

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

CUP 20-016  
WDFW

RECEIVED )  
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JAN 07 2021 )  
)  
CHELAN COUNTY )

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

COMMUNITY DEVELOPMENT

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on January 6, 2021, 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 by Washington Department of Fish and Wildlife (WDFW) for an Essential Public Facilities use to construct a shooting range on WDFW property in Swakane Canyon. This shooting range would be open to the public for the purpose of target shooting and is being developed in accordance with the 2018 Chelan Wildlife Area Master Plan. The shooting range would be constructed in two phases. Phase 1 would consist of creating a rifle range, and Phase 2 would consist of creating a pistol range. Phase 2 would be built only after additional funding is secured. The goal of the shooting range is to continue to provide recreation opportunities (target shooting) while reducing conflict between humans and wildlife (primarily mule deer using nearby overwintering habitat) and conflict between multiple user groups (target shooters and non-target shooters). Access to the subject property is off of Swakane Canyon Road. The parcel is zoned Rural Residential/Resource 20 (RR20).
2. The Applicant/Owner is Washington State Department of Fish and Wildlife (WDFW) and the agent is Stephanie Kuhns, 600 Capitol Way N, Olympia, WA 98501.
3. The subject property is located at NNA Swakane Canyon Road., Wenatchee, WA 98801.
4. The abbreviated legal descriptions of the subject property is T 24N R 20EWM S 22 N 1/2 N 1/2 SE SE. 440.0000 Acres and the Parcel No. is 24-20-22-100-05 and Parcel No. 24-20-22-865-003 - Swakane Valley Orchards Block 1, Lot 1, Lots 1 -14, 126.2000 Acres.
5. The subject property is not within an Urban Growth Area.
6. The Comprehensive Plan designation and zoning is Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20).
7. The subject properties are currently undeveloped and are used for open space recreational activities.
8. The property to the north is Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20).
9. The property to the south is Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20).
10. The property to the east is Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20).
11. The property to the west is Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20).

12. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped September 21, 2020. The proposed project does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.
13. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject properties contain mule deer and bighorn sheep habitat. Therefore, the provisions of CCC Chapter 11.78, do apply.
14. Pursuant to the Natural Resources Stream Typing Maps, Swakane Creek, a fish bearing stream, flows across Parcel # 24- 20-22-865-003 and a non-fish bearing stream flows across Parcel # 24-20-22-100-050; therefore, the proposal is subject to the provisions of CCC Chapter 11.78..
15. Chelan County GIS mapping indicates that the subject property is located within a potential geologic hazard area due to potential erosion hazards found on the property. Therefore, the provisions of CCC Chapter 11.86 do apply.
16. Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are located on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply to the project.
17. Pursuant to Revised Code of Washington (RCW) 27.53.020, if cultural resources are found, the applicant will be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes of the Colville Reservation, and Chelan County Community Development. No comments were received on the proposal from DAHP or Tribes.
18. WDFW proposes to construct the public shooting range in two phases. Phase 1 would consist of creating a rifle range (to be built in 2021), and Phase 2 would consist of creating a pistol range (to be built in 2022).
19. The subject properties would be accessed from a parking lot off of Swakane Canyon Road.
20. There is currently no domestic water available and none is proposed.
21. Power is by an extension of the Chelan County PUD.
22. There are currently no sanitation facilities, and none are proposed.
23. The applicant must comply with CCC, Chapter 7.35 Noise.
24. As conditioned, the visual impact is anticipated to be minimal. The proposed use is compatible to the current open space and recreational uses of the surrounding properties.
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 October 27, 2020 with comments due November 10, 2020. Agency comments are considered by the Hearing Examiner and, when appropriate, set forth as Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:

<b>Agencies Notified</b>	<b>Response Date</b>	<b>Nature of Comment</b>
Chelan County Assessor		No Comment.
Chelan County Building Official		No Comment.
Chelan County Fire Marshal	November 12, 2020	The subject property is located outside of Fire District #1. Alternate fire flow provisions are not necessary.

