

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19<sup>th</sup> Street NW

East Wenatchee, WAS 98802-4109

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW, AND
CUP 2018-02	)	DECISION AND
Rose & Kelly Ballard	)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on May 16, 2019, 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. The applicant is Dan Ireland, PE of SCJ Alliance Consulting Services, 25 N. Wenatchee Ave., Ste. 238, Wenatchee, WA 98801.
2. The property owners are Rose and Kelly Ballard, 1401 S. Union Ave., East Wenatchee, WA 98802.
3. The property owners are the developers.
4. Date of Application: February 12, 2018.
5. Date Letter of Completeness Issued: February 27, 2018.
6. DC Transportation Additional Information Letter: March 2, 2018.
7. Date Notice of Application Issued: March 5, 2018.
8. Comment Period: April 6 – 20, 2018.
9. 1<sup>st</sup> Notice of Additional Information Letter: April 5, 2018.
10. 2<sup>nd</sup> Notice of Additional Information Letter: July 30, 2018.
11. Request for application status/progress letter sent to applicants: January 10, 2019.
12. 3<sup>rd</sup> Notice of Additional Information Letter: February 14, 2019.

13. SEPA DNS issued: April 26, 2019.
14. General Description: A conditional use permit (CUP) application to conduct a wedding and other event venue on two adjacent parcels totaling approximately 4 acres in size.
15. The two subject properties total approximately 4.4 acres in size and are zoned Rural Resource 2 (RR-2) under Douglas County Code.
16. The subject properties are located on SE Klatawa St., immediately south of SR 28 and are further described as being located within the SW Quarter of Section 21, Township 22N, Range 21E, W.M.
17. The Assessor's Parcel Numbers are: 41200004111 and 41200004112.
18. The two properties are identified as Lots 1 and 2 of the Ballard Short Plat (#SS-05-23) and total approximately 4 acres in size. The site is of relatively flat topography, sloping gently to the south and the Columbia River. Lot 1 (1401 S. Union Ave) consists of a single family home, detached garage and two accessory storage structures. Lot 2 (3388 SE Klatawa St.) is vacant and is accessed from SE Klatawa Street or through Lot 1.
19. Site Access: Lot 1 is accessed from the southern terminus of S. Union Ave and Lot 2 is accessed from Lot 1 or SE Klatawa St. Venue traffic is expected to exit the SR 28 highway at S. Tyee Avenue and continue to the site by turning right onto SE Klatawa St.
20. Adjacent Land Uses: Adjacent parcels are also zoned RR-2 and are residential in nature, with a vacant 4.36 acre parcel directly south. The properties are bordered to the north by the SR 28 highway, and are approximately 400 feet north of the Columbia River.
21. The Douglas County Countywide Comprehensive Plan designation is Rural Resource 2 (RR-2).
22. The parcels are accessed off of SE Klatawa St. by way of S. Tyee Ave and SR 28.
23. Zoning and Development Standards: The subject properties are zoned Rural Resource 2 (RR-2) under Douglas County Code. The purpose of the RR-2 district is to provide an area for low density, rural residential lifestyles that require only rural levels of service for utilities and infrastructure. This district may accommodate some agricultural activities, however the more intensive agricultural support activities, such as large-scale warehousing and/or processing or packaging facilities would not be allowed due to the potential for inclusion into an urban growth area at a future date. Clustering of residential lots will be permitted. If encompassed in the future within an urban growth area, the lands in reserve parcels may be available for further development depending on the nature of the open space designations, critical areas and other similar factors. Typically, domestic water will be obtained through individual wells and sewage disposal will be on-site, but occasionally public water supplies may be available.
24. Douglas County Code Title 18.80 establishes minimum review criteria for Conditional Use Permits.
25. Pursuant to Douglas County Code 18.34.040, those uses designated in the conditional use permit matrix as conditional uses and approved pursuant to Douglas County Code Chapter 18.80, provided, that the development standards of this chapter are met.
26. Pursuant to Douglas County Code 18.80.320 Conditional use permit matrix, "Reception hall/center, wedding chapel" is a listed Conditional Use for the RR-2 district.

