



City of Leavenworth
Department of Development Services

Staff Report – Conditional Use Permit

To: Leavenworth Hearing Examiner
From: City of Leavenworth Community Development Department
Date of Report: March 19, 2020
Date of Hearing: April 2, 2020
Subject: Leavenworth/Pine Village KOA - Conditional Use Permit Amendment
Permit: CUP 2020-01
Applicant: Al Johnson
Recreational Adventures
PO Box 295
Hill City, SD 57745

I. PROJECT INFORMATION

Approval Requested: The applicant is requesting approval of an amendment to an existing Conditional Use Permit (CUP) for the Leavenworth/Pine Village KOA Campground, to add one new storage building and relocate two fuel tanks to an existing fenced shop area onsite.

Project Details: This request is for an after-the-fact permit, the applicant has constructed one new 20' x 24' (480 sq ft) storage building and relocate two fuel gas tanks (500 and 250 gallon) to an existing fenced shop area on the property. The fenced shop area was originally the septic area under Chelan County CUP 2013-171, and later modified to be the shop area under Chelan County Administrative Modification (AM) 2017-323. The storage building will be used to house golf carts, cub cadets (small tractors), and yard tools for weather protection. No additional changes or modifications to the existing campground are proposed; therefore, no review of the existing uses has been done with this staff report.

Location of Project: 308 Zelt Strasse¹, Leavenworth, Washington. The Chelan County Assessor's Tax Parcel Numbers are 24-18-06-340-150 and 24-18-06-330-100.

The subject site is located within the Recreation zoning district and is approximately 27.39 acres. The property is legally described in Receiver's Deed, recorded June 16, 2015, under Auditor File Number (AFN) 2419796.

General Site Characteristics: The property is gently sloping, with steeper slopes toward the northern property boundary (River Bend Drive) and along the shoreline. The property is bounded by Zelt Strasse (60-foot wide city right-of-way) on the west and River Bend Drive (60-foot wide County road) to the north and the Wenatchee River to the east and private property to the south. Vehicular access to the property is provided by Zelt Strasse a 60-foot public right-of-way with delivery and emergency access from River Bend Drive.

Built Environment: The subject site is currently developed as a recreational campground. A majority of the site was developed under Chelan County jurisdiction, prior to the property's annexation in 2018 (Ordinance 1572, AFN 2484221). The campground currently includes 211 camp sites (combination of cabins (20), park model RVs (27), RV

¹ Formerly addressed as 11401 and 11575 River Bend Dr.

sites (125), tent sites (39)), a “store main building,” pavilion, pool building, game room building, Koffee Kabin, fenced storage area with shop building, and additional storage buildings.

Permit History:

- Land Use:
- Chelan County CUP 2017-317 – CUP Amendment for one-year time extension of CUP 2013-171; Approved by the Hearing Examiner on 12/6/2017
 - Chelan County Administrative Modification (AM) 2017-323 – Reduced the number of camp sites to 211; Minor amendments to site plan, with the intent to improve the new access point, internal flow, use of the site and logical traffic flow; Approved by the Administrator on 11/2/2017
 - Chelan County CUP 2013-171 – Amendment to CUP 405, to increase the number of sites in Phase I to 154 and Phase II to 218; revisions to the site plan for Phase II; Approved by the Hearing Examiner on 12/20/2013
 - Chelan County CUP 405 – Original CUP for placement of a recreational area with 140 site for travel trailers, pickup campers and tent campers; Approved in 1967.

- Building:
- 18-124-B – 30’ x 30’ post-frame storage building
 - 18-125-B – 15’ x 30’ post & beam frame “check-in” building
 - 18-129-P – Add plumbing to check-in building, including laundry equipment, maintenance/storage room and attached spaces for dryer and water heater
 - 18-129-O – underground propane lines serving 10 park model RVs.
 - 19-088-O – Four flagpoles

All other structures were permitted by Chelan County, prior to annexation.

Adjacent Land Uses:

North: River Bend Drive (60-foot county right-of-way); Residential Property; Urban Growth Area Zoning: Residential Low Density 12,000 (RL12)

South: Portion vacant land; City General Commercial District; and, a portion of large residential lots; Chelan County zoning.

East: Wenatchee River (high intensity shoreline environment designation) – The current proposed development is located outside shoreline jurisdiction.

