

**CHELAN COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
<b>CUPA24-172</b>	)	<b>DECISION</b>
<b>Knudtson Conditional Use Permit</b>	)	
<b>Amendment</b>	)	

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on June 5, 2024, 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. The Applicant submitted an application for a Conditional Use Permit Amendment to amend CUP 2020-015 to allow for the existing bridal suite to be used as an overnight accommodations as part of the various wedding packages offered for the wedding venue. Access to the subject property would continue to be off of Stemilt Loop Road, domestic water would continue to be provided by an existing private well and would also utilize the existing on-site septic system. The site plans for CUPA 2024-172 can be found in Exhibit A and approved CUP 2020-015 can be found in Exhibit B.
2. Project Location: 6422 Stemilt Loop Rd., Wenatchee, WA 98801
3. Parcel Number: 21-20-13-240-150
4. Legal Description: The abbreviated legal description of the subject property is T 21N R 20EWM S 13 L 3 CE 04-001 BLAGREEMENT. The subject property is approximately 2.17 acres in size per the Assessor's records.
5. Applicant/Owner: Stace and Angie Knudtson, 6422 Stemilt Loop Rd., Wenatchee, WA 98801
6. Urban Growth Area: The subject site is not within an Urban Growth Area
7. Comprehensive Plan & Zoning Designation: Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10)
8. Existing Land Use & Permit History: The subject property has an existing 1,908 sq. ft. house built in 2007 that is used for residential purposes and a 1,260 sq. ft. garage built in 1997. CUP 2020-015 was approved in 2020 for Places of Public and Private Assembly to utilize the subject property as a wedding venue.

Property North: Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10)

Property South: Stemilt Loop Road / Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10)

Property East: Stemilt Loop Road / Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10)

Property West: Rural Residential/Resource – 1 Dwelling Unit per 10 Acres (RR10)

9. Fish & Wildlife Habitat Conservation Areas: According to WDFW PHS mapping, no Fish and Wildlife Habitat Conservation Areas currently exist on the property. Therefore, the provisions of Chelan County Code Chapter 11.78 do not apply.
10. Streams: 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.
11. Shoreline Master Program: The subject site is located outside the shoreline jurisdiction.
12. Wetlands: Pursuant to the National Wetlands Inventory data, the subject site contains does not contain any wetlands. Therefore, the provisions of CCC Chapter 11.80 do not apply.
13. Aquifer Recharge Area: The applicant submitted an Aquifer Recharge Disclosure Form and a Vulnerability Rating sheet. The proposed project does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.
14. Floodplain: Pursuant to Federal Emergency Management Agency FIRM mapping, the subject site does not contain flood plain. Therefore, the provisions of CCC Chapters 11.84 and 3.20 do not apply.
15. Geologically Hazardous Areas: Chelan County GIS mapping indicates that the subject property is located within a potential geologic hazard area due to potential erosive soils found on the property. Therefore, the provisions of CCC Chapter 11.86 would apply for any future development (i.e. building permit applications).
16. Cultural Resources: Pursuant to RCW 27.53.020, if cultural resources are found, the applicant would be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development.
17. No comments were received on the proposal from DAHP or Tribes.
18. Construction Timing: No construction would occur as a result of the CUP amendment.
19. Traffic Circulation: The subject property would continue to be accessed from a permitted driveway off of Stemilt Loop Road.
20. Power: Existing structures on the property are served by the Chelan County PUD.

21. Water: Domestic water would continue to be supplied by an existing private well found on the property. A well log was submitted as part of the application materials for CUP 2020-015.
22. Sanitation: The existing use is served by on-site septic system which was previously permitted by CDHD. The permit number on file is 06-6C3B-0206 according to comments received from CDHD.
23. Stormwater/Drainage Plan: Pursuant to CCC Chapter 13.16, if the proposed development creates over 5,000 square feet of new impervious surface, then a stormwater plan would be required.
24. Fire Protection: The project is within Fire District #1. Correspondence from the Fire District Chief for the 2020 CUP states that there is adequate fire flow for the existing residence.
25. Noise: The applicant would be required to meet the CCC Chapter 7.35 for noise controls. During normal operations, noise impacts are similar to surrounding uses. During special events, noise levels may increase beyond that of a typical surrounding use. Commercial operation and events shall meet the requirements of WAC 173-60.
26. Visual Impact: As conditioned, the visual impact is anticipated to be minimal. The proposed use is compatible to the current residential uses of the surrounding properties. No new visual impact is expected.
27. The Notice of Application and Hearing was referred to jurisdictional agencies, departments and adjacent property owners, within 300 feet excluding 60' public right-of-way, on May 9, 2024. Comments were due on May 23, 2024. Comments are addressed, as appropriate, within this staff report and in the form of recommended Conditions of Approval. The following agencies and departments were noticed:
  - 27.1. Chelan County Public Works: No Comment Received
  - 27.2. Chelan County Building Official: No Comment Received
  - 27.3. Chelan County PUD No 1: No Comment Received
  - 27.4. Chelan County Fire Marshal: No Comment Received
  - 27.5. Fire District #1: No Comment Received
  - 27.6. Chelan Douglas Health District: May 17, 2024: Limit use of the existing septic system to 10 or fewer guests to prevent overload and failure of the septic system. All other guests must use the portable facilities provided for the event. Ensure domestic water is tested prior to events for coliform (bacteria); if positive test results take proper disinfection methods to ensure water quality is clear of all bacteria. If event provider plans to provide food and/or beverage service, the existing well would be required to become a Group B public water system. However, licensed food caterers are acceptable without this requirement if food prepared in advance.

