

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

PD 2020-001 / P 2020-004

Pine Ridge Planned Development

)  
)  
)  
)  
)

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 July 11, 2022, 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 Planned Development (PD) pursuant to Chelan County Code (CCC) Section 11.22.050 consisting of a 134-lot residential development that would be located on approximately 42.1 acres. This development would include private roads, pedestrian paths and open space tracts. Lots would be subdivided for detached single-family residences, accessory dwelling units, duplexes, and zero-lot line townhouses. Upon approval of the PD, the applicant shall submit a subdivision application as required in Title 12, Land Divisions. The subject properties are located in the R-1 zoning district within the Peshastin Urban Growth Area (UGA). Potable water would be supplied by the Peshastin Water District and sanitation would be operated by the Chelan PUD. Access is proposed from Larson Road and access to the lots would be provided by a new internal private roadway system.
2. The Applicants/owners are Bergren Tree Fruits, LLC / Carnan Bergren, PO Box 131, Chelan Falls, WA 98817. The agent is Dan Beardslee, PLS, 325 32nd St. NW, East Wenatchee, WA 98802.
3. The subject property is located at 8480, 8558, and 8551 Larson Road and 4 unassigned addresses, Peshastin, WA 98847.
4. The parcel numbers for the subject property are 24-18-16-772-428, 24-18-16-320-350, 24-18-16-320-300, 24-18-16-320-320-250, 24-18-16-310-255, 24-18-16-310-100, and 24-18-16-310-150.
5. The subject property is located in the Peshastin Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Low Density Residential (R-1 in Peshastin UGA).
7. The subject property is currently vacant, formerly orchard land from which the trees have recently been removed, with some residential use.
8. The site slopes upward away from Derby Canyon Road and consists of vacant land with various shrubs, grasses, and bare ground. There are some existing residential structures within the project area.
9. The seven (7) Assessor's parcels, as noted above, combine to approximately 42.1 acres.
10. The property to the north is residential and orchards and zoned Low Density Residential (R-1 Peshastin UGA).

11. The property to the south is residential, orchards, and Derby Canyon Road and zoned Low Density Residential (R-1 Peshastin UGA), and High Density Residential (R-3 Peshastin UGA).
12. The property to the west is residential and zoned Low Density Residential (R-1 Peshastin UGA), Downtown Commercial (C-D Peshastin UGA), and Rural Residential/Resource 2.5 (RR2.5).
13. The property to the east is residential and orchards and zoned Low Density Residential (R-Peshastin UGA) and Rural Residential/Resource 5 (RR5).
14. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped December 22, 2020. Pursuant to Chapter 11.82.040, Chelan County has determined that the aquifer recharge measures do not apply.
15. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150800A, the site does not contain identified 100 or 500-year flood plain or associated floodway. Therefore, Chelan County Code 11.84, Frequently Flooded Areas Overlay District does not apply.
16. Pursuant to the Chelan County Geographical Information System, the site does contain potential geologic hazardous areas due to erosive soils or slopes. Therefore, Chelan County Code 11.86, Geologically Hazardous Areas Overlay District does apply. A geologic site assessment was prepared by Anderson Geological Consulting, LLC on August 9, 2020 and concludes that the properties are suitable to be developed for future residences and access streets if constructed per the applicable International Building Codes.
17. Pursuant to the National Wetlands Inventory Map, the site does not contain any known wetlands. Therefore, Chelan County Code Chapter 11.80, Wetlands, does not apply.
18. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps and Chelan County Fish & Wildlife Overlay District, Chapter 11.78, the subject site does not contain any known habitat conservation areas. Therefore, the provisions of Chelan County Code Chapter 11.78 do not apply.
19. There are no known cultural resources located on the subject property. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation and other agencies is required to ensure information regarding the possible impact of construction activities on the state's archaeological resources is maintained.
20. The Department of Archaeology and Historic Preservation (DAHP) comment letter, dated March 25, 2021, states that the statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area and that the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Therefore, DAHP recommended that a professional archaeological survey of the project area be conducted prior to ground disturbing activities and also consultation with any concerned Tribes' cultural committees and staff regarding cultural resource issues.
21. The Chelan County Public Works comment letter, dated March 25, 2021, states the primary access to the project site is by Larson Road and access to the new proposed lots would be provided by a new private internal road system; frontage improvements are required to Larson Road and Derby Canyon Road.
22. The Chelan County Public Works comment letter, dated March 25, 2021 states that the project shall comply with stormwater standards, Chapter 13.12; 13.14; 13.16 and 13.18 of the Chelan County Code and that a private stormwater drainage system will be required for the proposed preliminary plat. Operation and maintenance of this private drainage system will require a Maintenance Agreement, which must include operational and annual maintenance criteria.

23. The Chelan-Douglas Health District comment letter, dated March 25, 2021, states:
- Domestic water service shall be by expansion of the Peshastin Water District public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
- Sanitary sewer service shall be by expansion of the Chelan PUD public sewer system. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor's and the Dept. of Ecology's standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
- Sewage disposal shall be by a new community onsite sewer system that has yet to be developed. This system must be reviewed and approved by the Health District/State Department of Health, and construction of the system completed as per State Board of Health Regulations prior to final plat approval.
24. The Icicle Irrigation District did not comment on this proposal. Pursuant to RCW 58.17.310, irrigation water is available and will be provided to all lots by the developer according to District specifications, prior to recording of the subdivision.
25. The Chelan County PUD No. 1 commented in a letter dated March 22, 2021, that a primary line extension will be required, that the Chelan County PUD will obtain any necessary easements that are not included in the final plat, and that an engineering study will be required to determine whether updating of current utility lines, transformers or substation will be required.
26. The Chelan County Fire Marshal commented in a letter dated March 25, 2021 that the nearest fire station is within 1 mile of the proposed development, that the nearest fire hydrant is less than 500 feet from the proposed development, and that there is adequate fire flow to serve the proposal. The Fire Marshal also noted that additional fire hydrants will be necessary in order to serve the proposed development and that this proposal shall conform to all applicable requirements of the International Fire Code and International Building Code administered by the Chelan County Fire Marshal.
27. The Washington State Department of Ecology (Ecology) comment letter, date-stamped March 18, 2021 states "Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels, Ecology recommends that potential buyers be notified of their occurrence." Further correspondence from Ecology on February 1, 2022 states "Sampling has detected concentrations of arsenic and lead above State cleanup levels and cleanup is required. Cleanup must meet the requirements of Ecology's Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington, or another cleanup method agreed upon with Ecology."
28. The Chelan-Douglas Health District comment letter, date-stamped March 25, 2021, states "The land may contain area-wide or localized contaminated soils from lead arsenate and other pesticides and/or petroleum. The presence of these contaminants may affect the health of on-site construction workers, neighbors and future residents when the soil is disturbed by equipment or weather."

29. Existing sampling indicates that there are elevated levels of lead and arsenic, so cleanup will be required, and pursuant to Chelan County Code Section 11.02.020, the applicant shall provide a toxic cleanup plan approved by Ecology to Chelan County Community Development during final plat review and the project area shall meet MTCA standards prior to occupancy.
30. The comment letter from Chelan County Assessor, dated stamped March 8, 2021, states the legal description appears to be correct and there are no delinquent taxes.
31. The Notice of Application and environmental review was referred to agencies and departments on March 6, 2021 and surrounding property owners within 300' excluding 60' of right-of-way with comments due March 20, 2021. Agency comments are included, as appropriate, within this decision and in the Conditions of Approval.
32. The following agencies and County departments were sent referral packets:

Agencies Notified	Response Date	Agencies Notified	Response Date
Chelan County Public Works	March 23, 2021, October 15, 2021, and January 4, 2022	Chelan County PUD #1	March 8, 2017
Chelan County Building & Fire Marshal	March 25, 2021	WA Department of Ecology	March 18, 2021 and February 1, 2022
Chelan County Assessor	March 8, 2021	Icicle Irrigation District	None
Chelan-Douglas Health District	March 25, 2021	Chelan County Fire # 6	None
Yakama Nation	None	Cascade School District	None
Department of Archaeology & Historic Preservation	March 17, 2021	Confederated Tribes of the Colville Nation	May 10, 2021
Noxious Weed Control Board	None	Peshastin Community Council	March 21, 2021 and August 4, 2021
Department of Fish & Wildlife	March 15, 2021	Washington Department of Transportation	March 15, 2021 and September 27, 2021

33. Prior to the issuance of the staff report, twenty-six (26) public comment letters have been received by the Department:

<b>Public Comments</b>	<b>Date Received</b>	<b>Nature of Comment</b>
Maile and Tyler Davelaar	March 15, 2021	Has safety concerns regarding access out of Peshastin during emergency evacuations due to existing traffic volume.
Kellie and Richard Dodrill	March 15, 2021	Opposed due to traffic concerns, existing water and wastewater systems are at capacity, and possible STRs.
Melinda Dodge	March 16, 2021	Concerns about additional traffic loads on Derby Canyon Rd, the bridge across the Wenatchee River, and underneath the railroad trestle that aren't mitigated for as part of development.
Stephen Hamel	March 16, 2021	Wants improvements to Larson Road and Derby Canyon Road intersection and doesn't want multi-family dwellings.
Thomas Dark	March 16, 2021	Concerns about overwhelming Peshastin's infrastructure (wastewater) and doesn't think Larson Road can handle this much traffic. Also worried about the historic pesticide use on the subject properties. Lastly doesn't think residential use is compatible with adjacent farms.
Ted Alway	March 17, 2021	Proposal must adhere to CCC 11.22 standards. Concerns about conflict with adjacent agricultural uses, specifically the 100-foot agricultural setback.
Greg Peek	March 17, 2021	Concerns about safety at the intersection of Larson Road and Derby Canyon Road. Too much congestion at the Railroad underpass intersection as well. Proposal would impact local business at shift changes. Not sure if there is enough potable water for development. Does not want additional light pollution or STRs.
Joan Alway	March 17, 2021	Would like to see additional requirements to mitigate light pollution. concerns about STRs and the impacts of additional traffic. Show agricultural setback on site plans, doesn't want duplexes, town houses, or other multi-residential structures. Doesn't want a gated community.



