

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT, CONCLUSIONS OF
)	LAW, CONDITIONS OF APPROVAL
CUP 20-011)	AND DECISION
Clark)	
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on May 19, 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 Karen Peele (agent), on behalf of William Clark (applicant), to use their vacant 3.49-acre property as a Wedding Venue under the criteria for Places of Public and Private Assembly. Access to the property is off of Boyd Road. The parcel is zoned Commercial Agricultural Lands (AC).
2. The Applicants/Owners are William G. & Angell L. Clark, P.O. Box 2072, Chelan, WA 98816.
3. The subject property is located at 811 Boyd Road, Chelan, WA 98816.
4. The abbreviated legal description of the subject property is T 28N R 22EWM S 34 LOT 1 SP 1197 NWSW. The subject property is approximately 3.49 acres in size per the Assessor's records.
5. The subject property is not within an Urban Growth Area.
6. The Comprehensive Plan designation and zoning is Commercial Agricultural Lands (AC).
7. The subject property currently has no existing structures or improvements.
8. The property to the north is Commercial Agricultural Lands (AC).
9. The property to the south is Commercial Agricultural Lands (AC).
10. The property to the east is Commercial Agricultural Lands (AC) and Boyd Road.
11. The property to the west is Commercial Agricultural Lands (AC).
12. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped July 13, 2020; the proposed development does not require a vulnerability report, pursuant to CCC Chapter 11.82.
13. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does not contain priority habitat. Therefore, the provisions of CCC Chapter 11.78, do not apply.
14. Pursuant to the Natural Resources Stream Typing Maps, there are no streams located on the subject property. Therefore, the development is not subject to CCC Chapter 11.78.
15. Chelan County GIS mapping indicates that the subject property is located within a potential geologic hazard area due to erosive soils found on the property. Therefore, the provisions of CCC Chapter 11.86 would 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 any Native American Tribes.
18. Construction for the installation of pavers and an access road is anticipated to commence upon completion of all required permits.
19. The subject property would obtain a road approach permit and comply with all conditions from Chelan County Public Works.
20. The subject property does not have access to domestic water.
21. Power is by an extension of the Chelan County PUD.
22. Sanitary services for the proposed venue would be provided through 'sani-cans'. There is no septic system on-site.
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 uses of the surrounding properties.
25. The Notice of Application was referred to surrounding property owners within 1,000 ft. (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on September 19, 2020 with comments due October 3, 2020. Agency comments are considered and, when appropriate, associated Conditions of Approval.
26. Public comments from neighbors were received regarding concerns for the compatibility of the adjacent agricultural uses, concern for public safety regarding to the proposed access point, noise and light, and monitoring and enforcement of the number of guests, noise amplification, and loitering.
27. 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 Assessor		No Comment.
Chelan County Building Official	September 21, 2020	All proposed structures must comply with all applicable building, mechanical, plumbing, fire, and energy codes as enumerated under RCW 19.27.
Chelan County Fire Marshal		No Comment.
Chelan Douglas Health District (CDHD)		No Comment.
Chelan County Public Works (CCPW)	September 28, 2020	Recommended conditions of approval regarding the proposed internal roadway system and development

Agencies Notified	Response Date	Nature of Comment
		standards were provided for the project.
Chelan County PUD (PUD)		No Comment.
WA Dept. of Ecology	October 1, 2020	Outlined water usage standards for ground water withdrawals and domestic water supply. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit of certificate obtained directly from Ecology.
WA Dept. of Fish & Wildlife		No Comment.
WA Dept. of Archaeology and Historic Preservation		No Comment.
Yakama Nation		No Comment.
Confederated Tribes of Colville		No Comment.

