

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP 23-189)	CONDITIONS OF APPROVAL
CHRISTENSEN)	AND DECISION
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on July 19, 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. This is an application for a Conditional Use Permit submitted for a RV Park. The proposed RV Park is to have 15 RV sites with full hookups and 4 yurts for short-term occupancy along with a bathroom facility. Each RV/camp space would meet the minimum size of 1,250 sq.ft. and would be accessed via an internal park roadway off of Union Valley Road. Potable water would be available through the development of a Group A water system and sanitation would consist of two septic systems that would be designed in accordance with Chelan-Douglas Health District requirements.
2. The Applicant/owners are K & G Land Company LLC, c/o Kene & Jill Christensen, 644 Union Valley Road, Chelan, WA 98816.
3. The subject property is located at Unassigned, Chelan, WA 98816.
4. The parcel number for the subject property is 27-22-01-200-050.
5. The subject property is located outside of the Chelan Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Residential/Resource (RR10).
7. The southern portion of the subject property is currently used for agricultural purposes as a U-Pick operation that was approved under CUP 2019-015. Prior to the U-Pick operation, it was in orchard production. The applicants also own the neighboring property to the west and were approved for an 11 space RV park on this parcel (the adjacent property) as part of CUP 2019-015. This current CUP application will expand the current approved RV park onto the subject property into the area that was previously used for agricultural purposes. According to the Chelan County Assessors records, there are no structures currently on the subject property.
8. Surrounding properties:
 - 8.1 North: Undeveloped hillside; Rural Residential/Resource 20 (RR20).
 - 8.2 South: Orchard/residential; Rural Residential/Resource 5 (RR5).
 - 8.3 East: Undeveloped hillside/residential; Rural Residential/Resource 10 (RR10)
 - 8.4 West: Undeveloped hillside/residential/orchard; Rural Residential/Resource 5 (RR5).
A portion is currently being used as an RV Park.

9. The Applicant submitted an Aquifer Recharge Disclosure Form, date stamped April 17, 2023. The proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82
10. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does contain identified mule deer habitat / shrubsteppe. Therefore, the provisions of CCC Chapter 11.78, do apply.
11. According to the Natural Resources Stream Typing Maps, there is an F-type stream located on the northern portion of the subject property. Without stream typing, the more restrictive buffer widths would apply. The required riparian buffer for a high intensity use is 200 ft. from OHWM. The proposed RV park is approximately 1,500 ft. away from this drainage.
12. Chelan County GIS map layer does indicate that the subject property is located within a potential geologic hazard area; therefore, the provisions of CCC Chapter 11.86 would apply to the project. A geological site assessment prepared by Black Rock Geoscience on December 10, 2022, was submitted with application. Subsequent development will be required to follow the recommendations of the provided report, unless amended.
13. 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 do not apply.
14. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species data, the subject site contains habitat area for Mule Deer. Therefore, the provisions of Chelan County Code Chapter 11.78 do apply.
15. Construction is anticipated to commence upon completion of all required permits.
16. The subject property will access off Union Valley Road onto a proposed internal roadway system.
17. Domestic water is to be supplied by a public water system yet to be developed. The subject property has an existing private well that is to be upgraded to the standards of a Group A public water system. The Hearing Examiner sets as a condition of approval, that prior to final completion of the CUP, the public water system must be approved by the Chelan Douglas Health District (CDHD) and/or WA Dept. of Health.
18. Power is by an extension of the Chelan County PUD.
19. Construction is anticipated to commence upon completion of all required permits.
20. Domestic water service shall be provided by the Chelan County PUD.
21. Power is by an extension of the Chelan County PUD.
22. Sanitation is proposed as two on-site septic systems that would be designed for the required capacity and approved by the Chelan-Douglas Health District (CDHD).
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 May 18, 2023 with comments due June 1, 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	June 1, 2023	The subject property is located within Fire District #7. The fire-flow calculation area is 1,250 square feet of the largest building and assuming type VB construction, the required fire flow per table B105.1(2) would be 1500 gallons per minute for two hours. Without fire hydrants providing an adequate fire flow for the occupancy alternative methods can be considered to provide an equivalent level of protection i.e., NFPA 13 compliant fire sprinkler system and fire protection credits.
Chelan County Building Official	None	All proposed structures must comply with applicable building codes
Chelan-Douglas Health District	June 3, 2023	Conditions of Approval include development of a Group A Public Water System and the preparation of a site evaluation and design for private onsite septic systems.
Chelan County Public Works	May 30, 2023	Conditions of Approval include constructing the internal roadway to meet the RV Park Road and Access Road Standards per CCC 11.93.33(A). In addition, the applicant shall submit construction plans and reports for all required improvements on the internal roads. If there is going to be over 5,000 sq.ft. of impervious surfaces created, a Drainage Report and Plan will be required to be submitted.
Chelan County PUD	May 16 and May 22, 2023	There is an overhead utility line across the SW corner of the property that the applicant should be aware of. Additional easements will be necessary if power is needed to the property.
WA Dept. of Ecology	May 30, 2023	Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are

