

**GRANT COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P 17-0143, P 17-0144, P 17-0145	)	<b>DECISION AND</b>
Live Nation	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on February 14, 2018, 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. These applications are for Planned Unit Development (PUD) and Binding Site Plan (BSP) creating 22 lots in the Master Plan Resort zone (MPR) (approved in 2014). This PUD would implement the various improvements contemplated as part of the MPR. The development is proposed to take place in three phases.
2. The proponent is Live Nation, 754 Silica Rd. NW, Quincy, WA 98848 and Martin & Elaine Hanson, 23108 Rd. 1 NW, Quincy, WA 98848.
3. The designated contact is David Bricklin, Bricklin & Newman, LLP, 1424 Fourth Avenue, Suite 500, Seattle, WA 98101.
4. The project site is The Gorge Amphitheater, located at the intersection of Rd. 1 NW and Silica Rd. NW, in portions Sections 29, 30, and 31, Township 19 North, Range 23 East, W.M., Grant County, WA.
5. The zoning for the property is Master Plan Resort.
6. The zoning for neighboring parcels is: to the north, Rural Remote; to the south, Master Plan Resort; to the east, Agriculture; to the west, Rural Remote.
7. The Comprehensive Plan designation for the subject property is Master Plan Resort.
8. Grant County issued a Mitigated Determination of Non-Significance for this proposal on December 6, 2017. A Revised Mitigated Determination of Non-Significance was issued by Grant County on January 25, 2018.
9. The subject parcel was reviewed for Critical Areas in accordance with Grant County Code 24.08 Critical Areas and Cultural Resources. Portions of the project site were found to be located within 300 feet of a wetland area. A wetland report was prepared by Anchor QEA dated March 2014. This report delineated the wetland and established the required buffer necessary to protect the wetland from the proposed development. Conditions of Approval have been imposed that will ensure compliance with the reports recommendation. The project site is not located within 300 feet of any other Critical Area as defined by Grant County Code.
10. A Public Notice containing information on this project was published in the Columbia Basin Herald on May 25, 2017, was mailed to property owners within 300 feet of the subject property, and was posted on the subject property. Information on this project was also mailed to applicable agencies of jurisdiction for their review and comment. A notice of postponed

hearing was published on July 17, 2017. A notice of SEPA issuance was published on December 6, 2017. A Notice of Rescheduled Public Hearing was published on January 29, 2018.

11. The following agencies and County departments provided comments:
  - 11.1 Grant County Fire Marshal/Building Official responded on May 30, 2017, September 13, 2017 and June 6, 2017.
  - 11.2 Grant County Fire District #3 responded on June 12, 2017.
  - 11.3 Grant County Health District responded on June 9, 2017.
  - 11.4 Grant County Public Works Department responded on June 6, 2017 and June 14, 2017.
  - 11.5 Grant County Assessor's office responded on May 31, 2017.
  - 11.6 WA State Department of Health (drinking water) responded on June 12, 2017 and June 6, 2017.
  - 11.7 WA State Department of Ecology responded on December 18, 2017.
  - 11.8 Bureau of Reclamation responded on June 21, 2017 and June 18, 2017.
  - 11.9 WA State Department of Health (Wastewater) responded on June 12, 2017 and June 6, 2017.
  - 11.10 WA State Department of Archaeology and Historic Preservation responded on December 21, 2017.
12. The following agencies were notified but did not respond:
  - 12.1 Grant County Treasurer's Office.
  - 12.2 Grant County Emergency Management.
  - 12.3 Grant County Sheriff's Office.
  - 12.4 Grant County Auditor.
  - 12.5 Hospital District #2.
  - 12.6 WA State Department of Fish and Wildlife.
  - 12.7 Grant County Noxious Weed District #3.
  - 12.8 Quincy Columbia Basin Irrigation District.
  - 12.9 WA State Department of Transportation.
13. No public comments were received.
14. These applications were determined to be Technically Complete on May 11, 2017.
15. These proposals were processed as a Type III Quasi-Judicial Decision, in accordance with Chapter 25.04 "Permit Application and Review Procedures" and Chapter 25.08 "Conditional Uses and Variances" of the Grant County Unified Development Code (UDC).
16. These proposals were reviewed for compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of Grant County Unified Development Code. The project site was not found to be located within 300 feet of a wetland stream. A delineation was completed as mentioned above. A cultural resource survey was not completed for the site as no known cultural sites are located within 300 feet of the project area.
17. These proposals are not within an Urban Growth Area (UGA).
18. The project site is located in the MPR zone. The site also has a Comprehensive Plan Designation of MPR.
19. The site was approved as an MPR in 2014.

