

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WAS 98802-4109

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

| | | |
|---|---|-------------------------------|
| IN THE MATTER OF |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW, |
| CUP-2024-03 |) | DECISION AND |
| Rocky Pond Commercial Pool and Spa |) | CONDITIONS OF APPROVAL |

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on October 25 2024, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This is an application for a Conditional Use Permit (CUP) for a commercial pool, and spa on a Rural Service Center zoned property. The associated amenities of the project will consist of cabanas, covered seating/ lounging areas, restrooms/ storage building, bocce ball/ sports court, parking areas, landscaping, vineyards/ orchards.
2. LOCATION: The subject property is described as Douglas County Assessor's Parcel Numbers: 26211230026 and is located within Section 12, Township 26N, Range 21E, Willamette Meridian, Douglas County, Washington.
3. SITE CHARACTERISTICS: A small portion of the site fronts on Columbia River and is located within Rural Conservancy Shoreline Environmental Designation. The proposed project is located outside of the shoreline portion of the site. The site seems to contain slopes of over 40% grade along the shoreline. The non-shoreline property contains a maximum slope of nearly 39% grade with a series of intermittent benches.
4. CONTEXT: The subject site was approved for a resort hotel and spa through Douglas County Conditional Use Permit application CUP-2022-02 on November 28, 2022. The SEPA checklist submitted by the applicant for the current project states that the previously approved project is now under construction.
5. The uses existing on the adjacent parcels are as follows:

- 5.1. East: An outdoor event venue on Parcel No. 26211230027, permitted through Douglas County application CUP-16-02 (subsequently amended through permit no. CUP-16-02A).
- 5.2. West: An active orchard
- 5.3. North: A residential subdivision
- 5.4. South: An active orchard with United States Highway located further south.
6. ACCESS: The submitted site plan shows access to the site from Edgewater Drive Loop, a public right-of-way and Edgewater Drive and Sun Cove Road.
7. LAND USE DESIGNATION AND ZONING: The subject property has a land use designation of Rural Service Center with a zoning designation of Rural Service Center (RSC).
8. APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES:
 - 8.1. The Douglas County Comprehensive Plan designates this property as Rural Service Center. The following goals and policies set forth in the comprehensive plan are applicable to this development:
 - 8.1.1. GENERAL LAND USE:
 - 8.1.1.1. POLICY G-9: Rural developments should only occur where adequate access to transportation systems, rural levels of utilities and facilities are available. Appropriate facilities/services may include domestic water, sewage disposal, fire and police protection, schools, and power, etc. depending on the scale and impact of the development.
 - 8.1.1.2. POLICY G-10: Impacts to fire and police protection, school(s) and other public services/utilities should be considered during the development review process for proposals within urban growth, rural, and agricultural areas.
 - 8.1.1.3. POLICY G-15: Encourage the operation of rural commercial businesses, natural resource related industries, recreation and tourism activities, cottage industries, small scale business, and home occupations that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.
 - 8.1.2. RURAL LANDS:
 - 8.1.2.1. POLICY R-3: Establish land use designations that represent rural character and that protect the integrity of rural areas.
 - 8.1.2.2. POLICY R-6: Encourage development in rural areas to be served by rural levels of service.
 - 8.1.3. RURAL SERVICE CENTER:

8.1.3.1. POLICY RSC-1: Encourage mixed land use patterns that currently exist within the rural service centers by clearly establishing what kinds of uses will be permitted and which will be prohibited.

8.1.3.2. POLICY RSC-3: Small retail and/or service oriented commercial uses, tourist, agriculturally related commercial uses, recreation, cottage industry, and resource industries will be encouraged within the rural service centers to serve the surrounding residents and the traveling public.

8.1.4.RURAL DEVELOPMENT:

8.1.4.1. POLICY RD-3: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.

8.1.4.2. POLICY RD-4: Rural developments will not impact existing public facilities/services to the extent that the level of service for that facility is reduced below the adopted threshold and/or an acceptable operation capacity.

8.1.4.3. POLICY RD-5: The costs associated with implementing a rural development and providing the necessary utilities, facilities and/or services will be borne by the developer.