Agencies Notified	Response Date	Nature of Comment
		exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.
WA Dept. of Fish & Wildlife	May 13, 2023	This parcel contains areas that were developed with existing agriculture and the shrubsteppe habitat was lost when these areas were converted to agriculture. A site assessment pursuant to CCC 11.78.050(4) is recommended and a HMMP may be required at the discretion of the Director.
WA Dept. of Archaeology and Historic Preservation	October 13, 2021	DAHP indicated the subject property is located in an area that has high potential for cultural resources; therefore, a cultural survey is required.
Yakama Nation	No Comment	
Confederated Tribes of Colville	November 18, 2021	No issues.
WA Dept. of Ecology	No Comment	
Chelan County Fire District No. 6	September 30, 2021	No issues with project.

26. A public comment was received from the Granite Glen Water Association on May 31, 2023, with concerns of water availability, traffic issues on Union Valley road, and that the facility doesn't meet the requirements of CCC Chapter 11.88 – Supplementary Provisions and Accessory Uses.
27. The applicant submitted an environmental checklist on November 25, 2019. 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 Mitigated Determination of Non-significance (MDNS) was issued on June 22, 2023. The SEPA Checklist and MDNS are included within the file of record and adopted by reference.
28. The application materials were submitted on April 17, 2023, with additional information submitted on later dates.
29. A Determination of Completeness was issued on May 12, 2023.
30. The Notice of Application was provided on May 18, 2023.
31. The Notice of Public Hearing was provided on July 8, 2023.

32. Being as the proposed RV Park is to be located on a parcel zoned Rural Residential/Resource 10 (RR10), the proposed development will be reviewed under the Rural Residential/Resource 10 criteria and provisions.
33. 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. 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..."
34. 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, a "*recreational vehicle park (RV)/campgrounds, minor*" is allowed with approval of a conditional use permit.
 - 34.1 "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."
35. 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:
 - 35.1 All criteria required for a specified use by this chapter can be satisfied.
 - 35.1.1 Criteria for a minor RV Park have been identified below.
 - 35.1.2 The Hearing Examiner finds based on review of the application materials submitted, the criteria for a minor RV park can be satisfied.
 - 35.2 The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
 - 35.2.1 The subject property is located in the Rural Residential/Resource 10 (RR10); the RR10 zoning district allows for small-scale recreational or tourist use as a Conditional Use. The site plan of record, date stamped April 17, 2023, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.10.020.
 - 35.2.2 Landscaping and buffer yards are required pursuant to CCC Section 11.93.330(10). Per the application materials submitted, the applicant is proposing to install additional trees, shrubs, and irrigation to address erosion, dirt, and privacy concerns. In addition, fences between property lines will be maintained to respect privacy of neighboring properties.
 - 35.2.3 Although this area is identified as shrubsteppe habitat per WDFW PHS mapping, aerial photos show that the portion of the subject property where the RV park is proposed was used for agricultural purposes since at least the 1990s, therefore no mitigation is being required for this. However, as a condition of approval, staff recommends requiring a habitat study be performed if any subsequent structures not associated with this application are constructed or if the proposed used is expanded in any way.