- 27.7. No public comments were received.
28. STATE ENVIRONMENTAL POLICY ACT (SEPA): The subject project is categorically exempt from environmental review pursuant to WAC 197-11-800.
29. Application Submitted: April 22, 2024
30. Determination of Completeness issued: May 7, 2024
31. Notice of Public Hearing: May 9, 2024
32. Public Hearing: June 5, 2024
33. The purpose of the Rural Residential/Resource 10 (RR10) land use designation of the Rural Element is to allow for rural development consistent with the rural character. Additional uses may be considered with supplemental provisions, such as "...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."
- 33.1. Hearing Examiner Finding: the Hearing Examiner has reviewed the proposed development for consistency with the Rural Residential/Resource 10 (RR10) designation. The Hearing Examiner finds and concludes below that the proposed overnight accommodations are regulated by Chelan County Code 11.88.290 if the use does not meet the requirements of a bed and breakfast under Chelan County Code 11.88. 210
34. Chelan County Code, Section 14.98.1430: Place of public/private assembly: Per code definition, "Place of public/private assembly" means a building or space used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, socializing, or awaiting transportation; such uses include, but are not limited to, meeting halls, clubhouses, grange, cinemas, theaters, and churches and religious facilities. Overnight transient rentals are not included in this definition.
35. Chelan County Code Section 11.04.010 District Use Chart
- 35.1. Hearing Examiner Finding: The applicant is proposing to use the lower level of an existing residence that has been previously approved as a bridal suite to allow for overnight accommodations as a honeymoon suite as part of the wedding packages offered. The Hearing Examiner finds and concludes that the proposed overnight accommodations are regulated by CCC 11.88.290, if the use does not meet the requirements of a bed and breakfast CCC 11.88.290. The Applicant has not applied for either a short term rental or for a bed and breakfast pursuant to the Chelan County Code.
36. Chelan County Code (CCC) Section 11.10. 010: Rural Residential/Resource 10 (RR10): The proposed development is located in the RR10 zoning district of Chelan County. According to CCC Section 11.04.020 District Use Chart, "Places of Public and Private Assembly" require a Conditional Use Permit.

37. CCC Section 11.10.020 Standards: All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:
- 37.1. Minimum lot size: ten acres, which measures to the centerline of adjoining public rights-of-way.
  - 37.2. Minimum lot width: one hundred fifty feet at the front building line.
  - 37.3. Maximum building height: thirty-five feet.
  - 37.4. Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.
  - 37.5. Minimum Setback Distances: 25 ft. from front property line or 55 ft. from the street centerline, whichever is greater; 20 ft. from the rear property line; and 5 ft. from the side property line.
  - 37.6. Off-street parking requirements shall be provided as prescribed in CCC Chapter 11.90
    - 37.6.1. Hearing Examiner Finding: Pursuant to COAs 11.6, 11.7, and 11.13 of CUP 2020-015, the applicant obtained approved from Chelan County Public Works for their parking area and access off of Stemilt Loop Road.
    - 37.6.2. Conclusion: As conditioned, this requirement has already been satisfied.
  - 37.7. Landscape standards shall be provided as prescribed in Chapter 15.50 of Title 15, Development Standards, as amended.
    - 37.7.1. Hearing Examiner Finding: The proposed development is exempt for landscaping requirement pursuant to CCC Section 15.50.020(2)(F) and (G) because the proposed development is not expanding the existing structure and would require less than twenty parking spaces.
    - 37.7.2. Conclusion: No landscaping is required for the proposed development.
38. CCC Section 11.93.040 Conditional use permit criteria: The development standards of this title shall be used by the applicant in preparing the conditional use permit application and by the Hearing Examiner in determining the acceptability of permitting a conditional use in a certain location. The applicant has the burden of proving that the proposed use meets the criteria set forth in this chapter. However, the applicant has not applied for a short term rental permit pursuant to CCC 11.88.290 or a bed and breakfast under CCC 11.88.210. Short term transient vacation rentals are not a named use under public and private assembly as defined and regulated by the Chelan County Code.
39. CCC Section 11.93.315 Places of Public and Private Assembly: The Applicant has previously obtained a Conditional Use Permit for a place of public and private assembly namely the

wedding venue. The Chelan County Code does not allow uses as a short term vacation rental or a bed and breakfast without obtaining permits in addition to the Conditional Use Permit for the underlying use, that being a place of public and private assembly.