8.1.4.4. POLICY RD-6: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and sections of this comprehensive plan, including but not limited to the Resource Lands Element and Resource and Critical Areas Conservation Element.

8.1.5.TRANSPORTATION:

8.1.5.1. POLICY T-13: Ensure that transportation planning and implementation considers and is respectful of the rural and historic character found throughout the county.

8.1.5.2. POLICY T-15: As development occurs it shall comply with the applicable road standards, and off-site improvements to existing County roads may be required where those existing roads do not currently meet the adopted road standards.

8.1.6.UTILITIES:

8.1.6.1. POLICY U-4: Require that development take into account the timely and concurrent provision of adequate and efficient utility systems.

8.1.6.2. POLICY U-9: The cost of on-site utility improvements or site preparation for developments will be the responsibility of the development benefiting from the improvement.

8.1.6.3. POLICY U-13: Encourage State agencies to review applications and issue permits concurrent with local permit requirements and timelines.

9. APPLICABLE PROVISIONS OF DCC 18.80.030 "EVALUATION CRITERIA":

- 9.1. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.
- 9.2. The proposed use will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.
- 9.3. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
- 9.4. 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 will provide adequate services.
- 9.5. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- 9.6. 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.
- 9.7. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to DCC Title 20 and to the satisfaction of the county engineer.
- 9.8. 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.
- 9.9. Conditional use permits shall comply with the DCC and all applicable local, state, or federal regulations.
- 9.10. 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 DCC Title 17 and RCW Chapter 58.17.

10. ENVIRONMENTAL REVIEW:

- 10.1. Douglas County issued a Determination of Non-Significance (Optional) on September 18, 2024, in accordance with WAC 197-11-355.

11. AGENCY AND PUBLIC COMMENTS:

11.1. The following agencies were given an opportunity to review this proposal. These agencies have identified mitigation measures or project design requirements (see attached) that have been included as conditions of approval where appropriate.

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| 11.1.1. Chelan County Public Utility District | N/R |
| 11.1.2. Chelan Douglas Health District | 6/8/2024 |
| 11.1.3. Confederated Tribes of the Colville Reservation | N/R |
| 11.1.4. Douglas County Fire Marshal | 9/16/2024 |
| 11.1.5. Douglas County Public Utility District | 9/16/2024 |
| 11.1.6. Douglas County Sewer District | N/R |
| 11.1.7. Douglas County Transportation Dept. | 9/12/2024 |
| 11.1.8. Link Transit | N/R |
| 11.1.9. Orondo School District | N/R |
| 11.1.10. Upper Columbia Irrigation District | N/R |
| 11.1.11. WA State Dept. of Archeology and Historic Preservation | N/R |
| 11.1.12. WA State Dept. of Ecology, SEPA Register | N/R |
| 11.1.13. WA State Dept. of Fish & Wildlife | N/R |
| 11.1.14. Washington State Department of Transportation | 9/16/2024 |
| 11.1.15. Wenatchee Reclamation District | 8/29/2024 |
| 11.1.16. Yakima Indian Nation Cultural Resources Program | N/R |

11.1.16.1. *N/R = No Reply

11.2. No public comments were received on this proposal.

11.3. All agency comments received on this proposal were considered by the Hearing Examiner.

12. This analysis below considers the Douglas County Comprehensive Plan, the Douglas County Code, public and agency comments as well as any identified environmental concerns or state and federal requirements in the review of this project.