20. A copy of the 2014 MPR Staff Report to the Board of County Commissioners was admitted into the record.
21. No agency comments were received that would prohibit the proposed development.
22. No public comments were received for the proposed development.
23. The PUD is proposed to be developed in three phases.
24. As no special development standards were proposed during the MPR approval. The underlying zoning (Recreation Development) development standards (setbacks, etc.) will be utilized.
25. Water will be provided to the project by a Class A water system served by a State Water Right. This system is under the jurisdiction of the WA State Department of Health.
26. Sewer will be provided utilizing large on-site septic systems and lagoons. These systems will be under the jurisdiction of the WA State Department of Health.
27. Approval of this PUD and BSP does not constitute an allowance for increased event attendance. Concert attendance is controlled by a separate Concert Management Agreement between Live Nation and the Board of County Commissioners.
28. PUD/BSP will create a limited number of residential lots (3). These lots are being created and will be utilized by owners and operators (and family) of campground operations.
29. Live Nation plans to maintain and expand existing infrastructure such as cellular towers, etc. as part of this PUD.
30. Uses approved under previous Conditional Use Permits will continue as part of this PUD.
31. Specific Conditions of Approval were not suggested based off of Fire District 3's comments as their concerns appear to be addressed in the Fire Marshal's conditions. Development Services is not requiring Live Nation to enter into a "voluntary agreement" with Fire District 3 to provide financial mitigation to pay for a new fire station. Development Services does not believe it is within its authority to require such an agreement.
32. This PUD application has been submitted by the applicant in order to implement the MPR that was approved by the Grant County Board of County Commissioners in 2014. Live Nation had applied for the MPR at the recommendation of the Planning Department after years of submitting various Conditional Use Permits (CUP) every time a new use was contemplated at the Gorge Amphitheater. It became clear that the previous pattern of development was not in the best interest of the County or Live Nation. An approved MPR would allow Live Nation to plan many years of development/expansions in a single application and would not require both parties to submit/review/process CUP applications year after year. Live Nation applied for, as was granted approval for, an MPR in 2014. This PUD and BSP will begin implementing that Master Plan Resort Approval.
33. The PUD is being proposed in three (3) phases. Phase 1 is anticipated to be completed as soon as permit approvals are granted and infrastructure improvements are made, and Phase 3 being completed in approximately five (5) years.
34. Grant County Development Services staff reviewed and considered the application materials and the comments received for the proposal. Based on the proposed Conditions of Approval, staff recommended approval of the PUD and BSP. The following are the Criteria of Approval for a PUD and BSP as well as findings supporting those criteria:

- 34.1 The proposed Planned Unit Development does meet the applicable requirements of this Chapter because:
- 34.1.1 Grant County Code 23.04.800 enumerates six (6) purposes relating to PUDs. The Planning Department has reviewed said purposes and based on our review and subject to the Conditions of approval it has been determined that the requested Planned Unit Development conforms to and is consistent with the requirements, purpose and intent of the Comprehensive Plan and the Unified Development Code.
- 34.2 The proposed Planned Unit Development does comply with the Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA because:
- 34.2.1 The Hearing Examiner has determined that this PUD conforms to and is consistent with the Comprehensive Plan and the zoning code. The project is not located within 200 feet of a shoreline of statewide significance, therefore the Shoreline Master Program is not applicable for this project. A SEPA MDNS was issued for this proposal on December 6, 2017. A revised MDNS was issued on January 25, 2018.
- 34.3 The proposed Planned Unit Development does comply with health requirements for sewage disposal and potable water supply because:
- 34.3.1 The PUD complies with health requirements for sewage disposal and potable water supply as conditioned. The applicant has detailed in the application materials how they will provided water and sewer for the project. These materials were forwarded to the Grant County Health District as well as the WA State Department of Health, both Drinking Water and Wastewater divisions.
- 34.4 The proposed Planned Unit Development does contain an accurate legal description of the lots being created, and the roads and easements therein because:
- 34.4.1 The application materials have been sent to the Grant County Assessor and the Grant County Public Works Departments for their review. This review process insures the legal descriptions of the proposed lots are accurate. The comments received back from both of these departments have been included as Conditions of Approval where appropriate.
- 34.5 The proposed Planned Unit Development does comply with Grant County and State Department of Transportation regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements because:
- 34.5.1 The PUD as conditioned will comply with relevant standards for roads, utilities, drainage, access for emergency vehicles and other various infrastructure improvements. Information submitted by the applicant has been forwarded to the Grant County Public Works, the Grant County Fire Marshall, Grant County Fire District #3 and WA State Department of Transportation for their review and comments. Comments were received from Public Works, Fire Marshall, and the Fire District. Relevant comments have been included as suggested Conditions of Approval. While the project site is not located in the immediate vicinity of a State Highway or interstate, the project's traffic volume has a potential to impact such facilities.

Therefore the application was sent to WSDOT. However no comments were received.

- 34.6 The proposed Planned Unit Development does comply with requirements of the U.S. Department of the Interior, Department of Reclamation and/or a recognized Irrigation District when the proposed PUD is within the boundaries of an Irrigation District because:
- 34.6.1 The proposed PUD was provided to the U.S. Bureau of Reclamation and the Quincy-Columbia Basin Irrigation District. Their comments have been included and if applicable to the PUD are included as Conditions of Approval.
- 34.7 The proposed Planned Unit Development does function as a single site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking because:
- 34.7.1 The PUD is all on one contiguous site area.
- 34.8 The proposed PUD is consistent in design, character and appearance with the goals and policies for the zoning district in which the proposed PUD is located because:
- 34.8.1 The PUD is consistent with goals and policies for the Master Plan Resort. Grant County Comprehensive Plan Goal RU-8 is to "Provide for the siting of Master Planned Resorts." This PUD application would help implement that goal. Also appropriate conditions of approval have been suggested that will ensure the PUD meets the applicable zoning code requirements.
- 34.9 The characteristics of the PUD will not be unreasonably incompatible with the types of uses permitted in surrounding areas because:
- 34.9.1 The surrounding zonings are Rural Remote, Master Plan Resort and Agriculture. The primary use for this MPR will be recreation, as the Gorge Amphitheater is a well-established concert venue with a variety of existing amenities. The proposed uses in this new PUD are not significantly different enough so as to be incompatible with the uses in the vicinity.
- 34.10 The proposed PUD will not create undue noise, odor, heat, vibration, air or water pollution impacts on surrounding existing or potential dwelling units because:
- 34.10.1 This PUD will not create undue noise, odor, heat, vibration or water and air pollution impacts on surrounding existing or potential dwellings. By the very nature of the venue (concert amphitheater) there will be noise generated. However the PUD will not create any additional noise beyond what existing events create as it is currently operated. Additionally, the venue is not open year round, patrons are only present during scheduled shows, typically between May and October.
- 34.11 The proposed PUD will not materially endanger the health, safety and welfare of the community because:
- 34.11.1 The Hearing Examiner has determined that as conditioned, this PUD will not materially endanger the health, safety and welfare of the community.

