

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
CUPA 24-085)	DECISION AND
Plain Cellars)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on April 2, 2025, 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 for a Conditional Use Permit (CUP) was submitted by Alan Sage (applicant/owner) for places of private and public assembly. The applicant proposes private parties and weddings that would be limited to the size of 120 people that may include music. The music events would start May through September during the time of 6 pm – 9 pm, including the 4th of July. Attendance would allow up to 240 attendees based on current parking. The applicant proposes to host an annual Tour de Bloom, during Apple Blossom, with a possible 450 racers attending the event. Access to the property would be off of Alpine Acres Road and sanitation would be provided by portable toilets from Apple Valley Pumping. A building permit was issued on the property on April 19, 2023 for a Single-Family Residence. The property is zoned Rural Residential/Resource 2.5 (RR2.5).
2. **General Information**
 - 2.1. Project Location:
 - 2.1.1. 18749 Alpine Acres Road, Plain, WA
 - 2.2. Parcel Number:
 - 2.2.1. 26-17-12-781-030
 - 2.3. Legal Description & size:
 - 2.3.1. Lot 3 of Potters Acres, recorded October 25, 1990, under AFN: 9010250021. The subject property is 1.79 acres per the Assessor's records.
 - 2.4. Applicants/Owners:
 - 2.4.1. Alan and Roxanne Sage; 18749 Alpine Acres Road, Leavenworth, WA 98826
 - 2.5. Urban Growth Area:
 - 2.5.1. The subject properties are not located within an Urban Growth Area.
 - 2.6. Comprehensive Plan Designation & Zoning:
 - 2.6.1. Rural Residential/Resource – 1 Dwelling Unit per 2.5 Acres (RR2.5)
3. **Site Information**
 - 3.1. Existing Land Use & Permit History:

- 3.1.1. The subject property is currently developed as residential and winery:
- 3.1.1.1. BPC 120191 Winery to include 1,600 sq ft production area, 400 sq ft storage, 640 sq ft tasting room, 550 sq ft office, 1,104 sq ft garage, 330 sq ft covered patio, 1,040 sq ft coved approach area
- 3.1.1.2. BP 220868 New 2-bedroom 2 bath SFR and 100-gallon propane tank
- 3.2. Site Physical Characteristics:
- 3.2.1. The subject property is currently developed as residential and winery over fifteen hundred sq ft with event areas.
- 3.3. Adjacent Properties:
- 3.3.1. The surrounding properties are utilized for residential and recreational purposes.
- 3.4. Property North:
- 3.4.1. Residential use; Rural Residential/Resource – 1 Dwelling Unit per 2.5 Acres (RR2.5) and Rural Waterfront (RW)
- 3.5. Property East:
- 3.5.1. Residential use; Rural Residential/Resource – 1 Dwelling Unit per 2.5 Acres (RR2.5) and Rural Residential/Resource – 1 Dwelling Unit per 5 acres (RR5)
- 3.6. Property South:
- 3.6.1. Residential use; Rural Residential/Resource – 1 Dwelling Unit per 2.5 Acres (RR2.5), Rural Waterfront (RW) and Rural Commercial (RC)
- 3.7. Property West:
- 3.7.1. Alpine Acres Road; Rural Waterfront (RW)
- 3.8. Aquifer Recharge Area:
- 3.8.1. The Aquifer Recharge form was completed with the variance application. Pursuant to Chelan County Code (CCC), Section 11.82.060(2)(A), residential dwelling units and their accessory uses are exempt from the aquifer recharge area regulations under this chapter.
- 3.9. Fish & Wildlife Habitat Conservation Areas:
- 3.9.1. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and species Maps and CCC Chapter 11.78 Fish and Wildlife Overlay District, the development contains Mule deer habitat. Therefore, the provisions of CCC Chapter 11.78 do apply.
- 3.10. Geologically Hazardous Areas:
- 3.10.1. According to the Chelan County GIS mapping, 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.
- 3.11. Wetlands:
- 3.11.1. 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 properties. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.

