

**CHELAN COUNTY  
LAND USE HEARING EXAMINER**

**IN THE MATTER OF**

**CUP 24-249**

**Lake Chelan Ski Club**

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
DECISION AND  
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on June 4, 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) has been submitted by Cole Cochran (agent) on behalf of the Lake Chelan Ski Club (owners) for Places of Private and Public Assembly. Echo Valley Ski and Tubing Area is a non-profit ski resort located in Lake Chelan area that has been in operation for over 70 years. Facilities include three rope tows, and a 1,400-foot POMA rope tow as well as ski/snowboard instruction classes & rentals for all ages. The property contains a 6-lane tubing hill, and a day lodge used for warming and concessions. The property owners are proposing a new 600 sq. ft. rental shop to be used during the winter and then used as storage for the remainder of the year. Lake Chelan Ski Club is in operation from 10 AM-4 PM December-February and has a maximum occupancy of 350 on a regular business day. Access to the property would be from Cooper Gulch Road and sanitation is provided by on-site septic. The subject property is zoned Rural Residential/Resource 20 (RR20).

**2. General Information**

- 2.1. Project Location: 1700 Cooper Gulch Rd. Chelan, WA 98816
- 2.2. Parcel Number(s): 28-22-10-420-050
- 2.3. Legal Description & size: T 28N R 22EWM S 10 PORTION OF N1/2SE1/4 41.60000 ACRES
- 2.4. Applicants/Owners: Lake Chelan Ski Club (non-profit); 1700 Cooper Gulch Road; Chelan, WA 98816
- 2.5. Urban Growth Area: The subject property is not located within an Urban Growth Area
- 2.6. Comprehensive Plan Designation & Zoning: Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)

**3. Site Information**

**4. Existing Land Use & Permit History**

- 4.1. The subject property is currently developed as a recreational facility:
  - 4.1.1. BP 03061 – 22' x 14' Ticket sales shed and Ski School Office
  - 4.1.2. Existing Caretaker residence (1954)
  - 4.1.3. Existing warming hut (1965)

- 4.1.4. Accessory Structure (1965)
- 4.2. Property North: Open Land Undeveloped Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
- 4.3. Property South: Open Land Undeveloped; Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
- 4.4. Property East: Open Land Undeveloped; Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
- 4.5. Property West: Open Land Undeveloped; Rural Residential/Resource – 1 Dwelling Unit per 20 Acres (RR20)
- 4.6. Fish & Wildlife Habitat Conservation Areas:
- 4.6.1. 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; Freshwater Emergent Wetland therefore, the provisions of CCC Chapter 11.78 do apply.
- 4.6.2. Based on the Department of Natural Resources Forest Practices Application map there are two Type-F streams located on the subject property. These streams will carry a 200 ft. buffer as the land use will be classified as High Intensity. Riparian setbacks will be reviewed at the time of building permit submittal.
- 4.7. Wetlands: Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, there is a Freshwater Emergent Wetland indicated on the subject property; therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would apply.
- 4.8. Aquifer Recharge Area: The applicant submitted an Aquifer Recharge Disclosure Form, date stamped July 17, 2024; the proposed project does not require a vulnerability report, pursuant to CCC Chapter 11.82.
- 4.9. Frequently Flooded Areas: Pursuant to Federal Emergency Management Agency, FIRM map panel 5300150625C, the subject site does not contain floodplains; therefore, the provisions of CCC Chapters 11.84 and 3.20 do not apply.
- 4.10. Geologically Hazardous Areas: Chelan County GIS map layer does indicate that the subject property is located within a potential geologic hazard area; therefore, the provisions of CCC Chapter 11.86 would apply. The applicant has submitted a Geological Site Assessment for the proposal of the ski shop.
- 4.11. Cultural Resources: Pursuant to RCW 27.53.020, if cultural resources are found during construction, the applicant would be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development. 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. Pursuant to RCW 68.50.645, if human remains or grave goods are found, all work must stop immediately and local law enforcement and the County Coroner/Medical Examiner must be notified immediately.

## **5. Project / Design Information**

5.1. Construction Phasing/Timing:

5.1.1.If approved, the applicant plans to submit a Commercial Building Permit Application for the new 30'x20' ski rental shop.

5.1.2.Commencement of development would occur upon receipt of all required permitting.

