

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
CUPA 24-037)	DECISION
Draggoo Kennels)	
)	

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on July 3, 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. This is an application for a Conditional Use Permit Amendment for a dog boarding facility and grooming services. Currently a 10 x 20 out-building has (4) temperature controlled indoor/outdoor kennels with a large fenced play-yard, as well as grooming services out of a portion of existing single-family residence. Phase II of the development would be to construct a 24 x 30 structure with a lobby that could facilitate 16-20 kennels.
2. Project Location: 26 Big Boulder Lane, Chelan, WA
3. Parcel Number(s): 28-23-34-320-200
4. Legal Description & size: Parcel A of BLA No. 2010-027 recorded under AFN 2559578
 - 4.1. The subject property is 5.1 acres per the Assessor's records.
5. Applicants/Owners: Jeremy and Nicole Draggoo, 26 Big Boulder Ln, Chelan, WA 98816
6. Urban Growth Area: The subject property is not located within an Urban Growth Area.
7. Comprehensive Plan Designation & Zoning: Commercial Agricultural (AC) zoning district
8. Site Information
 - 8.1. Existing Land Use & Permit History: The subject property is currently used for residential purposes. Currently on the subject property, there is an existing residence (BP 080683), a swimming pool (BP 090163) and an accessory structure (BP 140649).
 - 8.2. Property North and West: Residential and Orchard use; Commercial Agricultural (AC) zoning district
 - 8.3. Property South and East: Commercial Mineral Lands (MC)

- 8.4. Fish & Wildlife Habitat Conservation Areas: Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property contains mule deer, shrubsteppe and golden eagle habitat; therefore, the provisions of Chelan County Code (CCC) Chapter 11.78, would apply.
- 8.5. Wetlands: Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are indicated on or adjacent to the subject property; therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.
- 8.6. Aquifer Recharge Area: The applicant submitted an Aquifer Recharge Disclosure Form, date stamped January 26, 2024; the proposed development does not require a vulnerability report, pursuant to CCC Chapter 11.82.
- 8.7. Frequently Flooded Areas: Pursuant to Federal Emergency Management Agency, FIRM map panel 5300150625C, the subject property does not contain floodplains; therefore, the provisions of CCC Chapters 11.84 and 3.20 do not apply.
- 8.8. Geologically Hazardous Areas: Chelan County GIS map layer does indicate that the subject property does not contain potential geologic hazardous areas; therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay, would not apply.

9. Project / Design Information

- 9.1. Construction Phasing/Timing: The applicant currently has a 10 x 20 accessory structure with 4 indoor/outdoor kennels with a large play area. The development is proposed to have (2) phases.
- 9.2. Phases (1) would include the continued use of the existing 10 x 20 accessory structure with the addition of another 10 x 20 structure within the next 1-2 years.
- 9.3. Phase (2) if future expansions warrant then a prefabricated kennel structure would be placed in a vacant field north of the current residence. The structure would be approximately be 24 x 30 with a lobby that could facilitate 16-20 kennels.
- 9.4. Traffic Circulation: The primary access for the proposed development would be off of Big Boulder Lane, a private easement.
- 9.5. Pursuant to CCC Chapter 15.30 the applicant would be required to construct a Rural Emergency Vehicle Turn-around (Standard Plan PW 21-A or B) on the development property. The location of the turnaround shall be approved by Chelan County Public Works.
- 9.6. The applicant would be required to show the dimensions and type of material proposed for the guest parking area on the CUP Site Plan for the proposed development. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking area, number of parking spaces, general parking schematic and the location of the Emergency Vehicle Turn-around for the proposed development.
- 9.7. Domestic Water: Domestic water would continue to be provided by an on-site private well.
- 9.8. Power: Power would continue to be provided by an extension of the Chelan County PUD.

9.9. Noise: The applicant shall comply with CCC Chapter 7.35 Noise.

9.10. Visual Impact: As conditioned, the visual impact is anticipated to be minimal.

10. Noticing & Comments

10.1. 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 March 26, 2024 with comments due April 9, 2024. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval.

