

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

**CUP 2025-207
Burkenpas CUP**

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on October 15, 2025, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. An application for a Conditional Use Permit has been submitted by Sandra and Richard Burkenpas for places of private and public assembly. The applicant proposes hosting up to six community events annually in an existing building on the subject property. The property is zoned Rural Residential/Resource 5 (RR5).
2. **General Information**

Project Location(s):	11955 Entiat River Road, Entiat, WA 98822
Parcel Number(s):	26-19-01-553-935
Legal Description & size:	Entiat Valley Phase I Lot 94, Lo1 of SP 05-011, 6.91 acres
Applicants/Owners:	Sandra and Richard Burkenpas 11955 Entiat River RD Entiat, WA 98822
Urban Growth Area:	The subject properties are not located within an Urban Growth Area.
Comprehensive Plan Designation & Zoning:	Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5)

3. Site Information

Existing Land Use & Permit History	The subject property is currently developed as residential: Single Family Residence (2,240 sq. ft.) placed in 2005 Pole building (1,620 sq. ft) constructed 2005 Carport/Patio Cover Gable Roof (1,080 sq. ft.) constructed 2005
Site Characteristics:	Physical The subject property is relatively flat parcel. A portion of Potato Creek flows through the southwest corner before entering the Entiat River which bounds the southern property line.
Adjacent Properties:	The surrounding properties are undeveloped or low-density residential uses
Property North:	Undeveloped; Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5)
Property East:	Residential use, also owned by applicant; Rural Residential/Resource – 1 Dwelling Unit per 5 acres (RR5)
Property South:	The Entiat River and Undeveloped property on the opposite shore; Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
Property West:	Single Family Residential; Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5)

Aquifer Recharge Area:	The Aquifer Recharge form was completed with the variance application. Pursuant to Chelan County Code (CCC), Section 11.82.060(2)(A), residential dwelling units and their accessory uses are exempt from the aquifer recharge area regulations under this chapter.
Fish & Wildlife Habitat Conservation Areas:	Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and species Maps and CCC Chapter 11.78 Fish and Wildlife Overlay District, the property contains Mule deer and Northern Spotted Owl habitat; therefore, the provisions of CCC Chapter 11.78 do apply.
Geologically Hazardous Areas:	According to the Chelan County GIS mapping, the subject property does not contain potential geologic hazardous areas; therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay, would not apply.
Wetlands:	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 properties; therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.

4. Project / Design Information

Construction Phasing/Timing:	Events would commence upon receipt of all required permits and conditions of approval.
Traffic Circulation:	The subject property is served by Entiat River Road.
Noise:	The development is required to comply with CCC Chapter 7.35, Noise Control.
Visual Impact:	As conditioned, the visual impact is anticipated to be minimal.

5. Application & Public Hearing Notice Compliance

Application Submitted:	July 30, 2025
Determination of Completeness issued:	August 20, 2025
Notice of Application:	August 28, 2025
Notice of Public Hearing:	October 4, 2025
Public Hearing:	October 15, 2025

6. Noticing & Comments

6.1. The Notice of Application and Environmental Review was referred to surrounding property owners within 300 feet (excluding 60 feet right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on August 28, 2025, with comments due September 11, 2025. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. All comments are included in the file of record; public comments were received from an adjoining property owner. 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 Building Official	No Comment Received	
Chelan County Fire Marshal	August 27, 2025	The proposal must meet fire protection standards and regulations
Chelan County Public Works	August 29, 2025	Recommended conditions of approval were provided regarding lot access and stormwater requirements.

Agencies Notified	Response Date	Nature of Comment
WA State Department of Fish & Wildlife	No Comment Received	
Chelan-Douglas Health District	No Comment Received	
Chelan County PUD	No Comment Received	
WA Dept. of Ecology	No Comment Received	
WA Dept. of Archaeology and Historic Preservation	No Comment Received	
Yakama Nation	No Comment Received	
Confederated Tribes of Colville	No Comment Received	
WA Dept. of Natural Resources	No Comment Received	
US Army Corps of Engineers	No Comment Received	
WA State Department of Transportation	August 28, 2025	No Comment on proposal

7. Public Comments:

- 7.1. Comments were received from Greg and Lori Tubbs, the property owners adjacent to the west. They indicated in their letter that they have no objection to the issuance of the conditional use permit.