4. Project / Design Information

5. Construction Phasing/Timing:

5.1. Events and wine tasting would commence upon receipt of all required permits and conditions of approval.

6. Traffic Circulation:

6.1. The subject property is served by Alpine Acres Road.

7. Noise:

7.1. The development is required to comply with CCC Chapter 7.35, Noise Control.

8. Visual Impact:

8.1. As conditioned, the visual impact is anticipated to be minimal.

9. Application & Public Hearing Notice Compliance

9.1. Application Submitted:

9.1.1. February 27, 2024 with additional information submitted on June 20, 2024.

9.2. Determination of Completeness issued:

9.2.1. July 3, 2024

9.3. Notice of Application:

9.3.1. July 16, 2024

9.4. Notice of Public Hearing:

9.4.1. March 22, 2025

9.5. Public Hearing:

9.5.1. April 2, 2025

10. Noticing & Comments

10.1. The Notice of Application and Environmental Review was referred to surrounding property owners within 300 feet (excluding 60 feet right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on September 5, 2024, with comments due September 19, 2024. Agency comments are considered in this decision and, when appropriate, set forth in the Conditions of Approval. All comments are included in the file of record; no public comments were received. 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 Building Official	No Comment	
Chelan County Fire Marshal	No Comment	
Chelan County Public Works	No Comment	
WA State Department of Fish & Wildlife	No Comment	
Chelan County PUD	No Comment	
WA Dept. of Ecology	September 17, 2024	
WA Dept. of Archaeology and Historic Preservation	No Comment	
Yakama Nation	No Comment	
Confederated Tribes of Colville	November 5, 2024	
WA Dept. of Natural Resources	No Comment	
US Army Corps of Engineers	No Comment	

11. Public Comments:

11.1. No public comments

12. SEPA Environmental Review

12.1. The proposed development is SEPA exempt pursuant to WAC 197-11-800 and Chelan County Code Section 13.04.080.

13. Chelan County Comprehensive Plan

13.1. The Comprehensive Plan has been reviewed; specifically, the goals and policies related to the Rural Residential/Resource 2.5 (RR2.5) Comprehensive Plan designation for consistency with residential and recreational land uses.

13.2. The development is consistent with the Rural Residential/Resource 2.5 purpose statement: To maintain the range of rural development opportunities consistent with the rural character and rural development provisions outline in the goals and policies of this comprehensive plan. There areas can provide buffering or transitions between existing rural developments and areas of higher or lower densities. This designation should not function as an urban reserve area, although these areas may someday be incorporated into an urban growth area.

13.3. Uses appropriate for these areas include: residential; agriculture; 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: 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; intensification of

development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

- 13.4. The Hearing Examiner finds that the development, as conditioned, is consistent with the Rural Element of the Chelan County Comprehensive Plan.

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

- 14.1. A conditional use permit maybe approved only if all of the following review criteria and any special criteria listed in the chapter are met:

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

- 14.1.1.1. Finding of Fact: The criteria for places of public and private assembly has been addressed below.

- 14.1.1.2. Conclusion: Based on review of the application materials submitted, the criteria for places of public and private assembly would be satisfied.

14.1.2. 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.

- 14.1.2.1. Finding of Fact: The proposed development is located in the Rural Residential/Resource 2.5 (RR2.5) zoning district. The RR2.5 zoning district permits places of public and private assembly as a Conditional Use. The site plan of record, dated stamped February 27, 2024, demonstrates that the proposed development would meet the applicable zoning standards per CCC Section 11.14.020.

- 14.1.2.2. Conclusion: Based on the site plan of record, the proposed development would meet applicable zoning and critical areas regulations.

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

- 14.1.3.1. Finding of Fact: The adjacent uses include residential properties. The development is compatible with these adjacent uses and measures would be taken to protect the charter of the surrounding properties.

- 14.1.3.2. Conclusion: Measures would be taken to protect the character of the surrounding area and maintain the existing look of the property.