11. 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 Fire Marshal	April 1, 2024	The subject property is located within Fire District #7. Alternative fire flow provisions would be necessary
Chelan County Building Official		No Comment
Chelan County Public Works	April 4, 2024	The applicant shall construct a Rural Emergency Vehicle Turn-around on subject property and also provide the dimensions and materials to be used for the proposed parking area. If the applicant creates over 5,000 sq.ft. of impervious surfaces, then a Drainage Report and Plan would be required.
Chelan County PUD	March 22, 2024	Line extension or facility modifications may be necessary.
WA Dept. of Ecology	April 5, 2024	
WA Dept. of Archaeology and Historic Preservation	April 3, 2024	A cultural resources survey would not be required.
Yakama Nation		No Comment
Chelan-Douglas Health District		No Comment

Agencies Notified	Response Date	Nature of Comment
Confederated Tribes of Colville		No Comment
Chelan County Fire District No.		No Comment
Washington Dept. of Fish and Wildlife		No Comment

12. No public comments were received

13. Application & Public Hearing Notice Compliance

Application Submitted:	January 26, 2024
Determination of Completeness issued:	March 13, 2024
Notice of Application:	March 26, 2024
Notice of Public Hearing:	June 19, 2024
Public Hearing:	July 3, 2024

14. The Hearing Examiner will issue a decision within 10 working days from the close of the hearing. This decision will have a 21 day appeal period.

15. Chelan County Comprehensive Plan

15.1. The proposed development is located in the Commercial Agricultural Lands (AC) zoning and therefore reviewed under the AC zoning criteria and provisions.

15.2. Purpose: To assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long-term commercial significance not already characterized by urban development from encroachment and incompatible uses.

15.3. Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing 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 occupation; bed and breakfasts; and community facilities.

15.4. The Hearing Examiner finds that the development, as conditioned, is consistent with the goals and policies of the Resource Element within the Chelan County Comprehensive Plan.

16. Chelan County Code

16.1. CCC Section 14.98.165: Animal Boarding Facility

16.1.1. "Animal boarding facility" means a facility where livestock such as horses, cattle, sheep, etc., are housed, fed, and cared for, excluding a veterinary clinic, for a period greater than twenty-four hours, for commercial purposes. Such uses shall include, but are not limited to, boarding stables and riding academies.

17. CCC Section 14.98.1045: Kennel

17.1. "Kennel" means a lot or building in which four or more domesticated house pets such as dogs or cats that are at least four months of age are kept commercially for board, propagation, training or sale.

18. Chelan County Code 11.30.020 Standards

18.1. All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

18.1.1. Minimum lot size: 10 acres, which measures to include ten percent of the adjoining public rights-of-way.

18.1.2. Minimum lot width: one hundred fifty feet at the front building line.

18.1.3. Maximum building height: thirty-five feet.

18.1.4. Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.

18.1.5. Minimum Setback Distances.

18.1.5.1. Front yard: 25 ft. from the front property line or 55 ft. from the street centerline, whichever is greater.

18.1.5.2. Rear yard: 20 ft. from the rear property line

18.1.5.3. Side yard: 5 ft. from the side property line.

18.1.5.4. Hearing Examiner Finding of Fact: The existing structures meet all dimensional standards in the AC zoning district.

18.1.5.5. Hearing Examiner Conclusion: Setbacks would be reviewed at the time of building permit submittal.

18.1.6. Off-street parking requirements in this district shall be as follows:

18.1.6.1. (A) Two spaces per single-family dwelling

18.1.6.2. (B) Off-street parking and loading shall be provided as prescribed in Chapter 11.90 of this title.

18.1.6.3. Hearing Examiner Finding of Fact: Item (6)(A) is not applicable to the proposed development

18.1.6.4. Hearing Examiner Conclusion: The required number of parking spaces are determined by Table 11.90-3 in CCC Section 11.90.060, which requires 1 space per 300 sq.ft. of floor area. At the time of building permit submittal, 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.

18.1.7. Landscape standards shall be provided as prescribed in CCC Chapter 15.50, Development Standards, as amended.

18.1.7.1. Hearing Examiner Finding of Fact: The proposed development is exempt from the landscaping requirement of CCC Chapter 15.50 because it is an accessory use to the existing residential dwelling on the property and the parking area would not have over 20 parking spaces.

18.1.7.2. Hearing Examiner Conclusion: No landscaping plan is required at the time of building permit submittal.

19. 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:

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

19.1.1. Hearing Examiner Finding of Fact: Criteria for animal boarding facility/kennel use have been addressed below.

19.1.2. Hearing Examiner Conclusion: Based on review of the application materials submitted, the criteria for an animal boarding facility/kennel could be satisfied.