<b>Public Comments</b>	<b>Date Received</b>	<b>Nature of Comment</b>
William and Patricia Monigold	March 17, 2021	Concerns about additional traffic loads to Derby Canyon Road and Main Street as well as the existing lack of water and Peshastin Water District's substandard system. Also has concerns regarding historic pesticide use on subject properties.
Ted Alway	March 18, 2021	Existing prescriptive easement along shared property boundary.
Tom Mullins	March 18, 2021	Question about submitting public comment.
Rachel Mathen-Darlington	March 18, 2021	Concerns about traffic congestion on Derby Canyon Road, Main Street, North Road, and Hwy 97 intersection as well as water availability, environmental health hazards, and STRs.
Blue Bird, Inc. (Ron Gonsalves)	March 18, 2021	Concerns about traffic impacts throughout Peshastin, questions if there can be enough domestic water availability and domestic sewer hookups, and lastly containment of stormwater runoff from the proposal. Says that project will significantly affect their current operations.
Jason Kramer	March 19, 2021	Proposal will negatively impact the quality of life in Peshastin by affecting traffic, noise, and light pollution.
Jay Gibbons	March 19, 2021	The proposal will negatively impact adjacent orchards.
Adam Pfleeger	March 19, 2021	Concerns regarding additional traffic at the intersection of Main St. and US 2 as a result of the proposal.
Donald Winters	March 19, 2021	Concerns relating to traffic, drainage, STRs, access and egress, and environmental impacts.
Nick Rossi	March 19, 2021	Geological Hazard Assessment and planning process questions.
Patricia Ortiz	March 19, 2021	STR rental concerns, inconsistencies in application materials, SEPA inaccuracy.

Public Comments	Date Received	Nature of Comment
Megan Kramer	March 19, 2021	Concerned about the additional noise, light, and water pollution from the proposal as well as the amount of increased traffic and impacts to current infrastructure.
Patricia Ortiz	March 19, 2021	List of bird species found on the subject property.
Robert Dodge	March 20, 2021	The application materials and the NOA don't match up in numerous ways. The traffic study provided is based upon limited data. Proposal would create an island of private property in the middle of a parcel that is part of proposal. The Peshastin community would be negatively affected by proposal.
Peshastin Community Council	March 24, 2021	Comments on the SEPA Checklist prepared for the project, specifically stormwater runoff and potential conflicts with adjacent farms.
Greg Peck	April 3, 2021	Concerns about traffic on Ludwig Hill Road, Derby Canyon Road, and Larson Road. Proposal impacts local school and businesses. Impacts to local farming and orchardist. Need to improve infrastructure to make development safe.
John Romine	August 18, 2021	Proposal will negatively impact the quality of life in Peshastin by overwhelming the current infrastructure and is not affordable housing at all.
Robert Dodge	November 16, 2021	Concerns regarding the traffic study, lack of details concerning water and sewage, stormwater runoff from development, and project negatively impacts the Peshastin community overall.

34. **TRAFFIC.** Potential road impacts have been reviewed by both Chelan County Public Works and Washington State Department of Transportation (WSDOT). Both agencies disagreed with the initial Traffic Impact Analysis performed for the proposal, but upon an updated Traffic Impact Analysis with additional information that was subsequently submitted, WSDOT determined that no off-site mitigation was required while Chelan County Public Works determined that the intersection of Larson Road and Derby Canyon Road would need to be improved as part of the project build out. In addition, the internal private road system has been granted a deviation by Public Works.

35. ROADS. The existing public streets (Derby Canyon Road and Larson Road) shall be improved to County road standards. The applicant will be required to bring them up to the construction design of a Rural Collector Road Design (Standard Plan PW-7). On June 9, 2021, the applicant submitted a request to Chelan County Public Works for a deviation to County road standards for the elimination of the curb/gutter and sidewalk requirements on the internal private roads pursuant to CCC 11.22.050.15(J), which allows for different development standards in a Planned Development. Based on feedback from Chelan County Public Works, this deviation request was modified and resubmitted. On January 2, 2022, Chelan County Public Works approved the revised road deviation request, which includes the following:
- 35.1 Existing Chelan County Standard. The Chelan County standard for this type of development is Urban Local Access Class 1B (PW-3) and Urban Local Access Class 2 (PW-4). These standards are typical for high density urban development and direct traffic to nearby collector. Construction of this road is typical of urban development, and includes curb + sidewalks + 2 paved driving lanes + on-street parking (for a total asphalt road width = 36').
- 35.2 Proposed Standard. The proposed roads will include 2 paved driving lanes (total asphalt road width = 22') + gravel shoulder for parking on one side + open ditches to control drainage. This road will easily handle the amount of traffic generated. Pedestrian access will be via a compacted gravel multi-model trail that connects to every lot.
- 35.3 Engineering Justification:
- 35.3.1 The new roads will be private, located within a common easement, owned equally by all homeowners, and governed by a Homeowners Association (HOA).
- 35.3.2 Roads will be designed to fit with the existing topography in order to minimize impacts. Rather than a typical urban environment, the intent is to create a pleasing rural neighborhood feel.
- 35.3.3 The new roads will have 2 connections to Larson Road providing secondary access.
- 35.3.4 The new road design will include curves/bends and varying grade to work with the existing natural environment. This type of geometry is difficult with public streets and has the advantage of restricting traffic flow to eliminate speeding. Road design will comply with standard engineering design for safe streets.
- 35.3.5 The new roads will be posted at 20 MPH to provide a safe, family friendly neighborhood. If necessary, additional traffic-calming measures will be considered to control speed. The speed limit will be strictly enforced by the HOA.
- 35.3.6 The pedestrian trail will generally follow the road, but will be offset from the road for pedestrian safety. The gravel trail will be densely and uniformly compacted to provide a smooth ADA compliant surface that is suitable for all types of use, includes walking, jogging, bicycles, etc.
- 35.3.7 The new road will have a paving section (thickness) the same is County standards. (2" AC + 9" gravel).
36. STORM WATER RUNOFF. Stormwater is required to be managed onsite through an approved stormwater management plan. A preliminary storm drainage overview, prepared by Torrence Engineering, LLC, was submitted with the application materials. Stormwater design will be in accordance with Chelan County Code and with the general procedures and standards found in the



2019 DOE Stormwater Management Manual for Eastern Washington. Runoff from the proposed development is anticipated to be controlled through a combination of roadside ditches on the interior driveway system and sheet flow dispersion for the proposed homes. A further detailed engineering design of stormwater will be provided with the final engineering design for the project to Chelan County Public Works for review and approval.

37. INFRASTRUCTURE. The applicant will be responsible for improving the local water and wastewater infrastructure as a condition of approval. Domestic water service for the development will be provided by expansion of the existing Peshastin Water District public water system. All water system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval. In addition, sanitary sewer service for the development will be provided by expansion of the Chelan PUD public sewer system. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor's and the Dept. of Ecology's standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
38. SOILS. The Washington State Department of Ecology and the Chelan-Douglas Health District both noted that the project area contains contaminated soils based upon the historical agricultural use of this land and initial testing performed. As a condition of approval, the applicant will be required to work in conjunction with the Department of Ecology to prepare a toxic cleanup plan to meet the requirements of Ecology's *Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington*.
39. LAND USE. Pursuant to Chelan County Code Chapter 11.22, the applicants are allowed to have Detached Single-Family Residences, ADUs, Duplexes, and Zero-Lot-Line Townhouses within a Planned Development. However, Short Term Rentals (STRs) are not allowed within the Peshastin urban growth area and therefore are not allowed within the proposed Planned Development.
40. Application and Public Hearing Notice Compliance:

Application Submitted:	December 22, 2020
Determination of Completeness issued:	January 21, 2021
Notice of Application:	March 6, 2021
SEPA Notice:	March 6, 2021
Notice of Hearing:	February 5, 2022
Public Hearing:	February 16, 2022

41. Comprehensive Plan Review. Appendix E, Peshastin Urban Growth Area, notes that the purpose of the Low Density Residential (R-1) designation is characterized by low-density residential uses, particularly single-family homes and duplex units. Density is five units per acre.
42. The goal outlined in the Chelan County Comprehensive Plan for residential designations within the Peshastin Urban Growth Area include maintaining a sufficient number and variety of safe, aesthetically pleasing/attractive, housing units by encouraging new housing and enhancement and

refurbishment of existing housing in a variety of neighborhoods that are served by adequate public facilities and utilities for people of all income levels

- 42.1 POLICY B: Ensure that urban development will not be permitted outside of UGA's except in master planned resorts or commercial development in planned/designated rural service centers.