40. Chelan County Code Title 13: Stormwater

40.1. Staff Comment: The proposed development is required to meet CCC Title 13, Stormwater.

41. Chelan County Code Title 15: Development Standards

41.1. Staff Comment: The proposed use would be required to meet CCC Title 15, Development Standards, excepted as modified by this decision. The conditions of approval of CUP 2020-015 would remain in effect.

42. An open record public hearing was held, after legal notice, on June 5, 2024.

43. Appearing and testifying on behalf of the Applicant was Stace Knudtson. Mr. Knudtson testified that he was one of the Applicants and property owners, along with his wife. He indicated that the overnight accommodations would be used on weekends from June through September. They are contemplating the overnight accommodations to be used as part of weddings that are allowed on the property pursuant to the previously issued Conditional Use Permit. They had not determined whether or not the use of the overnight accommodations would have a fee separate from the fee for the use of the wedding venue. They were not planning to use these facilities for overnight accommodations outside of the onsite weddings. Mr. Knudtson indicated that he and his wife reside on the subject property.

44. No member of the public testified at the hearing.

45. At the conclusion of the hearing, the Hearing Examiner kept the record open until June 12, 2024 to allow the prosecuting attorney's office to provide an opinion to the Hearing Examiner as to whether or not this proposed use was subject to CCC 11.88.290 or CCC 11.88.210.

46. On June 12, 2024, the Hearing Examiner received an opinion from Marcus Foster, deputy prosecuting attorney, regarding the Hearing Examiner's inquiry. It was the prosecuting attorney's office opinion that the proposed use was a short-term rental, subject to the provisions of CCC 11.88.290. This opinion letter did indicate that the prosecuting attorney's office was not offering an opinion as to whether the use may be permitted as a bed and breakfast under CCC 11.88.210 or some other use under the Code.

47. Upon receipt of this opinion, the Hearing Examiner sent an email that was forwarded to the Applicant. The Hearing Examiner gave Chelan County Planning Department until 5:00 P.M., June 14, 2024 to submit any response to the deputy prosecutor's opinion, should they choose to respond. Additionally, the Hearing Examiner gave the applicant until 5:00 P.M., June 17, 2024, for them to submit their response to the deputy prosecutor's opinion, should they choose to respond.

48. Neither the Applicant or the County Planning Department submitted additional Comments.
49. The following exhibits were admitted into the record:
  - 49.1. Ex. A Site plans of record-dated April 22, 2024;
  - 49.2. Ex. B Approved CUP 2020-015;
  - 49.3. Ex. C Staff Report;
  - 49.4. Ex. D Remainder of Planning Staff File.
50. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
51. The Hearing Examiner finds that the request for transient overnight lodging is a short-term rental as defined and regulated by the Chelan County Code.
52. The Applicant did not submit an application for a short-term rental permit or a bed and breakfast.
53. The previously issued Conditional Use Permit to the Applicants did not allow short-term rentals.
54. The Chelan County short-term rental Code (CCC 11.88.290) does not provide an exception for compliance with this code for the overnight accommodation requested by the applicant.
55. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. CONCLUSIONS OF LAW**

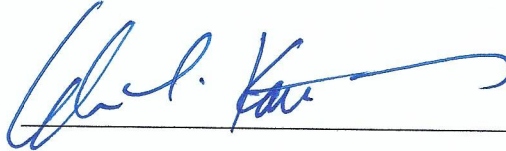
1. The Hearing Examiner has been granted the authority to render this decision.
2. The proposed use of the overnight accommodation proposed by the applicant falls within the definition of a short-term rental and is subject to requirements of CCC 11.88.290.
3. Because the request a permit under the Short-Term Rental Code, CCC 11.88.290, or a permit for a bed and breakfast, the Hearing Examiner does not have the authority to grant this permit simply because it is an amendment to an existing Conditional Use Permit or because the existing Conditional Use Permit allows public and private gatherings.
4. 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, CUPA24-172 is hereby **DENIED**.

Dated this 20 day of June, 2024

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.