27. Pursuant to Douglas County Code 14.98.654, "Reception hall" means a structure and grounds operated by a private entity for the social or recreational gathering of people.
28. The initial pre-application meeting for this project was completed October 12, 2017.
29. The applicant and property owner have applied for a Conditional Use Permit to locate an event venue (per Douglas County Code Section 18.34.040 Conditional uses – "Reception hall/center") at 3388 SE Klatawa St. and 1401 S. Union Ave.
30. The following documents, prepared by SCJ Alliance, were received on February 12, 2018 as a CUP application:
  - 30.1 Project Narrative
  - 30.2 SEPA Environmental Checklist
  - 30.3 Site Improvement Plan
  - 30.4 Full view site plan, including basic landscaping and parking
  - 30.5 Stormwater Design Concept Memo
  - 30.6 Request to Alter and Defer Frontage Improvements
  - 30.7 Notice of Traffic Analysis submittal to WSDOT
31. A Noise Study, prepared by SSA Acoustics, was received on January 22, 2019.
32. A Safety and Security Plan, prepared by SCJ Alliance, was received on January 22, 2019.
33. A Traffic Analysis, prepared by SCJ Alliance, was received on March 5, 2018.
34. A detailed landscaping plan, prepared by SCJ Alliance, was received on April 1, 2019.
35. The following resubmittal documents, prepared by SCJ Alliance, were received on June 4, 2018 and reviewed by staff:
  - 35.1 Revised Project Narrative
  - 35.2 CUP Additional Information Technical Memo
  - 35.3 Revised Site Improvement Plans
  - 35.4 Revised Stormwater Design Concept Memo
  - 35.5 Traffic Addendum –Accident Analysis and Off-Site Parking
36. On December 8, 2016, Douglas County approved an alternate to code request allowing construction of half street improvements per the Rural Local Access standard Figure 3-2 from the project driveway to S. Tyee Avenue rather than along the project frontage. The approval allows a non-standard paved turnaround at the west end of SE Klatawa St. as generally depicted on the Revised Site Improvement Plans submitted on June 4, 2018. The request to defer construction of the improvements for a period of 10 years following CUP approval was denied. The transportation improvements shall be installed within 6 months of CUP approval and prior to events being held at Rose's River Venue.
37. Comments from reviewing agencies have been considered and addressed where appropriate.

38. SCJ Alliance staff state: “because the off-site parking impact would be infrequent and occur on weekends in existing parking lots already designed to accommodate the level of traffic generated by the Rose’s River Venue, no additional off-site intersection analysis is warranted.”
39. Bill Gould of the WSDOT states: “the intersection is currently built to accommodate a right turn taper, it just isn’t striped to include the right turn taper and the Department isn’t considering the need to stripe it based on the lack of accident history pertaining to right turns off of SR 28 at this intersection. Also, the Department does not feel the highway impacts will be significant enough to require the venue to place advance temporary highway advisory signs to alert traffic turning at this intersection when the venue is active.”
40. The East Wenatchee Water District states that water is available for the proposed project. Domestic water is serving 1401 S. Union Ave (APN 41200004111) and is available for 3388 SE Klatawa St. (APN 41200004112).
41. A report was received by the Chelan-Douglas Health District (CDHD) from Brian Dickey of Blackstone Septic Design indicating the condition and size of the existing septic system meets the requirements for the proposed venue. Approval from the CDHD was received on April 29, 2019.
42. Alice Meyer of Wenatchee Reclamation District states that the District does not have any concerns or comments about the project.
43. Douglas County GIS Coordinator, Todd Wilson, stated that records did not show an easement for the turn-around located on the south side of SE Klatawa St. that was identified by the applicants. Further access and turn-around requirements are included under the Douglas County Transportation Department’s suggested Conditions of Approval below.
44. Douglas County issued an environmental review Determination of Non-Significance on April 26, 2019 in accordance with WAC 197-11-355 (Optional DNS).
45. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14. Public comments were received and are included as Attachment B.
46. Proper legal requirements were met, and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
47. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
48. The subject properties are zoned Rural Resource 2 (RR-2) under Douglas County Code. The purpose of the RR-2 district is to provide an area for low density, rural residential lifestyles that require only rural levels of service for utilities and infrastructure. This district may accommodate some agricultural activities, however the more intensive agricultural support activities, such as large-scale warehousing and/or processing or packaging facilities would not be allowed due to the potential for inclusion into an urban growth area at a future date. Clustering of residential lots will be permitted. If encompassed in the future within an urban growth area, the lands in reserve parcels may be available for further development depending on the nature of the open space designations, critical areas and other similar factors. Typically, domestic water will be obtained through individual wells and sewage disposal will be on-site, but occasionally public water supplies may be available.