13. PROJECT CONSISTENCY WITH THE COMPREHENSIVE PLAN:

- 13.1. The project is designated Rural Service Center by the Douglas County Comprehensive Plan. According to the Comprehensive Plan, “Rural Service Centers are those areas where historic, unincorporated communities or older recreationally oriented subdivisions are characterized by compact rural type densities and may offer some urban services such as roads, community water systems, and limited commercial uses.” The Plan further states, “These areas will also be accommodating needed agriculturally related commercial, cottage industries, tourist related uses, recreation and/or light industrial uses.”
- 13.2. The subject site for a commercial pool and spa is located adjacent to older unincorporated communities in Douglas County such as Sun Cove and Twin W neighborhoods. The proposal seeks to enhance the recreational component of these older unincorporated communities in Douglas County. The proposal meets the objective of Rural Service Center land-use designation.
- 13.3. The request further meets several goals and policies of the comprehensive plan as noted herein and is consistent with the Douglas County Comprehensive Plan subject to the Conditions of Approval noted below.
14. CONSISTENCY WITH DCC CHAPTER 18.80.030 “CONDITIONAL USES – EVALUATION CRITERIA”
- 14.1. The proposed land use of a commercial pool and spa is permitted conditionally in the Rural Service Center zoning district, pursuant to DCC 18.32.040 (E). Therefore, this request for an event center is being processed through a Conditional Use Permit process. The project is unlikely to create excessive demands for public services. Noise impacts, dust control, and adequate buffering must fall within the parameters of Douglas County Code, as well as the State standards.
- 14.1.1. DCC 18.80.030 CUP EVALUATION CRITERIA:
- 14.1.1.1. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.
- 14.1.1.1.1. Analysis: The project is supported by several goals and policies of the Douglas County Comprehensive Plan as noted above. The project will be harmonious and in accordance with the general and specific objectives of the Comprehensive Plan.
- 14.1.1.1.2. Additionally, the project is supported by several policies of the Douglas County Comprehensive Plan as noted herein.
- 14.1.1.2. The proposed use will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.
- 14.1.1.2.1. Analysis: As noted previously, the subject site was previously approved for a resort hotel and spa through Douglas County Conditional Use permit application CUP-2022-02 on November 28, 2022. The said

resort and spa are now under construction. In addition, the parcel to the east is developed with an outdoor event venue permitted through Douglas County Application CUP-16-02 (subsequently amended through permit no. CUP-16-02A). The event venue is currently functioning.

- 14.1.1.2.2. The request for a swimming pool and spa facilities including other associated amenities such as cabanas, covered seating/ lounging areas, restrooms, storage buildings, bocce ball or other sports courts, parking areas and landscaping will augment the recreational opportunities of the existing uses in the surroundings and complement the character of the general vicinity of the area. The proposed use will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.
- 14.1.1.3. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
 - 14.1.1.3.1. Analysis: Douglas County Application CUP-2022-02 for the resort and spa on the subject site was supported by a Traffic Impact Analysis. The applicant states that the impacts of the current request for a commercial pool and a spa will not adversely burden the traffic circulations system in the vicinity as the impacts of these uses were accounted for, to some extent, in the previously approved traffic impact analysis. In addition, Douglas County Transportation Department has reviewed the project and recommended conditions to mitigate any transportation impacts of the project.
 - 14.1.1.3.2. 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.
 - 14.1.1.3.3. Analysis: Chelan Douglas Health District reviewed the project and recommended approval of the project subject to conditions pertaining to Department of Health – Water Recreation Program application and approval, Health District’s permitting requirements and septic system permit application.
 - 14.1.1.3.4. Douglas County Fire Marshal reviewed the project and stated fire protection conditions applicable to the project.
 - 14.1.1.3.5. Douglas County Public Utility District reviewed the project and provided comments pertaining to electricity provision to the project.
 - 14.1.1.3.6. Douglas County Transportation Department reviewed the project and recommended conditions of approval to capture project impacts on transportation infrastructure to ensure that the project is served by adequate transportation facilities.

- 14.1.1.3.7. 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.
- 14.1.1.4. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- 14.1.1.4.1. Analysis: The project intends to create additional recreational opportunities for tourists and residents of the county. All costs of improvements related to the project will be borne by the project applicant/landowner. The project will not create any additional costs to the public for improvements related to this project. The project narrative states, "The application is a small part of a larger project for a resort, hotel, residential subdivision, etc., which is already under construction. The overall development will adequately serve itself, including the pool, with capital facilities, and the tax revenue generated by the finished development will offset the need for public capital facilities such as law enforcement, electricity, etc."
- 14.1.1.5. 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.
- 14.1.1.5.1. Analysis: The proposed use of a swimming pool and spa facilities is unlikely to 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. The requested use will not change the character of the surroundings and aligns with the existing and previously permitted uses in the general vicinity of the site.
- 14.1.1.6. Proposed ingress and egress, driveway widths, parking, and road improvements shall be approved pursuant to DCC Title 20 and to the satisfaction of the county engineer.
- 14.1.1.6.1. Analysis: The project was reviewed by Douglas County Transportation Department in accordance with the requirements of DCC 20.42 per comment letter dated September 12, 2024. The agency requests improvements to transportation and stormwater facilities in accordance with the Douglas County Code.
- 14.1.1.7. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place to mitigate and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects. (Refer to DCC Chapter 20.40, Landscaping standards, for specific requirements.