5.2. Traffic Circulation: The primary access for the proposed development would be off of Cooper Gulch Rd via two 50' driveways. The site plan included in the application materials indicates 230 spaces for parking, the narrative indicates that there will be a minimum of 10 spaces near the entrance of the facility marked for ADA parking.

5.3. Domestic Water: Domestic water would be provided via Group B water system.

5.4. Power: Power would be provided by Chelan County PUD.

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

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

**6. SEPA Environmental Review**

6.1. The applicant submitted an environmental checklist on March 12, 2025 (Exhibit F). Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and an Optional Determination of Non-significance (DNS) was issued on May 13, 2025. The SEPA Checklist and DNS are included within the file of record and adopted by reference. (Exhibit B)

**7. Noticing & Comments**

7.1. 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 March 20, 2025, with comments due April 03, 2025.

7.2. 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	N/A	No Comment
Chelan County Fire Marshal	N/A	No Comment
Chelan County Public Works	March 24, 2025	Stormwater, Commercial Approach Permit, & Addressing.
Chelan County PUD	March 19, 2025	Potential relocation of overhead and underground utilities needed prior to new development.
WA State Department of Fish & Wildlife	N/A	No Comment
WA Dept. of Ecology	N/A	No Comment
Yakama Nation	N/A	No Comment
Chelan-Douglas Health District	N/A	No Comment

Agencies Notified	Response Date	Nature of Comment
Department of Natural Resources	N/A	No Comment
Manson Community Council	N/A	No Comment
Confederated Tribes of Colville	November 05, 2025	Inadvertent Discovery Plan on site during construction
WA Dept. Archaeology and Historic Preservation	N/A	No Comment

8. Public Comments:

8.1. No written public comments were received

9. Application & Public Hearing Notice Compliance

<b>Application Submitted:</b>	August 08, 2024
<b>Determination of Incomplete</b>	September 05, 2024 Extension was requested October 31, 2024
<b>Additional Information Request:</b>	March 04, 2025
<b>Determination of Complete:</b>	March 06, 2025
<b>Notice of Application:</b>	March 20, 2025
<b>Notice of Public Hearing:</b>	May 24, 2025
<b>Public Hearing:</b>	June 04, 2025

10. 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.

11. Chelan County Comprehensive Plan

- 11.1. The Comprehensive Plan has been reviewed; specifically, the goals and policies related to the Rural Residential/Resource 20 (RR20) Comprehensive Plan designation for consistency with residential and recreational land uses.
- 11.2. The development is consistent with the Rural Residential/Resource 20 purpose statement: To allow for low intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure. These areas provide greater opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.
- 11.3. Uses appropriate for these areas include: open space; 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: natural resource support facilities and services; mineral resource activities; intensification of existing 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; home occupations; bed and breakfasts; and community facilities.
- 11.4. The Hearing Examiner finds that the development, as conditioned, is consistent with the Rural Element of the Chelan County Comprehensive Plan.
- 11.5. Finding of Fact: Echo Valley Ski Lodge provides an important service in Chelan County and is an ideal use of the Rural Resource zones of Chelan County.

- 11.6. Conclusion: Echo Valley Ski Lodge is consistent with the Comprehensive Plan Rural, Land Use, Resource, and Economic Development Elements of the Comprehensive Plan.
- 11.7. The Hearing Examiner finds that the project, as conditioned, is consistent with the goals and policies of the Chelan County Comprehensive Plan.

## 12. Chelan County Code

### 12.1. CCC Section 14.98.1430 Place of public/private assembly

- 12.1.1. "Place of public/private assembly" means a building or space used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, socializing, or awaiting transportation; such uses include, but are not limited to, meeting halls, clubhouses, grange, cinemas, theaters, and churches and religious facilities.

### 12.2. CCC Section 11.12.010: Permitted, accessory and conditional uses

- 12.2.1. The proposed project is located in the RR20 zoning district of Chelan County. According to CCC Section 11.04.020 District Use Chart, places of public/private assembly require a Conditional Use Permit in the RR20 zoning district.

### 12.3. Chelan County Code 11.12.020 Standards

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

12.3.1.1. Minimum lot size: 20 acres, which measures to include ten percent of the adjoining public rights-of-way.

12.3.1.2. Minimum lot width: two hundred feet at the front building line.

12.3.1.3. Maximum building height: thirty-five feet.

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

12.3.1.5. Minimum Setback Distances.

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

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

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

12.3.1.5.4. **Hearing Examiner Finding:** The proposed structures would meet all dimensional standards in the RR20 zoning district.