42.1.1 Rationale: Within UGA's there will be sufficient, urban-type services either already available, or at least planned for, which can handle urban densities. Similarly, master planned communities must demonstrate at the planning stages how these types of services will be provided to their "community", which in turn helps determine the density they will be allowed to incorporate into the development.

- 42.2 POLICY D: Determine the density of development which is compatible with adjacent residential development.

42.2.1 Rationale: Urban densities should be determined by services available, the road network, and adjacent land uses. Where a full range of urban utilities are available and adjacent land uses dictate a need for buffering. Adjacent to existing, well-established neighborhoods, lower densities should be reflected, such as four units per acre. Several different zoning classifications should be developed to allow for properly adjusted densities and mixed-use development.

- 42.3 POLICY F: Encourage residential growth to occur in areas where public utilities exist or may be provided at reasonable costs.

42.3.1 Rationale: Promoting developments in or close to areas with existing public utilities saves not only possible future public expenditures, but should lower the initial cost of development, thereby providing more reasonably priced housing.

- 42.4 POLICY K: Provide innovative and flexible design for residential developments, especially for multi-family units, by establishing and encouraging planned developments.

42.4.1 Rationale: Planned developments can provide flexibility which allows the community to encourage the maximum use of new concepts in land development that might otherwise be inhibited by the strict application of the zoning ordinance. It can also encourage the enhancement of the natural characteristics of the land, help create permanent open space, and help utilize, more efficiently, the public facilities required of residential developments.

- 42.5 The Comprehensive Plan outlines the long-range goals and development patterns for the County and for the Peshastin community. The proposed development is consistent with the intent of the Comprehensive Plan which supports the proposed uses in the Low Density Residential (R-1) designation.

- 42.6 The Hearing Examiner finds the proposed development is consistent with the Chelan County Comprehensive Plan for residential development in the R-1 designation.

43. CHELAN COUNTY CODE REVIEW: CCC 11.22. PESHASTIN URBAN GROWTH AREA.

- 43.1 CCC 11.22.020 Zoning Districts. The proposal is within the Low Density Residential (R-1) zoning district, as delineated on the Peshastin Urban Growth Area zoning map, as adopted by Chelan County.

43.1.1 Residential Districts. The residential classifications are for areas which are, or will become, residential. Additionally, trails, pathways and associated amenities

necessary to provide linkages throughout the community and to support recreation, alternative travel, natural corridors and physical activity are a necessary component of this classification. Downward lighting is also needed to prevent light pollution during night-time hours.

43.1.1.1 Low Density Residential (R-1). Maximum density is five dwelling units per acre for single-family residences and ten units per acre for duplexes.

43.2 CCC 11.22.030 Permitted, Accessory, and Conditional Uses:

43.2.1 Pursuant to the District Use Chart for the Peshastin Urban Growth Area in CCC 11.22.030(3), residential uses are permitted within the R-1 zoning district.

43.3 CCC 11.22.040 Standards:

43.3.1 Pursuant to the dimensional standards listed, the following are the minimum standards within the R-1 zoning district:

43.3.1.1 Minimum lot size = 7,500 sf.

43.3.1.2 Minimum lot width = 75 ft.

43.3.1.3 Minimum building height = 35 ft.

43.3.1.4 Maximum lot coverage = 50 percent

43.3.1.5 Front yard setback = 25 ft.

43.3.1.6 Side yard setback = 5 ft.

43.3.1.7 Rear yard setback = 20 ft.

43.3.2 Chelan County allows for alterations from setbacks, maximum lot coverage and building height through the application of a planned development in the Peshastin Urban Growth Area. Per the updated site plan, there are nine lots that are below the R-1 zoning minimum lot size, with the smallest lot (Lot 120) being 6,933 sq.ft. in size. Therefore, the minimum lot size in the proposed planned development will be 6,900 sq.ft. in size. In addition, the proposed planned development may utilize zero-lot-line townhouses (but has not determined where these would be located yet). Therefore, the proposed planned development shall not have any side yard setback requirements. The applicant has not requested any other modification from the R-1 zoning standards. Therefore, the front and rear yard building setbacks, lot coverage and building height would be the same as the underlying R-1 zoning district.

43.4 CCC 11.22.050 Planned Developments:

43.4.1 Purpose. The purpose of a planned development (PD) is to allow a more flexible use of land by encouraging the careful application of design components to achieve the creation of innovative developments and a more efficient utilization of public facilities in exchange for public benefits that achieve comprehensive plan goals. The PD can also be used to protect wetlands, floodways, and other critical areas from development. A PD is one that permits diversity in the location and type of structures; promotes the efficient use of land by facilitating a more economical arrangement of buildings, streets, utilities, and land use; preserves as much as possible critical areas and natural landscape features; and reduces development impacts to adjacent neighborhoods through design and mitigation.

- 43.4.2 Designation of a property as a PD binds the property owners and their successors to the development described and depicted in the application, binding site plan or preliminary subdivision and approval of the PD, and applicable development standards of this chapter. The PD designation confirms the PD is consistent with the purpose of and provisions for planned developments and the comprehensive plan and provides the standards by which subsequent development permits, including building permits, shall be reviewed. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel or tract recreated pursuant to the binding site plan that depicts the PD.
- 43.4.3 A PD shall be reviewed according to the provisions for a quasi-judicial review application process as described in Title 14, Development Permit Procedures and Administration, except as otherwise provided for in this section. There are established by this chapter provisions governing a residential planned development. The proposed PD is devoted solely to full-time residential uses. It is intended to promote more economical and efficient use of the land, while providing a harmonious variety of housing choices within a single residential project.
- 43.4.3.1 Applicant Statement: The pursuit of a Planned Development is a necessary effort to allow a better accommodation of site driven design in essence taking a more nuanced approach to site development in the forms of:
- 43.4.3.1.1 Lessened roadway widths resulting in lessened impervious surfaces and traffic speed control.
  - 43.4.3.1.2 Ability to meander roads, in varying responses to the natural topography.
  - 43.4.3.1.3 To provided community amenities in the form of trails, outdoor gathering areas and other community development assets.
  - 43.4.3.1.4 Deviate from typical subdivision development standards because they pose detrimental effect to the natural surroundings. Typical Curbs, Gutter, Sidewalks, Shoulders, pose increased detriment to the natural slopes and environment by requiring larger cuts and fills resulting in a suburban development strategy.
  - 43.4.3.1.5 Differing Setback requirements allowing for greater variability to accommodate varying topographies and view corridors.
  - 43.4.3.1.6 Attempting to blend in with and complement the existing community.
- 43.4.3.2 The proposed Planned Development is consistent with the purpose of and provisions for planned developments in the Low Density Residential (R-1) designation and provides the standards by which subsequent development permits shall be reviewed.



- 43.4.3.3 The Hearing Examiner finds the proposed Planned Development is consistent with CCC 11.22.050 for residential development in the R-1 designation. The proposal contains a 134-lot residential development on 42.1 acres (3.18 dwelling units per acre) per the updated site plan and the only proposed deviations from zoning standards are the minimum lot size (6,900 sq.ft.), the elimination of side yard setbacks (for zero-lot-line townhomes), and the approved road deviation.
- 43.4.4 Where Permitted and Permitted Uses. Planned developments, when approved in accordance with all applicable codes and this chapter, are established as a development permit and, as such, do not reclassify the existing zoning district designation.
- 43.4.4.1 Applicant Statement: This is understood. Our development strategy takes into account that smaller lots and thereby smaller homes, allow for a greater good, satisfying needs derived by increases in housing demand, and increases in housing costs due to the scarce inventory of homes to this demand.
- 43.4.5 A PD may be permitted within the R-1, R-2 and R-3 zoning districts, provided it is connected to a public water system and a public wastewater system, and further provided the minimum project size is at least two acres.
- 43.4.5.1 Applicant Statement: This is understood, and it is our intent and need to connect to the public water and wastewater systems. Our project size is well over the two-acre minimum.
- 43.4.6 A PD may include the following uses, which uses shall be specifically identified and approved in the development permit application review and approval process:
- 43.4.6.1 A combination of residential dwellings such as single-family attached, single-family detached, modular homes, duplexes, townhouses, apartments, condominiums and other similar dwellings in accordance with this section and chapter;
- 43.4.6.2 Manufactured homes are also allowed to be part of a PD; however, the placement of manufactured homes shall be specifically included and approved as part of the initial development permit application;
- 43.4.6.3 Accessory uses specifically designed to meet the needs of the residents of the PD such as garages, carports, personal and recreational vehicle storage, and other similar noncommercial uses;
- 43.4.6.4 Developed recreational facilities for the residents of the PD, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, parks, undeveloped recreational areas, open space areas and other similar type uses.
- 43.4.6.5 Applicant Statement: The items above are all understood. It is our intent in the application to provide single family residential dwellings and ADUs within the development following within the maximum density allowed within a PD, but not in excess. We are not pursuing a density increase. We plan to allow and include various building types

and arrangements within the development, including: Detached Single Family Residences, ADUs, Duplexes, and Zero-Lot-Line Townhouses.