14.1.2. Analysis:

14.2. The applicant submitted a landscape plan with the application for this Conditional Use Permit. The rear and side yards of the project appear to be located adjacent to residential uses. The landscape plan is required to comply with the requirements of DCC 20.40.040 (A) (1) and DCC 20.40.040 (A) (3) as noted herein prior to the subsequent building permit approval:

14.2.1. "A. District Landscaping Designations and Minimum Width. The following standards listed below indicate the type and width of landscaping required for various proposed uses, depending on the zoning district, type of use and zoning of adjacent parcels, or as enumerated elsewhere in this title:

14.2.2. 1. Type IV landscaping shall be provided for all buildings, structures, signs, road intersections and plaza/green areas as set forth in DCC Section 20.40.030(D), except when associated with single-residential dwellings.

14.2.3. 3. RSC District.

14.2.3.1. a. Front yard: minimum eight-foot width, Type II landscaping;

14.2.3.2. b. Rear yard: minimum ten-foot width, Type III landscaping; minimum fifteen-foot width, Type I landscaping if located adjacent to a residential use, agriculture or other low intensity use, except as otherwise determined by the director;

14.2.3.3. c. Side yard: minimum ten-foot width, Type III landscaping; minimum is fifteen-foot width, Type I landscaping if located adjacent to a residential, agriculture or other low intensity use, except as otherwise approved by the director; and

14.2.3.4. d. Adjacent to buildings or structures: minimum five-foot width, Type IV landscaping;"

14.2.3.5. See Conditions of Approval for compliance requirements.

14.2.4. Conditional use permits shall comply with the DCC and all applicable local, state, or federal regulations.

14.2.5. Analysis: The proposal will meet applicable local, state, and federal regulations, subject to the Conditions of Approval as set forth in this decision.

15. CONSISTENCY WITH DCC 18.32 RSC:

16. The purpose of the RSC district is to preserve the multiuse function and mixed land use pattern in the historic and unincorporated communities in Douglas County, as identified in the comprehensive plan. The RSC district is significant in that it provides support to the surrounding area by offering limited commercial services, lands for resource-based commercial and industrial

activities, housing options which help support persons employed in resource-based industries and services for the traveling public. Rural service centers also provide limited services such as rest areas, fuel, emergency services and convenience goods to the general public traveling on rural, federal, state and county roads between urban areas. Rural levels of service provide limits to the density and intensity of uses and constrain the size of rural service centers so that they do not adversely impact surrounding resource-based uses, transportation systems or the natural environment.

16.1. Analysis:

16.1.1. The subject site for a commercial pool and spa is located adjacent to older unincorporated communities in Douglas County such as Sun Cove and Twin W neighborhoods. The proposal seeks to enhance the recreational component of these older unincorporated communities in Douglas County. The proposal meets the objective of Rural Service Center land-use designation.

16.1.2. The request is consistent with the requirements of the RSC zoning district.

16.1.3. Douglas County Transportation Department evaluated the proposal and recommended approval of the project with suggested Conditions of Approval.

16.1.4. Douglas County Hearing Examiner determines that the application materials demonstrate compliance with adopted codes, standards, and specifications applicable to this project, subject to the Conditions of Approval.

16.1.4.1. Pursuant to DCC 18.32.060, all proposed development in Rural Service Center zoning district shall comply with the development standards noted in this section of the Douglas County Code.

16.1.4.2. Pursuant to DCC 20.40.040 (A) (1) and DCC 20.40.040 (A) (3), the proposed landscape plan shall be updated and submitted to Douglas County Land Service Department to meet the requirements of the code during the submission of building permit application subsequent to obtaining approval of this Conditional Use Permit.