Chelan County Fire District No. 1		No Comment.
Chelan Douglas Health District (CDHD)		No Comment.
Chelan County Public Works (CCPW)	November 16, 2020	No road improvements are required to Swakane Canyon Rd. The applicant would be required to dedicate additional right-of-way to make right-of-way on Swakane Canyon Rd. 30' from centerline. The applicant would need to obtain a Road Approach Permit. The applicant would be required to construct the Private Internal Access at a minimum, to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) with an Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) within the proposed project.
Chelan County PUD (PUD)		No Comment.
WA Dept. of Ecology		No Comment.
WA Dept. of Archaeology and Historic Preservation		No Comment.
Yakama Nation		No Comment.
Confederated Tribes of Colville		No Comment.

26. No public comments were received.
27. A Determination of Non-Significance (DNS) was issued by WDFW on August 20, 2020.
28. The application was submitted on September 21, 2020.
29. The Determination of Completeness was issued on October 19, 2020.
30. The Notice of Application was provided on October 27, 2020.
31. The Notice of Public Hearing was provided on December 5, 2020.
32. The purpose of the Rural Residential/Resource 20 (RR20) land use designation of the Rural Element is to allow for low intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure. These areas provide greater opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting. Additional uses may be considered with supplemental provisions, such as "...intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component... home occupations; bed and breakfasts; and community facilities."
- 32.1 The Hearing Examiner has reviewed the proposed development for consistency with the Rural Residential/Resource 20 (RR20) designation. The applicant is proposing to utilize the undeveloped properties to construct a shooting range that is open to the public.

- 32.2 The proposed uses are consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
- 33. Chelan County Code Section 11.04.010 District Use Chart:
  - 33.1 The applicant is proposing to construct a shooting range on the subject properties. In Phase 1, a rifle shooting range would be constructed and in Phase 2, a pistol shooting range would be constructed. This use is listed as an Essential Public Facilities in the district use chart, Chelan County Code (CCC) Section 11.04.020, and requires a conditional use permit (CUP) in the RR20 zoning district.
  - 33.2 The proposed use is permitted with an approved conditional use permit.
- 34. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria: A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met:
  - 34.1 All criteria required for a specific use by this chapter can be satisfied.
    - 34.1.1 Criteria for Essential Public Facilities have been addressed below.
    - 34.1.2 Based on review of the application materials submitted, the criteria for this use can be satisfied.
  - 34.2 The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
    - 34.2.1 The subject property is located in the RR20. The proposed use is allowed as a Conditional Use as identified in the District Use Chart in Chapter 11.04.
    - 34.2.2 The site plan of record, date-stamped September 21, 2020, demonstrates the existing development meets the applicable zoning setbacks identified in CCC Section 11.08.020.
    - 34.2.3 The proposed use is identified in Table 11.90-3 CCC Chapter 11.90 and has the requirement of 0.3 parking spaces for every attendee for off-street parking. The proposal has a parking lot with 11 parking spaces and one handicap parking space, which would allow for a maximum capacity of 40 users at one time.
    - 34.2.4 Landscaping for new public facilities is required per CCC Chapter 15.50.020(1)(a). However, pursuant to CCC Section 15.50.055, existing conditions on the property such as no irrigation water make compliance impractical. In addition, due to fire safety concerns, vegetation needs to be cleared from around the proposed shooting range.
    - 34.2.5 Based on the site plan of record, date stamped September 21, 2020, the proposed development meets the applicable requirements of CCC Chapter 11.08.
  - 34.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
    - 34.3.1 As proposed, the shooting range meets the definition of Essential Public Facility as defined in CCC Section 14.98.705.