- 35.2.4 A geological site assessment authored by Black Rock Geoscience on December 10, 2022 was submitted with the application and found that the subject property was suitable for development as an RV park and is considered free of geologic hazard.
- 35.2.5 The Hearing Examiner finds based on the site plan of record, date stamped April 17, 2023, and redrawn on May 30, 2023, the proposed development would meet applicable zoning and critical areas regulations.
- 35.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 35.3.1 The proposed development is fairly isolated in location. There is existing mature vegetation along Union Valley Road that provided some visual barrier from surrounding properties. The adjacent property to the south is currently an active orchard; no residences are located on site. The proposed use is targeting the rural and recreational character of the surrounding area with the associated tourism uses of Chelan and Manson.
 - 35.3.2 The Hearing Examiner finds that as conditioned, the proposed development would be compatible with the surrounding uses or character.
- 35.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 35.4.1 The subject property is not identified as a classified resource land pursuant to the Chelan County Comprehensive Plan.
 - 35.4.2 As conditioned, the use would not be detrimental to the natural environment.
- 35.5 No conditional use permit shall be issued without a written finding that:
 - 35.5.1 After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.
 - 35.5.2 Chelan County provided a Notice of Application to all providers. Received comments are included in the file of record.
 - 35.5.3 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service.
- 35.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 35.6.1 With development, on site sanitation and a Group A water system is proposed to serve the RV Park facility. Review and approval from Chelan-Douglas Health District would be required prior to final approval of the Conditional Use Permit application.

- 35.6.2 As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
- 35.7 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.
- 35.7.1 Roads, ingress and egress: The subject property is accessed off of Union Valley Road, a county right-of-way. With development, an internal access road is proposed.
- 35.7.2 Stormwater: The applicant shall comply with CCC Chapter 13.18 for stormwater drainage.
- 35.7.4 Parking and Loading: Off-street parking must comply with CCC Section 11.93.330(4) regarding off-street automobile parking facilities within RV Parks.
- 35.7.5 Domestic and Irrigation Water: Domestic water is proposed via a Group A public water system and the parcel benefits from irrigation water. As a condition of approval, this Group A water system would need to be approved by the Chelan-Douglas Health District and installed prior to operation of the RV park.
- 35.7.6 Sanitary Facilities: The installation of two (2) on-site septic systems designed for the hook-ups of RVs is proposed with application. As a condition of approval, these septic systems would need to be approved by the Chelan-Douglas Health District and installed prior to operation of the RV Park.
- 35.7.7 Power: Power is provided by Chelan County PUD. Line extensions and easements may be required in order for the PUD to provide service.
- 35.7.8 Fire Protection: The proposed development is located Chelan County Fire District #7. Based on comments received from the Chelan County Fire Marshal, dated June 1, 2023, alternative fire flow provisions would be necessary for this project due to the nature of the proposed use and the distance from a fire hydrant; there are recommended conditions of approval proposed for the project that would need to be met prior to operation of the RV park.
- 35.8 Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
- 35.8.1 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. Additionally, it has been noted that most of the adjacent properties are large in size or are

currently in agricultural production and vacant of residential development.

