section 14.98.165: Animal Boarding Facility. “Animal boarding facility” means a facility where livestock such as horses, cattle, sheep, etc., are housed, fed, and cared for, excluding a veterinary clinic, for a period greater than twenty-four hours, for commercial purposes. Such uses shall include, but are not limited to, boarding stables and riding academies.
30. CCC Section 14.98.1430 Place of public/private assembly. “Place of public/private assembly” means a building or space used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, socializing, or awaiting transportation; such uses include, but are not limited to, meeting halls, clubhouses, grange, cinemas, theaters, and churches and religious facilities.
31. CCC Section 11.12.010: Permitted, accessory and conditional uses. The proposed project is located in the RR5 zoning district of Chelan County. According to CCC Section 11.04.020 District Use Chart, animal boarding facilities and places of public/private assembly require a Conditional Use Permit in the RR5 zoning district.
32. Chelan County Code 11.18.020 Standards. All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:
- 32.1 Minimum lot size: 5 acres, which measures to include ten percent of the adjoining public rights-of-way.
- 32.2 Minimum lot width: one hundred feet at the front building line.
- 32.3 Maximum building height: thirty-five feet.
- 32.4 Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.
- 32.5 Minimum Setback Distances.
- 32.5.1 Front yard: 25 ft. from the front property line or 55 ft. from the street centerline, whichever is greater.
- 32.5.2 Rear yard: 20 ft. from the rear property line
- 32.5.3 Side yard: 5 ft. from the side property line.

- 32.6 The proposed structures meet all dimensional standards in the RR5 zoning district.
- 32.7 Hearing Examiner Finding: Setbacks would be reviewed at the time of building permit submittal.
- 32.8 Off-street parking requirements in this district shall be as follows:
 - 32.8.1 Two spaces per single-family dwelling
 - 32.8.2 Off-street parking and loading shall be provided as prescribed in Chapter 11.90 of this title.
 - 32.8.3 32.8.2 above is not applicable to the proposed development.
 - 32.8.4 Hearing Examiner Finding: Pursuant to CCC Section 11.90.070 – Standards for uses not listed. Off-street parking and loading requirements for uses that are not specifically listed in this chapter will be determined by the administrator based upon the requirements for the most comparable use specified in this chapter.
 - 32.8.5 The closest land use was determined to be “Archery, gun, swimming and tennis clubs or similar use” which requires .3 spaces for every attendee. The applicant has provided a traffic study which shows that there would be approximately 167 vehicle trips per day, which would require 51 spaces of parking. The applicant is proposing 85 spaces, including 8 ADA spaces. At the time of building permit submittal, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project.
- 32.9 Landscape standards shall be provided as prescribed in CCC Chapter 15.50, Development Standards, as amended.
 - 32.9.1 The proposed project is not exempt from the landscaping requirement of CCC Chapter 15.50 because it would have more than 20 parking spaces.
 - 32.9.2 Hearing Examiner Finding: A landscaping and parking plan would be prepared and submitted prior to commencement of any grading work.
- 33. 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:
 - 33.1 All criteria required for a specific use by this chapter can be satisfied.
 - 33.1.1 Criteria for animal boarding facility and place of private/public assembly have been addressed below.
 - 33.1.2 Hearing Examiner Finding: Based on review of the application materials submitted, the criteria for an animal boarding facility and place of public/private assembly could be satisfied.
 - 33.2 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.
 - 33.2.1 The subject property is located in the RR5 zoning district, which allows for animal boarding facilities and places of public/private assembly as a Conditional Use. There are no critical areas on site.
 - 33.2.2 Hearing Examiner Finding: As conditioned, the proposed development would meet applicable zoning and critical areas regulations.
 - 33.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.