- 34.12 The proposed PUD is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the local area because:
- 34.12.1 The associated traffic will not be hazardous or conflict with anticipated traffic in local areas. SEPA mitigation have been developed to evaluate the vehicular traffic caused by the development after construction and if necessary, make necessary road improvements. The PUD is not anticipated to generate any pedestrian traffic within the County road system.
- 34.13 The application does include evidence of availability of adequate public services and facilities, including access, fire protection, water, storm water control, and sewage disposal facilities because:
- 34.13.1 The application provides for adequate provision of services and facilities. The water and wastewater (sewer) for the site is under the jurisdiction of the Washington State Department of Health. The application materials have been reviewed by the State and their comments have been included as conditions of approval. Additional conditions of approval have also been included that will ensure adequate fire protection for the site, as determined by the Grant County Fire Marshal (who is the regulatory authority for such matters in Grant County). The application also addresses storm water. Access is provided via Silica Rd. and Rd. 1 NW as is the existing Amphitheater.
- 34.14 The location, size and height of buildings, structures, walls and fences and screening vegetation for the proposed PUD shall not hinder or discourage the appropriate development or use of neighboring properties because:
- 34.14.1 The location, size, and height of buildings, structures, walls and fences of the proposed PUD will not hinder or discourage development of neighboring properties. The PUD and previously approved MPR do not propose to establish any unique development standards (setbacks, building heights, etc.) therefore those of the underlying zoning will apply.
- 34.15 The proposed PUD is not in conflict with the policies of the Comprehensive Plan, the comprehensive plans of adjacent jurisdictions that may be affected by the use, or the basic purposes of this Chapter because:
- 34.15.1 PUD as conditioned is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this chapter.
- 34.16 For proposed PUDs adjacent to lands zoned as Agriculture (AG) or Mineral Resource Overlay (MRO), the impacts on the long-term natural resource management and production will not be minimized because:
- 34.16.1 The PUD will not negatively impact adjacent Agriculture or Mineral Resource lands. The proposal is to establish the existing Gorge Amphitheater as a PUD and to allow additional amenities within the existing Gorge Amphitheater area.
- 34.17 The proposed PUD requires land division or a binding site plan, and it does meets the requirements of GCC § 22.04 because:
- 34.17.1 The applicant has submitted a BSP concurrent with the PUD.

- 34.18 The proposed PUD does identify and protect critical areas, archaeological and historic resources, and visual and aesthetic resources, and environmental considerations are employed in the design, placement and screening of facilities and amenities because:
- 34.18.1 The PUD identifies and protects critical areas. A wetland delineation report was prepared by Anchor QEA. The required wetland buffer has been delineated on the mapping.
- 34.19 The proposed PUD will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval because:
- 34.19.1 As conditioned the PUD will not cause significant impacts on human or natural environments. SEPA review was completed for the proposal and a Mitigated Determination of Non-Significance was issued by Grant County. This MDNS listed mitigation measures that, if followed, will prevent the proposal from having negative impact on the human or natural environments.
- 34.20 The proposed land uses, activities, and structures does comply with applicable development standards of GCC § 23.12 and performance standards specified in GCC § 23.08, and with any required mitigation measures because:
- 34.20.1 The PUD complies with the relevant sections of Grant County Code. Conditions of approval have been suggested to ensure compliance.
- 34.21 The proposed PUD does pass all concurrency tests as provided by GCC § 25.20.
35. An open record public hearing after due legal notice was held on February 14, 2018.
36. The entire Planning Staff file was admitted into the record at the public hearing.
37. The Grant County Planning Department recommended approval of the requested permit, subject to recommended conditions of approval.
38. Appearing on behalf of the applicant was David Bricklin. Mr. Bricklin is the attorney for the applicant and was authorized to speak on their behalf. Mr. Bricklin did not provide any testimony but provided comment on evidence admitted into the record. Mr. Bricklin stated that there would be a Development Agreement entered into with Grant County. Mr. Bricklin submitted Exhibit 1 which was the applicant's proposed adjustments to various recommended Conditions of Approval. Those suggested adjustments had been agreed to by Grant County Staff. Exhibit 1 also contained a change of identification of property owners for certain lots within the MPR. Those are as follows:
- 38.1 Tax Parcel #150560003: HOB Land LLC;
- 38.2 Tax Parcel #150560004; H & K Lots LLC;
- 38.3 Tax Parcel #312174000: H & K Lots LLC;
- 38.4 Tax Parcel #201524003: H & K Lots LLC;
- 38.5 Tax Parcel #201524001: H & K Lots LLC; and
- 38.6 Tax Parcel #150569001: Kreigel Hanson LLC.
39. Mr. Bricklin also submitted Exhibit 2 which was admitted into the record. Exhibit 2 is a February 14, 2018 Memorandum from Mr. Bricklin to the Hearing Examiner regarding question about the legality of a County right-of-way on the applicant's property. Attached to