19.2. 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.

19.2.1. Hearing Examiner Finding of Fact: The subject property is located in the AC zoning district, which allows for animal boarding facility/kennel use as a Conditional Use.

19.2.2. Hearing Examiner Conclusion: As conditioned, the proposed development would meet applicable zoning and critical areas regulations.

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

- 19.3.1. Hearing Examiner Finding of Fact: The adjacent uses include residential and orchard properties. The development is compatible with these adjacent uses and measures would be taken to protect the character of the surrounding properties.
- 19.3.2. Based on the location of the existing building in relation to neighboring residences, and the overnighting of dogs inside the kennel, the likelihood of nuisance noise would not be anticipated.
- 19.3.3. Hearing Examiner Conclusion: As conditioned, the proposed development would be compatible with the character of the surrounding area.
- 19.4. Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 19.4.1. Hearing Examiner Finding of Fact: The proposed development of animal boarding facility/kennel would not have long-term effects on the development benefit to the natural environment.
- 19.4.2. Hearing Examiner Conclusion: As conditioned, the use would not be detrimental to the natural environment or the productive use of resource lands.
- 19.5. No conditional use permit shall be issued without a written finding that: a) 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; b) No county facilities will be reduced below adopted levels of service as a result of the development
- 19.5.1. Hearing Examiner Finding of Fact: Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
- 19.5.2. Hearing Examiner Conclusion: Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service
- 19.6. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 19.6.1. Hearing Examiner Conclusion: As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.
- 19.7. 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.
- 19.7.1. Hearing Examiner Finding of Fact:
- 19.7.1.1. Roads, ingress and egress: The proposed development is accessed off of Big Boulder Lane, a private easement and is classified as a Private Road in the County Road

System. A Rural Emergency Vehicle Turn-around would need to be constructed on-site and approved by Chelan County Public Works.

19.7.1.2. Stormwater: The applicant shall comply with CCC Chapter 13.18 for stormwater drainage.

19.7.1.3. Parking and Loading: Off-street parking must comply with CCC Section 11.93.130 regarding off-street parking.

19.7.1.4. Domestic and Irrigation Water: Domestic water is provided by an on-site private well.

19.7.1.5. Sanitary Facilities: Does not apply to application.

19.7.1.6. Power: Power is provided by Chelan County PUD.

19.7.1.7. Fire Protection: The proposed development is located Chelan County Fire District #7 and alternative fire flow provisions are necessary.

19.7.2. Hearing Examiner Conclusion: All necessary facilities, improvements and services are consistent or could be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.

19.8. 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.

19.8.1. Hearing Examiner Finding of Fact: Based on the application materials, the applicant has indicated that operations on the subject property would not impact adjacent properties in the vicinity with noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.

19.8.2. Hearing Examiner Conclusion: Based on the above facts, noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties can be avoided or mitigated as conditioned.

19.9. 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.

19.9.1. Hearing Examiner Finding of Fact: The proposed dog boarding facility/kennel development would be consistent with the goals and policies of the Resource Element of the Comprehensive Plan.

19.9.2. Hearing Examiner Conclusion: The development is consistent with the Chelan County Comprehensive Plan.

20. Chelan County Code, Section 11.93.130: Animal Boarding Facilities The following minimum conditions shall apply to animal boarding facilities:

20.1. All kennels, or any other animal boarding facilities, riding academies and stables that exceed the livestock densities set forth in Section 11.88.030 shall be located not less than one hundred feet from any property line.

20.1.1. Finding of Fact: The existing accessory structure in which the business would be operated in is located less than 100 ft from the property line. However, the proposed kennel would not exceed livestock densities. Livestock, as defined in CCC Section 11.88.030 would not be using the facility. The proposed kennel is for dogs only, which is not regulated by CCC Section 11.88.030.

20.1.2. The accessory structure in which the business would be operated is located approximately 58 feet from the property line. Pursuant to CCC Chapter 11.97, a structure rendered nonconforming may be continued or maintained so long as subject to the conditions of said chapter. The proposed use is nonconforming due to its proximity to the property boundary (58 ft. instead of 100 ft.); being as the footprint of the structure is not being extended or enlarged resulting in an increase of the nonconformity, the structure may be utilized for the proposed use.