43.4.6.6 The proposed Planned Development will include expanding the existing Peshastin Water District and also the expansion of the Chelan PUD public sewer system in order to meet the needs of the proposal. The proposed residential uses meet the residential dwelling types allowed in a Planned Development within the Peshastin UGA.

43.4.6.7 The Hearing Examiner finds that proposed Planned Development is consistent with in accordance with all applicable codes of this chapter and does not reclassify the existing zoning district designation.

43.4.7 Protection of Critical Areas and Provision of On-Site Recreation. The following standards apply to a PD:

43.4.7.1 Where critical areas exist on a site subject to a PD, the benefits derived from the PD, including without limitation decreased lot sizes and increased densities as provided for in this chapter, shall be achieved in exchange for a dedicated protection of another portion of the property containing critical areas; provided, that:

43.4.7.1.1 The critical areas to be protected are dedicated in perpetuity, and all future rights for development are traded in exchange for the rights to derive benefits from the PD process; and

43.4.7.1.2 Land protected by trading development density shall be protected from encroachment and maintained free of fill material, building and construction wastes, yard wastes and other debris that would diminish the property characteristics that the dedication was intended to protect. Any use of the critical areas on site shall be governed by Chelan County's critical areas protection resolutions;

43.4.7.1.3 Where critical areas within the development account for less than six hundred square feet per residential unit nor less than ten percent of the overall area of the development, additional on-site recreation and open space areas, as provided for in this chapter and in the applicable zoning code provisions, shall be provided in addition to retention of critical areas in an amount that achieves a total area in critical areas/open space/on-site recreation use of at least six hundred square feet per residential unit and in no case less than ten percent of the overall area of the development.

43.4.7.1.4 Applicant Statement: Geologic Erosion Hazard areas are shown on the site in Chelan County GIS Mapping. We have a geohazard assessment that states these areas do not qualify as a critical area.

43.4.7.2 Where no critical areas exist on a site subject to a PD, the benefits derived from the PD, including without limitation decreased lot sizes and increased densities as provided for in this chapter, shall be achieved in part in exchange for a dedication of another portion of the property as on-site recreation and/or open space areas, consistent with the

provisions of this chapter and other applicable sections of the zoning code, that total at least six hundred square feet per residential unit and in no case less than ten percent of the overall development; provided, that:

- 43.4.7.2.1 The on-site recreation may include a combination of natural areas, parks, landscaped areas, trails, and/or visual corridors; provided, that a minimum of ten thousand square feet or sixty percent of the on-site recreation, whichever is greater, is contiguous usable space;
- 43.4.7.2.2 The on-site recreation area/areas are dedicated in perpetuity, and all future rights for development are traded in exchange for the rights to derive benefits from the PD process.
- 38.4.7.2.3 Applicant Statement: At least 10% of the overall development will consist of dedicated open space areas and/or recreation in the form of areas outlined within the Landscape plan including trails, and open green space.
- 43.4.7.3 The overall area within a PD that is required to be devoted to critical areas, on-site recreation and/or open space shall be no less than six hundred square feet per residential unit, and in no case shall there be less than ten percent of the overall development devoted to these areas.
  - 43.4.7.3.1 Applicant Statement: The project size is 42.9 acres, requiring at least 4.3 acres (10%) of open spaces. 265,477 sq.ft. (6.1 acres) of open space is provided, including 27,000 sq.ft. of dedicated trail (0.62 acres).
  - 43.4.7.3.2 The geohazard assessment submitted as part of the proposed Planned Development demonstrates that erosive soils are not a concern within the development. The applicant is proposing 6.1 acres of open space, which exceeds the open space requirement of Planned Developments within the Peshastin UGA. A final landscaping plan demonstrating conformance with On-Site Recreation and/or Open Space Design Requirements shall be submitted for review and approval during final platting for each phase.
  - 43.4.7.3.3 The Hearing Examiner finds that proposed Planned Development does not impact critical areas as defined in CCC Section 11.77 and the applicant provided adequate on-site recreational/open space use to meet the requirements of this chapter. The recreation trail will be held in separate ownership by the HOA, which will be responsible for operation and maintenance. Covenants are to be recorded with final mylar.
- 43.4.7.4 Dedicated Lands. All lands dedicated for the preservation of critical areas, creation of open space or establishment of recreation facilities shall be protected in perpetuity by recorded covenants, approved by the county, which restrict uses to only those specified in the approved planned development site plan and provide for the maintenance of the open space in a manner which assures its continuing use for the

intended purpose. Dedicated open space may be held in common interest by all of the property owners within the planned development, a public or private entity empowered to manage and maintain the open space, or by other appropriate legal measures that ensure the continuation of the open space/recreation areas. Perpetual restrictions shall be placed upon the title to all dedicated areas and on the face of the binding site plan or subdivision indicating that:

43.4.7.4.1 All land uses and development shall be limited to the stated purpose of the dedicated property.

43.4.7.4.2 If the open space/recreation areas are held in common interest by all of the property owners within the planned development, then all property owners within the planned development shall be mutually responsible for the maintenance and preservation of the dedicated lands.

43.4.7.4.3 Dedicated lands shall be maintained free of any liens or encumbrances that could interfere with the stated purpose of the dedication.

43.4.7.4.4 Applicant Statement: Dedicated Open Space will be preserved as legal tracts owned and maintained by a homeowner's association (HOA). Trails will be preserved as easements maintained by the HOA.

43.4.7.4.5 The proposed Planned Development's 6.1 acres of open space, which include the trails, will either be preserved as legal tracts or preserved as easements (the trails), and will be owned and maintained by the HOA.

43.4.7.4.6 The Hearing Examiner finds that proposed Planned Development's open space will be dedicated as legal tracts while the recreation trail will be held in separate ownership by the HOA, which will be responsible for operation and maintenance. Covenants are to be recorded with final mylar.

43.4.7.5 Density Credits. The following standards apply to a PD that chooses to include density credits:

43.4.7.5.1 The maximum number of dwelling units permitted per acre for a PD shall be determined by utilizing the maximum density levels established by the comprehensive plan and zoning regulations, and the amount of public benefit or design elements provided within the proposed development. In all districts, exceeding the maximum density permitted with the district requires the connection to a domestic water and sanitary sewer system.

43.4.7.5.2 Applicant Statement: We are not pursuing density increases. Max density allowed per underlying zoning is 5 units/acre.

43.4.7.5.3 The Hearing Examiner finds that proposed Planned Development meets the zoning minimum of 5 dwelling units per acre. The proposal contains a 134-lot residential



development on 42.1 acres (3.18 dwelling units per acre) as shown on the updated site plan. The applicant is not pursuing any density increases, therefore none of these items need to be met.

- 43.4.7.6 Binding Site Plan or Subdivision. A binding site plan is required for all multifamily PDs or a subdivision is required for single-family lot PDs and shall include the following:
- 43.4.7.6.1 All information required on a preliminary plat;
  - 43.4.7.6.2 The location of all existing and proposed structures;
  - 43.4.7.6.3 A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation landscaping structures to be installed, the type of vegetation by common name and/or taxonomic designation, the installed and mature height of all vegetation;
  - 43.4.7.6.4 Schematic plans and elevations of proposed building(s) with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;
  - 43.4.7.6.5 Utility, street and stormwater drainage plans that indicate the facilities, lay-out and capacities necessary to serve the entire PD;
  - 43.4.7.6.6 Inscriptions or attachments setting forth the limitations and conditions of development; and
  - 43.4.7.6.7 The provisions ensuring the development will be in conformance with the site plan.
  - 43.4.7.6.8 Applicant Statement: A subdivision will be pursued during final platting for each phase.
  - 43.4.7.6.9 The Hearing Examiner finds that proposed Planned Development meets the zoning minimum of 5 dwelling units per acre. The proposal contains a 134-lot residential development on 42.1 acres (3.18 dwelling units per acre) as shown on the updated site plan. The applicant is not pursuing any density increases, therefore none these items need to be met.
- 43.4.7.7 Project Description. A detailed written explanation of the design concept, planned features of the development, measures taken to meet the purposes of the PD, the proposed sequence and timing of development, the provisions of ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the PD shall be submitted with the binding site plan or subdivision.
- 43.4.7.7.1 As part of the Planned Development application, the applicant submitted a written narrative of the design concept, including the planned features, the proposed sequence and timing of the development, and will subsequently submit a final plat and the covenants overseen by the HOA during final review of the initial subdivision.