this Memorandum were Exhibits A-E. The Memorandum and all Exhibits were admitted into the record.

40. The applicant's position is that the road right-of-way on the applicant's property is no longer valid because it was not developed.
41. The County's position at the hearing was that the road right-of-way is valid and needs to be protected.
42. At the conclusion of the hearing, the Hearing Examiner left the record open until 5 p.m. February 21, 2018 for the County to provide a response regarding the issues raised by the applicant in their February 14, 2018 Memorandum and proposed Condition of Approval 2(b).  
The Hearing Examiner left the record open until 5 p.m. February 28, 2018 for the applicant to submit whatever rebuttal materials they wished to regarding whatever County materials had been submitted.
43. Further, the applicant stated, and the County agreed that all Conditions of Approval for permits prior to the adoption of MPR are now eliminated and that the Conditions of Approval set forth within the MPR, these permits, and requirements of the Development Agreement and what has been described as the Sheriff's Annual Concert Agreement will control the development and operation of the property covered by the MPR. Mr. Hanson also stated that there is a cell tower in the middle of the road right-of-way in question.
44. Mr. Bricklin stated that other than proposed Condition of Approval 2(b) that all remaining proposed Conditions of Approval were acceptable to the applicants.
45. Testifying from the public was Martin Hanson. Mr. Hanson was one of the two applicants for this project. Mr. Hanson wanted to make sure that the MPR and these permits applied to his property covered by the MPR. Mr. Hanson stated that there is a cell tower in the middle of the road right-of-way in question.
46. On February 21, 2018, Grant County Development Services submitted a letter to the Hearing Examiner setting forth Grant County's position regarding the right-of-way. Grant County stated that they agree that the right-of-way from Fitzpatrick Spring to the Columbia River would likely be considered legally abandoned if were to be reviewed by a court of competent jurisdiction. However, there is a portion of this right-of-way that has been developed into a road extension. It was the County's position that the appropriate mechanism to vacate the right-of-way is through legislative action performed by the Grant County Board of County Commissioners. Their position is that the County Code merely requires that all right-of-ways be depicted on the binding site plan and that no development pursuant to these permits can occur within the right-of-way.
47. The Hearing Examiner would note that the Hearing Examiner has not been granted the authority by the Grant County Board of Commissioners to determine the legality of a particular right-of-way within Grant County.
48. On February 26, 2018, the applicant submitted their response. They submitted a proposed additional adjustment to proposed Condition of Approval 2.b the applicant represented that the County had agreed to this proposed adjustment. There was no indication from the County that this assertion was incorrect.
49. 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 proposed use is consistent with the intent, purposes and regulations of the Grant County Code and Comprehensive Plan.
3. As conditioned, the proposal does conform to the standards specified in Grant County Code Section 23.12.
4. As conditioned, the use will comply with all required performance standards as specified in Grant County Code 23.08.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
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, Conditional Use Permit Application P 17-0143, P 17-0144, P 17-0145, 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 applicant/property owner shall comply with all requirements as deemed necessary by the Grant County Planning Department:
  - a. All parcels on binding site plan shall labeled as "Lots."
  - b. A numerical scale shall be added to the binding site plan. Graphic scale shall denote units of measure.
  - c. A legend shall be added to the binding site plan.
  - d. All internal access roads (pedestrian and vehicular) shall be reflected on the binding site plan.
  - e. Internal private roads shall be named and signed in compliance with current Grant County addressing ordinance.
  - f. Total project acreage shall be reflected on the binding site plan.
  - g. Number of home sites on the planned unit development maps shall match the number of home sites shown on the binding site plan maps.