- 34.3.2 The proposed development is located in a rural canyon to the north of Wenatchee near the Rocky Reach Dam. There is no residential development further up Swakane Canyon Road and the properties in this area are all owned by various governmental agencies. The proposed shooting range would reduce conflict that has occurred between different user groups on the Swakane Wildlife Area. Although the shooting range is not a park or trail, it does support active communities, in that it provides target shooters with a designated place to practice, thereby reducing dispersed target shooting that may impact other users of the wildlife area, such as hikers, campers, and bird watchers.
- 34.3.3 As conditioned, the proposed use would be compatible with the character of the surrounding area.
- 34.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
  - 35.4.1 The subject properties are not identified as a classified resource land pursuant to the Chelan County Comprehensive Plan. Although there are protected critical areas on or nearby the subject properties, the shooting range has gone through several rounds of environmental review, including public comment periods, which ensure that it preserves ecological functions while still creating recreation opportunities for residents (it is part of the adopted Chelan Wildlife Area Master Plan). The subject property is located within an area that is shown to have potential erosion concerns per Chelan County GIS mapping; however, the proposed shooting ranges are located in the lower flat areas of the canyon.
  - 34.4.2 As conditioned, the use will not be detrimental to the natural environment.
- 34.5 No conditional use permit shall be issued without a written finding that:
  - 34.5.1 After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development;
  - 34.5.2 Chelan County provided a Notice of Application to all providers and received comments are included in the file of record.
  - 34.5.3 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use.
  - 34.5.4 No county facilities will be reduced below adopted levels of service as a result of the development
  - 34.5.5 The proposed use is not anticipated to result in county facilities being reduced below adopted levels of service as a result. Chelan County Public Works indicated in their November 16, 2020 comment letter that no traffic impact study will be required at this time, but if the permitted uses change, additional review may be required.

- 34.5.6 As conditioned, the proposed use would not result in county facilities being reduced below adopted levels of service.
- 34.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
  - 34.6.1 The proposed use of the subject properties does not include sanitation facilities or potable water. No comment was received from the Chelan-Douglas Health District.
  - 34.6.2 The proposed uses are not anticipated to result in an adverse impact on public health, safety and welfare.
- 34.7 Adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Titles 11 and 15 of the Chelan County Code.
  - 34.7.1 Roads, ingress and egress: The subject property is accessed from Swakane Canyon Road, which is designated as a primitive road.
  - 34.7.2 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
  - 34.7.3 Parking and Loading: According to Table 11.90-3 in CCC Chapter 11.90, the applicant shall provide 0.3 parking spaces for every attendee (up to 40 users at a time) for the proposed use of the subject properties as a shooting range.
  - 34.7.4 Domestic and Irrigation Water: No domestic water is available on site. The properties do not benefit from irrigation water.
  - 34.7.5 Sanitary Facilities: The properties do not offer sanitary facilities.
  - 34.7.6 Power: Power is provided by Chelan County PUD.
  - 34.7.7 Fire Protection: The proposed development is located outside of Chelan County Fire District #1. Comments received from the Chelan County Fire Marshal, dated November 12, 2020, state that alternative fire flow provisions are not necessary for this project.
  - 34.7.8 All necessary facilities, improvements and services are consistent or can be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
- 34.8 Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
  - 34.8.1 Based on the application materials, and as conditioned, the proposed use of 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. No public comments were

received indicating that nearby property owners were concerned with the proposal.

34.8.2 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.

34.9 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.

34.9.1 The construction of a shooting range on the subject properties would be consistent with the goals and policies of the Rural Element of the Comprehensive Plan.

34.9.2 The project is consistent with the Chelan County Comprehensive Plan.

35. Chelan County Code, Section 11.93. 165: Essential Public Facilities - The following minimum conditions shall apply to Essential Public Facilities:

35.1 The proposal is consistent with the goals and policies of the Comprehensive Plan and all applicable county code provisions.

35.1.1 Applicant Response: Chelan County's vision for recreation is stated as: "Chelan County provides a mix of parks, recreation and open space that complements community character, creates diverse opportunities for residents and visitors, and preserves ecological functions." This project meets this vision in that it will provide a new facility (shooting range) for an activity which currently occurs but does not have a designated area. This shooting range will reduce conflict that has occurred between different user groups on the Swakane Wildlife Area (conflicts between competing interests are mentioned on page 12 of the Park & Recreation Element of the plan). Additionally, the shooting range has gone through several rounds of environmental review, including public comment periods, which ensure that it preserves ecological functions while still creating recreation opportunities for residents (see Chelan Wildlife Area Master Plan).

