

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUPA 22-017)	DECISION AND CONDITIONS
Smallwoods)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on December 20, 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 (CUP) Amendment requested for Agricultural Theme Market, a petting zoo and a play area submitted by Lynn Zediker of Smallwood Holding Co., LLC (owner). The applicant is proposing to amend both CUP 1105 and CUP 1327. The subject property is located in the Commercial Agricultural Lands (AC) zoning district and access to the property would be from US HWY 2 and Stemm Rd.
2. The Applicant/owner is Smallwood Holding Co., LLC, 845 Crawford Ave, Wenatchee, WA 98801.
3. The subject site is located at 10461 Stemm, Peshastin, WA.
4. The parcel numbers for the subject property is 24-18-17-420-000 and 24-18-17-240-200. The legal description is: T 24N R 18EWM S 17 PT of NE SW; 17.99 Acres, Lot B of BA# 2001-069; 5 Acres.
5. The subject site is located in Chelan County, outside of an Urban Growth Area.
6. The Comprehensive Plan designation and Zoning designation for the subject site is Commercial Agricultural Lands (AC).
7. The subject property is relatively flat east side of both parcels and then rolls uphill. The properties are surrounded by orchards with existing structures on both parcels.
8. The subject property is currently developed as a agricultural Theme Market:
Property to the north: Rural Residential/Resource 5 (RR5)
Property to the south and west: Commercial Agricultural Lands (AC).
Property to the east: US Hwy 2 and Wenatchee River.
9. According to WDFW PHS mapping, no Fish and Wildlife Habitat Conservation Areas currently exist on the property. Therefore, the provision of Chelan County Code Chapter 11.78 does not apply.

10. The water body shown on the Chelan County GIS mapping does not meet the requirements to be classified as a stream of any type per WAC 222-16-030. The water shown on the map is actually an irrigation canal and the requirements of Chapter 11.78 do not apply.
11. The subject property is located outside the shoreline jurisdiction.
12. Pursuant to the National Wetlands Inventory data, the subject property contains does not contain any wetlands. Therefore, the provisions of Chelan County Code Chapter 11.80 do not apply.
13. The applicant submitted an Aquifer Recharge Disclosure Form and a Vulnerability Rating sheet. The development is subject to Chelan County Code Chapter 11.82.
14. Pursuant to Federal Emergency Management Agency, FIRM map panel 5300150800A, the subject property does not contain flood plain. Therefore, the provisions of Chelan County Code Chapter 11.84 and 3.20 do not apply.
15. According to Chelan County GIS mapping, the subject property likely contains erodible soils and steep slopes. Therefore, pursuant to Chelan County Code Chapter 11.86, a geologic assessment is required. A geologic assessment, prepared by Douglas G. McFarland, CDG submitted with the application, which determined that no recommendations were necessary for the proposed development.
16. Pursuant to RCW 27.53.020, if cultural resources are found, 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.
17. No construction is proposed.
18. Domestic Water: The development receives domestic water by a single use well.
19. Power: Existing structures on the property are served by the Chelan County PUD. New or expanded service may be required.
20. Sanitation: The existing use is served by on-site septic system which was previously permitted by the Chelan-Douglas Health District.
21. Stormwater/Drainage Plan: Pursuant to Chelan County Code Chapter 13.16, the proposed development would not create 5,000 square feet of new impervious surface. Therefore, a stormwater plan does not appear to be required.
22. Fire Protection: The development is within Fire District #6. The Fire District Chief comments state that there is adequate fire flow to serve this development.
23. Noise: The applicant is required to meet the Chelan County Code Chapter 7.35 for noise controls. During normal operations, noise impacts are similar to surrounding uses. During special events, noise levels may increase beyond that of a typical surrounding use. Commercial operation and events shall meet the requirements of WAC 173-60.
24. Visual Impact: No new structures are proposed that could affect view sheds of surrounding properties.
25. The Notice of Application and environmental review was referred to jurisdictional agencies, departments and adjacent property owners, within 1,000 feet excluding 60' public right-of-way, on June 27, 2023. Comments were due on July 11, 2023. Comments are addressed, as appropriate, within this decision and in the form of Conditions of Approval. The following agencies and departments were noticed:

Agencies Notified	Response Rec'd Date	Agencies Notified	Response Rec'd Date
Chelan County Public Works	7/6/23	Chelan County PUD No 1	None
Confederated Tribes of Colville	None	Chelan County Building Official	None
Department of Fish and Wildlife	None	Department of Ecology	6/30/23
Chelan Douglas Health District	7/6/23	Fire District #6	None
Yakama Nation	None	Department of Archaeology	None
Chelan County Fire Marshal	None		

26. Public Comments: None.
27. The applicant submitted an environmental checklist on January 14, 2022. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and a Determination of Non-significance (DNS) was issued on November 14, 2023. The SEPA Checklist and DNS are included within the file of record and adopted by this reference.
28. The application was submitted on January 14, 2022.
29. A Determination of Completeness was issued on June 21, 2023.
30. The Notice of Public Hearing was provided on November 25, 2023.
31. Chelan Comprehensive Plan - The proposed development is for places of public and private assembly which is not specifically addressed within the Chelan County Comprehensive Plan. However, the proposed development is located within Commercial Agricultural Lands (AC) designation states:
 - 31.1 Purpose: To assure the long-term conservation of commercial agricultural lands; to protect and preserve the famers ability to farm; encourage existing and future agricultural land uses as a viable land use and significant economic activity within the community; and, to protect agricultural land of long-term commercial significance no already characterized by urban development from encroachment and incompatible uses.
 - 31.2 Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional use may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

- 31.3 Hearing Examiner Finding: The subject property would maintain its rural characteristics. As proposed and conditioned, the application complies with the Goals and Policies identified in the Chelan County Comprehensive Plan.
32. Chelan County Code, Section 14.98.120, Agricultural Theme Market: Per code definition, “Agricultural theme market” means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on or off site, and may include, as incidental and accessory to the principal use, wineries, places of public/private assembly, and food and beverage service. An agricultural market is distinguished from a home fruit stand by a larger scale of activity and greater range of products offered.
33. Chelan County Code, Section 11.30.010: Commercial Agricultural Lands (AC). The proposed development is located in the AC zoning district of Chelan County. According to Chelan County Code Section 11.04.020 District Use Chart, wineries with greater than 1,500 sq.ft. of retail space require a Conditional Use Permit. In addition, “Places of Public and Private Assembly” also require a Conditional Use Permit.
34. Chelan County Code 11.30.020 Standards. All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:
- 34.1 Minimum lot size: ten acres, which measures to the centerline of adjoining public rights-of-way. Cluster subdivisions approved pursuant to Title 12 of the Chelan County Code may have reduced minimum lot sizes. Where a land division process would result in a fractional lot that is less than the required minimum but greater than fifty percent of the minimum area of the district, said lot may be allowed. Only one fractional lot per land use application may be created through this process.
- 34.2 Minimum lot width: one hundred fifty feet at the front building line.
- 34.3 Maximum building height: thirty-five feet except as provided for in Section 11.88.170.
- 34.4 Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.
- 33.5 Minimum Setback Distances.
- 34.6 Setbacks from Agriculture.
- 34.7 The existing structures were reviewed at time of building permits for consistency with the required standards.
- 34.8 Hearing Examiner Finding: No additional review is required at this time.
35. Chelan County Code 11.93.040 Conditional use permit criteria. The development standards of this title shall be used by the applicant in preparing the conditional use permit application and by the Hearing Examiner in determining the acceptability of permitting a conditional use in a certain location. The applicant has the burden of proving that the proposed use meets the criteria set forth in this chapter. 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 The review for compliance is completed with this decision.
- 35.1.2 Hearing Examiner Finding: According to the submittal materials and subject to the recommended conditions of approval, all criteria required for the proposed development have been or can be satisfied.

- 35.2 A finding can be made that 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 site plan of record, date stamped January 14, 2023, demonstrates that the existing and proposed development would meet applicable development standards is CCC Section 11.30.020.
 - 35.2.2 Hearing Examiner Finding: Based on the site plan of record and submitted application materials, the proposed development meets the zoning standards, the critical area regulations, and all other applicable development standards.
- 35.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 35.3.1 Finding of Fact: The adjacent land uses include agricultural and residential lands. Impacts to surrounding properties may result from traffic, noise, and light; however, the winery has been in operation for several years and the proposed development would not affect the current ambiance of the area.
 - 35.3.2 Hearing Examiner Finding: The Hearing Examiner finds that the character of the surrounding area has not been significantly impacted by the existing use and the proposed development would not appear to increase that impact.
- 35.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 35.4.1 The proposed development is located within the agricultural designated resource lands. The development design includes elements that are complementary and compatible with agri-tourism.
- 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.
 - 35.5.1.1 Hearing Examiner Finding: According to the application materials and the agency comments/review, adequate capacity exists to provide services for the proposal.
 - 35.5.2 No county facilities will be reduced below adopted levels of service as a result of the development.
 - 35.5.2.1 The subject property is accessed from Stage Road. Chelan County Public Works has reviewed the proposal and no reduction of the adopted levels of service has been identified.
 - 35.5.2.2 Hearing Examiner Finding: The proposed development is in compliance with the adopted levels of service.
 - 35.5.3 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 35.5.3.1 Impacts to the surrounding properties and the public health, safety and welfare have been reviewed with this decision.