20.1.3. Phase I proposes to add an additional 10 x 20 accessory structure which is proposed located to be approximately 28 feet from the property line. An after-the-fact commercial building permit would be required for existing structure.

20.1.4. The accessory structure is currently being used as a kennel. Dogs are not identified in the livestock density of CCC Section 11.88.030; therefore, the 100 ft. setback requirement for boarding facilities should not apply to the accessory structure.

20.1.5. Phase II proposes to add a 24 x 30 prefabricated kennel structure accessory structure that would add up to 16-20 kennels with a lobby area.

20.1.6. Hearing Examiner Conclusion: Being as dogs are not identified in the livestock density of CCC Section 11.88.030, this provision would not apply to the proposed development. The proposed use of the existing barn as a kennel meets the requirements of CCC Chapter 11.97 as an existing nonconforming use and therefore the existing 58 ft. setback from the property line meets the requirements of the Chelan County Code. Any new structures would need to meet current zoning code and building code; therefore, the proposed accessory structure proposed to be constructed 28 ft. from the property line would not be permitted.

20.2. The applicant shall provide parking and loading spaces designed to minimize traffic hazards and congestion.

20.2.1. Hearing Examiner Finding of Fact: Based on comments from Chelan County Public Works, the applicant would be required to construct a Rural Emergency Vehicle Turn-around on the subject property. The proposed parking area would also require approval for type of surface materials being used and creation of the number of parking spaces prior to commencement of activities.

20.2.2. Pursuant to CCC Section 11.90.060 for off-street parking requirements, the closest related use to a dog boarding facility would be personal and professional services as outlined in the table of CCC 11.90-3, 1 space per 300 square feet of floor area of the commercial use would be required.

- 20.2.3. Hearing Examiner Conclusion: As conditioned, the proposed use would meet the required number of parking spaces and would be designed to minimize traffic hazards.
- 20.3. The applicant shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard or health problem to adjoining property or uses.
- 20.3.1. Hearing Examiner Finding of Fact: Based on the application materials, dogs being boarded would be kept inside the boarding facility, except during supervised time in the outdoor run area, in order to alleviate potential noise pollution.
- 20.3.2. Adjacent properties are primarily undeveloped with some orchard space, residential use and to the south of the property is a gravel pit. Indoor facilities would be provided to minimize noise from barking. There would be no impacts to drainage and minimal noise, dust or odor.
- 20.3.3. Hearing Examiner Conclusion: As conditioned, the proposed development would not result in a nuisance or health hazard to surrounding properties.
- 20.4. For kennels, indoor sleeping quarters shall be provided to minimize nighttime noise impacts to surrounding properties.
- 20.4.1. Hearing Examiner Finding of Fact: Based on the application materials, all of the kennels would be located indoors with the outdoor area being used to allow daily play time for canines staying at the kennel. Although the applicant may start with fewer kennels, they would like to be approved for up to sixteen to twenty (16-20) kennels.
- 20.4.2. Hearing Examiner Conclusion: As conditioned, the development would include indoor sleeping quarters for up to sixteen to twenty (16-20) dogs.
- 20.5. Any animal boarding facility will require submission of a conceptual master development plan to be reviewed by the Chelan County department of building/fire safety and planning for compliance with adopted standards and reviewed by the Chelan County public works department for compliance with county road standards.
- 20.5.1. Hearing Examiner Finding of Fact: Prior to the commencement of the proposed development, an after-the-fact building permit, as issued by Chelan County Building Department, would be required.
- 20.5.2. At time of the after-the-fact building permit, approval for parking and stormwater would be reviewed by Chelan County Public Works; the Chelan County Fire Marshal's approval of the development would also be required.
- 20.5.3. Hearing Examiner Conclusion: As conditioned, the proposed development would be required to be reviewed and approved for compliance with the adopted standards.
- 20.6. The hearing examiner may require greater setbacks, screening, buffering or additional conditions to mitigate any adverse impacts.
- 20.6.1. Hearing Examiner Conclusion: As conditioned, staff finds that the proposed plan is anticipated to alleviate the potential of adverse impacts to surrounding properties; however, the hearing examiner may implement additional conditions to alleviate potential concerns.

