

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

P 19-003

Hunterwood Orchards, LLC

RECEIVED

APR 05 2019

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

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

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on March 20, 2019, the Hearing Examiner having taken evidence hereby submits the following REVISED Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

**FINDINGS OF FACT**

1. A preliminary plat application was submitted to Chelan County on February 28, 2019 for a 4 residential lot cluster subdivision including one buildable open space tract.
2. The subject site is 20 acres.
3. The subject property is located at NNA Squilchuck Road, Wenatchee; and identified by Assessor's Parcel No.: 22-20-33-110-100.
4. The application has been processed as a quasi-judicial review for major subdivisions pursuant to CCC 14.10.040; a public hearing is required for the application – to occur March 20, 2019.
5. The owner/applicant is Hunterwood Orchard, LLC.
6. The agent is Michelle Taylor, Northwest GeoDimensions.
7. The application materials were accepted as complete by Chelan County on February 28, 2019.
8. The subject property is located in the Rural Residential/Resource: 1 Dwelling Unit Per 5 Acres (RR5) zoning district.
9. The Chelan County Comprehensive Plan Land Use designation is Rural Residential/Resource: 1 Dwelling Unit Per 5 Acres.
10. Single-family dwellings are a permitted use in the RR5 Zoning District as identified in the District Use Chart, CCC 11.04.020.
11. The subject property is located within an identified erosion hazard area.
12. The subject property is located in a flood zone identified on FEMA map 5300150625C.
13. Appropriate notice of application and public hearing was referred to appropriate local agencies, mailed to property owners within 300' of the subject property (excluding 60' of street rights of way), posted on site, and published in the newspaper in accordance with Chelan County Code, Title 14 Development Permit Procedures and Administration.
14. Referral comments received from agencies have been considered in the review of this application.
  - 14.1 Comments were provided dated March 7, 2019 by Chelan-Douglas Health District stating that domestic water is provided by the Chelan County PUD and that evaluation provided by

the report by Tower Designs demonstrates the proposed lots meet or exceed the minimum lot size for on-site septic systems. Language was provided for notes on the face of the plat.

- 14.2 Comments were provided on March 5, 2019 by Chelan County Assessor verifying property information. No public comments have been received at the prior to the issuance of the staff report.
15. No public comments were received.
16. Purveyors who responded to the project have indicated that adequate utilities/services are or can serve this project.
17. A notice of adoption of existing environmental document (WAC 197-11-630) was issued March 1, 2019 stating the SEPA Determination of Non-significance prepared by Chelan County and issued April 16, 2018 for a prior project the was substantially similar in scope.
18. In order to meet the state requirements for Enhanced 911 service, all lots within this plat will be addressed prior to final plat approval.
19. The existing land use is vacant, undeveloped property.
20. The site consists of tall grasses with some deciduous trees and some rock outcrops. A wood-framed storage shed is located on the southwest corner of the site. The majority of the site slopes downward from the east to the west with a total elevation relief of about 50 to 70 feet. The northeast portion of the site is relatively flat. The west and south boundaries of the parcel terminate above a drainage ditch at the east edge.
21. The property to the north of the subject property is developed with a residence and orchard and is zoned RR5.
22. The property to the south of the subject property include residential lots zoned RR2.5.
23. Squilchuck Road is adjacent to the east side of the subject property with large residential lots on the opposite side of the road zoned RR5.
24. The property to west of the subject property is vacant parcels zoned RR10, RR20, and RR5.
25. A portion of the front of the subject property appears to be within flood zone, identified on FEMA map 5300150625C. This area is located within the riparian buffer. Staff is recommending as a condition of approval that a note on the face of the plat is provided stating the subject property is within a portion of the flood zone and the requirements of the Chelan County Code Chapter 11.84 Frequently Flooded Areas Overlay District apply as amended.
26. A geotechnical engineering evaluation and geologic hazard assessment prepared by Nelson Geotechnical Associates, Inc. dated November 2, 2017 was submitted with the application. The report provides recommendations for placement of structures, site preparation and grading, structural fill, temporary and permanent slopes, slope debris catchments, retaining walls, asphalt pavement areas, erosion control, and site drainage. Staff recommended a condition of approval that a note be placed on the face of the plat stating the subject property is within an erosion hazard area and that all development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended, and the Geotechnical Engineering Evaluation and Geologic Hazard Assessment prepared by Nelson Geotechnical Associates, Inc. dated November 2, 2017 or with a site specific geological site assessment.
27. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps there are known habitat area for mule deer. Squilchuck Creek is a Type "F" stream and has an associated 150 foot riparian buffer for low intensity uses. Staff is recommending as a