- 35.5.3.2 The Hearing Examiner sets as a Condition of Approval, based on decision, to ensure that the development would not result in undue adverse impacts to the public health, safety and welfare.
- 35.5.4 A finding shall be made that adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Titles 11 and 15 of the Chelan County Code. Primitive or forest service roads may be considered appropriate access as provided in Section 11.88.070.
 - 35.5.4.1 According to the application materials and the agency comments, the proposed development shall provide adequate provisions for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Title 11 and Title 15 of the Chelan County Code subject to the Conditions of Approval.
- 35.5.5 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.
 - 35.5.1 Hearing Examiner Finding: According to the application materials and the agency comments, 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 subject to the Conditions of Approval.
- 35.5.6 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.
 - 35.5.6.1 Finding of Fact and Conclusion: According to the application materials and above review, the proposed development is consistent and compatible with the intent, goals and objectives and policies of the Comprehensive Plan, and any implementing regulation.
- 35.5.7 All conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
 - 35.5.7.1 The Hearing Examiner may modify, add or remove conditions as necessary to ensure that all criteria are adequately addressed.
 - 35.5.7.2 Hearing Examiner Finding: Conditions of Approval are measurable and can be monitored and enforced.
- 36. Chelan County Code 11.93.125 AC District Conditional Uses. The following conditions, criteria and standards apply to the issuance of a conditional use permit for activities and uses identified in Chapter 11.30 of this title:
 - 36.1 The activity and/or use shall be in conformance with all applicable local, state and federal regulations or requirements including but not limited to the Chelan County Code.

- 36.1.1 Through completion of the conditions of approval set forth in this Conditional Use Permit, the proposed development would be in conformance with the requirement of the Chelan County Code..
- 36.1.2 Hearing Examiner Finding: The applicant shall obtain any required state or federal approvals or permits. If a sign for the development is erected at the entrance, the sign shall meet the requirements of CCC Chapter 11.92.
- 36.2 On-farm retail sales activity and/or use must be a subordinate, supplemental and contributing element of the operation of an ongoing commercial agriculture activity as defined by RCW 84.34.020(2) or permitted as an agricultural theme market or element thereof, within existing or new buildings in conformance with all applicable building codes and requirements of this title. New agricultural theme market buildings/structures shall not exceed five thousand square feet in gross retail sales floor area.
 - 36.2.1 The applicant has an existing agricultural theme market; no new structures are proposed with this application.
 - 36.2.2. Hearing Examiner Finding: Based on review of the application materials submitted, the retail sales on the subject properties are a contributing element of the agricultural activity occurring on the subject properties.
- 36.3 Retail sales activities, structures and uses must maintain a setback from adjacent properties a minimum of one hundred feet in width. Such retail sales activities, structures and uses includes but are not limited to the following: parking, buildings, benches, tables, play areas, display areas, public areas and similar activities, uses or structures. The setback is required to safeguard agricultural operations on adjacent or nearby properties and to protect the public from incompatible agricultural uses and activities.
 - 36.3.1 Finding of Fact: Pursuant to the site plan of record, date stamped on January 14, 2022, the existing agricultural theme market, animal sheds, the maze and the playground equipment are over 100 ft away from the adjacent properties.
 - 36.3.2 The Hearing Examiner finds based on review of the application materials submitted, this criterion would be satisfied.
- 36.4 Developed retail areas must be buffered from adjacent properties. Buffering may include: maintained or natural open space (distance), vegetated berms, trees, shrubs, orchards, solid or sight-obscuring fences or plantings, streets or roads, and/or natural vegetation or terrain.
 - 36.4.1 The site plan of record, date stamped January 14, 2022, show that the maintained orchard being grown buffer for the existing development from the adjacent private residences.
 - 36.4.2 Hearing Examiner Finding: Based on review of the application materials submitted, this criterion would be satisfied.
- 36.5 Hours of operation shall be consistent with the need to safeguard agricultural operations on adjacent properties:
 - 36.5.1 Pursuant to the applicant's website Smallwood's is open Sunday – Thursday 9am – 4pm and Friday and Saturday 9am – 5pm. However, at the hearing, the Applicant requested a closing time of 6pm for all days. County staff had no objection.

