

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
CUPA 24-126)	DECISION AND
Clark)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on November 20, 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. An application was submitted for the amendment of an existing conditional use permit (CUP 20-011) which allowed for a wedding venue on the subject property. The amendment would allow for a maximum of 200 guest, extended hours of operation and the ability to special events on the subject property as well as remove some of the original conditions 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.
2. Project Location: 811 Boyd Road, Chelan, WA 98816
3. Parcel Number(s): 28-22-34-320-050
4. Legal Description & size: The abbreviated legal description of the subject property is T 28N R 22EWM S 34 LOT 1 SP 1197 NWSW
5. The subject property is approximately 3.49 acres in size per the Assessor's records.
6. Applicants/Owners: William G. & Angell L. Clark; P.O. Box 2072; Chelan, WA 98816
7. Urban Growth Area: The subject property is not within an Urban Growth Area
8. Comprehensive Plan Designation & Zoning: Commercial Agricultural Lands (AC)
9. Site Information
 - 9.1. Existing Land Use & Permit History The subject property currently has no existing structures or improvements.
 - 9.2. Property North: Commercial Agricultural Lands (AC)
 - 9.3. Property South: Commercial Agricultural Lands (AC)
 - 9.4. Property East: Commercial Agricultural Lands (AC) and Boyd Rd
 - 9.5. Property West: Commercial Agricultural Lands (AC)
 - 9.6. Aquifer Recharge Area: The applicant submitted an Aquifer Recharge Disclosure Form, date stamped March 26, 2024; the proposed development does not require a vulnerability report, pursuant to CCC Chapter 11.82.

- 9.7. Fish & Wildlife Habitat Conservation Areas: 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.
 - 9.8. Riparian Area: 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.
 - 9.9. Geologically Hazardous Areas: 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.
 - 9.10. Wetlands: 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 development.
 - 9.11. Cultural Resources: Pursuant to Revised Code of Washington (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 of the Colville Reservation, and Chelan County Community Development.
 - 9.11.1. No comments were received on the proposal from DAHP or Tribes.
10. Project / Design Information
- 10.1. Construction Phasing/Timing: Construction for the installation of pavers and an access road is anticipated to commence upon completion of all required permits.
 - 10.2. Traffic Circulation: The subject property would obtain a road approach permit and comply with all conditions from Chelan County Public Works.
 - 10.3. Domestic Water: The subject property does not have access to domestic water.
 - 10.4. Power: Power is by an extension of the Chelan County PUD.
 - 10.5. Sanitation: Sanitary services for the proposed venue would be provided through 'sanicans'. There is no septic system on-site.
 - 10.6. Noise: The applicant must comply with CCC Chapter 7.35 Noise.
 - 10.7. Visual Impact: As conditioned, the visual impact is anticipated to be minimal. The proposed use is compatible to the current uses of the surrounding properties.
11. 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 July 25, 2024 with comments due August 8, 2024. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval.
- 11.1. 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.
12. 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		No Comment
Chelan County Fire Marshal		No Comment.
Chelan Douglas Health District (CDHD)		No Comment.
Chelan County Public Works (CCPW)		No Comment
Chelan County PUD (PUD)		No Comment.
WA Dept. of Ecology		No Comment
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.

13. SEPA Environmental Review

13.1. The development is categorically exempt from environmental review pursuant to WAC 97-11-800(6).

14. Application & Public Hearing Notice Compliance

14.1. Application Submitted: March 26, 2024 with additional information submitted on July 15, 2024

14.2. Determination of Completeness issued: July 18, 2024

14.3. Notice of Application: July 25, 2024

14.4. Notice of Public Hearing: September 21, 2024

14.5. Public Hearing: November 20, 2024

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

15. Chelan County Comprehensive Plan

15.1. 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.”

15.2. Hearing Examiner Finding of Fact: The Hearing Examiner has reviewed the proposed development for consistency with the Commercial Agricultural Lands (AC) designation. The applicant is proposing to amend several of CUP 20-011’s conditions of approvals for special events as a place of public and private assembly and a winery over 1,500 sq ft. in a rural setting. This use is comparable to the additional use with supplemental provisions described in the Resource Element of the Chelan County Comprehensive Plan.