- 35.8.2 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.
- 35.9 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
 - 35.9.1 The proposed RV park development would be consistent with the goals and policies of the Rural Element of the Comprehensive Plan.
 - 35.9.2 The project is consistent with the Chelan County Comprehensive Plan.
- 36. Chelan County Code, Chapter 11.93.330: Recreational vehicle parks/campground - The following minimum conditions shall apply to major recreational vehicle (RV) parks/campgrounds, minor recreational vehicle (RV) parks/campgrounds, and small-scale recreational and tourist uses:
 - 36.1 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.
 - 36.1.1 The subject property is currently accessed off of Union Valley Road, which is not classified as a primitive road or US Forest Service road. With the application, a geological site assessment prepared by Black Rock Geosciences on December 10, 2022 was provided. The report finds that the site is suitable for development as an RV Park and is considered free of geologic hazard.
 - 36.1.2 As proposed, the development would meet the provisions for location.
 - 36.2 RV Park Site Requirements.
 - 36.2.1 Based the application materials submitted, each RV site is to be 30 ft. x 45 ft. for a total area of 1,350 sq. ft. According to the site plan of record, date stamped April 17, 2023 and redrawn on May 30, 2023, each RV site meets the 10-foot setback required by CCC Section 11.93.330(2)(A).
 - 36.2.2 As proposed, the RV sites would comply with the site requirements of CCC Section 11.93.330(2).
 - 36.3 RV Park Road System.
 - 36.3.1 Based on comment letter received from Chelan County Public Works, dated May 30, 2023, Public Works will require a pre-construction meeting with the applicant to ensure that the proposed internal roadway system would meet the required criteria of CCC Section 11.93.330(3). An approved construction plan would be required to be provided prior to the activity commencing.
 - 36.3.2 The Hearing Examiner sets as a condition of approval, that a letter of approval from Chelan County Public Works, in regard to the internal roadway system, be

provided to Chelan County Community Development prior to the commencement of the RV Park activities.

- 36.4 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.
- 36.4.1 Being as there are 15 RV sites and 4 yurts proposed with development, 19 off-street parking spaces will be required in addition to 4 off-street parking spaces to accommodate for RV Park office parking—totaling 23 required off-street parking spaces. According to the site plan of record, date stamped April 17, 2023 and redrawn on May 30, 2023, there are 28 parking spaces proposed.
- 36.4.2 As proposed, the RV Park would comply with the parking requirements of CCC Section 11.93.330(4).
- 36.5 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.
- 36.5.1 The development proposes to have sanitation and domestic water hook ups available to the 15 RV sites. The yurts would not be served by water or sanitation. In addition, a public bathhouse for use by the park guests is proposed with application. The proposed on-site sanitation systems would be reviewed for compliance and adequacy by the Chelan Douglas Health District.
- 36.5.2 As conditioned, the proposed development would be required to meet the approved sewage disposal requirements of the Chelan Douglas Health District.
- 36.6 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.
- 36.6.1 The Chelan County Fire Marshal was notified of the proposed development and provided recommended conditions of approval regarding fire flow and internal roadway requirements.
- 36.6.2 As conditioned, the proposed development would meet the required fire protection standards in this section.

- 36.7. 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.
- 36.7.1 The development proposes a solid waste storage and disposal area as shown on the submitted site plan date stamped April 17, 2023 and redrawn on May 30, 2023.
- 36.7.2 As proposed, the RV Park would meet the requirements for solid waste disposal, storage, and collection of CCC Section 11.93.330(7).
- 36.8. 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.
- 36.8.1 The proposed development is not located within a sewer district. Chelan Douglas Health District was notified of the proposed development and provided recommended conditions of approval regarding sanitation and domestic water.
- 36.8.2 As conditioned, the proposed development would be required to install utilities in accordance with the established guidelines outlined in CCC Section 11.93.330(8).
- 36.9 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.
- 36.9.1 The proposed RV Park would not result in more than 25 RV spaces; therefore the provisions of this section would not apply.
- 36.10 Perimeter Buffer Yards, Landscaping, Fencing, Landscape Materials.
- 36.10.1 As indicated in the application materials, the proposed RV sites are to be located in an area that is currently vegetated with orchard trees to the south and a mixture of deciduous trees to the west. To the east of the proposed RV sites is undeveloped hillside. The adjacent property to the south is also in orchard production. The common lot line between the subject property and the adjacent property is not easily distinguished as the south portion of the subject property is in similar production.
- 36.10.2 The subject property is already landscaped with mature trees of varying heights and species. Therefore, the landscaping requirement of this section is waived. Additionally, as a way to distinguish private property, the Hearing Examiner sets as a condition of approval that the common property line along the orchard be demonstrated by fencing and/or posting of private property signs.
- 36.11 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.