- 36.5.2 Hearing Examiner Finding: Based on review of the application materials submitted, the agricultural operations on adjacent properties would not be impacted by the existing development.
- 36.6 ‘Agricultural theme market’ means a building, structure or land area devoted to retail sales/service uses and activities allowed pursuant to Chelan County Code Chapter 11.30, which may include, but is not limited to, restaurants, bakeries, and vehicle repair/welding in association with agricultural operations. Agricultural theme markets may utilize existing structures and/or buildings without size limitation in conformance with the requirements of this title. Agricultural theme markets provide principally for the retail sales of local and regionally produced agricultural products, value-added agricultural products and specialty items of a local/regional nature, and uses and activities allowed pursuant to Chapter 11.30, in including arts and crafts. This definition does not include commercial feedlots, stockyard and/or livestock sales lots, and the sale of gasoline or fuels. Agricultural theme markets may be either a primary or subordinate use.
 - 36.6.1 The existing development is in association with agricultural operations occurring on the subject properties. The subject properties are not used as a commercial feedlot, stockyard, or the sale of fuels.
 - 36.6.2 Hearing Examiner Finding: Based on review of the application materials submitted, the proposed development does meet the criteria of an Agricultural theme market.
- 36.7 Areas containing marginal or nonagricultural soils within the commercial agriculture zone districts are encouraged to be utilized for permitted retail sales/service activities and uses allowed pursuant to Chapter 11.30, thereby conserving agricultural lands of long-term economic significance for production of agricultural products.
 - 36.7.1 Hearing Examiner Finding: Based on review of the application materials submitted, this criterion would be satisfied.
 - 36.7.2 Hearing Examiner Finding: The subject property is designated as Commercial Agricultural Lands and as described, the proposed development is consistent with the Chelan County Comprehensive Plan. As conditioned, the proposed development is consistent with the criteria for the approval of a Conditional Use Permit pursuant to Chelan County Code Title 11. Environmental and critical area review has been completed and Determination of Non-significance was issued demonstrating that the proposed development does not have a probable significant adverse impact on critical areas.
- 37. An open record public hearing after due legal notice was held on December 6, 2023, via Zoom video conference. At this hearing the Applicant requested a continuance until December 20, 2023 at 1:00 p.m.
- 38. An open record public hearing after due legal notice was held on December 20, 2023, via Zoom video conference
- 39. Appearing and testifying was Lynn Zediker. Ms. Zediker testified that she was an agent authorized to appear and testify on behalf of the applicant and property owner. She indicated that all of the proposed conditions of approval were acceptable, and that she had no objections to the staff report. She did request that they be allowed a closing time of 6pm for all days.
- 40. No member of the public testified at the hearing.

41. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
42. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. Based on the site plan of record, the proposal meets applicable AC zoning regulations.
3. The proposal is consistent with the Chelan County Comprehensive Plan.
4. The proposed development, as conditioned, would not result in county facilities reduced below adopted levels of service.
5. The proposed development, as conditioned, would not have an adverse impact on public health, safety and welfare.
6. All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11 of the Chelan County Code.
7. 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 could be avoided or mitigated as conditioned.
8. 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, Conditional Use CUPA 22-017 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 Chelan County Code Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land, compliance with the conditions of the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
2. All Conditions of Approval from the approved CUP 1327 decision approved by the Hearing Examiner on June 11, 1984 and CUP 1105 decision approved by the Hearing Examiner on April 15, 1981 shall be in full force and effect unless modified by this decision.
3. The applicant shall comply with all applicable local, state and federal regulations consistent with these conditions.
4. The applicant is responsible for securing any and all state and federal agency permits and licenses as may be required.
5. The development shall proceed in conformance with the application and site plan of record on file with the Chelan County Planning Department except as modified herein.