28. The subject project is categorically exempt from environmental review pursuant to WAC 97-11-800.
29. The application was submitted on July 13, 2020.
30. The Determination of Completeness was issued on September 15, 2020.
31. The Notice of Application was provided on September 19, 2020.
32. The Notice of Public Hearing was provided on May 6, 2021.
33. The purpose of the Commercial Agricultural Lands (AC) land use designation of the Resource Element is to protect agricultural land of long-term commercial significance not already characterized by urban development from encroachment and incompatible uses. Additional uses may be considered with supplemental provisions, such as "...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."
- 33.1 The Hearing Examiner has reviewed the proposed development for consistency with the Commercial Agricultural Lands (AC) designation. The applicant is proposing to use an undeveloped property for a wedding venue as a place of public and private assembly in a rural setting. This use is comparable to the additional uses with supplemental provisions described in the Resource Element of the Chelan County Comprehensive Plan.
- 33.2 The proposed uses are consistent with the goals and policies of the Resource Element within the Chelan County Comprehensive Plan.
34. Chelan County Code Section 11.04.010 District Use Chart:
 - 34.1 The applicant is proposing to use an undeveloped property for a wedding venue. This is categorized as a place of public and private assembly in the district use

chart, Chelan County Code Section 11.04.020, which requires a conditional use permit (CUP) in the Commercial Agricultural Lands (AC) zoning district.

- 34.2 The proposed use is permitted with an approved conditional use permit.
- 35. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria: A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met:
 - 35.1 All criteria required for a specific use by this chapter can be satisfied.
 - 35.1.1 Criteria for Essential Public Facilities are addressed below.
 - 35.1.2 Based on review of the application materials submitted, the criteria for this use can be satisfied.
 - 35.2 The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
 - 35.2.1 The site plan of record, date stamped July 13, 2020, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.30.010.
 - 35.2.2 This proposed development must meet the requirements of CCC Chapter 11.90 for off street parking. The applicant has demonstrated that the proposed development has met these requirements.
 - 35.2.3 The proposed development must meet the requirements of CCC Chapter 15.50 for landscape standards. The applicant has not demonstrated that the proposed project has met these requirements.
 - 35.2.4 The subject property is located in the Commercial Agricultural Lands (AC) zoning district. This zoning district allows for this use as a Conditional Use. The site plan of record, date stamped July 13, 2020, demonstrates the existing development meets the applicable zoning setbacks identified in CCC Section 11.30.020.
 - 35.2.5 The proposed development is located within a mapped geologically hazardous area. A geological assessment has been prepared by Nelson Geotechnical Associates, Inc, pursuant to CCC Chapter 11.86.
 - 35.2.6 Based on the site plan of record, date stamped July 13, 2020, the proposed development would meet applicable zoning, critical areas, and other applicable development standards, as conditioned.
 - 35.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 35.3.1 The proposed use of the existing property for a wedding venue meets the definition of places of public and private assembly pursuant to CCC Section 14.98.1430.
 - 35.3.2 The proposed development is located in a rural agricultural area outside of Chelan. Residential development is sparse with large amounts of open space and several agricultural uses. The proposed wedding venue is targeting the scenic rural character of the Chelan-Manson area. Due to

the minimal development of the proposed project, the wedding venue is consistent with the rural character of the surrounding area.

- 35.3.3 As conditioned, the proposed use would be compatible with the character of the surrounding area.
- 35.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 35.4.1 The subject property is identified as a resource land pursuant to the Chelan County Comprehensive Plan. There are currently no agricultural uses on the subject property. There are no protected critical areas on or nearby the subject property. The Chelan County GIS mapping system shows that the property is located within a geologically hazardous area for erosion and a geological site assessment has been prepared.
 - 35.4.2 As conditioned, the use will not be detrimental to the natural environment.
- 35.5 No conditional use permit shall be issued without a written finding that:
 - 35.5.1 After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.
 - 35.5.2 Chelan County provided a Notice of Application to all providers and received comments are included in the file of record.
 - 35.5.3 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use.
 - 35.5.4 No county facilities will be reduced below adopted levels of service as a result of the development.
 - 35.5.5 The proposed uses are not anticipated to result in county facilities being reduced below adopted levels of service as a result.
 - 35.5.6 As conditioned, the proposed use would not result in county facilities being reduced below adopted levels of service.
- 36.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 36.6.1 The proposed use of the subject property would include the use of ‘sanicans’ for sanitary services and would not have access to domestic water. No structures are proposed at this time. No comment was received from the Chelan-Douglas Health District.
 - 36.6.2 As conditioned, the proposed uses are not anticipated to result in an adverse impact on public health, safety and welfare.
- 36.7 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.