36.11.1 The subject property is approximately 117 acres in size and is adjacent to a property owned by the applicants that has hillside trails, apple orchard, and a lawn with garden area. Due to the property size, the required recreation area would exceed the minimum requirements of this section.

36.11.2 As proposed, the development appears to meet the required square footage for recreation areas provisions of this section.

36.12 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.

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

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

36.13 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.

36.13.1 The proposed development would be required to place a sign near the entrance of the RV Park to clearly identify the business. The installation of the sign may require a building permit in compliance with CCC Chapter 11.92 for sign regulations.

36.13.2 As conditioned, the proposed development would meet the provisions of this section and CCC Chapter 11.92 for sign regulations.

36.14 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.

36.14.1 Based on the site plan of record and application materials, a bathhouse to serve campers of the RV Park is proposed with application. No new residential dwelling units are proposed.

36.14.2 As conditioned, the proposed development of a bathhouse facility as an additional service to the RV Park would meet the provision of this section.

- 36.15 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.
- 36.15.1 With application, a site plan to an acceptable scale was submitted. The site plan includes the proposed internal roadway system and traffic flow direction. The spaces for the RV sites were included with a supplemental illustration demonstrating the proposed site sizes. The subject property is currently landscaped with mature trees of varying heights and species.
- 36.15.2 Based on comment letter received from Chelan County Public Works, a pre-construction meeting with the applicant would be required to ensure that the proposed internal roadway system would meet the required criteria of CCC Section 11.93.330(3). An approved construction plan would be required to be provided prior to the activity commencing.
- 36.15.3 To ensure that the proposed roadway system, RV sites, and parking would be in compliance with this section, staff is recommending that a letter of compliance be submitted by the applicant prior to the commencement of the approved RV Park activities.
- 36.16 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.
- 36.16.1 The proposed RV Park would have 15 RV sites and 4 yurt sites.
- 36.16.2 As conditioned, the provisions of this section would be met.
- 36.17 Lodge and Cabin Units.
- 36.17.1 No lodge facility or cabin units are proposed with the RV Park. Therefore, this provision would not apply.
- 36.18 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.
- 36.18.1 Based on the site plan of record and application materials, a bathhouse to serve campers of the RV Park is proposed with application.

36.18.2 As conditioned, the proposed bathhouse would meet the provisions of this section and be for use by park users and staff only.

37. The applicant is proposing the use of the 117-acre parcel as an RV Park consisting of 15 RV sites and 4 yurts. Pursuant to CCC Section 11.93.330, parking standards for the RV Park require a total of 23 parking spaces. The subject property is currently landscaped with mature trees and vegetation. Being as the parcel is large in size and is surrounded by agricultural activities, undeveloped hillside, and sprawled residential development, the requirement of landscaping is recommended to be waived. However, due to the existing orchard to the south of the subject property, staff is recommending that a fence and/or private property signs be placed in order to alleviate the potential of trespassing on the adjacent orchard property.
38. An open record public hearing after due legal notice was held on July 19, 2023 via Zoom videoconference.
39. The following exhibits were entered into the record and considered by the Hearing Examiner in rendering this decision:
 - 39.1 Ex. A Site Plans of Record date stamped April 17, 2023 and redrawn on May 30, 2023;
 - 39.2 Ex. B Remainder of Planning staff file of record;
 - 39.3 Ex. C Staff Report.
40. Appearing and testifying was Jill Christensen and Kene Christensen. Mr. and Mrs. Christensen testified that they are the property owners and Applicants. Mrs. Christensen indicated that they agreed with the representations stated within the staff report and had no objection to any of the proposed Conditions of Approval.
41. No member of the public testified at the hearing.
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 April 17, 2023, and redrawn on May 30, 2023, the proposed development would meet applicable zoning and critical areas regulations.
5. As conditioned, the proposed development would be compatible with the character of the surrounding area.
6. As conditioned, the use will not be detrimental to the natural environment.
7. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
8. As conditioned, the proposed development would not result in county facilities being reduced below adopted levels of service.
9. As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.

