



CHELAN COUNTY HEARING EXAMINER

Chelan County Administration Building, Room 1
This public hearing will be in a videoconferencing format due to the ongoing precautions associated COVID-19. Additional instruction to attend this hearing remotely will be posted on the website of Community Development. If you should have any questions, please contact, at Jessicak.Thompson@co.chelan.wa.us or 509-667-6231.

October 2, 2024 at 9:00 AM

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Clerk Jessica Thompson, Senior Planner Jamie Strother, Director Deanna Walter

Public/Agencies: Karen Peele, William Clark, Julie, Columbiastainless, Courtney Martin, Michael Gibb, Balloun, WW

AGENDA:

I. CALL TO ORDER

Hearing Examiner Kottkamp called the Hearing to order at 9:00 AM. No objections were given to Mr. Kottkamp running today's hearing. Instruction was given to attendees on how the hearing is conducted and how to participate, testify, and appeal a decision.

II. PUBLIC HEARINGS

AA 24-340 Evans/Callan - Continued to Nov. 20th at 1:00 P.M.

AA 24-263 Sevenhills - Continued to Oct. 16th at 1:00 P.M.

CUPA 24-126 Clark - An application was submitted for the expansion of the existing CUP 20-011 which allowed for a wedding venue on the subject property. The amendment would allow for a maximum of 200 guest, later hours of operation and the ability to have different events on the subject property as well as remove some of the original condition of approval from CUP 20-011. The applicant is also requesting a winery over 1,500 sq. ft retail component pursuant to Chelan County Code Section 11.93.320. The subject property is located within the Commercial

Agricultural Lands (AC) zoning district. 811 Boyd Road, Chelan, WA and is identified by Assessor's Parcel number: 28-22-34-320-050.

Mr. Kottkamp discussed the application details and entered the staff report, application materials, site plans, public comments, and the entire planning staff file into record.

Chelan County Planner Jamie Strother presents the application; the proposed project meets the Chelan County code criteria for approval. Mrs. Strother request a geological assessment be added to the conditions of approval.

Sworn in to testify was Karen Peele, the agent representing the applicant and owner. Mrs. Peele disagrees with the staff report and the conditions of approval. She submits (attachment A) an exhibit lining out specific conditions in the staff report she is concerned with. Mrs. Peele requests a continuance of this hearing in order for her and the applicant to do a more thorough evaluation of the application.

With no objections for the continuance, Mr. Kottkamp continues the hearing to November 20th, 2024, at 1:00 p.m. for CUPA 24-126 Clark.

III. ADJOURNMENT

Hearing Examiner Kottkamp adjourned the October 2, 2024 meeting.

**APPLICANT'S REBUTTAL TO
OCTOBER 2, 2024
STAFF REPORT CUPA2024-126
AMENDING ORIGINAL CUP 2020-011**

The staff report has incorrectly stated the reason for this amended conditional use permit application by incorrectly stating the following:

Chelan County Code Section 11.04.010 District Use Chart

Page 4 Finding of Fact: "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 (AC) zoning District."

The applicant was already granted approval of a wedding venue and places of public and private assembly May 27, 2021.

This application is to amend CUP 2020-011 regarding specific conditions of approval with this application. A narrative listing the requested amendments to the conditional use permit were included as part of the file of record. The staff report does not describe all the requested amendments. The amendments omitted are:

COA #10 requesting an increase of time for completion of a CUP from three years to six years.

11.93.110 Expiration. (1) 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.

As stated in the narrative, these are uncertain times. We are already at the end of our 3-year window for the completion of the approved wedding venue. We are requesting modifications to permit #CUP 2020-011 as a number of conditions are restrictive for only a wedding venue without any of the allowed uses of places of public and private assembly. Having six (6) years of "breathing room" would allow us and our lenders the assurance of a reliable business plan and execution without the uncertainty of becoming null and void.

COA #13 states no structures may be built on this property and used for a wedding venue or places of public and private assembly.

While recommended COA #13 states a building permit is required, it only calls out the wine tasting building, the green house, deck and water tower. A deck only requires a building permit if it meets certain criteria as outlined in the Building Code. Only citing specific buildings may lead one to assume no other buildings are allowed.

COA #16 the applicant requested this condition for no amplified music, microphones, speakers, etc. be eliminated.

Page 7 Finding of Fact #6 of the staff report addressed the issue of noise and stated the applicant is required to meet the Chelan County Noise Chapter 7.35 for noise controls. It further states staff recommends that noise be reviewed as part of the one- and five-year compliance review.

However, original COA #16 still stands unless an amendment to it is made reflecting staff's recommendation as cited above. A suggested modification to original COA #16 might be:

"The applicant is required to meet the Chelan County Noise Chapter 7.35 for noise control. If a complaint is submitted, noise monitoring measures would be required showing the noise levels meet CCC 7.35 and WAC 173-60."

COA # 21 only authorizes the site as a wedding venue and not for receptions. Any uses other than strictly as a wedding venue will require an amendment of this conditional use permit.