16.1.4.2.1. Pursuant to DCC 20.42, the applicant submitted a parking plan with the Conditional Use Permit Application. The parking plan states, "The proposed pool consists of a 2,000 sf pool and approximately 9,000 sf of activity area."

16.1.4.2.2. Pursuant to DCC 20.42.030 (B), swimming pool as a use is unlisted in the off-street parking requirements of DCC 20.42.040 requiring the Land Services Director to determine the probable use and the number of parking and loading spaces required. Pursuant to this section of the Douglas County Code, the Director determined that the off-street parking requirements of the neighboring jurisdiction of East Wenatchee would be a reasonable way of determining the required parking for this project. DCC 18A.72.010 (G) notes the required parking calculations for a swimming pool as follows:

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| Archery, gun, tennis, swimming or similar athletic clubs, gymnastics facility, exercise facility | (1) 5 spaces/1,000 s.f. of GFA, excluding tennis or racquetball courts (2) 2 spaces/tennis or racquetball court |
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16.1.4.2.3. Based on the requirements noted above, the required parking spaces for the pool are 55 spots.

16.1.4.2.4. Further, DCC 20.42.030 (D), allows the project applicant to request a modification of the minimum required number of parking spaces by demonstrating through the submission of relative survey data, engineering reports, or other relevant information that parking demand can be met with a reduced parking requirement.

16.1.4.2.5. The parking plan states that the pool is primarily intended to serve the 17-lot adjacent plat subdivision restricting access to those residing within it and visiting it. The 17-lot subdivision is provided with two parking spots each for the lots within along with 8 additional guest parking spaces. Since the pool is primarily an accessory to the subdivision, the subdivision provides a total of 42 parking spaces for the use of the pool. This reduces the pool-specific required parking to 13 spots.

16.1.4.2.6. Of this, the parking plan locates 10 parking spots to the north of the subject site and another 5 parking spots on the Double D Vineyard-owned property to the east of the subject site.

16.1.4.2.7. Pursuant to DCC 20.42.090 (B) (3), the applicant shall enter into a legal agreement with the other parties participating in the joint parking use. Such instrument, when approved as conforming to the provisions of the DCC, shall be recorded in the office of the county auditor and copies thereof filed with the director.

17. The applicant is requesting a Conditional Use Permit (CUP) to allow pool and spa on a Rural Service Center zoned property. The associated amenities of the project will consist of cabanas, covered seating/ lounging areas, restrooms/ storage building, bocce ball/ sports court, parking areas, landscaping, vineyards/ orchards.
18. The subject property is described as Douglas County Assessor's Parcel Numbers: 26211230026 and is located within Section 12, Township 26N, Range 21E, Willamette Meridian, Douglas County, Washington.
19. A small portion of the site fronts the Columbia River and is located within Rural Conservancy Shoreline Environmental Designation. The proposed project is located outside of the shoreline portion of the site.
20. The site seems to contain slopes of over 40% grade along the shoreline. The non-shoreline property contains a maximum slope of nearly 39% grade with a series of intermittent benches.

21. The submitted site plan shows access to the site from Edgewater Drive Loop, a public right-of-way and Edgewater Drive and Sun Cove Road.
22. The Douglas County Comprehensive Plan designates the subject property as Rural Service Center.
23. The subject property is a part of the Rural Service Center (RSC) zoning district.
24. Douglas County Code Section 18.80.030 establishes evaluation criteria for Conditional Use Permits. The project meets the evaluation criteria, subject to the Conditions of Approval.
25. A Determination of Non-Significance was issued for this proposal by Douglas County on September 18, 2024.
26. Initial application materials reviewed by Douglas County Transportation and Land Services include:
 - 26.1. Master land use application.
 - 26.2. SEPA Checklist.
 - 26.3. Site Plan.
 - 26.4. Landscape Plan
 - 26.5. Parking Plan
 - 26.6. Project Narrative
27. Surrounding property owners were given the opportunity to comment on the proposal and the public notice requirements were met in accordance with Douglas County Code Title 14. No public comments were received by Douglas County till the date of this staff report.
28. Comments from reviewing agencies have been considered and addressed where appropriate.
29. Chelan Douglas Health District reviewed the project and provided comments on June 8, 2024. The agency recommends further approval subject to conditions noted in the agency's letter.
30. Douglas County Fire Marshal reviewed the project and offered comments on September 16, 2024.
31. Douglas County Public Utility District reviewed the project and offered comments on September 16, 2024.
32. Douglas County Transportation Department reviewed the project and provided comments on September 12, 2024. The agency made the following findings:

- 32.1. “Application materials reviewed by Douglas County Transportation and Stormwater include:
 - 32.1.1. Project Narrative with CUP Evaluation Criteria prepared by SCJ, dated June 5, 2024.
 - 32.1.2. Preliminary Landscape Plan - Family Pool prepared by GCH, dated June 4, 2024.
- 32.2. The Project Narrative with CUP Evaluation Criteria states the following:
 - 32.2.1. “C: ... project will not adversely burden the traffic circulation system in the vicinity, as it is already somewhat accounted for in the traffic impact analysis as a resort amenity.”
 - 32.2.2. “E: The pool will be a private amenity primarily for the associated resort guests and subdivision residences, with limited public access, if any.”
- 32.3. The applicant was informed on 9/11/2024 that if the proposed facility is intended for public use, an updated traffic impact analysis is required to account for the additional traffic.
- 32.4. The applicant sent clarification on 9/11/2024 that the facility is not intended to be used by the public.”
33. Wenatchee Reclamation District reviewed the project and provided comments on August 29, 2024. The agency states that “Wenatchee Reclamation District has no concerns.”
34. Washington State Department of Transportation reviewed the project and provided comments on September 12, 2024. The agency replied with “no comments”.
35. After due legal notice and open record public hearing was held on October 25, 2024.
36. The following exhibits were admitted into the record:
 - 36.1. Ex. 1. Agency/Public Comments;
 - 36.2. Ex. 2. Staff Report;
 - 36.3. Ex. 3. Remainder of Planning file of Record.
37. Appearing and testifying on behalf of the Applicant was David Dufenhorst. Mr. Dufenhorst testified that he is the Applicant and property owner. He testified that he had reviewed the Staff Report and had no objection to any of the representations contained therein. He also testified that he had reviewed the proposed Conditions of Approval, as amended, and had no objection to any of those.
38. No member of the public testified at this hearing.
39. 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. The proposal meets the applicable goals, policies and implementation recommendations as set forth in the Douglas County Comprehensive Plan, subject to the Conditions of Approval.
3. The proposal meets the applicable standards of the Douglas County Code including the evaluation criteria noted in DCC 18.80.030, subject to the Conditions of Approval.
4. The proposal meets the applicable federal and state laws and regulations, subject to the Conditions of Approval.
5. The development will not affect the general public, health, safety and general welfare, adversely, subject to the conditions of approval.
6. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner has determined that CUP-2024-0 is hereby **APPROVED** subject to the following Conditions of Approval.

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 with Douglas County except to comply with the Conditions of Approval of this permit.
2. The applicants, and site operators, are responsible for compliance with all applicable local, state and federal rules and regulations and shall acquire the following permits, if applicable to the project, as determined by the relevant public agency.
 - 2.1. Commercial Building Permit(s)
3. Pursuant to DCC 18.32.060, all proposed development in Rural Service Center zoning district is required to comply with the development standards noted in this section of the Douglas County Code.
4. The applicant for the project proposes joint parking of 42 spots with an adjacent 17-lot subdivision and of 5 spots with an adjacent parcel to the east owned by Double D Vineyards. Pursuant to DCC 20.42.090 (B) (3), the applicant shall enter into a legal agreement with the other parties participating in the joint parking use. Such an instrument, when approved as conforming to the provisions of DCC, shall be recorded in the office of the county auditor and copies thereof filed with the director.