condition of approval that a note on the face of the plat is provided stating the subject property is within a portion of the flood zone and the requirements of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conversation Areas Overlay District apply, as amended.

28. The following goals and policies are identified within the Chelan County Comprehensive Plan regarding residential development are applicable to the subject proposal:

28.1 **Rural Character:** Malaga's unique rural character is addressed in large part by the Malaga Plan (Appendix E); however, the region outside the plan provides a rural character unlike any other in the County. This area is known for widening roadways that hug the hill sides. Rural farm life is most common with early morning tractors, spraying, farm worker housing, ranches are common where water rights are available. Larger parcels of land with dry farms or natural landscapes are common as the roads turn private or end. Moving to the south of Malaga the rural character is defined by industrial uses, primarily the Alcoa plant. Future development and clustering would be compatible when developed in a manner which reduces road cuts and visual impacts, preserves open space, provides agriculture and/or recreational opportunities and protects critical areas.

28.2 Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.

28.2.1 Policy RE 2.5: When open space areas are provided in a development, provisions shall be made to identify: who owns the open space, what uses or activities will be permitted on it, how the area will be maintained, and whether public access will be provided. This information shall be contained on the face of the plat.

28.3 Policy RE 2.6: To achieve a variety of rural densities and uses, allow for development clustering, density transfer, design guidelines, conservation easements, and other innovative techniques to accommodate growth consistent with rural character.

29. ***RR5, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 5 ACRES***

29.1 Purpose: Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.

29.2 Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

- 29.3 Density: One (1) dwelling unit per five (5) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.
30. A State Environmental Policy Act (SEPA) checklist prepared February 25, 2019 and a notice of adoption of existing environmental document (WAC 197-11-630) was issued March 1, 2019 stating the SEPA Determination of Non-significance prepared by Chelan County and issued April 16, 2018 for a prior project the was substantially similar in scope.
31. The application materials were submitted on February 27, 2019.
32. The Determination of Completeness was issued on February 28, 2019.
33. The Notice of Application was issued on March 5, 2019.
34. The Notice of Public Hearing was issued on March 5, 2019.
35. The project is consistent with the Chelan County Comprehensive Plan and Chelan County Code (CCC) in the following respects:
- 35.1 The land use element of the comprehensive plan provides a regional/community overview of the Malaga-Stemilt-Squilchuck area which includes the Squilchuck Road. The description of the rural character of this area states that the area has wider roads that hug the hillside and large lot development supports rural farm life. Further, that future development and clustering would be compatible when developed in a manner which reduces road cuts and visual impacts, preserves open space, provides agricultural and/or recreational opportunities and protects critical areas. The proposed cluster subdivision is providing a 13.97 open space tract that incorporates a portion existing orchard land and riparian buffer area within the property and developing the remaining as residential lots. This is consistent with the rural character of the area as described in the comprehensive plan.
- 35.2 The rural element states in goal RE 2 to maintain the natural environment features that support and enhance open space with related policy RE 2.5 that requires open space provided with a development to identify who owns the open space, what uses and activities will be permitted on it, how it will be maintained, and if the public will have access with this information on the face of the plat. Staff is recommending as a condition of approval that a restrictive covenant is recorded for the open space and referenced on the face of the plat.
- 35.3 The rural element also identifies in policy RE 2.6 that to achieve a variety of rural densities and uses, allowing for development clustering, density transfer, design guidelines, conservation easements, and other innovative techniques to accommodate growth consistent with rural character. The comprehensive plan states for density within the RR5 designation that it is one dwelling unit per five acres and that clustering consistent with the underlying density and rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Further that topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering. The proposed cluster subdivision does not meet the density requirements of the RR5 designation; however, the cluster subdivision process is a way to achieve a variety of densities and the provisions within Chelan County Code (CCC) 12.12.050 allow for

deviations from the base density of one dwelling unit per five acres. Considerations of topography, critical areas, and other environmental constraints are addressed below.