- 36.7.1 Roads, ingress and egress: The subject property would be accessed from a driveway off of Boyd Road. The proposed driveway would be constructed meeting the Industrial/Commercial Driveway Approach, as conditioned by Chelan County Public Works.
- 36.7.2 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
- 36.7.3 Parking and Loading: Based on the site plan, date stamped July 13, 2020, the applicant proposes to have 50 parking spaces for 150 guests, which is sufficient pursuant to CCC Section 11.90.060. A parking and circulation plan would be submitted to Chelan County Public Works prior to the commencement of activities.
- 36.7.4 Domestic and Irrigation Water: The subject property does not have access to domestic water. The property does benefit from irrigation water from the Lake Chelan Reclamation District.
- 36.7.5 Sanitary Facilities: Sanitary services for the wedding guests would be provided through 'sani-cans'.
- 36.7.6 Power: Power is provided by Chelan County PUD.
- 36.7.7 Fire Protection: The proposed development is located in Chelan County Fire District #7. No comments were received from the Chelan County Fire Marshal.
- 36.7.8 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.
- 36.8 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.
 - 36.8.1 Based on the application materials, the applicant has mitigated noise and light by regulating times of operation and limiting music to acoustic only and using down-shielded light options. The proposal would not produce any heat, steam, odors, smoke, or dust due to the size of the property and vicinity to neighboring properties. The property is located in an area with known erodible soils, and a geological assessment has been prepared should there be any development in the future. The property does not have access to potable water and no structures are proposed at this time. The proposed use would not produce any wastes or physical hazards and related impacts on adjacent properties and the vicinity.
 - 36.8.2 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.
- 36.9 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.

- 36.9.1 The proposed use of the subject property is consistent with the goals and policies of the Resource Element of the Comprehensive Plan.
- 36.9.2 The development is consistent with the Chelan County Comprehensive Plan.
- 37. Chelan County Code, Section 11.93.315: Places of Public and Private Assembly. The following minimum conditions shall apply to places of public and private assembly:
 - 37.1 The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.
 - 37.1.1 The applicant has provided a site plan that shows the proposed parking area, date stamped July 13, 2020, which illustrates the location, activities, and movement of vehicles and pedestrians on and off the property.
 - 37.1.2 The applicant has indicated through the application materials that the subject property would be used as a venue for weddings mostly on the weekends during daylight hours in the months of May through October. The applicant is anticipating a maximum of 150 guests. The site plan, date stamped July 13, 2020, and application materials indicate that events would be held in open space. The applicant has prepared a parking and circulation plan, date stamped January 21, 2020, pursuant to CCC Chapter 11.90. 35.1.2 This project meets four of the goals listed in the Chelan County Comprehensive Plan's Park & Recreation Element.
 - 37.1.3 The Hearing Examiner sets as a condition of approval that the applicant provide Chelan County Community Development with a letter demonstrating compliance with the conditions of approval required by Chelan County Public Works prior to utilizing the subject property as a wedding venue. Staff recommended general approval of the operation plan with this proposed condition of approval.
 - 37.2 The landscaped requirements of Chapter 15.50 are hereby waived. The use shall comply with the parking provisions pursuant to Chapter 11.90.
 - 37.2.1 The applicant would provide parking on irrigated grass turf on the southern end of the property. The applicant proposes to provide 50 spaces, accessed from the driveway off of Boyd Rd. Pursuant to CCC Section 11.90.060, places of public and private assembly requires 0.3 spaces for every attendee. The Hearing Examiner is agreeable to using on-site parking spaces to accommodate guests up to 150 people.
 - 37.2.2 The subject property is surrounded by orchards and undeveloped hillside, with a few single-family residences on properties that are greater than 5 acres in size. Nearby property owners have expressed concerns regarding the increase in traffic and location of the access point of the proposed use. Chelan County has adopted questions and possible mitigation measures to address traffic issues in CCC Section 10.30.040(3) Agricultural Good Neighbor Practices.
 - 37.2.3 The Hearing Examiner sets as a condition of approval that the applicant provide Chelan County Community Development with a letter demonstrating compliance with the conditions of approval required by Chelan County Public Works prior to utilizing the subject property as a

wedding venue. Additionally, the Hearing Examiner sets as a condition that the applicant comply with the provisions of CCC Chapter 11.90 prior to commencement of activities on the subject property.