5. The applicant submitted a landscape plan with the application of this Conditional Use Permit. Landscaping shall be installed in substantial conformance with the conceptual plan submitted with this application and with the overall landscape plan approved as part of CUP 2022-02.
6. Chelan Douglas Health District reviewed the project and provided comments on June 8, 2024. The agency recommends further approval subject to conditions noted in the agency's letter. The project is required to comply with the conditions noted in the agency's letter.
 - 6.1. *"I have reviewed the above development proposal to construct a commercial pool and spa, with the following amenities: covered seating/lounging areas, restrooms/Storage building, bocce ball/ sports court, parking areas, landscaping, vineyards/orchards. The subject property is located in Orondo, WA (county tax parcel: 26211230026)*
I recommend further approval of the project with the following conditions:
 - 6.1.1. *Commercial pool and spa construction will require DOH – Water Recreation Program application and approval. Consult with state, Contacts for Water Recreation | Washington State Department of Health*
 - 6.1.2. *Once pool and spa construction approved by the state, the applicant will need to contact Chelan-Douglas Health District at 509-886-6400 for permitting requirements.*
 - 6.1.3. *Restrooms will require an individual onsite septic system or connected to community sewer system. Please consult with Onsite Program at CDHD for septic system permit application or the municipality for sewer connection.*
 - 6.2. *Any changes to the project may require additional Health District review."*
7. Douglas County Fire Marshal reviewed the project and offered comments on September 16, 2024. The project is required to comply with the conditions noted in the Fire Marshal's comments.
 - 7.1. *"Commercial Building permit required. Commercial and residential structures are required to meet IFC and Building Code requirements and will be reviewed at building permit submittal. Fire Access roads are required to meet IFC Chapter 5 and Appendix B. Minimum Required Fire Flow is 1500 GPM at a minimum of 20 PSI for no less than a 2-Hour duration. A hydrant must be located no more than 250 feet from the nearest frontage access to each lot. Maximum hydrant spacing is 500 feet and as approved or required by the Fire Marshal. The large-diameter port of all hydrants must be equipped with a 4-inch diameter Storz quarter-turn fitting as approved by the Fire Marshal."*
8. Douglas County Public Utility District reviewed the project and offered comments on September 16, 2024. The project is required to comply with the conditions noted in the Fire Marshal's comments.
 - 8.1. *"A ten foot 10' utility easement will be required for all primary power installations. Cost estimate to provide electrical service to the project must be paid prior to final approval."*
9. The applicant is required to comply with the Conditions of Approval as noted by the Douglas County Transportation Department in the comment letter dated April 09, 2024. The project is required to comply with all comments noted in the letter.
 - 9.1. *"Final construction plans designed by a Professional Engineer (PE) licensed in Washington shall be submitted to Douglas County with the Building Permit application."*

- 9.2. *The private access roads shall be designed in accordance with the private road standards in Douglas County Code 12.52.020.B.*
- 9.3. *A final site-specific stormwater plan and report prepared by a Professional Engineer (PE) licensed in Washington that conforms to Douglas County Code and the latest edition of the Stormwater Management Manual for Eastern Washington (SWMMEW) shall be submitted to and accepted by Douglas County prior to construction.*
- 9.4. *Prior to any on-site grading occurring, a Temporary Erosion and Sediment Control Plan (TESC Plan) shall be submitted to and accepted by Douglas County. The TESC Plan shall be kept on-site and updated as necessary to address and prevent sediment and sediment laden water from leaving the project site.*
- 9.5. *The Engineer of Record (EOR) shall monitor construction and upon completion shall provide as-built drawings, final report, and certification that the stormwater improvements have been completed in accordance with the applicable codes, regulations, and accepted plans. As applicable for infiltration, UIC registration shall be completed prior to construction and included with the engineer's certification.*
- 9.6. *Prior to occupancy, a Private Stormwater Operation and Maintenance Agreement shall be executed on standard Douglas County forms. The site plan, details, certification, and operation and maintenance recommendations are provided to the County. County staff then prepares the agreement for signature and recording by the applicant.*
- 9.7. *The pool facility shall only be used as a private amenity for resort guests and the surrounding Rocky Pond Resort Subdivision residents and their guests. An amendment to the CUP shall be processed and approved prior to the pool being open to the general public for the purpose of addressing potential traffic impacts."*

Dated this 5 day of November, 2024.

DOUGLAS COUNTY HEARING EXAMINER



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.