8. SEPA Environmental Review

- 8.1. The applicant submitted an environmental checklist on July 30, 2025. Pursuant to WAC 197-11 and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination completed by Chelan County. A Determination of Non-Significance (DNS) (Exhibit B) was issued on September 22, 2025. The SEPA Checklist and DNS are included within the file of record.

9. Chelan County Comprehensive Plan

- 9.1. The Comprehensive Plan has been reviewed; specifically, the goals and policies related to the Rural Residential/Resource 5 (RR5) Comprehensive Plan designation for consistency with residential and recreational land uses.
- 9.2. The development is consistent with the Rural Residential/Resource 5 purpose statement which says: "Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.
- 9.3. Uses appropriate for these areas 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 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.”

9.4. The Hearing Examiner finds that the proposal, as conditioned, would be consistent with the Rural Element of the Chelan County Comprehensive Plan.

10. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria

10.1. A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in the chapter are met:

10.1.1. All criteria required for a specific use by this chapter can be satisfied.

10.1.1.1. **Finding of Fact:** The criteria for places of public and private assembly have been addressed below.

10.1.1.2. **Conclusion:** Based on review of the application materials submitted, the criteria for places of public and private assembly can be satisfied.

10.1.2. 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.

10.1.2.1. **Finding of Fact:** The proposal is located in the Rural Residential/Resource 5 (RR5) zoning district. The RR5 zoning district permits places of public and private assembly as a Conditional Use. The site plan of record, received July 30, 2025, (Exhibit A) demonstrates that the proposed development would meet the applicable zoning standards per CCC Section 11.12.020. There are critical areas on site as defined in Chelan County Code Chapter 11.78. A portion of Potato Creek flows through the southwest corner of the property before joining the Entiat River. The southern portion of the property is located within a Rural Shoreline Environment of the Entiat River.

10.1.2.2. **Conclusion:** Based on the site plan of record, the proposal would meet applicable zoning and critical areas regulations. No new construction is proposed on the site and existing buildings all meet shoreline and stream type setback regulations.

10.1.3. Compatibility with the adjacent uses and the protection of the character of the surrounding area.

10.1.3.1. **Finding of Fact:** The adjacent uses include undeveloped and residential properties, one of which is also owned by the applicant. The proposed use of the existing pole building for community functions is compatible with these adjacent uses.

10.1.3.2. **Conclusion:** With the exception of up to six events per year and the associated traffic generated, the character of the surrounding area will largely remain the same.

10.1.4. Detrimental impacts on the natural environment and production use of the surrounding natural resource lands can be mitigated or avoided.

10.1.4.1. **Finding of Fact:** The proposal for places of public and private assembly would not have long-term effects on the natural environment.

10.1.4.2. **Conclusion:** The proposed development would not be detrimental to the natural environment.

10.2. No conditional use permit shall be issued without a written finding that:

10.2.1. 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.

10.2.1.1. **Finding of Fact:** Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.

10.2.1.2. **Conclusion:** Through the process of public and agency noticing, opportunity for review and comments were provided for the proposal.

10.2.2. No county facilities will be reduced below adopted levels of service as a result in county facilities reduced below adopted levels of service.

10.2.2.1. **Conclusion:** The proposal, as conditioned, would not result in county facilities reduced below adopted levels of service.

10.2.3. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.

10.2.3.1. **Conclusion:** The proposal, as conditioned, would not have an adverse impact public health, safety and welfare.

10.2.4. Adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Title 11 and 15 of the Chelan County Code.

10.2.4.1. **Finding of Fact:**

10.2.4.1.1. **Roads, ingress and egress:** The site is accessed off of Entiat River Road.

10.2.4.1.2. **Stormwater:** The application shall comply with CCC Title; Chelan County Stormwater Guidelines and Procedure, if a stormwater permit is required.