14.1.4. Detrimental impacts on the natural environment and production use of the surrounding natural resource lands can be mitigated or avoided.

- 14.1.4.1. Finding of Fact: The proposed development of places of public and private assembly would not have long-term effects on the development benefit to the natural environment.
- 14.1.4.2. Conclusion: The proposed development would not be detrimental to the natural environment.
- 14.1.5. No conditional use permit shall be issued without a written finding that:
- 14.1.5.1. After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.
- 14.1.5.1.1. Finding of Fact: Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
- 14.1.5.1.2. Conclusion: Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
- 14.1.5.2. No county facilities will be reduced below adopted levels of service as a result in county facilities reduced below adopted levels of service.
- 14.1.5.2.1. Conclusion: The proposed development, as conditioned, would not result in county facilities reduced below adopted levels of service.
- 14.1.6. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 14.1.6.1. Conclusion: The proposed development, as conditioned, would not have an adverse impact public health, safety and welfare.
- 14.1.7. 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 Title 11 and 15 of the Chelan County Code.
- 14.1.7.1. Finding of Fact:
- 14.1.7.1.1. Roads, ingress and egress: The proposed development is accessed off of Alpine Acres Road.
- 14.1.7.1.2. Stormwater: The application shall comply with CCC Title; Chelan County Stormwater Guidelines and Procedure.
- 14.1.7.1.3. Domestic and Irrigation Water: Provided by a Group B well.

- 14.1.7.1.4. Sanitary Facilities: The existing onsite septic system is designed for maximum 100 guests per day at the winery tasting room. Private parties and weddings would be limited to the size of 100 - 240 people.
- 14.1.7.1.5. Power: Power is provided by Chelan County PUD.
- 14.1.7.1.6. Fire Protection: The development shall conform to all applicable requirements of the International Fire Code and Chelan County Code.
- 14.1.7.2. Conclusion: All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the CCC.
- 14.1.8. 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.
- 14.1.8.1. Finding of Fact:
- 14.1.8.1.1. Noise and Vibration: Noise and vibration would be temporary during construction of the improvements. Construction noise is regulated by CCC Section 11.88.190 and CCC Chapter 7.35.
- 14.1.8.1.2. Light and Glare: Lights appurtenant to residential development are regulated by CCC Section 11.88.080.
- 14.1.8.1.3. Heat, Steam, Odors, Smoke and Dust: The proposed development would not generate heat, steam or odors.
- 14.1.8.1.4. Erosion: The subject property is not located within a geologically hazardous.
- 14.1.8.1.5. Wastes and Physical Hazards: No hazards identified.
- 14.1.8.1.6. Electrical Disturbance: The proposal would not result in electrical disturbances.
- 14.1.8.2. 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.
- 14.1.9. 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.
- 14.1.9.1. Finding of Fact: The granting of a conditional use permit is consistent with the goals, policies, and intent of Chelan County's Comprehensive Plan, Chapter 7 – Utilities Element.

14.1.9.2. Conclusion: The development is consistent with the Chelan County Comprehensive Plan.

15. Chelan County Code, Section 11.93.315 Places of public and private assembly

15.1. The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.

15.1.1. Finding of Fact: The site plan of record, date stamped February 27, 2024, shows specific parking areas labeled with 89 spaces. The permit narrative indicates that the development would have a maximum number of 240 attendees.

15.1.2. Conclusion: This provision has been met.

15.2. The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.

15.2.1. Finding of Fact: Based on the application materials, the Hearing Examiner finds that there are no adverse impacts to the subject property.

15.2.2. Conclusion: The Hearing Examiner finds that as conditioned, the proposed use would not result in adverse impacts. Therefore, the Hearing Examiner does not set additional parking conditions for the development, except as provided herein.

15.3. The operation shall include adequate sanitary facilities based on proposed capacity.

15.3.1. Finding of Fact: Based on the development narrative the applicant would bring in additional portable toilets to meet the county health requirements based on the attendance count.