West: Portion vacant land; City General Commercial District and (RL12); and, a portion Zelt Strasse (60-foot city right-of-way); Multifamily Development (Leavenworth Haus); Vacant land within the General Commercial Zone

II. CONSISTENCY ANALYSIS

Comprehensive Plan Review: The Comprehensive Plan designation for the site is Recreation. The current proposed development is consistent with and implements City’s Comprehensive Plan, particularly Land Use Element Goal 9 and Economic Development Goals 2 and 5. In addition, the existing campground has been reviewed for compliance with the City of Leavenworth Comprehensive Plan under previous CUP’s (listed in Section I).

Leavenworth Municipal Code Review for Conditional Uses:

CHAPTER 18.52 CONDITIONAL USES

SECTION 18.52.050 Approval or denial – Authority. Uses designated in this title as conditional uses shall be permitted only upon approval of the Leavenworth hearing examiner, after a public hearing, in accordance with this chapter. Conditional uses are those which may be appropriate, desirable, convenient or necessary in the district in which they are allowed, but which by reason of their height or bulk or creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public health, safety, welfare, comfort and convenience unless appropriate conditions are imposed.

Finding of Fact: The zoning code permits a campground and RV park within the Recreation zoning district with a Conditional Use Permit. Therefore, the use has been determined “appropriate, desirable, convenient or necessary” for this site, if specified criteria are addressed for “height or bulk or creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public health, safety, welfare, comfort and convenience unless appropriate conditions are imposed.”

Staff Comment: The existing campground has been reviewed under prior CUPs for adverse impacts, and has been conditioned accordingly. The proposed storage building and relocated fuel tanks will not create an adverse impact to the existing site due to the small scope of the project, within an existing improved area of the park. This type of request would normally be an Administrative decision, pursuant to LMC 21.09.030; however, since this particular code section was not adopted by the County and not addressed in prior decisions, the city opted to memorialize the prior permits and encompass the City codes through an Amendment Conditional Use permit.

Height, bulk, traffic and parking related concerns for the development have been addressed in prior CUPs and are addressed in the recommended conditions of approval and shall not be injurious to the public health, safety, welfare, comfort or convenience of the public.

SECTION 18.52.060 Additional Requirements and Conditions. In permitting a conditional use, the hearing examiner may impose, in addition to the regulations and standards expressly specified by this title, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the county as a whole. These conditions may include but are not limited to the following:

- A. Increasing the required lot size or yard dimensions;*
- B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;*
- C. Controlling the location and number of vehicular access points to the property;*
- D. Increasing the street width;*
- E. Increasing the number of off-street parking or loading spaces required;*
- F. Limiting the number, location and size of signs;*
- G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
- H. Specifying a specific time limit for construction, alteration or enlargement to begin for a structure to house a conditional use;*
- I. Requiring that any future enlargement or alteration of the use be reviewed by the hearing examiner in view of specifying new conditions.*

Recommendation: Staff recommends no additional requirements for this minor modification to the plan.

SECTION 18.52.090 Approval – Term – Permanent. Any approval of any application for a conditional use shall: A. Automatically be for a period of one year from the date of approval; B. At the expiration of its first year of approval, and after review by the community development director and assurance by the director that all conditions of approval have been or are being met, any such approved conditional use may be continued. At any time, the city may at its discretion require that the conditional use permit be reviewed by the hearing examiner, who will have the authority to revise the initial conditions of approval if need for mitigation is determined. All conditions of the permit shall continue to apply throughout the life of the use.

Finding of Fact: If approved, the conditional use shall be authorized for one year. Review of all Conditional Use Permits is required to ensure compliance at the conclusion of the first year. The review is administrative; however, the city may at any point request the conditional use permit be reviewed by the Hearing Examiner who may revise the conditions of approval if there is a need for additional mitigation.

Recommendation: Staff recommends a condition of approval citing Section 18.52.090 as applicable to the proposed development.

CHAPTER 18.51 Recreational Vehicle Parks - The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the guests of such parks, residents and the citizens of the city.

Finding of Fact: As addressed above, the existing campground/RV park has been reviewed for compliance and received a conditional use permit to operate its current facility. This amendment is for the addition of a storage building and relocation of two fuel tanks. Therefore, staff concludes Chapter 18.51 compliance review is not warranted for the proposed project, at this time. However, any conditions deemed appropriate by the Hearing Examiner may be added, pursuant to LMC 18.51.110.