- 37.3 The operation shall include adequate sanitary facilities based on proposed capacity.
 - 37.3.1 The applicant proposes to supply sanitary services through the use of 'sani-cans' that would be transported to the property for each event.
 - 36.3.2 No comments were received from the Chelan-Douglas Health District.
 - 37.3.4 Chelan County Code does not specify the type of sanitary facilities. Therefore, adequate sanitary facilities are proposed.
- 37.4 The proposal will not reduce county facilities below adopted levels of service as a result of the development.
 - 37.4.1 Chelan County has not adopted levels of service for any facility serving the proposed development. Comments received from Chelan County Public Works on September 28, 2020 state that no road improvements are required to Boyd Road. Pursuant to CCC Section 15.30, the applicant would be required to construct the Private Internal Access road to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) with an Emergency Vehicle Turnaround (Standard PW-23 A or B). In addition, 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 lot, number of parking spaces, and general parking schematic for the proposed development. Lastly, the applicant would be required to construct the access approach onto Boyd Road to meet an Industrial/Commercial Driveway Approach (Standard Plat PW-26). The applicant would be required to obtain a Chelan County Approach Permit prior to constructing the Commercial Driveway Approach.
 - 37.4.2 The Hearing Examiner sets as a condition of approval that the applicant provide Chelan County Community Development with a letter demonstrating compliance with the conditions of approval required by Chelan County Public Works prior to utilizing the subject property as a wedding venue.
- 37.5 Administrative review of the operation to determine compliance with conditions of approval shall be performed in the first and fifth year of operation, or upon receipt of a written complaint.
 - 37.5.1 The review of conditional use permits helps ensure compliance with the requirements. The primary areas of concern for impacts appear to be with the compatibility of the use with surrounding land uses and parking.
 - 37.5.2 The Hearing Examiner sets as a condition of approval that permits a review, at the Administrator's discretion, by the Hearing Examiner at the conclusion of years one and five or upon receipt of written complaint. The Hearing Examiner sets as a condition that the applicant submit a review letter to Chelan County Community Development in the first and

fifth year of operation regarding compliance with all conditions of approval, or upon receipt of a written complaint.

- 37.6 All events and activities shall comply with Chapter 173-60 WAC, Noise.
 - 37.6.1 The applicant has stated in the application materials that any music would be acoustic and amplified music would not be allowed.
 - 37.6.2 Chelan County has adopted noise regulations. The applicant is required to meet the Chelan County Code Chapter 7.35 and WAC 173-60 for noise controls.
 - 37.6.3 The Hearing Examiner set as a condition of approval that noise be reviewed as part of the one and five year compliance review.
- 37.7 The proposal includes the maximum number of attendees (150) which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements.
 - 37.7.1 The applicant has indicated in the applicant materials that the maximum number of people would be 150.
 - 37.7.2 The Hearing Examiner sets as a condition that the maximum number of attendees be reviewed as part of the one and five year compliance review.
- 37.8 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.
 - 37.8.1 Based on the application materials, no school is proposed.
 - 37.8.2 This provision would not apply.
- 37.9 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.
 - 37.9.1 Based on the application materials, no daycare center/preschool is proposed.
 - 37.9.2 This provision would not apply.
- 37.10 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.
 - 37.10.1 Based on the application materials, no church or religious facility is proposed.
 - 37.10.2 This provision would not apply.
- 38. Approval of the use for places of public and private assembly, shall constitute authorization for the applicant to use the subject property as a place of public and private assembly for weddings. The number of guests would be limited to 150 guests. Events would take place during the months of May through October. Hours of operation are between 11:00 a.m. and 9:00 p.m., seven days per week.
- 39. An open record public hearing after due legal notice was held using Zoom video conferencing on May 19, 2021.
- 40. Appearing and testifying on behalf of the Applicant were the following individuals:

- 40.1 Bill Clark. Mr. Clark testified that he was the Applicant and property owner. Mr. Clark testified that they would comply with all of the proposed conditions of approval.
- 40.2 Karen Peele. Ms. Peele testified that she is the agent for the owner/applicant as is authorized to testify on their behalf. Ms. Peele questioned whether Chelan County Code 11.93.030 authorizes the County to require a compliance letter from the Applicant regarding public works proposed Condition of Approval No. 7. The Hearing Examiner explained to the Applicant that CCC 11.93.030 grants the Hearing Examiner discretion to impose "...additional conditions deemed necessary to satisfy the purposes of this chapter and the review criteria found in 11.93.040, a request for a conditional use permit." Ms. Peele stated that all conditions of approval, other than her questioning of proposed Condition of Approval No. 7, were acceptable to the Applicant.
- 41 Testifying from the public were the following individuals:
- 41.1 Michael Gibb. Mr. Gibb testified that Mr. Clark is a good neighbor, but there will be impacts from this project, including parking, increased traffic, traffic dangers, and noise. He suggested that signs be erected by the County advising motorists of "driveways ahead."
- 41.2 David Hellyer. Mr. Hellyer testified consistent with his previously submitted written comments. Mr. Hellyer testified regarding the significant agricultural related traffic on the road. He had concerns about receptions and whether alcohol would be served. He had concerns about parking as he lives across the street from the project area. Mr. Hellyer further requested that the record be left open so that he could review documents submitted May 19, 2021 identified as "response to Dave Hellyer letter and traffic mitigation and landscape."
- 41.3 Sherry Billenback. Ms. Billenback testified that she agreed with the testimony from Mr. Gibb and Mr. Hellyer and also confirmed that the road is dangerous with the existing traffic on it.
42. At the conclusion of the hearing, the Hearing Examiner left the record open until 5:00 p.m. May 24, 2021 for the public to respond to the documents submitted by the Applicant on the day of the hearing, that being the response to the Hellyer letter and the traffic mitigation and landscape memorandum.
43. The Hearing Examiner then left the record open until 5:00 p.m. Wednesday, May 26, 2021, for the Applicant to submit any rebuttal evidence.
44. The Hearing Examiner indicated that if the Applicant submitted in writing their statement indicating they would not respond to any public comments, that the Hearing Examiner would issue his decision ten days from that date. Otherwise, the Hearing Examiner's decision would be rendered ten days from Wednesday, May 26, 2021.
45. The following members of the public submitted additional comments that are admitted into the record:
- 45.1 David Hellyer.
- 45.2 Michael Gibb.
46. On May 26, 2021, the Applicant submitted additional written comment. The Applicant stated that they were amending their application to allow their venue to be used for weddings only, and not receptions. They also indicated that no alcohol would be allowed at these events. The Applicant also agreed to have a "caretaker", either onsite or on-call, during events. Finally, the Applicant

indicated that they would include within their contract, that all parking had to be onsite and that no amplified music or microphones were allowed to be used on the site.

47. 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.
48. 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 Resource Element within the Chelan County Comprehensive Plan.
3. The proposed use is permitted with an approved conditional use permit.
4. As conditioned, the proposed use would be compatible with the character of the surrounding area.
5. As conditioned, the use will not be detrimental to the natural environment.
6. As conditioned, the proposed development would not have an adverse impact on public health, safety and welfare.
7. Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed use.
8. As conditioned, the proposed use would not result in county facilities being reduced below adopted levels of service.
9. The site plan of record, date stamped July 13, 2020, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.30.010.
10. This proposed development must meet the requirements of CCC Chapter 11.90 for off street parking. The applicant has demonstrated that the proposed development has met these requirements.
12. The proposed development must meet the requirements of CCC Chapter 15.50 for landscape standards. The applicant has not demonstrated that the proposed project has met these requirements.
13. 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.
14. 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.
15. The development is consistent with the Chelan County Comprehensive 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 CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including any revised site plans date stamped July 13, 2020 or as amended by this decision.
3. Pursuant to CCC Chapter 11.93, the applicant is authorized to use, for places of public and private assembly, the subject property as a place of public and private assembly for wedding events. The number of guests would be no more than 150 guests with an approved transportation plan, in strict accordance with the standards established by this decision and any conditions imposed by the Hearing Examiner.
4. Pursuant to CCC Section 11.93.315(5), the applicant shall submit a compliance report to Community Development one year and five years of operation. The report shall include documentation regarding how each condition of approval is being met.
5. Pursuant to RCW 27.53, if any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archaeology and Historic Preservation in conformance with RCW 27.53.020.
6. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department memorandum dated September 28, 2020:
 - 6.1. Primary Access. No road improvements would be required to Boyd Road.
 - 6.2. Primary Access. 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.
 - 6.3. 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 property.
 - 6.4. Pursuant to CCC Chapter 15.30, the applicant would be required to construct the Private Internal Access road 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 development.
 - 6.5. 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 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 development.
 - 6.6. 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 would 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