15.3. Conclusion: The proposed uses are consistent with the goals and policies of the Resource Element within the Chelan County Comprehensive Plan.

16. Chelan County Code Zoning Code

16.1. Chelan County Code Section 11.93.030 Authorization to grant or deny conditional uses

16.1.1. The Hearing Examiner is authorized to approve with the outright conditions stated in this chapter and additional conditions deemed necessary to satisfy the purposes of this chapter, and the review criteria found in CCC Section 11.93.040, a request for a conditional use permit. Any additional requirements obtained from other sections of the Chelan County Code above those specified in this title or modification of the proposal to comply with specified requirements or local conditions are also authorized. The Hearing Examiner may deny an application for a conditional use permit if the proposal fails to meet the criteria outlined in CCC Section 11.93.040.

16.1.2. Hearing Examiner Finding of Fact: The applicant requests the removal of condition of approval #22 from CUP 2020-011 stating ‘no alcohol shall be allowed onsite during any wedding event.’ The applicant would like to have the option to serve alcohol at a wedding event or any event on the subject property.

16.2. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria

16.2.1. 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:

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

16.2.1.1.1. Hearing Examiner Finding of Fact: Criteria for a place of public and private assembly and winery over 1,500 sq ft. has been addressed below.

16.2.1.1.2. Conclusion: Based on review of the application materials submitted, the criteria for this use can be satisfied.

16.2.1.2. 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.

16.2.1.2.1. Hearing Examiner Finding of Fact: The site plan of record, date stamped March 26, 2024 (Exhibit A), demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.30.010.

16.2.1.2.2. 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.

- 16.2.1.2.3. The proposed development must meet the requirements of CCC Chapter 15.50 for landscape standards. The applicant has not demonstrated that the proposed development has met these requirements.
- 16.2.1.2.4. 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 March 26, 2024, demonstrates the existing development meets the applicable zoning setbacks identified in CCC Section 11.30.020.
- 16.2.1.2.5. 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.
- 16.2.1.2.6. Conclusion: Based on the site plan of record, date stamped March 26, 2024, the proposed development would meet applicable zoning, critical areas, and other applicable development standards, as conditioned.
- 16.2.1.3. Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- 16.2.1.3.1. Finding of Fact: The proposed use of the existing property for a special events venue which meets the definition of places of public and private assembly pursuant to CCC Section 14.98.1430.
- 16.2.1.3.2. The proposed use of the existing property for a winery greater than one thousand five hundred sq. ft. meets the definition of winery pursuant to CCC Section 14.98.2005.
- 16.2.1.3.3. 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.
- 16.2.1.3.4. Conclusion: As conditioned, the proposed uses would be compatible with the character of the surrounding area.
- 16.2.1.4. Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 16.2.1.4.1. Finding of Fact: 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.
- 16.2.1.4.2. Conclusion: As conditioned, the uses would not be detrimental to the natural environment.
- 16.2.1.5. No conditional use permit shall be issued without a written finding that:
- 16.2.1.5.1. 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;

- 16.2.1.5.2. Hearing Examiner Finding of Fact: Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
- 16.2.1.5.3. Conclusion: Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed uses (Exhibit C).
- 16.2.1.5.4. b) No county facilities will be reduced below adopted levels of service as a result of the development;
- 16.2.1.5.5. Hearing Examiner Finding of Fact: The proposed uses are not anticipated to result in county facilities being reduced below adopted levels of service as a result.
- 16.2.1.5.6. Conclusion: As conditioned, the proposed uses would not result in county facilities being reduced below adopted levels of service.
- 16.2.1.6. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 16.2.1.6.1. Conclusion: As conditioned, the proposed uses are not anticipated to result in an adverse impact on public health, safety and welfare.
- 16.2.1.7. 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.
 - 16.2.1.7.1. Finding of Fact:
 - 16.2.1.7.1.1. 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.
 - 16.2.1.7.1.2. Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
 - 16.2.1.7.1.3. Parking and Loading: Based on the site plan, date stamped March 26, 2024, the applicant proposes to have 60 parking spaces for 200 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.
 - 16.2.1.7.1.4. 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.
 - 16.2.1.7.1.5. Sanitary Facilities: The applicant has obtained a septic permit. Sanitary services for the wedding guests would be provided through 'sanicans'.
 - 16.2.1.7.1.6. Power: Power is provided by Chelan County PUD.
 - 16.2.1.7.1.7. Fire Protection: The proposed development is located Chelan County Fire District #7. No comments were received from the Chelan County Fire Marshal.