- h. Wetland boundary and associate buffer shall be delineated on the binding site plan. Per wetland delineation report prepared by Anchor QEA (2014).
  - i. "Open Space" shall be show and labeled on the planned unit development maps (per Grant County Code 23.04.800(p)).
  - j. PUD Phases shall be referred to as Phases 1-3 (not 1a, 1b, etc.)
  - k. Prior to final approval applicant shall demonstrate that all existing structures will meet applicable setbacks to proposed property lines.
  - l. Storm water/drainage shall be managed in compliance with the Washington State Department of Ecology's Storm Water Management Manual for Eastern Washington.
  - m. Development shall comply with mitigation measures listed in SEPA Mitigated Determination of Non-Significance issued by Grant County on January 25, 2018.
  - n. If cultural resources/artifacts/grave sites are discovered at any time during construction, all activity shall cease until contact has been made with Grant County Planning, the affected tribal agency, and Washington State Department of Archaeology and Historic Preservation have been contacted.
2. The applicant/property owner shall comply with all requirements as deemed necessary by Grant County Public Works:
- a. A work in right-of-way permit is required prior to any work occurring in a Grant County right-of-way.
  - b. There is an existing County right-of-way from the intersection of Rd. 1 NW/Silica Rd. that extends approximately 1000 feet westward from the intersection and terminates at a feature referred to as "Fitzgerald Spring." Show this right-of-way on the binding site plan/planned unit development maps. Also, no new structure, fence, or any other object or any appurtenances related to them shall be placed, erected or overhang into/on County right-of-way. If the right-of-way is vacated before the final maps are approved, this condition will be moot. If the right-of-way is vacated after the final maps are approved by the County, they shall thereafter be revised to reflect the vacation of the right-of-way and the rest of this condition shall be moot.
  - c. Identify all vehicular and pedestrian circulation systems on the binding site plan include applicable widths and label private road names.
  - d. Grant County Works will not be encumbered by a well head protection zone.
  - e. Private roads shall be improved to meet, at a minimum, International Fire Code as approved by the Grant County Fire Marshal prior to final approval by the County Engineer.
3. The applicant/property owner shall comply with all requirements as deemed necessary by the Grant County Fire Marshal:

Campground Area Fire Code Requirements: This is regarding the existing campground and any future camping areas planned on other parts of the property.

- a. 5.1.1.4.1 Multiple Access Roads; More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

- b. Roads shall be designed and constructed to allow evacuation simultaneously with emergency vehicle response operations. (5.1.1.5)
- c. Minimum widths of RV Park and campground roads designed to accommodate all types and sizes of camping units shall be 10 ft. per traffic lane and 8 ft. per parallel parking lane. (5.1.2)
- d. Roads leading to accessory structures shall be designed and constructed to accommodate the load and turning radius of the largest apparatus typically used to respond to that location. (5.1.2.1)
- e. Roads leading to accessory structures shall be not less than 20 ft. of unobstructed width with a 13'6" vertical clearance. (5.1.2.2)
- f. Road curves designed for use by all types and sizes of camping units shall have a minimum internal radius of 30 ft. (5.1.2.3)
- g. Turnarounds shall be provided for all dead end roads over 100 ft. in length, and those designed for use by all types and sizes of camping units shall have a minimum internal radius of 30 ft. (5.1.2.4)
- h. Dead end roads in excess of 100 ft. in length shall be provided with approved provisions for the turning around of fire apparatus no greater than every 500 ft. and at the closed end. (5.1.2.5)
- i. Camping unit site size. The occupied area of camping unit site shall not exceed 75 percent of the site area. (5.1.5)
- j. An RV or structure shall be located at least 10 ft. from any other RV or structure. Tents are exempted from this requirement. (5.1.6)
- k. Site Identification. The planning department and permittee will develop a system to improve the ability of emergency service providers to identify the location where their services are needed. Such systems may include geo mapping, common naming conventions for areas of the campground, and naming/signing of primary drive aisles within the campground.
- l. Each camping unit site shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of camping units. (5.1.8)
- m. Each site shall be constructed to minimize the development of ruts or low spots by vehicle tires. (5.1.8.1)
- n. Each site/area shall be graded, as necessary, to provide drainage. (5.1.8.2)
- o. Each site shall be a minimum of 8 ft. wide. (5.1.8.3)
- p. FIRE FLOW REQUIREMENTS; A fire suppression water distribution system shall be put in place that meets the requirements of a Class A water system that provides a minimum of 750 gpm for 60 minutes with a 20 psi residual. A minimum sized 6" water main with fire hydrants spaced no more than 800 ft. apart.
- q. Automatic Fire Sprinkler systems and fire alarm systems shall be provided in all buildings in accordance with the International Building Code and International Fire Code requirements.
- r. Portable fire extinguishers shall be provided and shall be of the multipurpose dry chemical type sized at a minimum of 2A:20BC and installed in accordance with NFPA 10.
- s. Each recreational vehicle park and campground shall have a written evacuation plan approved by the AHJ.