12.3.1.5.5. **Conclusion:** Setbacks would be reviewed at the time of building permit submittal.

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

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

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

12.3.1.6.3. The closest land use was determined to be "Archery, gun, swimming and tennis clubs or similar use" which requires .3 spaces for every attendee. The

applicant has provided a parking plan and narrative which demonstrates that the maximum capacity is 350 attendees, and staff. Although only 150 parking spaces are required for this capacity, the applicant is proposing 230 spaces, including 10 ADA s. 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 project.

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

12.3.1.7.1. **Hearing Examiner Finding:** The proposed project is not exempt from the landscaping requirement of CCC Chapter 15.50, because it would have more than 20 parking spaces.

12.3.1.7.2. **Conclusion:** A landscaping and parking plan would be prepared and submitted prior to the issuance of the commercial building permit for the ski rental shop.

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

12.4.1. 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:

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

12.4.1.1.1. **Hearing Examiner Finding:** Criteria for and place of private/public assembly have been addressed below.

12.4.1.1.2. **Conclusion:** Based on review of the application materials submitted, the criteria for places of public/private assembly could be satisfied.

12.4.1.2. 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.

12.4.1.2.1. **Finding of Fact:** The subject property is located in the RR20 zoning district, which allows for places of public/private assembly as a Conditional Use.

12.4.1.2.2. **Conclusion:** As conditioned, the proposed development would meet applicable zoning and critical areas regulations.

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

12.4.1.3.1. **Hearing Examiner Finding:** The proposed development fits with the rural character of the surrounding area. The adjacent properties are large undeveloped lots used for recreation or miscellaneous services. The activities onsite would take place during normal business hours and create minimal noise and disturbance. All surrounding properties have been notified of the current land use action.

12.4.1.3.2. **Conclusion:** As conditioned, the proposed development would be compatible with the character of the surrounding area.



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

12.4.1.4.1. **Hearing Examiner Finding:** Pursuant to the National Wetlands Inventory the subject property contains a Freshwater Emergent Wetland.

12.4.1.4.2. **Conclusion:** As conditioned, the use will not be detrimental to the natural environment. Riparian setbacks will be reviewed at the time of building permit submittal.

12.4.1.5. 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

12.4.1.5.1. **Hearing Examiner Finding:** Chelan County provided a Notice of Application to all providers; received comments are included in the file of record. The application materials also contain a letter from the Manson School District, and the Chelan School district supporting the proposed development.

12.4.1.5.2. **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 being reduced below adopted levels of service.

12.4.1.6. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.

12.4.1.6.1. **Hearing Examiner Finding:** Pursuant to a comment letter received from the Chelan Douglas Health District, the applicant will need to expand to a Group A or Group B Water system at a minimum. A septic system inspection will also be required for the existing septic system.

12.4.1.6.2. **Conclusion:** As conditioned, the proposed development is not anticipated to result in an adverse impact on public health, safety and welfare.

12.4.1.7. 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.

12.4.1.7.1. **Hearing Examiner Finding:**

12.4.1.7.1.1. Roads, ingress and egress: The subject property fronts and access off of Cooper Gulch Rd.

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

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

12.4.1.7.1.4. Domestic and Irrigation Water: The applicant shall comply with the comments received from the Chelan Douglas Health District received on March 28, 2025

12.4.1.7.1.5. Sanitary Facilities: The applicant shall comply with the comments received from the Chelan Douglas Health District received on March 28, 2025.

12.4.1.7.1.6. Power: Power is provided by Chelan County PUD, the applicant shall comply with comments received from Chelan County PUD on March 19, 2025.

12.4.1.7.1.7. Fire Protection: The applicant would adhere to all Conditions of Approval from the Fire Marshal, dated March 26, 2025.

12.4.1.7.2. **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.

12.4.1.8. 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.

12.4.1.8.1. **Hearing Examiner Finding:** 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.

12.4.1.8.2. **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.

12.4.1.9. 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.

12.4.1.9.1. **Hearing Examiner Finding:** The proposed recreational facility would be consistent with the goals and policies of the Comprehensive Plan.

12.4.1.9.2. **Conclusion:** The project is consistent with the Chelan County Comprehensive Plan.