21. An open record hearing after due legal notice was held on July 3, 2024.
22. Appearing and testifying on behalf of the applicant was Nicole Draggoo. Ms. Draggoo testified that she was one of the applicants and property owners. She indicated that she agreed with all the representations within the Staff Report and had no objection to any of the proposed Conditions of Approval. She further testified that all dogs would be kept indoors at night and that there would be a person outside with the dogs when they were outside in the play yard, in order to control noise from barking.
23. The following exhibits were admitted into the record:
 - 23.1. Ex. A Staff Report
 - 23.2. Ex. B Planning Staff File
24. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

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

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, CUPA 24-037 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to 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 site plans date stamped March 7, 2024 or as amended by this decision.
3. Pursuant to CCC Section 11.93.130(2), 4 total parking spaces shall be provided.
 - 3.1. The applicant shall be required to show the dimensions and type of materials proposed for the parking area(s). 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 of the proposed area.

4. Pursuant to CCC Section 11.93.130(3), the outdoor run area shall be covered in grass, wood chips, and/or other natural materials to minimize dust and pest breeding.
 - 4.1. Pet waste shall be removed daily from the outdoor area and shall not be accumulated on-site.
5. Pursuant to CCC Section 11.93.130(4), indoor sleeping quarters shall be utilized to minimize nighttime noise impacts to surrounding properties.
6. Pursuant to the requirement of the Chelan County Public Works:
 - 6.1. No traffic impact study would be required at this time from Chelan County Public Works, 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.
 - 6.2. 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 subject property.
 - 6.3. Pursuant to CCC Chapter 15.30, the applicant would be required to construct a Rural Emergency Vehicle Turn-around (Standard Plan PW 21-A or B) on the development property. The location of the turnaround shall be approved by Chelan County Public Works.
 - 6.4. The applicant would be required to show the dimensions and type of material proposed for the guest parking area on the CUP site plan for the proposed development. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking area, number of parking spaces, general parking schematic and location of the Emergency Vehicle Turn-around for the proposed development.
 - 6.5. 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.
 - 6.6. Pursuant to CCC Chapter 13.18, a drainage report and plan would be required to be submitted to Chelan County Public Works if any new impervious surface of 5,000 sq ft is created and must be reviewed and approved. This shall be completed during the submittal of any building permits.
 - 6.7. 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 of Title' shall be filed with the Chelan Auditor's office prior to the submittal of Building Permit, stating:
 - 6.7.1. 'The area within this site plan contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties' successors and assigns; that its contents are binding upon the parties' successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan

County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.

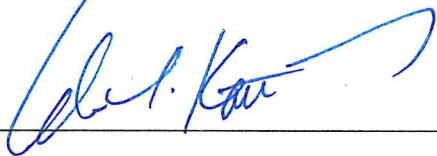
This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system.'

7. Pursuant to the requirements of the Chelan County Fire Marshal:
 - 7.1. The subject property is not served by fire hydrants capable of providing the required fire flow. The fire-flow calculation area is 720 sq ft of the largest building and assuming type VS construction, the required fire flow per table B105.1(2) would be 1000 gallons per minute for two hours. Without fire hydrants providing an adequate fire flow for the occupancy alternative methods can be considered to provide an equivalent level of protection i.e., NFPA 13 compliant fire sprinkler system and fire protection credits.
 - 7.2. All land upon which buildings or portions of buildings or portions of buildings are hereafter constructed in or moved within Chelan County, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in section 3.04.080 of the CCC and the currently edition of the International Fire Code.
8. Pursuant to CCC Section 11.78.050(6)(D)(ii), the applicant shall fence the outdoor run area using a Type B fence, further described as a braid mesh fabric or any other combination of materials that may create a continuous solid enclosure. Fence material shall be securely fastened to substantial posts.
9. Pursuant to CCC Section 11.88.080, security lights or any exterior lighting shall be low-intensity, non-flashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
10. Pursuant to RCW 27.53.020, if the applicant or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this application, the applicant/ agent shall immediately notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination. If any Native American grave sites or archaeological resources are discovered or excavated, work shall stop immediately.
11. Pursuant to Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, including but not limited to submitting a building permit or the placement of all infrastructure, within three years after approval or such other time period as established by the hearing examiner. The applicant may request a one-year extension, to be reviewed administratively, if the applicant submits a written request with community development thirty days prior to expiration.
12. Pursuant to CCC 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.

13. 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.

Dated this 16 day of July, 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.