Page 8 Finding of Fact #2 does state the applicant would like to amend COA #21 as cited in their narrative. However, Page 9 of the staff report Conclusion states: "Pursuant to the application materials, staff finds that the proposed development meets the parking standards and is not proposing a parking garage pursuant to CCC Section 11.93.420"

This finding is not pertinent to this criteria. A suggested modification to original COA #21 might be:

"Pursuant to CCC 14.98.1430 places 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."

COA #22" Pursuant to CCC 11.93.030, as well as the agreement by the applicant, no alcohol shall be allowed on-site during any wedding event." The applicant requests this condition be deleted.

CCC Section 11.93.030 does grant authority to the hearing examiner to approve with the outright conditions stated in the conditional use permit chapter and impose additional conditions deemed necessary to satisfy the purposes of this chapter.

However, as noted in our application narrative:

To the best of our knowledge and inquires, few, if any wineries in the Lake Chelan/Manson area have had a condition placed on their land use permit for places of public and private assembly stating, "no alcohol on-site during any wedding event." The very definition of places of public and private assembly is gatherings for socializing, entertaining and amusement which lends itself to alcohol, especially at a wedding event.

The following are inconsistencies in the staff report:

Section 11.93.040 Conditional Use Permit Criteria (the amended CUP is requesting the addition of a production facility together with a winery/tasting room)

Page 3 Finding of Fact states: “The proposed use of the existing property for a wedding venue ...” is incorrect as the wedding venue (together with places of public and private assembly) were approved by the Hearing Examiner on May 27, 2021 under application CUP 2020-011.

This finding of fact is irrelevant to this amended application request.

Section 11.93.315 Places of Public and Private Assembly (to amend CUP 2020-011 to include special events and winery/tasting room)

Page 6/7, Criteria #1 Finding of Fact, states in part: “...a site plan that shows the proposed parking area, date stamped March 26, 2024...” However, the 2nd paragraph goes on to say: “The site plan, date stamped July 13, 2020...” “...The applicant has prepared a parking and circulation plan, date stamped January 21, 2020 pursuant to CCC Chapter 11.90.”

These findings are incorrect as the site plan prepared March 11, 2024 was submitted with the file of record for this amended application, #CUPA 24-126.

Page 7, Criteria #1 Conclusion states the applicant provide 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.

The applicant submitted a compliance letter on January 22, 2024 regarding the approved wedding venue (CUP 2020-011) located at 811 Boyd Road, Chelan. Included within this letter are responses to all conditions which have been satisfied.

Page 7, Criteria #2 Finding of Fact states the applicant has not addressed requirements of CCC Chapter 15.50.

Page 7, *Criteria #2 Conclusion states “Staff recommends that the applicant comply with the provisions of Chapter 15.50 and Chapter 11.90 prior to commencement of activities on the subject property.”

The applicant submitted an alternative landscape plan (in compliance with CCC Section 15.50.055) with the file of record for this amended application, #CUPA 24-126.

On page 4, Criteria #2 for Section 11.93.040 Finding of Fact states: “The proposed development must meet the requirements of CCC Chapter 11.090 for off-street parking, The applicant has demonstrated that the proposed development has met these requirements.”

* This is a disconnect from Criteria #2 conclusion on page 7 as noted above.

If the Hearing Examiner's decision is to approve amended CUP application CUPA 24-126, the applicant wishes to request consideration of the following modifications to the recommended conditions of approval as cited in the staff report:

Recommended condition #3. "Pursuant to CCC Chapter 11.93, the applicant is authorized to use the approved wedding venue and places of public and private assembly as approved by CUP 2020-011 which shall include wedding events such as receptions and changing rooms as well as uses defined pursuant to CCC 14.98.1430. The applicant is further authorized to operate a winery/tasting room as well as a production facility."

Recommended condition #6. Would like this condition deleted as emails from Andrew Brunner and Jason Detamore, Public Works Department have stated requirements have been completed. Copies were submitted with application materials.

Recommended condition #7. "Pursuant to CCC Section 15.50.555, landscaping shall comply with Alternative Landscaping Plan dated March 11, 2024 within the file of record."

Recommended condition #13. Pursuant to the requirements of the International Building Code and International Fire Code, a Chelan County Commercial Building Permit shall be required for the wine production building, the tasting room, the green house, water tower or any other structures requiring a building permit pursuant to International Building and Fire Codes, as amended."

Recommended condition #16. "CUPA 24-126 shall become void if not acted upon within six (6) years after approval of said CUP application."

Recommended additional condition: "All conditions of approval for CUP 2020-011 are in full force and effect, as authorized and as amended by this application (CUPA 24-126)."

Recommended additional condition: "The applicant is required to meet the Chelan County Noise Chapter 7.35 for noise control. If a complaint is submitted to Chelan County, noise monitoring measures would be required showing the noise levels meet CCC 7.35 and WAC 173-60."