49. The Douglas County Comprehensive Plan designates these properties as RR-2. The purpose of this designation is to recognize existing areas that are transitioning, at varying rates, from rural to urban, have existing water service, and are appropriate for areas of increasing density. Such areas currently have rural or contain hybrid rural and urban densities. Clustering or other innovative techniques for residential lots are encouraged. This designation should be considered during the review of urban growth area boundary amendments. It is highly likely that these areas will be incorporated within the urban growth area in response to future needs reflected in revised or undated population or employment forecasts or allocations.
50. The following agencies have been sent copies of the proposal and have commented as indicated below:
  - 50.1 Chelan-Douglas Health District responded on February 12, 2018, March 7, 2018 and April 29, 2019.
  - 50.2 Douglas County Transportation responded on March 22, 2018, June 14, 2018, and June 21, 2018.
  - 50.3 East Wenatchee Water District responded on March 14, 2019.
  - 50.4 Douglas County PUD responded on March 6, 2018.
  - 50.5 Douglas County Fire District responded on July 27, 2018.
  - 50.6 Douglas County GIS responded on March 13, 2018.
  - 50.7 WA State DOT responded on March 2, 2018, March 9, 2018, and March 20, 2018.
  - 50.8 Wenatchee Reclamation District responded on March 2, 2018.
51. The following agencies were notified but did not respond:
  - 51.1 WA State Dept. of Ecology
  - 51.2 Douglas County Assessor
52. An open record public hearing after due legal notice was held on May 15, 2019.
53. The entire Planning Staff file was admitted into the record at the public hearing, including Exhibit 1, A May 15, 2019 Memorandum from Mike Neer, Douglas County P.E., to Suzanne Austin.
54. Appearing and testifying on behalf of the applicant was Dan Ireland. Mr. Ireland testified that he was an agent authorized to appear and speak on behalf the property owner. Mr. Ireland indicated that tickets would be issued for onsite parking and that offsite parking would be shuttles from hotels and park-and-ride areas. Mr. Ireland indicated that the Applicant had no objection to any of the proposed Conditions of Approval.
55. Testifying from the public were the following individuals:
  - 55.1 Chad Daggett.
  - 55.2 James Crocker.
  - 55.3 Jerry Ries.
  - 55.4 Pam Sawell.

- 55.5 Jerry Lee.
- 55.6 Velma Cutright.
- 55.7 Suzanne Taylor.
- 55.8 Judy Cutright.
- 56. In rebuttal, Applicant Rose Ballard provided testimony.
- 57. Conditional Use Permit Standards:
- 58. The application materials include responses to the criteria.
- 59. Pursuant to Douglas County Code 18.80.030, each conditional use permit application must be reviewed to ensure compliance with the evaluation criteria established in the DC Code. Below is a review and compliance analysis with the established standards:
- 60. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.
  - 60.1 The project as proposed, and as conditioned below, will be in compliance with Douglas County Code. The proposal is for an event venue not to exceed events with a maximum attendance of 200 guests on weekends and holidays with a typical 12 events per year and a maximum of 20 events per year, and a maximum attendance of 60 individuals on Fridays with a typical 10 events per year with a maximum of 20 events per year. This level of use will be harmonious and in accordance with the comprehensive plan and with the existing and intended character of the general vicinity.
  - 60.2 As conditioned, the proposal is consistent with the requirements of this section.
- 61. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.
  - 61.1 The project as proposed will be compatible with the surrounding residential and rural uses and goals of the Comprehensive Plan. The current use on the site consists of a single family home and accessory storage structures. To the north is the SR 28 Highway with residential and agricultural uses to the east, west and south of the property. The applicant has provided a landscape plan and has addressed noise, traffic, safety and aesthetic issues in the application materials.
  - 61.2 As conditioned, the proposal is consistent with the requirements of this section.
- 62. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
  - 62.1 The Washington State Department of Transportation has the responsibility to review proposed development and determine the scope of road improvements necessary to mitigate the use so as not to place a burden on the traffic circulation system of the area.
  - 62.2 The applicant provided a Traffic Impact Study, conducted by George Smith, Senior Transportation Planner and Dan Ireland, PE of SCJ Alliance Consulting Services, dated February 27, 2018 and Addendum dated April 26, 2018. The traffic impact analysis states within the Summary and Recommendations section:

- 62.3 “Based on the traffic volume forecast, volume warrants are met to consider an eastbound to southbound right-turn treatment such as a turn pocket or taper. Because the traffic loading is infrequent (approximately 22 events per year), it may not be necessary to construct a right turn treatment. Temporary signage could be implemented when events are taking place to alert drivers. To accommodate traffic from the Rose’s River Venue the developer of the project should consider the following:
- 62.3.1 Limit the on-site parking to 50 vehicles and provide shuttle service for additional patrons from an off-site parking location. It is important that event attendees are notified in advance of the event if they will be required to park at a remote location to minimize unnecessary traffic at the S. Tyee Avenue/SR 29 intersection.”
  - 62.3.2 The Traffic Impact Study Addendum states the “venue will provide 48 on- site parking spaces for event attendees and staff. The project developer will prepare a contract with the event organizer that will identify the parking limitation on-site and provide guidance for accommodating potential parking overflow. With the parking restriction, it is likely that event attendees will naturally make individual carpooling arrangements, increasing the vehicle occupancy and reducing the overall parking demand. The project developer will provide information on van shuttle services that can be used for this purpose. Arranging and booking the shuttle will be the responsibility of the renter. In addition, there are several nearby park-and-ride lots available which are generally underutilized on weekends and could be used as shuttle pick-up and drop-off locations. Based on the typical event schedule and size, off-site parking arrangements may be required approximately five to ten times per year. With a peak 200-attendee event, the off-site parking demand could approach approximately 60 vehicles.
- 62.4 Because the off-site parking impact would be infrequent and occur on weekends in existing parking lots already designed to accommodate the level of traffic generated by the Rose’s River Venue, no additional off-site intersection analysis is warranted.
- 62.4.1 Limit weekday events (when traffic volumes are typically higher on SR 28) to attendance of approximately 60 or less
  - 62.4.2 Sign and enforce a no-parking policy on SE Klatawa Street
  - 62.4.3 Coordinate with WSDOT to stripe an eastbound to southbound right-turn taper on SR 28 within the existing pavement.
  - 62.4.4 Provide temporary event signage to WSDOT standard.”
- 62.5 According to Bill Gould, Washington State Department of Transportation (comments dated March 2, 2018), “I reviewed the S. Tyee Ave. intersection and overlaid a right turn taper. As the attached aerial shows (see Attachment A of this staff report), the intersection is currently built to accommodate a right turn taper, it just isn’t striped to include the right turn taper and the Department isn’t considering the need to stripe it based on the lack of accident history pertaining to right turns off of SR 28 at this intersection. Also, the Department does not feel the highway impacts will be significant enough to require the venue to place advance temporary highway advisory signs to

alert traffic turning at this intersection when the venue is active. In summary, the Department has no comments regarding this venue's traffic impacts to the intersection of SR 28 and S. Tyee Ave. However, should accidents or highway delays create the need for additional discussions in the future, we request the Developer and Douglas County be open to these discussions."

- 62.6 As conditioned, the proposal is consistent with the requirements of this section.
63. The proposed use will be served adequately by facilities and services such as highways, roads, law enforcement, fire protection, drainage, refuse disposal, domestic water and sanitary sewers, and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services.
- 63.1 No known improvements are required for the proposed project. As proposed, the application will not create excessive additional requirements at public cost for public facilities and services. The applicant is responsible for providing on-site services and maintenance. Affected agencies have stated that adequate facilities and services are or can be available for the proposed project. Agency requirements have been included in the suggested conditions of approval, and are included as Attachment A.
- 63.2 According to Kathleen Price, MSG REHS, Environmental Health Specialist III, Chelan Douglas Health District, On-Site/Land-Use Program Manager (comments dated April 29, 2019), "We received a report from Brian Dickey of Blackstone Septic Design indicating the condition and size of the existing septic system meets the requirements for the proposed venue"
- 63.3 As conditioned, the proposal is consistent with the requirements of this section.
64. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- 64.1 Emergency services were provided an opportunity to comment.
- 64.2 As conditioned, the proposal is consistent with the requirements of this section.
65. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.
- 65.1 Public comments have been received indicating noise, refuse and safety concerns. According to the applicant, they have acknowledged these comments and have provided mitigation measures to help prevent future issues and complaints.
- 65.2 As conditioned, the proposal is consistent with the requirements of this section.
66. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to Douglas County Code Title 20 and to the satisfaction of the county engineer.
- 66.1 The ingress and egress at the site is adequate to provide assistance from medical personnel. According to Mike Neer, PE, Douglas County Transportation Department, "Douglas County approve an alternate to code request allowing construction of half street improvements per the Rural Local Access standard Figure 3-2 from the project