10. All necessary facilities, improvements and services are consistent or can be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code
11. The project is consistent with the Chelan County Comprehensive Plan.
12. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

III. DECISION

Based upon the above noted Findings and Fact and Conclusions of Law, CUP 23-189 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 plans date stamped April 17, 2023 and redrawn on May 30, 2023, 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 the proposed bathhouse structure.
 - 3.1. The bathhouse structure shall be for use by RV Park users and staff only.
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 11.93.330, no landscaping shall be required for the proposed development; however, fencing and/or private property signs shall be required along the south property line. The signs shall meet the standards of CCC Section 11.92.030(13).
6. 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.
 - 6.1. Park entrance lighting and lighting for the proposed bathhouse shall be required pursuant to CCC Section 11.93.330(12).
7. Pursuant to CCC Section 11.93.330(7), all on-site collection areas for garbage disposal shall be fenced and located within 150 ft. from any RV site.
8. Pursuant to CCC Section 11.93.030, a letter of compliance shall be submitted by the applicant to Chelan County Community Development prior to the commencement of the proposed use; this letter shall include the following:
 - 8.1. A parking and circulation plan approved by Chelan County Public Works pursuant to CCC Section 11.93.330(3). The parking plan shall demonstrate the required 23 parking spaces.
 - 8.2. A site plan showing the locations of the following: RV sites with hook up locations meeting the dimensional and spacing standards of CCC Section 11.93.330(2), on-site septic systems, fenced garbage collection areas, and.

- 8.3. An approved septic permit as issued by the Chelan Douglas Health District for the proposed RV Park meeting the standards of CCC Section 11.93.330(5)&(8).
- 8.4. Verification that fencing and/or private property signs had been installed along the south property line. The signs shall meet the standard of CCC Section 11.92.030(13).
- 8.5. Documentation from the Chelan County Fire Marshal that fire flow requirements have been satisfied pursuant to CCC Section 11.93.330(6) for fire protection standards.
9. Pursuant to RCW 27.53.020, prior to ground disturbing activities, consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) shall be required.
 - 9.1. Documentation as provided by DAHP that this condition has been satisfied or is no longer applicable may be provided at time of letter of compliance submittal.
10. Pursuant to 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.
11. 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.
12. 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.
13. Pursuant to comments received from the Washington Department of Fish and Wildlife (WDFW), the applicant shall:
 - 13.1. Landscape the developed area with vegetation not palatable to mule deer to reduce human-wildlife conflict
 - 13.2. Control and prevent the spread of invasive and noxious weeds to prevent the spread to adjacent undeveloped shrubsteppe and mule deer winter range habitat.
 - 13.3. Shielding of lights to reduce the effects of glare and light trespass.
 - 13.4. Require users of the RV park/campground to leash dogs.
 - 13.5. No further land disturbing activities shall take place on the hillside without a wildlife habitat survey being performed.
14. Pursuant to a comment received from the Chelan County PUD, there is an overhead utility and transmission line that runs across a small corner on the subject property. The applicant should use caution when operating machinery under the line and follow NESC standards for structures being built near power lines. Additional easements will be necessary if power is needed to the property.

Chelan-Douglas Health District

15. The applicant shall apply for and obtain approval for developing a Group A public water system. This Group A public water system shall be operational prior to operation of the RV park.
16. The applicant shall have a site evaluation performed for the design of the private onsite septic systems proposed. These septic systems shall be approved and installed prior to operation of the RV park.