- 33.3.1 The proposed development fits with the rural character of the surrounding area. The adjacent properties are large lot single family residences to the north, east and west. The properties to the south are smaller but are located across an area on the property that would become an open space tract which would create a natural buffer. The activities onsite would take place during normal business hours and create minimal noise and disturbance. All surrounding properties have been approached by the applicant and the overall response has been of strong support for the project.
- 33.3.2 Hearing Examiner Finding: As conditioned, the proposed development would be compatible with the character of the surrounding area.
- 33.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 33.4.1 According to the Washington State Department of Natural Resources Stream Typing Maps and Chelan County GIS mapping, an F-type stream is located on southern portion of the subject property. On July 30, 2022, a stream typing of this stream was performed by Wetland Biologist Jay Dirkse of Grette and Associates and the determination was made that the channel onsite lacks water flow, signs of flow, pond or banks and the mapped stream falls short of the criteria for a stream. Pursuant to CCC 11.78.010(2) In the event of a conflict between the information shown on maps and information shown as a result of field investigations, the latter shall prevail. A stormwater mitigation plan is in place and includes a large retention pond in the southwest corner. Grading of the property would be excavated and oriented to divert stormwater to the pond. The Department of Ecology and the Chelan County Public Works Department would both require stormwater management conditions of approval. The applicant would obtain a NPDES Construction Stormwater General Permit from the Department of Ecology, and a Drainage Report and Plan would be submitted to the Public Works Department. These requirements would ensure that no runoff would enter Waters of the State (the Wenatchee River) or pollute other water sources. There would be substantial open pastureland provided on the property for horses and grassy play areas for guests. The applicant has provided a remediation plan for the lead arsenic onsite. Animal waste would be dealt with on a regular basis. Horse manure would be gathered and trucked to sell for fertilizer or tilled into the onsite soils for composting.
 - 33.4.2 Hearing Examiner Finding: As conditioned, the use will not be detrimental to the natural environment or the productive use of resource lands.
- 33.5 No conditional use permit shall be issued without a written finding that: a) 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; b) No county facilities will be reduced below adopted levels of service as a result of the development.
 - 33.5.1 Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
 - 33.5.2 Hearing Examiner Finding: Through the process of public and agency noticing, opportunity for review and comments were provided for the

- proposed development. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service.
- 33.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 33.6.1 Tower Designs is designing a septic system for the site. There would be bathroom facilities in which to wash hands and there is a plan in place to remove and/or compost the horse manure. There is not any anticipated adverse impacts.
- 33.6.2 Hearing Examiner Finding: As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
- 33.7 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.
- 33.7.1 Finding of Fact:
- 33.7.1.1 Roads, ingress and egress: The subject property fronts and access off of Easy Street and Lower Monitor Road. Easy Street would provide the main access, and is a 24' paved roadway. Lower Monitor Road is a 17' paved roadway and will provide access to workers and the onsite caretaker.
- 33.7.1.2 Stormwater: The applicant shall comply with CCC Chapter 13.18 for stormwater drainage, and the applicant would comply with the Department of Ecology's NPDES Construction Stormwater General Permit.
- 33.7.1.3 Parking and Loading: Off-street parking must comply with CCC Section 11.93.130 regarding off-street parking.
- 33.7.1.4 Domestic and Irrigation Water: Domestic water is provided by Chelan County PUD.
- 33.7.1.5 Sanitary Facilities: There would be an onsite septic system designed specifically for the use.
- 33.7.1.6 Power: Power is provided by Chelan County PUD.
- 33.7.1.7 Fire Protection: The applicant would adhere to all Conditions of Approval from the Fire Marshal, dated May 7, 2023
- 33.7.2 Hearing Examiner Finding: All necessary facilities, improvements and services are consistent or could be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
- 33.8 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.
- 33.8.1 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, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.
- 33.8.2 Hearing Examiner Finding: 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.
- 33.9 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.
- 33.9.1 The proposed therapeutic horse riding facility would be consistent with the goals and policies of the Comprehensive Plan.
- 33.9.2 Hearing Examiner Finding: The project is consistent with the Chelan County Comprehensive Plan.
34. Chelan County Code, Section 11.93.130: Animal Boarding Facilities. The following minimum conditions shall apply to kennels:
- 34.1 All kennels, or any other animal boarding facilities, riding academies and stables that exceed the livestock densities set forth in Section 11.88.030 shall be located not less than one hundred feet from any property line.
- 34.1.1 Applicant's Statement: The proposed horse paddock would be located less than 100' from the property line, at 80' from Lower Monitor Road. However, the proposed boarding facility will not exceed livestock densities. Per 11.88.030, 4 head of livestock per acre would be allowed on the property. The property is 11.8 acres, and would allow for 47 horses. There are only 12 horses proposed at the facility.
- 34.1.2 Both of the riding arenas, where events would be taking place are further than 100' feet from any property line.
- 34.1.3 Hearing Examiner Finding: The proposal meets the requirements of the Chelan County Code and does not exceed livestock densities. All event arenas are further than 100' from the property lines.
- 34.2 The Applicant shall provide parking and loading spaces designed to minimize traffic hazards and congestion.
- 34.2.1 Applicant's Statement: Pursuant to CCC Section 11.90.060 for off-street parking requirements, the closest land use was determined to be "Archery, gun, swimming and tennis clubs or similar use" which requires .3 spaces for every attendee. The applicant has provided a traffic study which shows that there would be approximately 167 vehicle trips per day, which would require 51 spaces of parking. The applicant is proposing 85 spaces, including 8 ADA spaces. At the time of building permit submittal, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project.
- 34.2.2 The applicant would be required to provide a Rural Emergency Vehicle Access turn-around on the project site.
- 34.2.3 Hearing Examiner Finding: As conditioned, the proposed use would meet the required number of parking spaces and would be designed to minimize traffic hazards.
- 34.3 The applicant shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard or health problem to adjoining property or uses.
- 34.3.1 The applicant has a plan to control odor by removing or composting horse manure. The horse pastures would be grass and would not generate dust. There would be minimal noise produced from horses and riders.