36. The project is consistent with the provisions of the CCC Chapter 11.4 Zoning, Rural/Residential Resource: 1 Dwelling Unit Per 5 Acres in the following respects:
  - 36.1 The proposed lots would be for residential use and the development of single-family dwelling units.
  - 36.2 The applicant is proposing lots ranging in size from 1.03 acres to 1.53 acres with an average lot size of approximately 1.25 acres through a cluster subdivision. All proposed lots exceed the minimum lot width of 100 feet at the building line.
  - 36.3 Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.
37. The project is consistent with the provisions of the CCC Chapter 11.12.020 in the following respects:
  - 37.1 Minimum lot size: five acres, which measures to the centerline of adjoining public rights-of-way, which may be modified one time for: (A) Cluster subdivisions and planned developments; minimum lot width is one hundred feet at the front building line.
  - 37.2 Minimum setbacks distances: except when abutting commercial agricultural lands (AC), riparian and shoreline areas, or as modified by the provisions of this title, are 25 feet from front property line or 55 feet from the street centerline, whichever is greater, 20 feet from rear property line, 5 feet from side property line; maximum building height is 35 feet, and maximum lot coverage is 35 percent.
38. The project is consistent with the provisions of the CCC Chapter 12.12 in the following respects:
  - 38.1 Cluster subdivisions may occur with the RR5 zoning district on parcels greater than 150 percent of the minimum required area and at least result in two buildable lots and one open space tract. The applicant is proposing 4 lots and one open space tracts on 20 acres. The proposed open space tract would be developed consistent with CCC section 12.12.050(4)(A) and (B).
  - 38.2 The proposed lots are clustered in the northern portion of the subject property around the 30' access and utility easement that will provide access to the lots from Squilchuck Road. The open space tract A would be to the south and surrounding the proposed lots. The proposed open space would contain Squilchuck Creek and the associated riparian buffer. The remainder would be developed with an orchard, a single-family residence, shop for orchard and equipment storage shed(s). The proposed buildable area is shown on the face of the proposed preliminary plat.
  - 38.3 The proposed open space tracts would be approximately 13.97 acres which is approximately 70 percent of the subject property.
  - 38.4 The density allowed by the cluster subdivision provisions for the subject property is 6 buildable lots (4 residential lots and one buildable open space tract);  $((20/5) \times 150\% = 5.66$  rounds to 6).
  - 38.5 The open spaces tract does apply to the density pursuant to CCC Section 12.12.040(3). The applicant did not apply for any additional bonus.