driveway to S. Tyee Avenue rather than along the project frontage. The approval allows a non-standard paved turnaround at the west end of SE Klatawa St. as generally depicted on the Revised Site Improvement Plans submitted on June 4, 2018. The request to defer construction of the improvements for a period of 10 years following CUP approval was denied. The transportation improvements shall be installed within 6 months of CUP approval and prior to events being held at Rose's River Venue."

- 66.2 As conditioned, the proposal is consistent with the requirements of this section.
67. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate, and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects. (Refer to Douglas County Code Chapter 20.40, Landscaping standards, for specific requirements.)
- 67.1 The applicant has provided a landscape plan, safety & security plan and a noise report in the application materials. The noise report, conducted by SSA Acoustics, dated November 20, 2018, indicates "The major noise sources associated with these events include amplified music/speech and large groups. The wedding tent venue and the wedding ceremony areas are the primary areas where the noise sources will be focused. The anticipated location for the amplified speak setup is on the south end of the event areas with speakers firing to the north. Noise levels from an amplified speaker system are predicted to be 71-78 dBA which is above the code limit. Noise mitigation for the speakers is recommended to reduce noise levels to the code limits. Noise levels from outdoor speaker/PA systems will need to be reduced to meet the 57 dBA limit at the nearest receiving properties. The noise levels can be reduced with a noise barrier in addition to methods to manage the noise levels during events. The following measures are suggested:
- 67.1.1 Provide a noise barrier that blocks the back and sides of the speakers (this is assuming a north-firing installation). The barrier can be a temporary enclosure that can be erected as necessary for each event.
- 67.1.2 The barrier should be constructed out of wood or Unistrut framing.
- 67.1.3 Barrier material to consist of a solid material that has a surface mass of at least 2.0 lbs/sq ft. Material to be flexible barrier material, Soundseal BBC-13X-2 LB -2" Sound Curtains, or equivalent.
- 67.1.4 The top of the barrier should be at least 12" above the top of the speakers.
- 67.1.5 A conceptual diagram of the barrier is presented in the following figure (see page 9 of the SSA Acoustics Noise Report in the application materials)
- 67.1.6 The results of the study show that with the recommended noise control measures, the venue will be within the code limits at the residential receiving properties based on the current site configuration."
- 67.2 As conditioned, the proposal is consistent with the requirements of this section.
68. The project will provide landscape screening along the boundaries to create a buffer from residential and other uses. The developer and subsequent owners will be responsible for dust, odor, smoke and noise control during construction and through the life of the development.

- 68.1 As conditioned, the proposal is consistent with the requirements of this section.
69. Conditional use permits shall comply with the Douglas County Code and all applicable local, state, or federal regulations.
- 69.1 The applicant has provided a detailed site plan, landscape and parking plan, traffic impact analysis, storm water report, noise study, and a safety and security plan that address compliance with zoning code and applicable regulations. The project will follow zoning regulations and comply with requirements of the Douglas County Code. Parking standards will be those established in the Code.
- 69.2 As conditioned, the proposal is consistent with the requirements of this section.
70. The hearing examiner is the review authority and may approve, conditionally approve or deny a request for changing the minimum lot size of a conditional use. Any waiver of minimum lot size shall not be construed as an exemption from the requirements of Douglas County Code Title 17 and RCW Chapter 58.17
71. The two subject parcels are each approximately 2 acres in size and no change is being sought.
72. 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 authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As conditioned, the proposal is consistent with Douglas County Code 18.80.030 conditional use permits evaluation criteria.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 14 Development Permit Procedures and Administration, Title 18 Zoning and Title 19 Environment of the Douglas County Code, and the Douglas County Countywide Comprehensive Plan.
7. 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, Application CUP-2018-02 is hereby APPROVED subject to the following Conditions of Approval.