Amphitheater Venue Requirements:

- t. All existing or future facilities , buildings or portions of buildings shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the load of fire apparatus weighing at least 75,000 lbs. and shall be a minimum of 20 ft. wide.
  - u. Any camping area containing vehicles, tents, or Yurts in this area will meet the same requirements set forth in the above requirements stated in the campground comments to include access roads and fire hydrants.
  - v. A Class A water distribution system sized to meet the needs of the fire distribution system and the needs of the other facilities in the venue shall be required. The minimum requirements of the fire flow system stated previously will also be required in the Amphitheatre venue with the distribution of hydrants being placed strategically to provide the best coverage to buildings. Fire hydrants shall not be any further than 350 ft. from any commercial building in the venue.
  - w. Any future building will require building permits and will meet the requirements of the International Building Code and the International Fire code. This includes the need for fire sprinkler systems and fire alarm systems when required due to the size and the occupancy classification of the building.
  - x. Fire Extinguishers are required in all commercial buildings with a minimum size of 2A:20BC and they will be distributed per NFPA 10 requirements.
  - y. Any cooking operation that uses or produces grease vapors shall have a Class I hood above the cooking appliance. A building permit is required for the installation of any hood. Hoods shall be cleaned and maintained as required in Chapter 609 of the IFC.
  - z. All real development shall comply with all applicable local, state, and federal laws.
4. The applicant/property owner shall comply with all requirements as deemed necessary by the Grant County Health District:
- a. Grant County Health District shall have access to premises for compliance inspections.
  - b. Grant County Health District will not sign development permits until the wastewater disposal system for that project is complete and approved. This does not require installation of conveyance lines to be installed in conjunction with the project in advance of project approval.
  - c. Espresso stands in the terraces, if any, need to obtain property permits from Grant County Health District for operation of the stand.
  - d. The well shown on sheet 6 of 16 is not recorded as part of the public water system. If connected to the water system, Live Nation needs to work with WADOH to obtain source water approval.
  - e. The septic system serving the Gorge Amphitheater office complex, including new ticketing office, is out of compliance (under paved parking lot). Either a new compliant septic system is necessary or the wastewater needs to be connected to a state permitted system.
  - f. Lot sizes for proposed home sites do not meet minimum size for on-site septic. As proposed the lots will need to connect to a State approved wastewater system.

5. The applicant/property owner shall comply with all requirements as deemed necessary by the Washington State Department of Health:
- a. Building permits for proposed development shall not be granted until written notification from Washington State Department of Health is provided stating that necessary infrastructure is approved, installed, and ready for service. This does not require installation of conveyance lines to be installed in conjunction with the project in advance of project approval.
  - b. Applicant shall provide Washington State Department of Health a Capacity Analysis showing that additional water demands will not exceed current water system capacity.

Dated this 28<sup>th</sup> day of February, 2018.

GRANT COUNTY HEARING EXAMINER



---

Andrew L. Kottkamp

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