- 38.6 The proposed lots sizes range for 1.03 acres to 1.53 acres. A site evaluation was provided by Tower Designs, Inc. which determined based on the test holes that the site is suitable for subdivision utilizing on-site sewage disposal systems. The Chelan-Douglas Health District provided comment that proposed lots meet or exceed this minimum size requirement of on-site sewage disposal system. Domestic water is provided by the Chelan County PUD. All lots appear to have adequate size to accommodate the minimum setback requirements for the RR5 zoning district and the applicant did not request any alterations to the minimum required setbacks. The lots also appear adequate in size to accommodate the maximum lot coverage for the RR5 zoning district.
- 38.7 The applicant has proposed an open space tract consistent with CCC section 12.12.050(4)(A) and (B). The open space will be individually owned and the buildable area has been identified on the face of the proposed preliminary plat. The applicant submitted a narrative for the management plan for approval by the Hearing Examiner. The plan identifies that the property owner, Hunterwood Orchard, LLC would own and manage the open space tract. The intended use for the open space tract is to redevelop with an orchard where the previous orchard was removed with the proposed open space tract. The proposed structures would a residence for the owner/manager and agricultural support buildings. The riparian buffer within the open space tract would be fenced from the orchard with deer fencing. Staff is recommending as a condition of approval that a restrictive covenant for the open space is recorded and referenced on the face of the plat.
39. The project is consistent with the provisions of the CCC Chapter 12.08 in the following respects:
- 39.1 The proposed subdivision is named Hillcrest Cluster Subdivision which is not similar to the name of any other subdivision in the county.
- 39.2 The proposed lots were reviewed above for consistency with the cluster subdivision standards and appear that they are of an adequate size to accommodate the dimensional standards of the RR5 zoning district. Each lot is provided access by an access easement from Squilchuck Road dedicated through the proposed plat.
- 39.3 A geotechnical engineering evaluation and geologic hazard assessment prepared by Nelson Geotechnical Associates, Inc. dated November 2, 2017 was submitted with the application. The report provides recommendations for placement of structures, site preparation and grading, structural fill, temporary and permanent slopes, slope debris catchments, retaining walls, asphalt pavement areas, erosion control, and site drainage. Staff is recommending as a condition of approval that a note be placed on the face of the plat stating the subject property is within an erosion hazard area and that all development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended; and the Geotechnical Engineering Evaluation and Geologic Hazard Assessment prepared by Nelson Geotechnical Associates, Inc. dated November 2, 2017 or with a site specific geological site assessment
- 39.4 It does not appear the proposed subdivision would result in barriers to development of the adjacent lots.
- 39.5 At the time of the staff report comments have not been received from Chelan County Public Works. Staff is recommending that the conditions of approval for Chelan County Public Works from the decision issued on April 17, 2018 for SP2017-389 are incorporated as conditions of approval for the preliminary plat.

- 39.6 The Chelan County Fire Marshall request by email on March 13, 2019 that his comments for the application SP2017-389 be applied to this application. Staff is recommending as a condition of approval that the Chelan County Fire Marshall's conditions of approval from the decision issued on April 17, 2018 for SP2017-389 are incorporated as conditions of approval for the preliminary plat.
- 39.7 The Chelan-Douglas Health District provided comment that water is provided by the Chelan County PUD. Additionally, the evaluation provided by the report by Tower Designs demonstrates the proposed lots meet or exceed the minimum lot size for on-site septic systems. Individual lots will be required to obtain septic system permits prior to installation/ at the time of building permit submittal. Staff is recommending as a condition of approval that any notes and easements required by the Chelan Douglas Health District are shown on the face of the plat.
- 39.8 Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps there are known habitat area for mule deer. Squilchuck Creek is a Type "F" stream and has an associated 150 foot riparian buffer for low intensity uses. Staff is recommending as a condition of approval that a note on the face of the plat is provided stating the subject property is within a portion of the flood zone and the requirements of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conversation Areas Overlay District apply, as amended.
- 39.9 A portion of the front of the subject property appears to be within flood zone; identified on FEMA map 5300150625C. This area is located within the riparian buffer. Staff is recommending as a condition of approval that a note on the face of the plat is provided stating the subject property is within a portion of the flood zone and the requirements of the Chelan County Code Chapter 11.84 Frequently Flooded Areas Overlay District apply, as amended.
- 39.10 Based on the review of the findings of fact, conclusions of law, and conditions of approval for the major subdivision, including agency comments, it has been determined appropriate provisions have been made for the public health, safety, and general welfare.
40. This proposal, with the recommended conditions of approval, meets the requirements and guidelines of a planned development within an urban growth boundary as it relates to lot sizes, density, open space, public water, sewer and irrigation, fire-fighting capabilities and roads/sidewalks.
41. Staff reviewed the application and submitted materials. Based upon the information contained in the application and compliance with Chelan County Comprehensive Plan and the Chelan County Zoning Code, staff recommended APPROVAL of P 19-003, subject to Conditions of Approval.
42. An open record public hearing after legal notice was provided was held on September 19, 2018.
43. The File of Record, Chelan County Department of Community Development Staff Report, and exhibits were received, admitted into the record and considered by the Hearing Examiner.
44. Admitted into the record were the following exhibits:
- 44.1 Exhibit 1: Michelle Taylor email with attachments.
- 44.2 Exhibit 2: Chain of emails regarding fireflow.
45. Appearing and testifying on behalf of the applicant were the following individuals:

- 45.1 Michelle Taylor. Ms. Taylor testified that she was an agent and authorized to appear and speak on behalf of the property owner and applicant. Ms. Taylor reiterated that the correct name of the subdivision is the Hillcreek Cluster Subdivision. Ms. Taylor discussed the situation of the riparian buffer and fencing being allowed to be placed within the riparian buffer in the location of the fencing that was recently removed. Additionally, Ms. Taylor testified that the maximum water pressure for this area is 500 gallons per minute. She indicated statements by the Fire Marshall indicated that this would be sufficient.
- 45.2 Also testifying on behalf of the Applicant was Donn Etherington. Mr. Etherington also confirmed that he was testifying on behalf of the Applicant and property owner. Mr. Etherington submitted Exhibit 2 which was a chain of emails regarding the fireflow. Mr. Etherington also testified that the previous orchard had to be removed because of a disease within the orchard and it is their intent to replant this orchard. It is necessary for fencing to be put up for protection of the orchard.
46. No member of the public testified at this hearing.
47. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
48. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated as such by this reference.

### **CONCLUSIONS OF LAW**

1. The Chelan County Hearing Examiner has been granted the authority to render this decision pursuant to CCC 1.61.080 Duties and Powers.
2. The subject application demonstrates consistency with the development standards and procedural requirements of CCC, Title 11 Zoning, Title 12 Land Divisions, Title 14 Development Permit Procedures and Administration, and Title 15 Development Standards.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Chelan County Comprehensive Plan.
4. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. The public interest will be served by the subdivision.
6. The application, as conditioned, is compatible with adjacent uses and will not harm or change the character of the surrounding area.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.



## **DECISION**

Based upon the above noted Findings and Fact and Conclusions, P 19-003 is hereby APPROVED, subject to the conditions noted below.

### **CONDITIONS OF APPROVAL**

All conditions imposed herein shall be binding on the "Applicant." "Applicant" shall mean terms, which include the owner or owners of the property, heirs, assigns, and successors.

1. The project shall proceed in substantial conformance with the plans and application materials date stamped February 28, 2019 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All conditions imposed herein shall be binding on the Applicant. "Applicant" shall mean terms, which include the owner or owners of the property, heirs, assigns and successors.
4. Should any archaeological resources be discovered during grading/construction, all work that would affect the discovered resources must be stopped until proper authorities have been notified and appropriate steps have been taken to protect the resources in accordance with applicable laws.
5. The open space accumulated shall be clearly labeled and numbered as a tract with the following language inserted on the final plat filed for record under this chapter:
  - 5.1 This tract is held in reserve as open space designated for agricultural use on which a variety of commercial activities (accessory dwelling and accessory uses normally incidental to single family dwellings within agricultural districts) may occur that are not compatible with residential development for certain periods of limited duration. Open space set aside for agricultural purposes may allow improvements that are associated with the agricultural operations, such as barns, outbuildings, storage facilities, and other related facilities provided they are incidental and do not take up more than ten (10) percent of the open space. Commercial operations associated with agricultural activities shall be prohibited.
  - 5.2 This tract is held in reserve as open space with provision for building consistent with the approved open space management plan AFN \_\_\_\_\_, or as legally amended.
6. Prior to final plat approval, the approved Declaration of Covenants, Conditions, and Restrictions must be recorded and referenced on the face of the plat.
7. Prior to final plat approval, a private access and maintenance agreement for the Private Lanes easements must be recorded and referenced on the face of the final plat.
8. Prior to final plat approval, irrigation water right-of-way for each parcel of land must be shown on the plat, RCW 58.17.310.
9. The final plat mylar shall include the following notes to be placed on the face:
  - 9.1 Geologic site assessments and technical reports completed for subdivision approval may not be adequate for site development and additional assessment may be necessary.