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

12.4.1.10.1. **Finding of Fact:** Pursuant to CCC Section 11.90.060 for off-street parking requirements, the closest land use was determined to be "Archery, gun, swimming and tennis clubs or similar use" which requires .3 spaces for every attendee. The applicant has provided a traffic study which shows that there would be approximately 167 vehicle trips per day, which would require 51 spaces of parking. The applicant is proposing 85 spaces, including 8 ADA spaces. 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 project.

12.5. Chelan County Code, Section 11.93.315 Places of Public and Private Assembly

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- 12.5.1. The following minimum conditions shall apply to places of public and private assembly:
- 12.5.1.1. The applicant shall submit for review and approval an operation plan and vehicle/pedestrian circulation plan.
- 12.5.1.1.1. **Hearing Examiner Finding:** Based on the application materials there are plans for parking and circulation of vehicles and pedestrians on the property.
- 12.5.1.1.2. **Conclusion:** The applicant would meet with the Public Works Department for review of the circulation plan in a pre-construction meeting prior to commencement of the project.
- 12.5.1.2. The use shall be landscaped per the requirements of Chapter 15.50, and comply with the parking provisions pursuant to Chapter 11.90.
- 12.5.1.2.1. **Hearing Examiner Finding:** Pursuant to CCC Section 11.90.060 for off-street parking requirements, the closest land use was determined to be "Archery, gun, swimming and tennis clubs or similar use" which requires .3 spaces for every attendee. The applicant has provided a parking plan that show a total of 230 parking stalls with 18 of them being ADA compliant.
- 12.5.1.2.2. The applicant would be required to provide a Rural Emergency Vehicle Access turn-around on the project site.
- 12.5.1.2.3. Pursuant to CCC Section 15.50.020 for landscaping requirements, the proposal contains a parking lot of more than twenty parking spaces. The subject parcel is already naturally screened with large trees and shrubs to filter itself from neighboring parcels.
- 12.5.1.2.4. **Conclusion:** As conditioned, the proposed use would meet the landscaping and parking requirements of the Chelan County Code.
- 12.5.1.3. The operation shall include adequate sanitary facilities based on proposed capacity.
- 12.5.1.3.1. **Hearing Examiner Finding:** The application materials state on-site septic system will serve the subject parcel. An on-site sewage system inspection form was included with the application materials
- 12.5.1.3.2. **Conclusion:** Based on the application, and comments received from the Chelan Douglas Health District, as conditioned, the proposed use would have adequate sanitary facilities.
- 12.5.1.4. The proposal will not reduce county facilities below adopted levels of service as a result of the development.
- 12.5.1.4.1. **Hearing Examiner Finding:** Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
- 12.5.1.4.2. **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 being reduced below adopted levels of service

12.5.1.5. 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.

12.5.1.5.1. **Hearing Examiner Finding:** The review of conditional use permits helps ensure compliance with the requirements.

12.5.1.5.2. **Conclusion:** The applicant would submit a compliance review letter to the Community Development Department at years one and five of operation, or upon receipt of a written complaint.

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

12.5.1.6.1. **Hearing Examiner Finding:** The applicant has stated that the hours of operation would only be during standard business hours, with the exception of a few special events. Any events outside of normal business hours will be held indoors to prevent noise pollution.

12.5.1.6.2. **Conclusion:** Based on the application, the proposed development would not produce excessive noise.

12.5.1.7. The proposal shall include the maximum number of attendees which shall be used minimally to determine the number of parking spaces, traffic flow estimates, review occupancy load and building standards including restroom requirements

12.5.1.7.1. A twenty-five percent expansion to the number of attendees (bonus attendees) for up to three events per calendar year may be permitted, if the following conditions are met:

12.5.1.7.1.1. Additional parking can be provided on site in an "overflow" area, which is not required to be paved; or off-site parking is provided. Off-site parking sites shall be either designated public parking areas or lands dedicated as parking areas.

12.5.1.7.1.2. The overall occupancy load for bonus attendees, as determined by the Chelan County building official, shall not be exceeded.

12.5.1.7.1.3. The applicant shall provide the required number of restroom facilities, standard and ADA accessible, for bonus attendee events. Portable facilities may be used if approved by the Chelan-Douglas health district and the Chelan County building official.

12.5.1.7.1.4. The applicant shall provide adequate fire facilities/equipment, as determined by the fire marshal, at all events to serve the bonus attendee levels of service.

12.5.1.7.1.5. The applicant shall provide a written statement to community development within thirty calendar days of each event exceeding the approved baseline number of attendees.