10.2.4.1.3. **Domestic and Irrigation Water:** Provided by a private well and private irrigation system.

10.2.4.1.4. **Sanitary Facilities:** The existing onsite septic system is designed for single family residence. The applicant has indicated that the restroom in the residence will be available to attendees upon request.

10.2.4.1.5. **Power:** Power is provided by Chelan County PUD.

10.2.4.1.6. **Fire Protection:** The development shall conform to all applicable requirements of the International Fire Code and Chelan County Code.

10.2.4.2. **Conclusion:** All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the CCC.

10.2.5. 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.

10.2.5.1. **Finding of Fact:**

10.2.5.1.1. **Noise and Vibration:** No new construction is proposed; all activities would take place inside an existing building.

10.2.5.1.2. **Light and Glare:** Lights appurtenant to residential development are regulated by CCC Section 11.88.080. The applicant has indicated that a typical event day would take place between 9:00 a.m. to 3:00 p.m. during daylight hours and no additional lighting would be necessary.

10.2.5.1.3. **Heat, Steam, Odors, Smoke and Dust:** The proposed development would not generate heat, steam or odors.

10.2.5.1.4. **Erosion:** The subject property is not located within a geologically hazardous zone.

10.2.5.1.5. **Wastes and Physical Hazards:** No hazards identified.

10.2.5.1.6. **Electrical Disturbance:** The proposal would not result in electrical disturbances.

10.2.5.2. **Conclusion:** 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.

10.2.6. 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.

10.2.6.1. **Finding of Fact:** The granting of a conditional use permit is consistent with the goals, policies, and intent of Chelan County's Comprehensive Plan and zoning code.

10.2.6.2. **Conclusion:** The development is consistent with the Chelan County Comprehensive Plan.

11. Chelan County Code, Section 11.93.315 Places of public and private assembly

11.1. The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.

11.1.1. **Finding of Fact:** The site plan of record, received July 30, 2025, depicts a gravel parking area between the event location and the existing single-family residence that includes an emergency turn around area. The narrative included with the application provides details regarding the two main events held on the property which are held twice a year, once in the spring and fall. The applicant amended their application after submittal to include permission to operate up to 6 similar events per year.

11.1.2. **Conclusion:** This provision has been met.

11.2. The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.

11.2.1. **Finding of Fact:** Based on the application materials, the Hearing Examiner finds that there would be no adverse visual impacts from the property to the surrounding area.

11.2.2. **Conclusion:** The Hearing Examiner finds that as conditioned, the proposed use would not result in adverse impacts.

11.3. The operation shall include adequate sanitary facilities based on proposed capacity.

11.3.1. **Finding of Fact:** Based on the development narrative, the applicant would allow event participants and attendees to use restrooms in the existing residence.

11.3.2. **Conclusion:** This provision has been met.

11.4. The proposal will not reduce county facilities below adopted levels of service as a result of the development.

11.4.1. **Conclusion:** The proposal would not reduce county facilities below adopted levels of service; therefore, the requirements would not apply.

11.5. 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 compliant.

11.5.1. **Finding of Fact:** The review of the Conditional Use Permit helps ensure compliance with the requirements.

11.5.2. **Conclusions:** Staff recommended that the applicant submit a review letter to Chelan County the first and fifth year after the date of this decision. Said letter is to submit facts to demonstrate that all conditions of approval are being met.

11.6. All events and activities shall comply with Chapter 173-60 WAC, Noise.

11.6.1. **Conclusion:** Staff recommended that noise be reviewed as part of the one- and five- year compliance review.

11.7. The proposal shall include the maximum number of attendees (baseline) which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements.

11.7.1. **Conclusion:** The proposal would have a maximum attendance of 60 people. The applicant indicates a main parking area with emergency turn area of 87 feet by 60 feet and an overflow parking area of approximately 370 feet by 50 feet is currently available.

11.8. If a school is to be included in the facility as a separate structure, the criteria of Section 11.93.190 shall be met in addition to any other applicable criteria.