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#### IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted on February 12, 2018, March 5, 2018, June 4, 2018, January 22, 2019 and April 1, 2019 except as amended by the conditions herein.
2. The project shall comply with all requirements and restrictions established in the Rose's River Venue Safety and Security Plan, as prepared by Dan Ireland, PE, SCJ Alliance, dated January 18, 2019.
3. The project shall comply with all requirements and restrictions established in the Rose's River Venue Property Line Noise Report, as prepared by Alan Burt, PE, SSA Acoustics, dated November 20, 2018.
4. The owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to operation.
5. The development shall comply with the dimensional standards of the RR-2 zoning district established in DCC 18.28.060, as amended.
6. A final landscaping plan shall be required with any future commercial building permit application.
7. All required landscaping shall be installed within a time not to exceed 60 days from issuance of the CUP or a financial assurance agreement must be entered into with Douglas County, on County approved forms. Upon installation, a person certified in accordance with DCC 20.40.025 shall submit (within thirty days of a completed installation) a signed affidavit that the landscaping has been installed per the plan.
8. All required landscaping shall be maintained for the life of the project.
9. A permanently installed irrigation system shall be provided with adequate water pressure and coverage to serve all landscaped areas, except for areas with existing native species that are incorporated into the approved design.
10. The property owner shall keep the landscaped areas free of weeds, trash and replace any diseased, damaged, unhealthy or dead plants in conformance with the approved landscape plan. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition. If the Land Services Director determines the maintenance required under this subsection has not been performed, the County shall take enforcement action pursuant to DCC Chapter 14.92.

11. Planting areas shall be clearly separated from parking spaces and driveways by a raised curb, earthen berm or other suitable formal separation permanently affixed to the ground. Planting areas shall not have artificial impervious material underlying the top-soil.
12. The applicant shall comply with all easements, restrictions and plat notes of the Ballard Short Plat #SS-05-23 (AFN 3106365).
13. The applicant shall comply with all requirements and requests of the Washington State Department of Transportation, as included in the Department's March 2, 2018 and March 20, 2018 emails (Attachment A).
14. The project shall not exceed a maximum attendance of 200 guests on weekends and holidays with a typical 12 events per year and a maximum 20 events per year, and a maximum attendance of 60 individuals on Fridays with a typical 10 events per year with a maximum of 20 events per year.
15. Should accidents or highway delays create the need for additional discussions between the owner/developer and WSDOT in the future, the owner/developer shall be open to discussions with WSDOT for possible resolutions."
16. Site design, emergency egress, parking and fire flow must adhere to standards of the International Fire Code, as administered by the Douglas County Fire Marshal, for the life of the project.
17. In accordance with Douglas County Code Chapter 18.16.270 Parking lot lights, security lights, or any exterior lighting shall be of low-intensity and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
18. Uses and activities shall not exceed the maximum environmental noise level established by Douglas County Code Chapter 8.04 or WAC 173-60 as administered by the Douglas County Sheriff.
19. Hours of operation shall not exceed 10:00pm on Saturdays and Holidays and 9:00pm on all other days.
20. Final plans designed by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction plans shall be prepared in accordance with the requirements of the Douglas County Code.
21. Transportation system/frontage improvements along SE Klatawa St. include half street improvements per Douglas County standard Figure 3-2 – Rural Local Access and construction of a paved turnaround at the west end of SE Klatawa St. as generally depicted on the Revised Site Improvement Plans submitted on June 4, 2018. No Parking signage shall be installed along the SE Klatawa St. frontage.
22. Following the CUP approval, the County will require final construction plan and drainage report submittal for the on-site and off-site improvements. The construction plans and drainage report shall be reviewed and accepted by the County Engineer and Fire Marshal prior to construction of the improvements. No events shall be held at Rose's River Venue prior to the County's final acceptance of the improvements.
23. Internal circulation shall be coordinated with and approved by the Fire Marshal.