15.3.2. Conclusion: This provision has been met.

15.4. The proposal will not reduce county facilities below adopted levels of service as a result of the development.

15.4.1. Conclusion: The development is not proposing to reduce county facilities below adopted levels of service. Therefore, the requirements would not apply.

15.5. 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 compliant.

15.5.1. Finding of Fact: The review of the Conditional Use Permit helps ensure compliance with the requirements.

15.5.2. Conclusions: Staff recommended that the applicant submit a review letter to the Chelan County in the first and fifth year after the date of this decision.

15.6. All events and activities shall comply with Chapter 173-60 WAC, Noise.

- 15.6.1. Conclusion: Staff recommended that noise be reviewed as part of the one- and five- year compliance review.
- 15.7. 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.
- 15.7.1. Conclusion: The proposed development would have a maximum attendance of 240 people. The development has adequate parking with a total of 89 spaces.
- 15.8. 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.
- 15.8.1. Conclusion: The proposed development is not a school. Therefore, the requirement of this section would not apply.
- 15.9. 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.
- 15.9.1. Conclusion: The proposed development is not a daycare center/preschool. Therefore, the requirement of this section would not apply.
- 15.10. 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.
- 15.10.1. Conclusion: The proposed development is not a church or religious facility. Therefore, the requirement of this section would not apply.
16. An open record public hearing was held, after legal notice, on April 2, 2025.
17. The applicant was not present. The applicant was given due notice of the date, time and manner of the hearing. In addition, the applicant was sent the Staff Report 10 days prior to the hearing.
18. No member of the public appeared at the hearing.
19. The following exhibits were admitted into the record:
- 19.1. Ex. A Chelan County Inadvertent Discovery Plan;
- 19.2. Ex. B Comments;
- 19.3. Ex. C Staff Report;
- 19.4. Ex. D Remainder of Planning Staff File.
20. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

21. 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 24-085 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

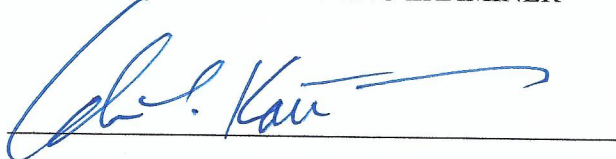
All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to WAC 173-27-150 and RCW 90.58.130(2), prior to commencement of this development, the applicant must obtain any necessary aquatic permits from agencies with jurisdiction which may include, but is not limited to, the Washington State Department of Fish and Wildlife, the Army Corps of Engineers, the Washington State Department of Ecology, Chelan County PUD, Chelan County Building Department and the Washington Department of Natural Resources.
2. The applicant shall comply with all applicable local, state and federal regulations consistent with these conditions.
3. The development shall proceed in conformance with the application and site plan of record on file with the Chelan County Planning Department except as modified herein.
4. 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.
 - 4.1. An inadvertent discovery plan must be submitted with the building permit application and kept onsite during all land disturbing activities.
5. All formal off-street parking facilities shall comply with Section 11.90.030.
6. Parking for Tour de Bloom would be off site and attendees would be shuttled to the subject property. No parking for the event would be on site.

7. Pursuant to CCC Section 11.88.190, no construction activity shall be permitted within 1,000 ft of an occupied residence between the hours of 10 p.m. to 7 a.m.
8. 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.
9. 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.
10. 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.
11. Pursuant to CCC Section 11.93.040(1), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plan dated stamped February 27, 2024.
12. Pursuant to CCC Section 11.93.315(5), the applicant shall submit a compliance report to Community Development one year and five years after the date of this decision. The report shall include documentation regarding how each condition of approval is being met.
13. Pursuant to CCC 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.
14. Pursuant to CCC Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of CCC Title 14
15. Outdoor music shall be allowed May through September and must end by 9:00 PM. All noise shall comply with the limits set forth in WAC 173-60.

Dated this 10 day of April, 2025

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.