- 43.4.7.8 Association Documents. An outline of the documents of the homeowner's association, by-laws, deeds, covenants and agreements governing ownership, maintenance and operation of the PD shall be submitted with the binding site plan or subdivision if applicable to the development. PD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The county may require that it be a third-party beneficiary of certain covenants with the right but not obligation to enforce the same.
- 43.4.7.8.1 Hearing Examiner Finding: The proposed Planned Development shall be required to submit the covenants overseen by the HOA during final review of the initial subdivision.
- 43.4.7.9 Phased Developments. If a PD is planned to be completed in more than five years from the date of site plan approval, the PD will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur.
- 43.4.7.9.1 Hearing Examiner Finding: The proposed Planned Development will be divided into phases of development that were numbered sequentially in the order construction is to occur. An updated site plan showing the proposed phasing was submitted on December 1, 2021.
- 43.4.7.10 Required Certificates and Approval. Recording a binding site plan or subdivision shall include all of the certificates required for a final plat.
- 43.4.7.10.1 Applicant Statement: A final subdivision will be pursued during final platting for each phase.
- 43.4.7.10.2 Hearing Examiner Finding: The applicant shall submit a final subdivision for each phase of the Planned Development.
- 43.4.7.11 Recording Required. A binding site plan or subdivision of a PD and accompanying documents, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval, shall be recorded by the Chelan County auditor.
- 43.4.7.11.1 Applicant Statement: A final subdivision will be pursued during final platting for each phase.
- 43.4.7.11.2 Hearing Examiner Finding: The proposed Planned Development shall submit the covenants overseen by the HOA during final review of the initial subdivision and the applicant shall submit a final subdivision for each phase of the Planned Development.
- 43.4.7.12 Minor Adjustments and Amendments. Minor adjustments to a PD may be authorized by the county through a full administrative review process as identified in Title 14. Minor adjustments are characterized by those which may affect the precise dimensions, siting of buildings or lot lines, but which do not affect the type, character and/or architectural style of buildings; increase the total amount of building floor area; increase the number of

dwelling units, decrease or substantially change the location of required buffers; decrease the amount of required parking; decrease on-site recreation or open space areas and/or increase the number of points of ingress and egress to the site. Modifications that exceed the conditions of a PD approval are inconsistent with the intent of the approved PD, and/or are not minor adjustments, as determined by the county, shall be considered a request for a major revision to the PD and shall be reviewed and approved in accordance with the procedures of this section as a new application. The new application shall be reviewed according to the applicable regulations in effect at the time of new application.

43.4.7.12.1 Hearing Examiner Finding: The proposed Planned Development may have minor adjustments made to it after initial approval. Any minor adjustments will be reviewed administratively. However, any modifications that exceed the conditions of approval of the Planned Development shall be reviewed and approved in accordance with the procedures of a new application. This includes an increase of lots or density from the proposed 134 lot residential development.

43.4.7.13 Expiration. A binding site plan or subdivision for a PD expires unless final approval is obtained from the county and recorded by the Chelan County auditor within five years from the date of approval. For a PD that includes phases as permitted by this chapter, the PD shall expire unless final approval is obtained for the first phase from the county, with subsequent phases falling within the identified phasing schedule, and recorded by the Chelan County auditor within five years from the date of approval. Minor revisions to the phasing schedule of a PD that has not expired pursuant to this section may be granted by the county, provided the schedule is consistent with the overall timeframe anticipated for build-out of the PD. An applicant who files a written request with the county within thirty days before the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the final binding site plan or final subdivision.

43.4.7.13.1 Applicant Statement: A final subdivision will be pursued during final platting for each phase.

43.4.7.13.2 Hearing Examiner Finding: The applicant shall submit a final plat for the first phase within five years of the initial approval of the Planned Development.

43.4.7.14 On-Site Recreation and/or Open Space Design Requirements. The following are minimum design requirements for PDs that incorporate on-site recreation and/or open space:

43.4.7.14.1 The following areas shall not be calculated in whole or in part as a portion of the required on-site recreation or open space:

43.4.7.14.1.1 Public and/or private streets, parking lots and storm drainage, except as specifically enumerated within this chapter;



- 43.4.7.14.1.2 Slopes in excess of forty-five percent, geologically hazardous areas, water bodies, and/or submerged or marshy/boggy land, except that these areas may be used to satisfy a maximum of fifty percent of the open space requirements.
- 43.4.7.14.2 The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population, and topography of the area. On-site recreation areas shall be centrally located in the development and designed for active and passive recreation unless otherwise approved by the hearing examiner.
- 43.4.7.14.3 A minimum of sixty percent of the on-site recreation or open space shall be concentrated and/or connected into large usable areas. The remaining forty percent may be designated as buffers, entry features, recreation facilities, streetscape, and/or used for a natural trail system or other uses approved by the hearing examiner.
- 43.4.7.14.4 On-site recreation areas or open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PD; provided, that the building coverage of such buildings or structures shall not exceed fifty percent of the minimum on-site recreation or open space required.
- 43.4.7.14.5 At least sixty percent of the on-site recreation area or open space required shall be reasonably level to accommodate active recreational uses with slopes no greater than fifteen percent. On-site recreation areas shall be located on a public or private street with a minimum frontage width of thirty feet if the site is two acres or less in size and sixty feet of frontage width for areas larger than two acres.
- 43.4.7.14.6 Applicant Statement: Our intent is to satisfy each item above. This is currently shown in the proposed landscape plan and preliminary plat drawing, including open space and proposed trail system. The project size is 42.9 acres, requiring at least 4.3 acres (10%) of open spaces. 265,477 sq.ft. (6.1 acres) of open space is provided, including 27,000 sq.ft. of dedicated trail (0.62 acres).
- 43.4.7.14.7 The applicant submitted a preliminary landscape plan as well as a preliminary plat drawing that included the dedicated open space and proposed trail system as part of the application submittal. The proposed Planned Development exceeds the On-Site Recreation and Open Space Design requirements of this chapter.
- 43.4.7.14.8 Hearing Examiner Finding: The proposed Planned Development meets the requirements for On-Site Recreation and/or Open Space Design Requirements. A final landscaping



plan demonstrating conformance with On-Site Recreation and/or Open Space Design Requirements shall be submitted for review and approval during final platting for each phase.

43.4.7.15 Minimum Development Standards. Within a PD the following minimum standards shall apply:

43.4.7.15.1 Yard, Setback, and Width Requirements. The minimum yard, setback, and width requirements otherwise applying to the development in the zoning district may be modified from the standards of the district, provided:

43.4.7.15.1.1 The minimum front, side and rear yard requirement on the exterior boundaries of the proposed PD shall not be less than twenty feet and the minimum front yard setback within the interior of the PD shall not be less than fifteen feet. Interior yards and setbacks shall be as approved on the PD binding site plan and each development will be reviewed to ensure adequate provision of light, air and life safety for all structures.

43.4.7.15.1.2 All buildings that are not attached or do not have common walls shall be separated by a minimum distance of ten feet.

43.4.7.15.2 Each lot utilized for residential purposes shall have a minimum width of not less than thirty feet on an interior public or private street. Lots located on an exterior perimeter street shall comply with the normal minimum lot width of the district.

43.4.7.15.3 The minimum lot sizes within a PD may be reduced from the normal standards of the district unless located on an exterior perimeter street. Lots located on the exterior perimeter boundary or along an exterior street of the PD shall be reduced by not less than ten percent of the normal minimum lot size requirement of the zoning district. Regardless of reduced minimum lot sizes, at no time shall the overall density of the development exceed the maximum densities identified in this chapter.

43.4.7.15.4 The maximum lot coverage may be increased by twenty-five percent of the normal district requirement.

43.4.7.15.5 The maximum building height within a PD shall be the same as permitted in the district. Whenever possible, development of the PD shall be designed to maximize views for each dwelling unit and to ensure that the views of surrounding properties have been considered.

43.4.7.15.6 Landscaping shall be required at entries into a PD, for on-site recreation areas and facilities, and in conjunction with multifamily complexes. Natural landscape features including existing trees, shrubs and ground cover, drainage ways, rock

outcroppings, and slopes shall be preserved to the greatest extent possible.

- 43.4.7.15.7 A buffer shall be required when a PD has a density and/or intensity greater than that allowed within the applicable zoning district. The buffer shall include a combination of additional landscaping, fencing, increased setbacks and/or other alternatives that mitigate impacts to adjacent properties.
- 43.4.7.15.8 Parking shall be provided in the same ratio as required for the district and shall meet the minimum provisions established in Chapter 11.90 and the following:
  - 43.4.7.15.8.1 For each ten multifamily dwelling units, four additional parking spaces shall be required for visitor parking when on-street parking is unavailable. Special considerations may be given to low traffic generators such as senior citizen or assisted living housing.
  - 43.4.7.15.8.2 Additional parking/storage areas shall be required for recreational vehicles (RVs) such as campers, boats, trail bikes, motor homes and other similar vehicles unless these types of vehicles are precluded by the developer in the form of covenants or other restrictions approved by the county. When thirty or more dwelling units are proposed, one parking space shall be provided for every ten dwelling units. The size of the parking/storage area shall be based on the following:
    - 43.4.7.15.8.2.1 Parking/storage stalls shall be a minimum of ten feet wide by twenty-eight feet long;
    - 43.4.7.15.8.2.2 Access driveways shall be a minimum of thirty feet in width;
    - 43.4.7.15.8.2.3 The minimum area requirement for each space, together with access and maneuvering area, shall not be less than four hundred square feet.
- 43.4.7.15.9 Special Areas. A PD that is adjacent to any lake, river, drainage or other waterway shall provide pedestrian or vehicular access to said amenity, as reviewed and approved through the PD process.
- 43.4.7.15.10 A PD may allow development standards different from those imposed under the Chelan County Code, except as provided in the applicable district in relation to permitted uses, and provided a clear description of the approved development standards is provided with the binding site plan or subdivision that is

recorded pursuant to this section. Any approved development standards that differ from those otherwise required by the county shall not require any further zoning district reclassification, variance or other county approval apart from the PD and any subsequent, associated construction plan approvals. The development standards as approved through the PD shall apply to and govern the development and implementation of each PD site in lieu of any conflicting or different standards or requirements elsewhere in the county's zoning code.