24. The Engineer of Record shall provide written certification that all improvements have been constructed in accordance with the conditions of approval, Douglas County Code and the approved construction plans. Monitoring/inspection shall be required by the engineer in accordance with Douglas County Code.
25. An access permit shall be obtained by the applicant from Douglas County prior to events being held at Rose's River Venue.
26. A right-of-way permit shall be obtained by the applicant from Douglas County prior to construction.
27. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. Damage to existing roads, both public and private, resulting from construction activities (including utility extensions required to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County.
28. A final stormwater drainage plan and report prepared by a professional engineer licensed in the State of Washington shall be submitted to and approved by Douglas County prior to construction. Construction and Post-construction stormwater elements shall be addressed in accordance with Douglas County Code and the Stormwater Management Manual for Eastern Washington (SWMMEW).
29. Provisions to provide access to the stormwater facilities for inspection and maintenance shall be addressed within the design plans and report.
30. Stormwater facilities shall be designed to accommodate runoff from on-site and private roadway improvements.
31. Stormwater infiltration surface shall be in undisturbed native material. The design infiltration rate shall be based on on-site infiltration testing completed in accordance with the SWMMEW.
32. The Engineer of Record shall provide as-builts and stamped certification that the system has been completed in accordance with the accepted plans, as well as Douglas County Code and the Stormwater Management Manual for Eastern Washington.
33. Prior to final construction acceptance, a private stormwater operation and maintenance agreement for the on-site stormwater facilities shall be executed and recorded. Said agreements shall be executed on standard forms prepared by Douglas County. The agreement shall specify the owner of the property as having responsibility for the long-term maintenance of the private stormwater drainage system within the development.
34. Erosion control measures shall be designed in accordance with the SWMMEW. Disturbed areas shall be re-vegetated and maintained throughout construction.
35. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in accordance with the SWMMEW guidelines and submitted and accepted prior building permit approval. Best Management Practices shall be implemented and maintained throughout construction.
36. The applicant shall be responsible for preventing mud, dirt and debris from leaving the site, including stormwater runoff from being tracked or otherwise discharging onto the public right-of-way or adjacent properties.
37. At issuance of a development permit, the parcel shall be subject to the Greater East Wenatchee Stormwater Utility annual service charge. The charge is based upon the total square feet of

impervious surface on the site. Sites that have a site-specific private system, with a recorded operation and maintenance agreement, and who have maintained their system as required are eligible for a reduction in the annual service charge.

38. Individual / common plan development for this proposal exceeds 1 acre of disturbed ground. This meets the threshold used by the Washington State Department of Ecology in administering their General Permit to Discharge Stormwater Associated with Construction Activity. If required, the permit shall be obtained prior to beginning groundbreaking activities. Acquisition of this permit is the responsibility of the applicant.
39. In the event cultural sites or isolated finds are identified during excavations and operations, work in the immediate vicinity shall be halted until the site or find can be evaluated by a qualified archaeologist and applicable state and tribal entities can be consulted.
40. The conditional use permit shall expire at the end of one year from the time it is granted if the project is not substantially established by that time.
41. **HEARING EXAMINER CONDITION**

Notwithstanding the preceding Conditions, this permit is subject to administrative review by Douglas County Planning Staff at the end of the first, third and fifth years of full operation. If unforeseen adverse consequences are found to exist by staff during their review, or if staff finds that the current Conditions of Approval are not adequate to mitigate the impacts related to the project, then staff may refer this matter back to the Hearing Examiner to conduct a public hearing to determine whether or not the existing Conditions of Approval are adequate or need to be modified or expanded. Further, if, during this period of time, staff determines in its sole discretion that additional professional studies need to be performed, staff is hereby authorized to require the Applicant to conduct those additional studies related to potential or actual adverse consequences of the ongoing project.

42. In the event that the Applicant's enforcement of prohibiting parking on Klatawa Street is not effective, as may be determined by Douglas County, then this matter shall be referred back to the Hearing Examiner for consideration of additional conditions, including but not limited to, requiring all parking to occur onsite.

Dated this 22<sup>nd</sup> day of May, 2019.

DOUGLAS COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

Any aggrieved party or agency of record may request a reconsideration of this Hearing Examiner's decision. Motions for reconsideration must be filed with the Department within ten (10) days from the date of issuance as defined by RCW 36.70C.040(4)(a). Unless otherwise provided, the filing of a motion for reconsideration shall not stop or alter the running of the period provided to appeal the

Hearing Examiners decision to Superior Court. Motions for reconsideration are governed by Douglas County Code 2.13.150.

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas 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.