- 34.3.2 The applicant would be required to submit a NPDES Construction Stormwater General Permit to the Department of Ecology to ensure all stormwater runoff is contained.
- 34.3.2 Hearing Examiner Finding: As conditioned, the proposed development would not result in a nuisance or health hazard to surrounding properties.
- 34.4 For kennels, indoor sleeping quarters shall be provided to minimize nighttime noise impacts to surrounding properties.
 - 34.4.1 Applicant's Statement: Not applicable. No kennels are proposed.
 - 34.4.2 Hearing Examiner Finding: The project does not include kennels.
- 34.5 Any animal boarding facility will require submission of a conceptual master development plan to be reviewed by the Chelan County department of building/fire safety and planning for compliance with adopted standards and reviewed by the Chelan County public works department for compliance with county road standards.
 - 34.5.1 Several site plans have been provided, including a grading plan, parking and landscaping, and placement of structures. The applicant would attend a pre-construction meeting with the Public Works Department prior to commencement of any development to ensure compliance with all parking, drainage and circulation regulations.
 - 34.5.2 Hearing Examiner Finding: As conditioned, the proposed development would be required to be reviewed and approved for compliance with the adopted standards.
- 34.6 The hearing examiner may require greater setbacks, screening, buffering or additional conditions to mitigate any adverse impacts.
 - 34.6.1 Applicant's Statement: The applicant will comply with any conditions imposed by the hearing examiner.
 - 34.6.2 Hearing Examiner Finding: As conditioned, the Hearing Examiner finds that the proposed plan is anticipated to alleviate the potential of adverse impacts to surrounding properties. However, the hearing examiner may implement additional conditions to alleviate potential concerns.
- 35. 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:
 - 35.1 The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.
 - 35.1.1 Based on the site plan of record and attached architectural drawings there are plans for parking and circulation of vehicles and pedestrians on the property.
 - 35.1.2 Hearing Examiner Finding: The applicant would meet with the Public Works Department for review of the circulation plan in a pre-construction meeting prior to commencement of the project.
 - 35.2 The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.
 - 35.2.1 Pursuant to CCC Section 11.90.060 for off-street parking requirements, the closest land use was determined to be "Archery, gun, swimming and tennis clubs or similar use" which requires .3 spaces for every attendee. The applicant has provided a traffic study which shows that there would be approximately 167 vehicle trips per day, which would require 51 spaces of parking. The applicant is proposing 85 spaces, including 8 ADA spaces. At the time of building permit submittal, the applicant shall provide Chelan County Public Works with a parking area, type of surface