43.4.7.15.11 Hearing Examiner Finding: The proposed Planned Development meets the zoning minimum of 5 dwelling units per acre. The proposal contains a 134-lot residential development on 42.1 acres (3.18 dwelling units per acre) as shown on the updated site plan. The applicant is not pursuing any density increases, therefore none these items need to be met.

44. Chelan County Code, Title 12: Land Divisions - Consistency with CCC 12.02.060: Concurrency of Public Infrastructure. All providers of water, sewage disposal, schools, and fire/police protection serving the proposed land division were given adequate notice to provide comment regarding adequate capacity or arrangements for adequate services for the development, concurrently with the demand for such services and facilities. No county facilities will be reduced below adopted levels of service as a result of the proposed land division after all conditions of approval have been met.
45. Consistency with CCC 12.04.020: Suitability For Land Division. As submitted, the proposed major subdivision is consistent with the provisions of this section.
46. Consistency with CCC 12.08: Standards. The proposed subdivision is to be named Pine Ridge, which does not appear to be similar to the name of any other subdivision in the county.
  - 46.1 The proposed lots were reviewed for consistency with the major subdivision standards and appear to be an adequate size to accommodate residential development within the proposed dimensional standards of the proposed planned development. Each lot will be provided access from the internal roads within the proposed plat.
  - 46.2 A geologic site assessment was prepared by Anderson Geological Consulting, LLC on August 9, 2020 and concludes that the properties are suitable to be developed for future residences and access streets if constructed per the applicable International Building Codes. The Hearing Examiner sets as a condition of approval that a note be placed on the face of the final plat, stating the subject properties are within an erosion hazard area and that all development shall be consistent with CCC Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended, as well as compliance with the recommendations of a site-specific geological site assessment.
  - 46.3 Based on the Planned Development (PD) site plan/preliminary plat of record, dated December 22, 2020, the proposed subdivision would not result in barrier to the development of the adjacent lots.
  - 46.4 Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations are required to be shown on the final plat. Separate instruments recorded with the Chelan County

Auditor should be referenced on the final plat. Easements will be reviewed with final plat blueline submittal.

- 46.5 The project site is within Fire District 6. The proposed subdivision and all future building permits must conform to all applicable requirements of the International Fire Code and International Building Code administered by the Chelan County Fire Marshal.
- 46.6 Comment letter from Chelan County Public Works, dated March 25, 2021 states that the proposed subdivision must comply with the stormwater standards per CCC Chapters 13.12; 13.14; 13.16; and 13.18.
- 47. Appropriate notice of application and public hearing was referred to appropriate local agencies, mailed to property owners within 300 ft. of the subject property (excluding 60 ft. 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.
- 48. An open record public hearing after due legal notice was held on July 8 and 11, 2022.
- 49. The Appellant's submitted the following exhibits that were admitted into the record:
  - 49.1 Ex. A-1 Chelan County file for Pine Ridge Planned Development Project No PD 20-001 and Plat 20-004
  - 49.2 Ex. A-2 Steve Keen email dated January 26, 2022
  - 49.3 Ex. A-3 Applicant's preliminary stormwater drainage overview by Torrence Engineering dated December 8, 2020
  - 49.4 Ex. A-4 Letter dated February 10, 2022 from Icicle Irrigation District
  - 49.5 Ex. A-5 Letter from Department of Ecology regarding contaminate concentrations on Applicant's site
  - 49.6 Ex. A-6 Applicant's Geological Hazard Assessment dated August 9, 2020
  - 49.7 Ex. A-7 Applicant's Landscape Plan
  - 49.8 Ex. A-8 RH2 Certificate of Water availability
  - 49.9 Ex. A-9 Applicant's wastewater availability letter
  - 49.10 Ex. A-10 Applicant's lead and arsenic test results
  - 49.11 Ex. A-11 Email from Department of Ecology to Maygan Hurst dated February 10, 2022
  - 49.12 Ex. A-12 Letter from Washington State Department of Health dated February 14, 2022
  - 49.13 Ex. A-13 Applicant's SEPA checklist
  - 49.14 Ex. A-14 Transpo Traffic Review Memorandum by Kassi Leingang ated February 16, 2022
  - 49.15 Ex. A-15 Public Works comments on the recommendation to install an all way stop dated October 15, 2022
  - 49.16 Ex. A-16 Applicant's project narrative
  - 49.17 Ex. A-17 Pine Ridge preliminary plat map with dimensions
  - 49.18 Ex. A-18 Pictures of fruit trucks
  - 49.19 Ex. A-19 Community of Peshastin zoning map
  - 49.20 Ex. A-20 Chelan County parcel map
  - 49.21 Ex. A-21 Applicant's updated site plan dated December 1, 2021
  - 49.22 Ex. A-22 Video of farmer using bees to pollinate
  - 49.23 Ex. A-23 Comment letter from the Department of Archeology and Historic Preservation dated March 17, 2021
  - 49.24 Ex. A-24 Applicant's typical site plan
  - 49.25 Ex. A-25 Applicant's traffic impact analysis and updates



- |       |             |   |
|-------|-------------|---|
| 49.26 | Ex. A-26    | Model remedies for cleanup of former orchard properties in Central and Eastern Washington   |
| 49.27 | Ex. A-27    | Orchard lands model development agreement   |
| 49.28 | Ex. A-28    | Letter from Cougar Hills Development Co to Ken Hemberry dated April 1, 2022   |
| 49.29 | Ex. A-29    | Exhibit prepared by Kati Sal Satanovitz P.E. illustrating feasibility of flows to be dispersed on individual residential lots in accordance with stormwater manual requirements |
| 49.30 | Ex. A-30    | Email from Rossi's farmer with historic dates of harvest of pears on the Rossi's orchard  |
| 49.31 | Ex. 31 A-31 | Department of Ecology Stormwater management manual for Eastern Washington (2019)  |
| 49.32 | Ex. A-32    | All Department of Ecology comment letters   |
| 49.33 | Ex. A-33    | Chelan county Comprehensive Plan transportation element   |
| 49.34 | Ex. A-34    | WSDOT Synchro and SimTraffic Protocol   |
| 49.35 | Ex. A-35    | Chelan County Code for sight distance and roadway standards   |
| 49.36 | Ex. A-36    | Maps and Data available on the WSDOT website including PTR volumes, LOS standards and volume maps.  |
| 49.37 | Ex. A-37    | Declaration of Steve Keene  |
| 49.38 | Ex. A-38    | Declaration of Ken Hemberry   |
| 49.39 | Ex. A-39    | April Clayton CV  |
| 49.40 | Ex. A-40    | Kassi Leingang CV   |
| 49.41 | Ex. A-41    | Katie Saltonovitz CV  |
| 49.42 | Ex. A-42    | Arsenic compounds article   |
50. The Respondent submitted the following exhibits that were admitted into the record:
- |       |          |   |
|-------|----------|---|
| 50.1  | Ex. C-1  | Entire Chelan County file of record for Pine Ridge, Project NO. PD 20-001; Plat 20-004            |
| 50.2  | Ex. C-2  | Preliminary engineering maps for Pine Ridge Development   |
| 50.3  | Ex. C-3  | Letter from John Torrence requesting deviation from Public Works road standards                   |
| 50.4  | Ex. C-4  | Deviation approval letter from County Engineer Eric Pierson                                       |
| 50.5  | Ex. C-5  | Model remedies for cleanup of former orchard properties in Central and Easter Washington document |
| 50.6  | Ex. C-6  | Bergren General Land Use Application Form   |
| 50.7  | Ex. C-7  | Pine Ridge MDNS   |
| 50.8  | Ex. C-8  | Pine Ridge Staff Report   |
| 50.9  | Ex. C-9  | Pine Ridge traffic impact study by transportation engineering northwest                           |
| 50.10 | Ex. C-10 | Determination of Non-Significance.  |
| 50.11 | Ex. C-11 | SEPA Environmental Checklist.   |
| 50.12 | Ex. C-12 | Declaration of Jeff Newschwander  |
| 50.13 | Ex. C-13 | County Response Brief   |
51. All testimony and evidence from the SEPA portion of the hearing was admitted into the record for the portion of the hearing related to the underlying permits.
52. Appearing and testifying for the Applicant was Dan Beardslee. Mr. Beardslee testified that he was an agent authorized to appear and speak on behalf of the Applicant and property owner. Mr. Beardslee indicated that all of the proposed conditions of approval were acceptable. He stated that no variances would be necessary to develop any lot. He stated that he agreed with all factual representations, conclusions, and recommendations contained in the staff report. He stated that all

stormwater facilities would comply with County and State standards. He stated that the density proposed is over than that allowed in the current zoning district.