12.5.1.7.2. **Hearing Examiner Finding:** The applicant has calculated a maximum number of 350 participants per day, spread out throughout the day. The anticipated increase on event days would not exceed the 25% additional occupancy allowed.

- 12.5.1.7.3. **Conclusion:** Based on the application, the proposed development would have adequate provisions for all attendees, parking, ADA accessibility, and restroom facilities.
- 12.5.1.8. If a school is to be included in the facility as a separate structure, the criteria of Section 11.93.160 shall be met in addition to any other applicable criteria.
- 12.5.1.8.1. **Hearing Examiner Finding:** No school is proposed.
- 12.5.1.8.2. **Conclusion:** Based on the application, this section does not apply.
- 12.5.1.9. 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.
- 12.5.1.9.1. **Hearing Examiner Finding:** There is no daycare center/preschool proposed.
- 12.5.1.9.2. **Conclusion:** Based on the application, this section does not apply.
- 12.5.1.10. 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..
- 12.5.1.10.1. **Hearing Examiner Finding:** There is a no church or religious facility proposed.
- 12.5.1.10.2. **Conclusion:** Based on the application, the proposed development does not include a church or religious facility.
13. An open record public hearing was held, after legal notice, on June 4, 2025.
14. The applicant did not appear at the hearing. The applicant was given prior, legal notice of the date, place and time of the hearing.
15. No member of the public appeared at the hearing.
16. The following exhibits were admitted into the record:
- 16.1. Ex. A Site Plan of Record, date stamped July 17, 2024
  - 16.2. Ex. B DNS Issued May 19, 2025
  - 16.3. Ex. C Narrative
  - 16.4. Ex. D Geotechnical report
  - 16.5. Ex. E Comments and Conditions of Approval from commenting agencies
  - 16.6. Ex. F Inadvertent Discovery Plan
  - 16.7. Ex. G Staff Report;
  - 16.8. Ex. H Remainder of Planning Staff File.
17. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
18. 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, CUP 24-249 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 Chapter 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 Chapter 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including the provided site plans. (Exhibit A)
3. The applicant shall adhere to Conditions of Approval from the Fire Marshal, dated March 26, 2025 (Exhibit E).
4. The applicant shall adhere to Conditions of Approval from the Chelan Douglas Health District letter, dated March 28, 2025. (Exhibit E).
5. The applicant shall adhere to Conditions of Approval from the Chelan County Public Utility District E-mail, dated March 19, 2024. (Exhibit E)
6. Pursuant to comments received from Colville tribes date stamped March 26, 2025 an inadvertent discovery plan shall be submitted with the building permit application, and kept onsite during all land disturbing activities. (Exhibit E). A sample of this plan is attached as Exhibit F.
7. 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. Pursuant to RCW 68.50.645, if human remains or grave goods are found, all work must stop immediately and local law enforcement and the County Coroner/Medical Examiner must be notified immediately.
8. The applicant shall follow recommendations from the Geotechnical Report Prepared by Chad Wooley of Nelson Geotechnical Associates, INC., dated November 28, 2023 (Exhibit D).
9. Pursuant to comments received from Chelan County Public Works and Chapter 8.60 of the Chelan County Code, the applicant will be required to apply for a commercial approach permit.
10. Pursuant to comments received from Chelan County Public Works all proposed development must comply with Chapter 10.2 of the Chelan County Code

11. All proposed development must comply with Chapter 13.16 of the Chelan County Code.
12. Pursuant to CCC Section 11.93.315(1) at least 105 total parking spaces shall be provided. The applicant is proposing 230 spaces. 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.
13. Pursuant Chapter 11.80 of the Chelan County Code the applicant will need to submit a wetland delineation report for any future development to determine the presence of the mapped wetland and its associated buffer. All future development will need to abide by the findings of the report.
14. Pursuant to 11.78.040 of the Chelan County Code the subject property contains two Type -F Streams that have an associated 200 ft. Buffer. A Stream Typing Delineation report can be submitted to reclassify the stream type and its associated buffers. Buffer setbacks will be reviewed at the time of building submittal.
15. 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.
16. Pursuant to comments from the Confederated Colville Tribes, the applicant shall have an Inadvertent Discovery Plan (Exhibit F) onsite at all times during ground disturbing activities.
17. 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.
18. 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.
19. 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 10 day of June, 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,**

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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.