- material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project.
- 35.2.2 The applicant would be required to provide a Rural Emergency Vehicle Access turn-around on the project site.
 - 35.2.3 The applicant would be required to provide a circulation plan to the Public Works Department providing size of the parking sites, drive lane widths, type of surface material proposed, number of spaces, and general parking schematic.
 - 35.2.3 Pursuant to CCC Section 15.50.050 (5) Agricultural activities and open space tract next to the parking area would make additional landscaping requirements unnecessary. The applicant has nevertheless provided a landscaping plan (Exhibit C) which includes landscaping along Easy Street, and the parking lot.
 - 35.2.4 Hearing Examiner Finding: As conditioned, the proposed use would meet the landscaping and parking requirements of the Chelan County Code.
- 35.3 The operation shall include adequate sanitary facilities based on proposed capacity.
 - 35.3.1 The architectural drawings (Exhibit B) show restrooms inside both arenas, the caretakers residence and also a movable sanitation facility would be provided at the northeast corner of the pasture.
 - 35.3.2 Hearing Examiner Finding: Based on the application, the proposed development would have adequate sanitary facilities onsite.
 - 35.4 The proposal will not reduce county facilities below adopted levels of service as a result of the development.
 - 35.4.1 Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
 - 35.4.2 Hearing Examiner Finding: Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. As conditioned, the proposed development would not result in county facilities being reduced below adopted levels of service.
 - 35.5 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.
 - 35.5.1 The review of conditional use permits helps ensure compliance with the requirements.
 - 35.5.2 Hearing Examiner Finding: The applicant would submit a compliance review letter to the Community Development Department at years one and five of operation, or upon receipt of a written complaint.
 - 35.6 All events and activities shall comply with Chapter 173-60 WAC, Noise.
 - 35.6.1 The applicant has stated that the hours of operation would only be during standard business hours, and that all events would take place indoors. In general, horse riding is not a noise producing activity.
 - 35.6.2 Hearing Examiner Finding: Based on the application, the proposed development would not produce excessive noise.
 - 35.7 The proposal shall include the maximum number of attendees which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements:

- 35.7.1 A twenty-five percent expansion to the number of attendees (bonus attendees) for up to three events per calendar year may be permitted, if the following conditions are met:
 - 35.7.1.1 Additional parking can be provided on site in an “overflow” area, which is not required to be paved; or off-site parking is provided. Off-site parking sites shall be either designated public parking areas or lands dedicated as parking areas.
 - 35.7.1.2 The overall occupancy load for bonus attendees, as determined by the Chelan County building official, shall not be exceeded.
 - 35.7.1.3 The applicant shall provide the required number of restroom facilities, standard and ADA accessible, for bonus attendee events. Portable facilities may be used if approved by the Chelan-Douglas health district and the Chelan County building official.
 - 35.7.1.4 The applicant shall provide adequate fire facilities/equipment, as determined by the fire marshal, at all events to serve the bonus attendee levels of service.
 - 35.7.1.5 The applicant shall provide a written statement to community development within thirty calendar days of each event exceeding the approved baseline number of attendees.
- 35.7.2 The applicant has calculated a maximum number of 203 participants per day, spread out throughout the day. The anticipated increase on event days would not exceed the 25% additional occupancy allowed.
- 35.7.3 Hearing Examiner Finding: Based on the application, the proposed development would have adequate provisions for all attendees, parking, ADA accessibility, and restroom facilities.
- 35.8 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.
 - 35.8.1 No school is proposed.
 - 35.8.2 Hearing Examiner Finding: Based on the application, this section does not apply.
- 35.9 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.
 - 35.9.1 There is no daycare center/preschool proposed.
 - 35.9.2 Hearing Examiner Finding: Based on the application, this section does not apply.
- 35.10 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.
 - 35.10.1 There is a no church or religious facility proposed.
 - 35.10.2 Hearing Examiner Finding: Based on the application, the proposed development does not include a church or religious facility.
- 36. An open record public hearing after due legal notice was held using Zoom video conferencing on June 7, 2023.
- 37. Prior to opening the record for this matter, the Hearing Examiner disclosed that he was a member of Wenatchee Central Lions Service Club and that Wenatchee Central Lions had donated funds to Alatheia Riding Center in the past, including funds for this project. The Hearing Examiner was not involved in any of the decision making for any of these donations. The Hearing Examiner does not believe that the Hearing Examiner has any bias and that the Hearing Examiner can be

impartial in rendering this decision. Neither the Applicant nor a member of the public voiced any objection to the Hearing Examiner deciding this matter.