35.1.2 This project meets four of the goals listed in the Chelan County Comprehensive Plan's Park & Recreation Element.

35.1.3 Goal 1: Encourage open space and public land use for the enjoyment of County residents and visitors This goal is met by the project in that it will add a designated location for a recreational pursuit (target shooting) in an open space on public land (Swakane Unit of the Chelan Wildlife Area, managed by WDFW).

35.1.4 Goal 3: Park and recreation planning and development should consider impacts to surrounding land uses, critical areas, and significant natural scenic, historic, or cultural features This goal is met through the extensive review process that the project underwent. The 2018 Chelan Wildlife Area Management Plan was developed by an interdisciplinary team of WDFW staff with significant public involvement. This included input from the local stakeholder-based Chelan Wildlife Area Advisory

Committee (WAAC), input from other public agencies, and input from interested citizens gathered from two public meetings. The management plan includes the development of the shooting range, and the plan considers all aspects of the environment found within the Chelan Wildlife Area.

- 35.1.5 Goal 5: Support active communities through park and trail use and development Although the shooting range is not a park or trail, it does support active communities, in that it provides target shooters with a designated place to practice, thereby reducing dispersed target shooting that may impact other users of the wildlife area, such as hikers, campers, and bird watchers. Additionally, the shooting range supports the tradition of hunting by providing hunters with a location to practice prior to their chosen hunting season(s).
- 36.1.6 The applicant provided a site plan that shows these proposed parking areas, date stamped September 8, 2020 respectively, which illustrate the location of activities and movement of vehicles on and off the property.
- 35.1.6 Goal 6: Provide and maintain acceptable levels of public facilities and services The project provides a new location for target shooters to practice. WDFW staff will provide upkeep of the facility to maintain a safe environment for target shooting..
- 35.1.7 In their application materials, dated September 21, 2020, the applicant provided a project narrative and site plan that demonstrates how the proposal is consistent with the goals and policies of the Chelan County Comprehensive Plan as well as how it meets the applicable provisions of the Chelan County Code.
- 35.1.8 The Hearing Examiner finds that the proposal is consistent with the Chelan County Comprehensive Plan and applicable provisions of the Chelan County Code.
- 35.2 There shall be a demonstrated need for the essential public facilities and/or special use within the community at large which shall not be contrary to the public interest.
  - 35.2.1 Applicant Response: The need for a designated shooting range arises from the fact that there are no nearby shooting ranges, causing target shooters to discharge firearms in areas where other forms of recreation occur (hiking, wildlife viewing, etc). This is disruptive to people taking part in other forms of recreation, and unsafe for everyone involved. It also results in garbage being left behind. The shooting range will provide a safe place to responsibly target shoot and help reduce litter left on other regions of the wildlife area.
  - 35.2.2 The need for a proposed shooting range was identified in the Chelan Area Wildlife Management Plan, which went through public review during its development.
  - 35.2.3 The Hearing Examiner finds that the proposal is an essential need for the community at large and is not contrary to the public interest



- 35.3 The applicant shall demonstrate that they have conducted a site selection process that has evaluated alternative sites within the county. The administrator may request review of specific sites or areas.
- 35.3.1 Applicant Response: The location for the shooting range was selected through the planning process while developing the Chelan Wildlife Area Management Plan.
- 35.3.2 The site was selected during the development of the Chelan Wildlife Area Management Plan.
- 35.3.3 The Hearing Examiner finds that the proposal adequately underwent a site selection process that evaluated alternative sites in the County.
- 35.4 The applicant shall demonstrate that appropriate public participation in the siting decision has occurred consistent with state law.
- 35.4.1 The Chelan Wildlife Area Management Plan included a public comment period.
- 35.4.2 The Chelan Wildlife Area Management Plan underwent the appropriate public participation during its development that was consistent with state law.
- 35.4.3 The Hearing Examiner finds that the proposal adequately underwent public participation during the development of the Chelan Wildlife Area Management Plan.
- 35.5 The proposal/development incorporates specific features to ensure that it is consistent with the existing or intended character, appearance, and physical characteristics of the site and surrounding property.
- 35.5.1 The shooting range gives a home to an activity (target shooting) that already occurs in the area. The shooting range is designed to use the natural features of the area – a canyon – to contain the shooting. No light fixtures, electricity, non-native plants, or other features that detract from the area’s intended purpose will be installed.
- 35.5.2 The proposal is consistent with the existing characteristics of the properties and the open space / recreational uses found in the nearby proximity.
- 35.5.3 The Hearing Examiner finds that the proposal is consistent with the existing characteristics of the sites and surrounding properties.
- 35.6 The applicant shall document known impacts to county services (water, sewer/septic, road, power, police/fire, etc.) and mitigation options to be reviewed and approved by the administrator.
- 35.6.1 The shooting range is not expected to impact county services.
- 35.6.2 There are no existing or proposed potable water sources or available sanitary services located on the properties. Access to the site would be from Swakane Canyon Road, which is designated as a primitive road. The properties are not within the established Chelan County Fire District #1 boundaries.