- 16.2.1.7.1.8. Conclusion: 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.
- 16.2.1.8. 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.
 - 16.2.1.8.1. Finding of Fact: Based on the application materials, the applicant has mitigated noise and light by regulating times of operation and limiting music to comply with the noise ordinance 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.
 - 16.2.1.8.2. 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.
- 16.2.1.9. 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.
 - 16.2.1.9.1. Finding of Fact: The proposed use of the subject property is consistent with the goals and policies of the Resource Element of the Comprehensive Plan.
 - 16.2.1.9.2. Conclusion: The development is consistent with the Chelan County Comprehensive Plan.
- 16.3. Chelan County Code, Section 11.93.315: Places of Public and Private Assembly
 - 16.3.1. The following minimum conditions shall apply to places of public and private assembly:
 - 16.3.1.1. The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.
 - 16.3.1.1.1. Hearing Examiner Finding of Fact: The applicant has provided a site plan that shows the proposed parking area, date stamped March 26, 2024, which illustrates the location, activities, and movement of vehicles and pedestrians on and off the property.
 - 16.3.1.1.2. The applicant has indicated through the application materials that the subject property would be used as a special events mostly on the weekends during daylight hours in the months of April through October/November from 11 am to 10 pm to allow for all guest to be off-site. The applicant is anticipating a maximum of 200 guests. The site plan, date stamped March 26, 2024, and application materials indicate that events would be held in open space. The applicant has prepared a parking and circulation plan, date stamped March 26, 2024, pursuant to CCC Chapter 11.90.

- 16.3.1.1.3. Conclusion: The Hearing Examiner conditions approval by requiring that the applicant provides 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 special events. The Hearing Examiner approves of the operation plan with this condition of approval.
- 16.3.1.2. The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.
 - 16.3.1.2.1. Hearing Examiner Finding of Fact: The applicant shall provide parking on irrigated grass turf on the southern end of the property. The applicant proposes to provide 60 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 200 people.
 - 16.3.1.2.2. Conclusion: The Hearing Examiner conditions approval by requiring that the applicant comply with the provisions of CCC Chapter 15.50 and Chapter 11.90 prior to commencement of activities on the subject property.
- 16.3.1.3. The operation shall include adequate sanitary facilities based on proposed capacity.
 - 16.3.1.3.1. Hearing Examiner Finding of Fact: The applicant proposes to supply sanitary services through the use of 'sani-cans' that would be transported to the property for each event. The tasting room would have an ADA compatible restroom for tasting room guests.
 - 16.3.1.3.2. A portable 3-unit porta potty mobile unit with hand washing sinks would be available for guests of the special events.
 - 16.3.1.3.3. Conclusion: Chelan County Code does not specify the type of sanitary facilities; therefore, it appears that adequate sanitary facilities are proposed.
- 16.3.1.4. The proposal will not reduce county facilities below adopted levels of service as a result of the development.
 - 16.3.1.4.1. Conclusion: The Hearing Examiner conditions approval by requiring that the applicant provides 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 special events and tasting room.
- 16.3.1.5. 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.
 - 16.3.1.5.1. Conclusion: The Hearing Examiner set 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 is requiring that the applicant submit a review letter to Chelan County Community Development in the first and fifth year of operation or upon receipt of a written complaint.
- 16.3.1.6. All events and activities shall comply with Chapter 173-60 WAC, Noise.