53. Appearing and testifying from the public were the following individuals:
  - 53.1 Gregory Peak
  - 53.2 Lauri Malmquist
  - 53.3 Maygan Hurst on behalf of her clients, Nick and Melissa Rossi
  - 53.4 Melissa Rossi
  - 53.5 Robert Dodge
54. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

## **II. CONCLUSIONS OF LAW**

1. The Chelan County Hearing Examiner has been granted the authority to render this decision pursuant to Chelan County Code Section 1.61.080 Duties and Powers.
2. The subject application demonstrates consistency with the development standards and procedural requirements of Chelan County Code 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 would be served by the Planned Development and subsequent subdivision.
6. The application, as conditioned, is compatible with adjacent uses and would 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.

## **III. DECISION**

Based upon the above noted Findings and Fact and Conclusions, PD 2020-001; PLAT 2020-004 is hereby **APPROVED**, subject to the following Conditions of Approval.

## **IV. CONDITIONS OF APPROVAL**

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to RCW 58.17, the project shall conform to all applicable local, state, and federal regulations, statutes, rulings, and requirements. The proposal shall be subject to approval that may be required under permits, licenses or approvals by any other local, state, or federal jurisdictional agency.

2. 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.
  - 2.1. Based on comment letter received from Washington State Department of Archaeology and Historic Preservation (DAHP), the project site is located in an area with high potential for archaeological resources. Prior to ground disturbing activities and the finalization of the plat, consultation with DAHP shall be required. A cultural resource survey shall be conducted unless documentation as provided by DAHP relinquishes this requirement. All recommendations included in the cultural resource survey shall be met by the Applicant.
  - 2.2. The owner/developer/contractor(s) shall obtain a NPDES Construction Storm Water General Permit from the Washington State Department of Ecology (Erosion Sediment Control Plan). Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction. A copy of this permit shall be submitted to the Chelan County Department of Community Development, prior to any clearing, grading or construction.
    - 2.2.1. The NPDES Construction Stormwater General Permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
    - 2.2.2. Dust control shall be maintained during any earth disturbing activities during construction and installation. Best management practices such as mulching, hydroseeding, gravel, sod and/or ground cover for any bare earth left after construction including landscaped areas, paths, unpaved parking areas and roads.
  - 2.3. The Washington State Department of Ecology (Ecology) has found that contaminants in the soils on site were found at concentrations above the MTCA cleanup levels. Therefore, Ecology requires cleanup of this project prior to occupancy. Cleanup shall meet the requirements of Ecology's *Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington*. Ecology will provide technical guidance to the applicant and provide oversight to confirm that cleanup is completed.
    - 2.3.1. To avoid placing the burden of cleanup on purchasers of vacant lots, the applicant shall use the *Orchard Lands Model Development Agreement* provided by Ecology.
3. Pursuant to Chelan County Code Section 11.22.030, Short-Term Rentals are not allowed in the R-1 zoning district within the Peshastin urban growth area and therefore, are not allowed within the Pine Ridge Planned Development.
4. Pursuant to Chelan County Code Section 11.22.030(6)(A), all exterior lighting shall be used in a manner that minimizes light pollution.
5. Pursuant to Chelan County Code Section 11.22.030(16), all land divisions within five hundred feet of existing agricultural activities shall have the following notice placed on the title of all affected parcels **"This parcel is within or near current agricultural land on which a variety of agricultural activities may occur that impact residential development and use. Agriculture is considered a priority land use in Chelan County."**



6. Pursuant to Chelan County Code Section 11.22.050(4), open space shall be protected by recorded covenants, which restrict use to those specified in the approved Planned Development (PD) site plan and provide for the maintenance of the open space in a manner which assures its continuing use for the intended purpose.
  - 6.1. Prior to final plat approval, a covenant regarding the use of the open space tract shall be recorded with the Chelan County Auditor's office.
  - 6.2. A final landscaping plan demonstrating conformance with On-Site Recreation and/or Open Space Design Requirements shall be submitted for review and approval during the final platting for each phase of the Planned Development.
7. Pursuant to Chelan County Code Section 11.22.050(12), minor adjustments to a Planned Development (PD) may be authorized by the county through a full administrative review process as identified in Title 14. Minor adjustments are characterized by those which may affect the precise dimensions, siting of buildings or lot lines, but which do not affect the type, character and/or architectural style of buildings; increase the total amount of building floor area; increase the number of dwelling units, decrease or substantially change the location of required buffers; decrease the amount of required parking; decrease on-site recreation or open space areas and/or increase the number of points of ingress and egress to the site. Modifications that exceed the conditions of a PD approval are inconsistent with the intent of the approved PD, and/or are not minor adjustments, as determined by the county, shall be considered a request for a major revision to the PD and shall be reviewed and approved in accordance with the procedures of this section as a new application. The new application shall be reviewed according to the applicable regulations in effect at the time of new application. This includes an increase of lots or density from the proposed 134 lot residential development.
8. Pursuant to Chelan County Code Section 11.22.050(13), a binding site plan or subdivision for a PD expires unless final approval is obtained from the county and recorded by the Chelan County auditor within five years from the date of approval. For a PD that includes phases as permitted by this chapter, the PD shall expire unless final approval is obtained for the first phase from the county, with subsequent phases falling within the identified phasing schedule, and recorded by the Chelan County auditor within five years from the date of approval. Minor revisions to the phasing schedule of a PD that has not expired pursuant to this section may be granted by the county, provided the schedule is consistent with the overall timeframe anticipated for build-out of the PD. An applicant who files a written request with the county within thirty days before the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the final binding site plan or final subdivision.
9. Pursuant to Chelan County Code Section 11.22.050(15)(J), a PD may allow development standards different from those imposed under the Chelan County Code, except as provided in the applicable district in relation to permitted uses, and provided a clear description of the approved development standards is provided with the binding site plan or subdivision that is recorded pursuant to this section. The proposal contains a 134-lot residential development on 42.1 acres (3.18 dwelling units per acre) per the updated site plan and the only proposed deviations from zoning standards are the minimum lot size (6,900 sq.ft.), the elimination of side yard setbacks (for zero-lot-line townhomes), and the approved road deviation.
10. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:
  - 10.1. **"All or part of this area may be located within a suspected or known geologically hazardous area. Subsequent development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended; and the Geological Hazard Assessment prepared by Anderson Geological**



**Consulting, LLC dated August 9, 2020 or with a site-specific geological site assessment.”**

11. Pursuant to CCC Title 12, the following notes shall be placed on the final Plat:
  - 11.1. **“Chelan County is not responsible for notification or enforcement of covenants to deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant/owner assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”**
  - 11.2. **“Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.”**
  - 11.3. **“Setbacks for structures shall be determined at time of building permit submittal.”**
  - 11.4. **“Protective covenants for this subdivision of “Pine Ridge” are recorded under AFN: \_\_\_\_\_.”**
12. Pursuant to Chelan County Code Section 12.08.030 and 12.24.020(3) and Chapter 15.30, all easement locations are required to be shown on final plats.
13. Pursuant to CCC Section 12.24.015 and RCW 58.17.140, all requests for final plat approval must be submitted within five (5) years from the date of preliminary approval, unless an extension is granted.
14. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record, on file with the Chelan County Department of Community Development, except as modified herein. No increase in density or number of lots shall occur without a re-submittal of a plat application.
15. Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations serving or encumbering the project site are required to be shown on the final plat. Separate instruments recorded with the Chelan County Auditor shall be referenced on the final plat. 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.
16. Pursuant to RCW 27.53.020, the applicant shall stop work and contact Community Development and the Department of Archaeology and Historic Preservation and other agencies as required, regarding the possible impact of construction activities on the state’s archaeological resources.
17. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final plat:
  - 17.1. **“Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”**
  - 17.2. **“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.”**
18. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required by the Chelan County Treasurer are to be paid prior to final Plat recording.

## CHELAN COUNTY FIRE MARSHAL

The subject properties and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal Agency Comment dated March 25, 2021.