6. Pursuant to CCC Section 11.93.040(10), this Conditional Use Permit Amendment shall be in conformance with the submitted application of record, including site plans date stamped January 14, 2022 or as amended by this decision.
7. Pursuant to the requirements of the International Building Code and International Fire Code, a Chelan County Commercial Building Permit shall be required for Farmer Joe's Coffee.
8. Permitted activity shall be in conformance with all applicable local, state and federal regulations, statutes, rulings or requirements including, but not limited to the Chelan County Code Chapters 11.30 (Commercial Agricultural Lands), 11.93 (Conditional Uses) and section 11.93.125 (AC district conditional uses).
9. Pursuant to RCW 27.53.020, if cultural resources are found, 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.
10. Pursuant to Chelan County Code Section 11.93.070, in any case where a conditional use permit is granted under the terms of this title, no building or other permit shall be issued until after the end of the appeal period allowed in Title 14 of the Chelan County Code.
11. The fire and life safety occupancy for Smallwoods Harvest, LLC liquor license would need to be completed prior to the issuance of a new liquor license.
12. Pursuant to Chelan County Code Section 11.93.315(5), the applicant shall submit a compliance report to Community Development one year and five years after the date of this decision. The report shall include documentation regarding how each condition of approval is being met.
13. Pursuant to Chelan County Code 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.
14. Pursuant to Chelan County Code Section 11.93.100, a change in use, expansion or contraction of property area, or alteration of structures or uses which are classified as conditional and are existing prior to the effective date of Resolution 2000-129, codified in this title, shall conform to all regulations pertaining to conditional uses.
15. Pursuant to Chelan County Code Section 11.93.110, this conditional use permit shall become void after three (3) years after approval or such other time period as established by the Hearing Examiner if the use is not completely developed. Said extension shall not exceed a total of six years and said phases and timelines shall be clearly spelled out in the application.
16. Pursuant to Chelan County Code Section 11.93.120, this action of the Hearing Examiner is final unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

Chelan County Public Works

17. No frontage improvements required to Stemm Road or to Stage Road.
18. Pursuant to CCC Section 11.88.070(3); and Chapter 4, Section 6.14 of the Chelan County Transportation Element, the applicant is required to dedicate additional right-of-way to make the right-of-way on Stage Road 30' from centerline. This right-of-way dedication shall be done by deed. You would need to have a surveyor verify the right-of-way and provide a survey to the County. The survey shall indicate the existing right-of-way and the portion being dedicated so that your surveyor can establish a legal description for the dedicated right-of-way for the deed.

19. Pursuant to CCC Section 15.30.825 monumentation would be required to be placed on Stage Road if not already monumented.
20. No Traffic Impact Study would be required at this time, but if the permitted use changes, then a review from Chelan County Public Works would be required to determine if a Traffic Impact Study would be required.
21. Pursuant to CCC Section 15.30.340, the applicant would be required to construct the proposed access approaches on Stage Road and Stemm Road to meet an Industrial/Commercial Driveway approach (Standard Detail PW-26). The applicant would be required to obtain a Chelan County Public Work Approach Permit prior to constructing the Commercial Driveway Approach. The approach apron would be required to be paved.
22. Pursuant to CCC Section 15.30.330, the applicant would be required to show the dimensions and type of material proposed for the parking site on the CUP Site Plan for the proposed development. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a circulation plan indicating the size of the parking sites, drive land widths, type of surface material proposed, number of spaces, and a general parking schematic.
23. Pursuant CCC Section 15.30.310, the applicant shall submit a Lot Access Plan so that addresses can be determined for all existing structures. The Lot Access Plan must show the driveways/access location for the proposed development. This requirement may be fulfilled on a separate submittal and must be accomplished prior to the pre-Mylar submittal.
24. Pursuant to CCC Section 13.18.030(9) if a Drainage System is required, show any necessary easements in accordance with the approved drainage plan.
25. Pursuant to CCC Title 13, A Drainage Report & Plan may be required if any new impervious surface of 5,000 sq ft 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 there after 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-Douglas Health District

27. The applicant shall ensure all existing activities do not impact the existing onsite septic systems located on the subject property.
28. The applicant shall ensure any existing food service activities meet current food permitting requirements.

Hearing Examiner

29. The maximum of all hours of operation for all days shall be 9am to 6pm.

Dated this 21st day of December, 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.