- 16.3.1.6.1. Hearing Examiner Finding of Fact: Chelan County has adopted noise regulations. The applicant is required to meet the Chelan County Code Chapter 7.35 for noise controls.
- 16.3.1.6.2. Conclusion: The Hearing Examiner conditions approval by requiring that noise be reviewed as part of the one and five year compliance review.
- 16.3.1.7. The proposal shall include the maximum number of attendees (baseline) which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements.
 - 16.3.1.7.1. Finding of Fact: The applicant has indicated in the applicant materials that the maximum number of people would be 200.
 - 16.3.1.7.2. Conclusion: The Hearing Examiner conditions approval by requiring that the maximum number of attendees be reviewed as part of the one and five year compliance review.
- 16.3.1.8. 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.
 - 16.3.1.8.1. Hearing Examiner Finding of Fact: Based on the application materials, no school is proposed.
 - 16.3.1.8.2. Conclusion: This provision would not apply.
- 16.3.1.9. 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.
 - 16.3.1.9.1. Hearing Examiner Finding of Fact: Based on the application materials, no daycare center/preschool is proposed.
 - 16.3.1.9.2. Conclusion: This provision would not apply.
- 16.3.1.10. 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.
 - 16.3.1.10.1. Hearing Examiner Finding of Fact: Based on the application materials, no church or religious facility is proposed.
 - 16.3.1.10.2. Conclusion: This provision would not apply.
- 16.4. Chelan County Code, Section 11.93.320: Winery Over 1,500 sq ft
 - 16.4.1. The following minimum conditions shall apply to roadside stands/wineries/nurseries/value-added retail components of nurseries greater than one thousand five hundred square feet:
 - 16.4.1.1. Roadside stands, nurseries, and value-added operations with a retail component greater than one thousand square feet shall meet the requirements established in Section 11.93.420.
 - 16.4.1.1.1. Conclusion: The applicant is not applying for a roadside stand, nursery or a value-added operation.
 - 16.4.1.2. Wineries as a conditional use, in addition to wine production and sales, may include an entertainment component such as, but not limited to, catered functions,

wedding services and musical events. The conditions set forth in Section 11.93.420 shall be adhered to.

16.4.1.2.1. Hearing Examiner Finding of Fact: The applicant would like to use amend condition of approval (COA) #21 which states:

16.4.1.2.2. 'Pursuant to CCC Section 11.93.030, the conditional use permit only authorizes the use of the subject property as a wedding venue and not for receptions. Any uses other than strictly as a wedding venue would require amendment of this conditional use permit.'

16.4.1.2.3. The applicant would like to allow special events within the subject development.

16.4.1.2.4. Conclusion: Pursuant to the application materials, The Hearing Examiner finds that the proposed development meets the parking standards and is not proposing a parking garage pursuant to CCC Section 11.93.420.

16.4.1.3. Wineries as a conditional use may include incidental or accessory uses, including but not limited to a tasting room, food and beverage service, agricultural theme market, place of public/private assembly, and other value-added operations. When criteria are found within Chapter 11.88 or this chapter for these uses, the applicant shall address each criteria as part of the conditional use permit.

16.4.1.3.1. Conclusion: Pursuant to the application materials, The Hearing Examiner finds that the proposed development meets the requirements established in CCC Chapter 11.88.

16.4.1.4. The Hearing Examiner may impose other conditions, such as additional parking, noise, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility.

16.4.1.4.1. Conclusion: The applicant has agreed to follow any additional conditions imposed by the Hearing Examiner.

17. An open record public hearing was held, after legal notice, on November 20, 2024.

18. Appearing and testifying on behalf of the applicant was William Clark. Mr. Clark indicated that he was the property owner and applicant. They wanted events to go until 10pm and to allow amplified music until that 10pm time limit. He stated that their contract with proposed renters would require a shuttle for guests if there are more than 70 guests to attend an event. He also indicated that their contract required a professional event coordinator.