- 9.2 All development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended; and the Geotechnical Engineering Evaluation and Geologic Hazard Assessment prepared by Nelson Geotechnical Associates, Inc. dated November 2, 2017 or with a site-specific geological site assessment.
- 9.3 The subject property is within identified mule deer habitat and the requirements of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conservation Areas Overlay District apply, as amended.
- 9.4 Squilchuck Creek is a Type "F" stream and the requirements of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conservation Areas Overlay District apply, as amended.
- 9.4.1 The ordinary high water mark for Squilchuck shall be delineated and shown on the face of the plat.
- 9.5 The subject property is within a portion of the flood zone and the requirements of the Chelan County Code Chapter 11.84 Frequently Flooded Areas Overlay District apply, as amended.
- 9.5.1 The delineated floodway and floodway fringe of the one-hundred-year floodplain shall be shown.
- 9.6 Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.
- 9.7 Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s).
- 9.8 The final plat mylar shall include the following notes to be placed on the face:
- The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties' successors a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.**
- This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction/or maintenance of the drainage system.**
- Stormwater Maintenance & Operation Agreement AFN\_\_\_\_\_.**
- 9.9 Without the installation of a fire hydrant that has the capabilities of delivering 750 gallons per minute and within the required distance to the lots in question, the applicant may choose one or any combination of the fire protection credits to satisfy 100% Fire Protection Credits needed.

- 9.10 All buildings that require a building permit within this plat shall have Class A roofing material.
- 9.11 Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.
- 9.12 Noxious weed control is the responsibility of the individual property owner per RCW 17.10.140, as amended.
10. The final plat mylar shall include the following notes to be placed on the face:
- If any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archaeology and Historic Preservation in conformance with RCW 27.53.020.**
11. That all public and private utility easements be provided in locations and configurations as required by the various utility purveyors.
12. The final plat shall show the location of all easements serving or encumbering the subject property. The location of existing structures and utilities (i.e. power, sewer, and water lines, etc.) and utility and private access easements shall be depicted on the face of the final plat.
13. That any sign used to identify the development shall be consistent with sign regulations, Chapter 11.92 CCC.
14. The subject site and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department, Engineer's Report dated March 1, 2018 for SP2017-389.
15. The subject site and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshall Agency Comment response dated February 12, 2018 for SP2017-389 provided that 500 gpm fireflow is sufficient.
16. The subject site and final plat shall conform to the comments and conditions of approval as found in the Chelan Douglas Health District Agency Comment response dated March 7, 2019.
17. The applicant shall provide line extensions and any associated easements pursuant to the Chelan County PUD No. 1 standards.
18. A plat certificate showing parties of interest from a title company must accompany the final plat in accordance with CCC Title 12 and RCW 58.17.165. All parties having ownership interest in the subject property shall acknowledge the plat.
19. A final plat map shall be submitted by a land surveyor licensed in the State of Washington and comply with the substantive and submittal standards of CCC Title 12 and RCW 58.17.215.
20. Final approval of a preliminarily approved land division must be submitted within five years, unless otherwise defined by RCW 58.17.140, of said preliminary approval, after which time the preliminary approval is void pursuant to CCC Title 12.
21. As a supplement to the Open Space Management Plan, the Hearing Examiner orders that in the event the open space tract is not used as an orchard, then so as to protect the area from noxious weeds, the site shall be planted in native grasses.

22. The Hearing Examiner orders that in the event the property is replanted as an orchard, as it existed prior to the removal of the orchard trees, the, and only then, may the applicant rebuild the fence on its original location, prior to its recent removal.

Approved this 3<sup>rd</sup> day of April, 2019.

CHELAN COUNTY HEARING EXAMINER

  
Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.