III. REGULATORY COMPLIANCE

Application Submittal: An application was submitted by J. Alan Johnson, Recreational Adventures Co. (applicant/owner) on January 28, 2020. The application included all required components and appropriate fees, and was determined complete on February 19, 2020.

Noticing: A combined Notice of Application and Notice of Public Hearing was issued on February 26, 2020, posted on three bulletin boards at City Hall and posted on the site by the applicant. The Notice was sent to all property owners within 350 feet of the subject property and published in the newspaper on February 26, 2020. The Notice of Application 14-day public comment period ended March 11, 2020.

The following agencies were sent a Notice of Application for review and comment:

City of Leavenworth: Public Works Department, Building Official

Chelan County: Chelan County Fire District #3, PUD #1

Other: Department of Archaeology & Historic Preservation (DAHP), Washington State Department of Fish & Wildlife (WDFW), Yakama Nation, Confederated Tribes of the Colville Reservation, Icicle Irrigation District, Department of Ecology (DOE), Link Transit, United States Postal Service (Leavenworth)

Comment Consideration: One public comment was received from DAHP during the public comment period. DAHP recommends the applicant prepare an inadvertent discovery plan (IDP) and prepare construction crews for the possibility of encountering cultural resources during construction. However, this work has already been completed; therefore, the plan would be ineffective. Staff recommends a condition of approval noting future soil disturbance should include an inadvertent discovery plan.

Agency comments have been incorporated into this report as recommended conditions of approval.

SEPA Determination: Under the provisions of the State Environmental Policy Act (SEPA) and WAC 197-11-340(2)(f), a revised Determination of Non-Significance was issued on February 20, 2020.

Public Hearing Pursuant to the Leavenworth Municipal Code: The staff report was completed and available to the public and was e-mailed to the Applicant and Hearing Examiner on March 26, 2020. A public Hearing is to be held on April 2, 2020.

IV. ANALYSIS

The applicant has provided all necessary documentation for review of the proposal. Staff finds the project is consistent with the Comprehensive Plan and Code requirements with the recommended conditions of approval.

V. RECOMMENDED CONDITIONS OF APPROVAL

If Conditional Use Permit No. 2020-01 is approved, City of Leavenworth Staff recommends the following Conditions of Approval:

1. All conditions composed herein shall be binding on the "Applicant," which term shall include the owner or owners of the property, heirs, assigns, and successors.

2. All conditions of the permit shall continue to apply throughout the life of the use.
 3. All development shall proceed in substantial conformance with the application materials, as modified by this decision.
 4. All existing conditions imposed by the Hearing Examiner Decision for CUP 2017-317, dated December 6, 2017 and CUP 2013-171, dated December 20, 2013, except as modified by this decision, shall remain in full force and effect.
 5. The Applicant shall comply with all federal, State, and local laws and regulations.
 6. Pursuant to LMC 21.09.030, the Development Services Manager may review under either the limited-administrative review process (LMC 21.09.030) or the full-administrative review process (LMC 21.09.040), as determined by the City of Leavenworth Development Services Manager, *minor amendments or modifications to approved developments or permits which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect the overall project character[...]*; all other amendments or at any time the Administrator may require, pursuant to LMC 18.52.090, this *conditional use permit be reviewed by the hearing examiner, who will have the authority to revise the initial conditions of approval if need for mitigation is determined.*
 7. Pursuant to LMC 18.51.110 and LMC 18.52.060, the Applicant shall prepare, prior to any future soil disturbance, an inadvertent discovery plan (IDP) and prepare construction crews for the possibility of encountering cultural resources during construction.
 8. Pursuant to LMC 18.52.090, any approval of an application for a conditional use shall:
 - 8.1. Automatically be for a period of one year from the date of approval;
 - 8.2. At the expiration of its time period of approval, and after review by the City of Leavenworth Development Services Manager and assurance by the Manager that all Conditions of Approval have been or are being met, any such approved conditional use may be continued. At any time, the City may at its discretion require that the Conditional Use Permit be reviewed by the Hearing Examiner who will have the authority to revise the initial conditions of the approval if need for mitigation is determined. All conditions of the permit shall continue to apply throughout the life of the use.
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Attachment: CUP 2020-01 File of Record