- 6.6.1. Road Improvement Plan (including location of utilities).
 - 6.6.2. Erosion and Sedimentation Control Plan.
 - 6.6.3. Lot Access Plan.
 - 6.6.4. Signage and Painting Plan.
 - 6.6.5. Drainage Report & Plan.
 - 6.7. A Pre-Construction Meeting with the owner/contractor and Chelan County Public Works Department would be required prior to commencement of construction.
 - 6.8. The applicant would be required to submit signed As-built Construction Plans by the applicant's engineer prior to Chelan County Public Works issuing final approval.
 - 6.9. Pursuant to CCC Section 12.08.020, the applicant would be required to demonstrate legal and perpetual access for the proposed Event Facility.
 - 6.10. Pursuant to CCC Section 15.30.340 the applicant would be required to construct the access approach onto Boyd 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 be required to be paved.
 - 6.11. 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;
 - 6.12. 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 5000 square feet is created and must be reviewed and approved. This shall be completed during the submittal of any building permits.
- 7. 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 wedding venue.
 - 8. Pursuant to CCC Chapter 15.50, all landscaping standards are waived.
 - 9. Pursuant to CCC Chapter 11.90, all off-street parking standards must be met prior to commencement of activities on the subject property.
 - 10. Pursuant to CCC 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.
 - 11. Pursuant to CCC 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.
 - 12. Pursuant to CCC 11.93.030, the hours of operation shall be from 11:00 a.m. to 9:00 p.m., seven days per week.
 - 13. Pursuant to CCC 11.93.030, no structures may be built on this property that may be used as part of the wedding venue or places of public and private assembly.


14. Pursuant to CCC 11.93.030, no overnight lodging or camping is allowed on the site by guests utilizing this wedding venue.
15. Pursuant to CCC 11.93.030, vans, busses, or limousines may be utilized to shuttle guests from offsite locations to the venue site.
16. Pursuant to CCC 11.93.030, no amplified music, or any amplified sounds from microphones, speakers, etc., shall be allowed on the site.
17. Pursuant to CCC 11.93.030, the Applicant shall comply with all noise regulations set forth in Chelan Code 7.35 and Washington Administrative Code 173-60.
18. Pursuant to CCC 11.93.030, there shall be no onsite food preparation.
19. Pursuant to CCC 11.93.030, the Applicant shall have a “caretaker” or “event planner” onsite at each event to monitor for compliance regarding:
 - 19.1 The number of guests;
 - 19.2 Noise;
 - 19.3 Conduct of attendees;
 - 19.4 Prohibiting camping on the site;
 - 19.5 To ensure compliance with all conditions of approval.
20. Pursuant to CCC 11.93.030 failure to comply with any conditions of approval may result, at the County’s discretion, to refer this matter back to the Hearing Examiner to consider the imposition of new conditions, to modify or eliminate existing conditions, or to revoke this permit.
21. Pursuant to CCC 11.93.030, the conditional use permit only authorizes use of the site as a wedding venue and not for receptions. Any uses other than strictly as a wedding venue will require amendment of this conditional use permit.
22. Pursuant to CCC 11.93.030, as well as the agreement by the Applicant, no alcohol shall be allowed onsite during any wedding event.

IV. DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 2020-011 is hereby **APPROVED**.

Dated this 27 day of May, 2021.

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.