35.6.3 The Hearing Examiner set as a condition of approval that the proposal establish a fuels reduction zone to create a fire break around the perimeter of the shooting range as suggested by the Fire Marshal in his comment letter dated November 12, 2020.

36. An open record public hearing after due legal notice was held using Zoom video conferencing on January 6, 2021.
37. Appearing and testifying on behalf of the Washington State Department of Fish and Wildlife (WDFW) was its agent, Stephanie Kuhns. Ms. Kuhns has authorization to testify in this matter. Ms. Kuhns indicated that all of the proposed conditions of approval were acceptable to the Applicant, except proposed Condition of Approval No. 10.2. The Applicant testified that their conversation with Chelan County surveyor, Mark Sele, indicated Mr. Sele's opinion that the road fronting the project site is owned by the federal government and that the road exists on a 60 ft. easement. Mr. Sele did not testify. The Applicant further stated that if there was a requirement to dedicate right-of-way, that the overall cost to transfer right-of-way would be cost prohibitive and the project would not have sufficient funding.
38. Andrew Brunner, for Chelan County Public Works, testified that he would defer to any findings of the Chelan County surveyor.
39. It should be noted that Mark Sele did not testify at the hearing.
40. Also testifying at the hearing on behalf of the Applicant was Ron Fox. Mr. Fox testified that the road is owned and maintained by the National Forest Service. He testified that the width of the road varies from between 10 to 30 feet depending upon the topography.
41. No member of the public attended the hearing.
42. The Hearing Examiner has reviewed the application and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code, the Hearing Examiner provides the attached Conditions of Approval.
43. 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. The proposed uses are consistent with the goals and policies of the Rural Element within the Chelan County Comprehensive Plan.
3. The proposed use is permitted with an approved conditional use permit.
4. Based on the site plan of record, date stamped September 21, 2020, the proposed development meets the applicable requirements of CCC Chapter 11.08.
5. As conditioned, the proposed use would be compatible with the character of the surrounding area.
6. As conditioned, the use will not be detrimental to the natural environment.
7. As conditioned, the proposed development would not have an adverse impact on public health, safety and welfare.
8. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use.

9. As conditioned, the proposed use would not result in county facilities being reduced below adopted levels of service.
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. 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.
12. The project is consistent with the Chelan County Comprehensive Plan and applicable provisions of the Chelan County Code.
13. The proposal is an essential need for the community at large and is not contrary to the public interest.
14. The proposal adequately underwent a site selection process that evaluated alternative sites in the County.
15. The proposal adequately underwent public participation during the development of the Chelan Wildlife Area Management Plan.
16. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

### **III. 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 Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, 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.
3. 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.
4. 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.
5. Pursuant to CCC Chapter 11.93, the proposed use is not authorized unless and until all listed conditions are satisfied.
6. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including the site plans date stamped September 21, 2020 or as amended by this decision.
7. Pursuant to CCC Chapter 11.93, the applicant is authorized to use the subject property as Essential Public Facilities for a shooting range. The number of users will be no more than 40 at a

time in strict accordance with the standards established by this decision and any conditions imposed by the Hearing Examiner