38. At this hearing, the Hearing Examiner admitted the staff report and the entire Planning staff file of record into the record of the hearing.
39. Appearing and testifying on behalf of the Applicant was Ellen Freed. Ms. Freed stated that she was an agent authorized to appear and speak on behalf of the Applicant and the property owner. She indicated that the Application agreed with all of the representations set forth within the staff report and had no objections to any of the proposed Conditions of Approval. The Cultural Resource Survey has already been completed and a soil plan has been approved by the Washington State Department of Ecology. Finally, Ms. Freed stated that this facility would not be used as a place of public or private assembly, such as for weddings, public or private gatherings of any nature. It would be only used for therapeutic horse riding purposes.
40. No member of the public testified at the hearing.
41. The Hearing Examiner has reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code, the Hearing Examiner provides the attached conditions of approval.
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 proposed development would meet applicable zoning and critical areas regulations.
3. As conditioned, the proposed development would be compatible with the character of the surrounding area.
4. As conditioned, the use will not be detrimental to the natural environment or the productive use of resource lands.
5. As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
6. All necessary facilities, improvements and services are consistent or could be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
7. As conditioned, the project is consistent with the Chelan County Comprehensive Plan.
8. As conditioned, the project complies with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code.
9. 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, CUP 23-159 is hereby **APPROVED**, subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. Pursuant to 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 plans and architectural plans and landscape plans or as amended by this decision.
3. Pursuant to the letter from the Department of Ecology, dated May 5, 2023 (Exhibit G), a NPDES Construction Stormwater General Permit to the Department of Ecology to ensure all stormwater runoff is contained.
4. The applicant shall adhere to Conditions of Approval from the Fire Marshal, dated May 7, 2023.
5. The applicant shall follow recommendations from the Geotechnical Report by NGA, dated April 4, 2022.
6. The applicant shall follow recommendations from the Remedial Action Plan for Lead and Arsenic contaminated former orchard soils, dated July 2022, including but not limited to capping of soils and the creation of the open space tract.
7. Pursuant to CCC Chapter 11.88.070, the applicant is required to dedicate additional right-of-way on Easy Street 30' from centerline, if it is not already.
8. Pursuant to Chapter 11.88.070, the applicant is required to dedicate additional right-of-way to make the right-of-way on Lower Monitor Road 30' from centerline. This right-of-way dedication shall be done by deed.
9. Pursuant to Title 15.30.825 monumentation will be required to be placed on Lower Monitor Road if not already monumented.
10. Pursuant to Chapter 15.30.340 the applicant will be required to construct the proposed access approaches on Easy Street and Lower Monitor Road to meet an Industrial/Commercial Driveway approach (Standard Detail PW-26). The applicant will be required to obtain a Chelan County Public Works Approach Permit prior to constructing the commercial Driveway Approach. The approach apron will be required to be paved.
11. Pursuant to CCC Section 11.93.130(2), at least 51 total parking spaces shall be provided. The applicant is proposing 85 spaces. The applicant shall be required to show the dimensions and type of materials proposed for the parking area(s). 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 of the proposed area.
12. Pursuant to CCC Section 11.93.130(3), the applicant shall remove or compost horse manure to minimize odor and health issues.
13. Pursuant to CCC Chapter 15.30.340, the proposed internal road shall meet an Emergency Vehicle Access Road (Standard Plan PW-22).

14. Pursuant to CCC Chapter 15.30, the applicant shall be required to construct a Rural Emergency Vehicle Turn-around (Standard Plan PW 21-A or B) on the project site and also provide the dimensions and materials to be used for the proposed parking area to Chelan County Public Works for approval prior to commencement of the proposed use.
15. Pursuant to CCC Chapter 15.30, a pre-construction meeting with the owner/contractor and the Public Works Department will be required prior to commencement of construction.
16. Pursuant to CCC Chapter 15 the applicant is required to do road improvements to the internal private access road. The applicant shall submit construction plans and reports for all required improvements. The Construction Plans shall include:
 - 16.1 Drainage report and plan
 - 16.2 Road improvement plans showing utilities
 - 16.3 Lot access plan.
 - 16.4 Erosion and sediment control plan.
17. Pursuant to CCC Chapter 13, the need for stormwater and drainage shall be reviewed and approved by Chelan County Public Works.
 - 17.1 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".
18. Pursuant to RCW 27.53.020, if the applicant or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this application, the applicant/ agent shall immediately notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination. If any Native American grave sites or archaeological resources are discovered or excavated, work shall stop immediately.
19. Pursuant to comments from the Confederated Colville Tribes, the applicant shall have an Inadvertent Discovery Plan onsite at all times during construction.

20. 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.
21. 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.
22. 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.

Dated this 13 day of June, 2023.

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.