Chelan County Public Works

17. Pursuant to CCC Section 11.90.330, the applicant shall be required to show the dimensions and type of material proposed for the guest parking area(s) and RV sites on the CUP Site Plan for the proposed project. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed project.
18. The applicant will be required to construct an internal roadway system on the project site that conforms to Chelan County Code, and is acceptable by the Fire Marshal. At a minimum, Public Works will require the internal roadway to meet the Chelan County Code Title 11.93.330(A) RV Park Road and Access Road Standards.
19. Pursuant to Title 10.20.200, a road naming shall be required for the shared driveway/access roads that serves three or more addressable parcels or structures. The applicant will be required to notify all affected property owners that have legal access/use to the access being named or that owns property that abuts the access. A signature of the property owner or a certified mail receipt will be required to prove such notification. That proof, a road naming application with 3 or more names and a road naming fee must be submitted to Chelan County Public Works for each of the shared accesses being named. Approval will be up to emergency services. Once a road name has been approved, a road name sign will be required to be installed by the applicant per Chelan County specs. Once the road name sign is installed, the applicant will be required to contact Chelan County Public Works for an inspection.
20. Pursuant to Title 15.30.610, Construction Plans: The applicant shall submit construction plans and reports for all required improvements on the internal roads and any required frontage or off-site improvements. The applicant will be required to have the Construction Plans approved by Chelan County Public Works Department prior to construction. The Construction Plans shall include, but are not limited to:
 - Drainage Report and Plan
 - Roadway Improvement Plan (showing location of utilities and roadway curve data)
 - Lot Access Plan (profiles, topography)
 - Erosion and Sedimentation Control Plan
 - Signage Plan
21. Pursuant to CCC Section 15.30.650 a Pre-Construction Meeting shall be required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
22. Pursuant to CCC Section 12.08.020, the applicant shall be required to demonstrate legal and perpetual access for the proposed project.
23. Pursuant to CCC Section 15.30.310 the applicant shall be required to demonstrate or obtain a Chelan County Approach Permit for any existing or new access points to Union Valley Road. Pursuant to CCC Section 15.30.340 the applicant shall be required to construct the access approaches to meet an Industrial/Commercial Driveway approach (Standard Detail PW-26). The approach apron(s) will be required to be paved.
24. Pursuant to CCC Section 13.18.030(9), if a Drainage System is required, the applicant shall show any necessary easements in accordance with the approved drainage plan;
25. Pursuant to CCC Chapter 13.18, a Drainage Report & Plan may be required if any new impervious surface of 5000 square feet is created and must be reviewed and approved. If require, the report shall be submitted to Chelan County Public Works. This shall be completed prior to any road/parking area construction beginning.

26. If a drainage system is required, or an existing drainage system is in place, this system shall be privately owned and maintained to its originally designed condition by all the property owners having a vested interest. A "Notice to Title" shall be filed with the Chelan County Auditor's office prior to the submittal of a Building Permit, stating:

"The area within this site plan contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties' successors and assigns; that its contents are binding upon the parties' successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.

This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system.

Chelan County Fire Marshal

27. Fire and life safety requirements are applicable and must be provided or an equivalent alternative as described using fire sprinklers and/or fire protection credits prior to operation of the RV park.
28. All land upon which buildings or portions of buildings are hereafter constructed in or moved within Chelan County, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in section 3.04.080 International Fire Code amended of the Chelan County Code. The minimum fire flow and flow duration requirements shall be based on Table B105.1(2) of the IFC, except that a reduction in required fire flow may be allowed as provided for in Table B105.2
29. Without the installation of a fire hydrant that has the capabilities of delivering the required fire flow and within the required distance to the parcel in question The Fire Marshal may modify Fire-flow requirements based on the requirements of Table B105.2 Required Fire Flow for Buildings Other Than One- and Two-Family Dwellings, Group R-3 AND R-4 Buildings and Townhouses. This table allows for a reduction to 25% of the required fire flow but not less than 1000 gallons per minute with the installation of an NFPA 13 compliant sprinkler system. The Fire Marshal may also allow fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.
30. The fire-flow calculation area is 1250 square feet of the largest building and assuming type VB construction, the required fire flow per table B105.1(2) would be 1500 gallons per minute for two hours. Without fire hydrants providing an adequate fire flow for the occupancy alternative methods can be considered to provide an equivalent level of protection i.e., NFPA 13 compliant fire sprinkler system and fire protection credits.

Per comments received from the Lake Chelan Reclamation District (LCRD), irrigation water supplied by the LCRD may not be used for as a fire suppression system

Dated this 21 day of July, 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.