8. Pursuant to CCC Section 11.90.060, the applicant will need to provide 0.3 parking spaces per attendee for a total of 12 parking spaces (11 regular and 1 handicap).
  - 8.1 The parking lot design requirements described in CCC Section 11.90.030 shall be met and reviewed by Public Works as part of their condition of approval.
9. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal memorandum dated November 12, 2020.
  - 9.1. Establish a fuels reduction zone to create a fire break around the perimeter of the shooting range.
10. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan-Douglas Health District memorandum dated November 16, 2020:
  - 10.1. No road improvements required to Swakane Canyon Road.
  - 10.2. In the event the Swakane Canyon Road is not owned by the United States Government, then pursuant to Chelan County Code Title 11.88.070(3); and Chapter 4, Sec. 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 Swakane Canyon Road 30' from centerline. This right-of-way dedication shall be done by deed. A surveyor will need to 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 that dedicated right-of-way for the deed. If Swakane Canyon Road is owned by the United States Government, then this condition is stricken in its entirety.
  - 10.3. Pursuant to CCC, Title 15.30.340, the applicant shall obtain a Road Approach Permit from Chelan County Public Works, and construct the approach according to code.
  - 10.4. Primary Access: Pursuant to Chelan County Code Title 15.30.825 monumentation will be required to be placed on Swakane Canyon Road if not already monumented. Confirm with the County Surveyor for locations.
  - 10.5. No Traffic Impact Study will be required at this time, but if the permitted use changes, then a review from Chelan County Public Works will be required to determine if a Traffic Impact Study will be required.
  - 10.6. Pursuant to CCC Section 10.20.410(2) Addresses are assigned based on road origin and shall contain digits indicating the address from the origin of the road to the primary access location for the site.
  - 10.7. Pursuant to Chelan County Code Title 15.30, the applicant will be required to construct the Private Internal Access at a minimum, to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) with an Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) within the proposed project.
  - 10.8. The applicant will be required to show the dimensions and type of material proposed for the guest parking area 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.

- 10.9. **If** improvements are required, the applicant is required to submit construction plans and reports in accordance with Title 15. The plans must be submitted simultaneously under one Letter of Transmittal. The applicant will be required to have the Construction Plans approved by Chelan County Public Works Department prior to construction. The following are the minimum construction plan elements:
  - 10.9.1 Road Improvement Plan (including location of utilities).
  - 10.9.2 Erosion and Sedimentation Control Plan.
  - 10.9.3 Lot Access Plan.
  - 10.9.4 Signage Plan.
  - 10.9.5 Drainage Report & Plan
- 10.10. A Pre-Construction Meeting with the owner/contractor and Chelan County Public Works Department will be required prior to commencement of access road construction.
- 10.11. The applicant will be required to submit signed As-built Construction Plans by the applicant's engineer prior to Chelan County Public Works issuing final approval.
- 10.12. Pursuant to CCC Section 12.08.020, the applicant will be required to demonstrate legal and perpetual access for the proposed Facility.
- 10.13. Pursuant to Title 15.30.340 the applicant will be required to construct the access approach onto Swakane Canyon Road to meet an Industrial/Commercial Driveway Approach (Standard Plat PW-26). The applicant will be required to obtain a Chelan County Approach Permit prior to constructing the Commercial Driveway Approach. The approach apron will not be required to be paved.
- 10.14. 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;
- 10.15. Pursuant to CCC Chapter 13.18, A Drainage Report & Plan will be required to be submitted to Chelan County Public Works if any new impervious surface of 5000 square feet is created and must be reviewed and approved. This shall be completed during the submittal of any building permits.
- 10.16. **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."*

11. Pursuant to CCC Section 11.93.030, a letter of compliance from Chelan County Public Works demonstrating that their conditions of approval have been met shall be submitted by the applicant to Chelan County Community Development prior to using the subject property as a shooting range.

#### IV. DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 20-016 is hereby **APPROVED**.

Dated this 7th day of January, 2021.

CHELAM COUNTY HEARING EXAMINER



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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.