11.8.1. **Conclusion:** The proposal does not include a school; therefore, the requirement of this section would not apply.

11.9. 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.

11.9.1. **Conclusion:** The proposal does not include a daycare center/preschool; therefore, the requirement of this section would not apply.

11.10. 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.

11.10.1. **Conclusion:** The proposal is not a church or religious facility; therefore, the requirement of this section would not apply.

12. An open record public hearing was held, after legal notice, on October 15, 2025.

13. Appearing and testifying on behalf of the applicant was Richard Burkenpas. Mr. Burkenpas testified that he is one of the property owners and applicants. He indicated that he had reviewed the staff report and proposed conditions of approval and had no objection to either of them. He stated that they had been putting on community events for the past 10 years. He says that currently they have multiple craft people that participate and sell their wares at their events. He stated that they would just hold community-based events, they would not have any weddings, music shows or anything of that nature. Just craft shows.

14. No member of the public testified at this hearing.

15. The following exhibits were admitted into the record:

- 15.1.Ex. A Site Plan and Narrative;
- 15.2.Ex. B Determination of Nonsignificance;
- 15.3.Ex. C Comments;
- 15.4.Ex. D Staff Report;
- 15.5.Ex. E Remainder of Planning Staff File.

16. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

17. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted the authority to render this decision.
2. As conditioned, this application is consistent with the Chelan county Code and Chelan County Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, CUP 2025-207 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

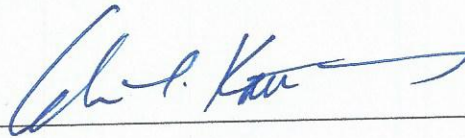
1. All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.
2. The applicant shall comply with all applicable local, state and federal regulations consistent with these conditions.
3. The development shall proceed in conformance with the application and site plan of record on file with the Chelan County Planning Department except as modified herein.

4. All formal off-street parking facilities shall comply with Section 11.90.030.
5. Pursuant to CCC Section 11.88.080, security lights or any exterior lighting shall be low-intensity, non-flashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
6. Pursuant to the comment letter issued by Chelan County Public Works on August 29, 2025, the applicant shall complete the following:
 - 6.1. The applicant would be required to show the dimensions and type of material proposed for the guest parking area on the CUP site plan for the proposed development. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking area, number of parking spaces, and general parking schematic for the proposed development.
 - 6.2. Pursuant to CCC Chapter 15.20, the applicant is required to construct an Emergency Vehicle Turn-around (Standard Detail PW23-A or B) on the development site. The turn-around is required to be signed "No Parking" within this area.
 - 6.3. Pursuant to CCC Section 15.30.340, the applicant would be required to construct the existing access approach on Entiat River Road to meet and Industrial/Commercial Driveway approach (Standard Detail PW-26). The applicant would be required to obtain a Chelan County Public Works Approach Permit prior to constructing the Commercial Driveway Approach. The approach apron would be required to be paved.
 - 6.4. Pursuant to CCC Section 13.18.030(9), if a Drainage System is required, the site plan shall show any necessary easements in accordance with the approved drainage plan.
 - 6.5. Pursuant to CCC Chapter 13.18, a Drainage Report & Plan would be required to be submitted to Chelan County Public Works if any new impervious surface of 5,000 sq. ft is created and must be reviewed and approved.
 - 6.6. 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:
 - 6.6.1. *'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 unsatisfactorily 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.'*
 - 6.6.2. *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.'*

7. Pursuant to CCC Section 11.93.040(1), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plan dated received July 30, 2025.
8. Pursuant to CCC 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.
9. Pursuant to CCC Section 11.93.110, a conditional use permit shall become void if not acted upon including but not limited to submitting a building permit or the placement of all infrastructure, within three years after approval or such other time period as established by the hearing examiner. The applicant may request a one-year extension, to be reviewed administratively, if the applicant submits a written request with community development thirty days prior to expiration.
10. Pursuant to CCC Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of CCC Title 14.

Dated this 22 day of October, 2025

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.