19. Also testifying on behalf of the applicant was Karen Peele. Ms. Peele testified that she was an agent authorized to appear and speak on behalf of the applicant and property owner. Ms. Peele wanted to make sure that all prior Conditional Use Permit conditions remained in effect unless revised by this Amended Conditional Use Permit.

20. The following members of the public testified at the hearing:

20.1. Michael Kelsey: Mr. Kelsey lives next door to this event site. He can see the venue. His primary problem is that amplified music stop by 9pm and if goes until 10pm that it be acoustic.

20.2. Julie Dalpay: Ms. Dalpay testified as to her concerns regarding the safety of the neighborhood due to increased traffic and the access to the property. She also testified that sound does travel great distances in this valley.

21. The Hearing Examiner finds that the testimony of Mr. Kelsey and Ms. Dalpay regarding noise impacts is compelling. The Hearing Examiner would note that this is a relatively remote area, but that there are other residences in the area that will be impacted by noise. Although the Applicant has requested amplified music be allowed until 10:00 PM, the Hearing Examiner believes that this would be an unreasonable impact to be endured by neighboring properties. Therefore, in the Conditions of Approval, the Hearing Examiner will require that amplified music and sounds (i.e. microphones) end by 9:00 PM but that acoustic music may continue until 10:00 PM.
22. The following exhibits were admitted into the record:
 - 22.1. Ex. A Site Plan of Record, dated March 26, 2024
 - 22.2. Ex. B Staff Report
 - 22.3. Ex. C Remainder of Planning Staff File
23. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
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, CUPA24-126 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. 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.
2. All Conditions of Approval set forth in CUP 20-011 remain in full force and effect except as may be modified by these Conditions of Approval.
3. 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.
4. 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 March 26, 2024 or as amended by this decision.
5. 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 and special events. The

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number of guests would be no more than 200 guests with an approved transportation plan, in strict accordance with the standards established by this decision and any conditions imposed by the Hearing Examiner.

6. 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.
7. 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.
8. Pursuant to CCC Chapter 15.50.555, landscaping shall comply with Alternative Landscaping Plan date stamped March 26, 2024 within the file of record.
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. The applicant shall comply with WAC 173-60 regarding noise. If a complaint is received by the Chelan County Community Development, the applicant/owner may be required to have a sound study performed by a qualified and independent sound engineer/consultant, to include sound reading at various locations, at various times, and recommendations for mitigating measures. Mitigation may be required. Noise emanating from the development shall not exceed the maximum permissible noise levels set forth in WAC 173-60.
11. The applicant shall comply with all applicable local, state and federal agency permits and licenses as may be required.
12. The applicant is responsible for securing any and all state and federal agency permits and licenses as may be required.
13. The development shall proceed in conformance with the application and site plan of record on file with the Chelan County Community Development except as modified herein.
14. Pursuant to CCC Section 11.93.040(7), the applicant shall provide written verification, from the Chelan Douglas Health District, of adequate year-round on-site septic facilities, prior to issuance of any occupancy permit.
15. 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 tasting building, the green house, deck, water tower and any future buildings.
16. Pursuant to CCC Section 11.88.080, section lights or any exterior lighting shall be low-intensity, non-flashing and designed to development toward the property or shall be shielded to keep light from directly projecting over property lines.
17. Pursuant to CCC Chapter 11.04, only food and beverage service shall be allowed as part of the winery tasting room. Food and beverage service is defined in CCC Section 14.98.835 as 'catered food, prepackage food for activities and uses that are accessory to wineries and other similar uses.' Restaurants are not an allowed use in the AC zoning district.
18. 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.

19. 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.
20. 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.
21. Pursuant to CCC Section 11.93.030, amplified music and other sounds on the site is allowed until 9:00 PM. Any music or other sounds between 9:00 PM and 10:00 PM during the special event shall be limited to acoustic music and non-amplified voices.

Dated this 3 day of December, 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.

CUPA 24-126

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