19. The proposal/development shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
20. All land upon which buildings or portions of building are hereafter constructed in or moved within Chelan County, or improved, shall be served by water supply designed to meet the required fire flow for fire protection as set out in CCC Section 15.40.040 of the Chelan County Code and the current edition of the International Fire Code (IFC).
21. The minimum fire flow and flow duration requirements for the one and two-family dwellings having a fire area which does not exceed three thousand six hundred square feet shall be seven hundred fifty gallons per minute. Fire flow and flow duration for dwellings having a fire area in excess of three thousand six hundred square feet shall not be less than that specified in Table B105.1(1) of the IFC, except that reduction in required fire flow of fifty percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.
22. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 1000 ft. with no lot or parcel in excess of 500 ft. from a fire hydrant when serving lots greater than 43,560 sq. ft. (one acre).
23. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 ft. with no lot or parcel in excess of 300 ft. from a fire hydrant when serving lots less than 43,560 sq. ft. (one acre).
24. The Fire Chief is authorized to increase the number or reduce the spacing of fire hydrants where conditions indicate and unusual susceptibility to group fires or conflagrations.
25. All fire hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of CCC Chapter 15.30, Road Standards, and meet the requirements of CCC Chapter 15.40, Minimum Standard for water Mains and Fire Hydrants.
26. 2015 IFC Section 3312 When Required. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. It is expected that fire hydrants would be installed prior to home construction.
27. New homes shall have approved address numbers, building number or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to the installation.
28. The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a ground of building in rural areas or small communities where the development of full fire-flow requirements is impractical. Applicant is encouraged to contact this office to ascertain how the attached fire protection credits options apply to their development. A note on the face of the final plat shall state:
  - 28.1. **"Without the installation of a fire hydrant that has the capabilities of delivering the required fire flow 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."**

29. Class A roofing/noncombustible roof covering, as defined in the International Building Code, shall be used in all areas of Chelan County. A note on the face of the final mylar shall state:
  - 29.1. **"All buildings that require a building permit within this plat shall have Class A roofing materials."**
30. New construction permitted after February 1, 2021 is subject to WAC 51-54A-8200 International Wildland-Urban Interface Code. These include possible defensible space (Firewise) requirements for the property landscape and possible construction requirements for new buildings. A note on the final mylar shall state:
  - 30.1. **"All buildings that require building permit within this plat shall comply with the portions of the International Wildland-Urban Interface Code adopted by the State of Washington and Chelan County."**

#### **CHELAN-DOUGLAS HEALTH DISTRICT**

The subject properties and final plat shall conform to the comments and conditions of approval as found in the Chelan-Douglas Health District Agency Comment dated March 25, 2021.

31. Domestic water service shall be by expansion of the Peshastin Water District public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
32. The dedicatory language on the final plat shall carry these notes:
  - 32.1. **"The Health District has not reviewed the legal availability of water to this development."**
33. Sanitary sewer service shall be by expansion of the Chelan PUD public sewer system. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor's and the Dept. of Ecology's standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
34. Sewage disposal shall be by a new community onsite sewer system that has yet to be developed. This system must be reviewed and approved by the Health District/State Department of Health, and construction of the system completed as per State Board of Health Regulations prior to final plat approval.

#### **CHELAN COUNTY PUBLIC WORKS**

The subject properties and final plat shall conform to the comments and conditions of approval as found in the Public Works Agency Comments dated March 23, 2021 and October 15, 2021 as well as the approved road deviation.

35. Pursuant to Title 11.88.070(3); and Chapter 4, Sec. 6.14 of the Chelan County Transportation Element, the applicant shall dedicate additional right-of-way to make the right-of-way on Larson Road, Ludwig Hill Road and Derby Canyon Road 30' from centerline.
36. The applicant shall construct Larson Road to meet the construction design of a Rural Collector Road Design (Standard Plan PW-7).
37. The applicant shall construct Derby Canyon Road to meet the construction design of a Rural Collector Road Design (Standard Plan PW-7)



38. Intersection improvements shall be required at the Larson Road / Derby Canyon Road intersection pursuant to the revised Traffic Impact Study comments issued by Chelan County Public Works.
39. WSDOT has reviewed the revised Traffic Impact Analysis provided by the applicant for the Pine Ridge development. WSDOT's traffic office did not raise any concerns regarding the revised analysis and consequently, WSDOT has no further comments on the proposed development.
40. Pursuant to Chelan County Code Title 12.08.020, the applicant shall demonstrate Legal and Perpetual Access for the proposed development.
41. The applicant shall demonstrate safe ingress/egress. The applicant shall provide a sight distance analysis in accordance with Title 15 for all existing and proposed access points.
42. Pursuant to Title 15.30, the applicant shall construct the private internal roads to meet the design criteria of the approved road deviation.
43. Pursuant to Chelan County Code, Title 15.30.340(3), Lots 11, 12, 13 and 14 (per submitted plans by Torrence Engineering, dated 12/11/2020) shall be served by a Shared Residential Driveway. The SRD shall terminate with an Emergency Vehicle Access Road Turnaround at a location approved by Chelan County Public Works and in compliance with Title 15.30 Appendix A, Standard Plans PW-23-A or PW-23-B.
44. The submitted plans (dated 12/11/2020) do not show an access plan for Lots 52, 53, 54, 129, 130, 131, 132 and Parcel 3241816310250. Lots shall not access onto Larson Road. The access design for these lots shall meet approval of Chelan County Public Works, and be included in Construction plans.
45. Pursuant to Chelan County Code Title 15.60.070, road design specifications and features shall meet Title 15.30, WSDOT, AASHTO, MUTCD, and all other referenced design guidelines and publications in this section.
46. Pursuant to Title 15.30.240, the applicant shall provide snow storage areas for the proposed new private roads.
47. Pursuant to Title 15.30.340, the applicant shall file a Private Road Maintenance and Upgrading Agreement appurtenant to all the property owners having a vested interest in the shared/common private roads and must pertain wording of maintenance of the road signs within the development. Said agreement must be provided simultaneously with the Preliminary Mylar (blue) submission. Said agreement shall be recorded.
48. Pursuant to CCC Section 15.30.650, the following language shall be placed on the face of the plat: **"Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat."**
49. Pursuant to Title 10.20, an Address Plan is needed to determine the addresses for the proposed subdivision lots. A scaled address plan shall show the driveway locations for all existing and proposed lots. **Three or more names for the roads must be submitted to Chelan County Public Works Department for approval by Rivercom.**
50. All lots shall access the internal roads of the PD. Lots shall not access onto Larson Road, Derby Canyon Road or Ludwig Hill Road.
51. Pursuant to CCC Section 15.30.610, **Construction Plans**, the applicant shall submit construction plans and reports for all required internal roads and required frontage and off-site improvements. The applicant will be required to have the Construction Plans approved by Chelan County Public



Works Department prior to beginning work. The Construction Plans shall include, but are not limited to:

- 51.1 Drainage Report and Plan.
  - 51.2 Roadway Improvement Plan (showing location of utilities and roadway curve data).
  - 51.3 Lot Access Plan (Profiles, Topography).
  - 51.4 Erosion and Sedimentation Control Plan.
  - 51.5 Signage Plan.
52. Pursuant to CCC Section 15.30.650, a Pre-Construction Meeting is required with the owner, contractor, the Chelan County Public Works Department and WSDOT prior to commencing any construction.
53. Pursuant to CCC Section 15.30.660, As-Built Plans shall be submitted, reviewed and approved by the Public Works Department upon completion of all required improvements and prior to County Engineers final approval.
54. Pursuant to CCC Section 15.30.820, the applicant shall not obstruct sight distance with a centralized mailbox or locate a centralized mailbox that will hinder Road Maintenance. Should a centralized mailbox be required, provide details on construction plans. Minimum information shall include location, installation details, and pull-out detail.
55. Effect of the Proposed Subdivision and any Proposed Grading in Connection therewith on Drainage in the General Area and the Adequacy of the Methods of Handling drainage and Stormwater Runoff Proposed by the Subdivider:
- 55.1. The project shall comply with stormwater standards, Chapter 13.12; 13.14; 13.16 and 13.18 of the Chelan County Code
  - 55.2. A private stormwater drainage system will be required for the proposed preliminary plat. Operation and maintenance of the private drainage system will require a Maintenance Agreement. The Maintenance Agreement must include operational and annual maintenance criteria. Said Maintenance Agreement shall be submitted to the Public Works Department for approval.
  - 55.3. The following note shall be placed on the final plat mylar:  
  
**"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 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 and/or maintenance of the drainage system.”**

56. The final plat must identify full easement widths, right-of-ways and centerline on all access roadways.
57. The final plat shall show all easements that benefit or burden the project site.
58. The final plat must identify all roads as public or private.
59. Monumentation as described in Title 15, will be required to be placed on all paved roads that are adjacent to any plat that are not already monumented and the new internal roadway.
60. Lot closure calculations must be submitted with Pre-Final (blue-lines).

**CHELAN COUNTY PUBLIC UTILITY DISTRICT**

The subject properties and final plat shall conform to the comments and conditions of approval as found in the Chelan County PUD's Agency Comment dated March 22, 2021

61. There is electrical service available at the subject property.
62. A primary line extension will be required.
63. Chelan PUD will obtain any necessary easements that are not included in the final plat.
64. An engineering study will be required to determine whether updating of current utility lines, transformers or substation will be required.

**HEARING EXAMINER**

65. The Applicant shall comply with all conditions set forth in the February 3, 2022 MDNS.
66. The Applicant shall comply with all recommendations set forth in the December 22, 2020 Traffic Impact Study performed by Michael Read, including, but not limited to, installation of an all-way stop control at the Derby Canyon Road and Main Street intersection.

Dated this 30 day of August, 2022.

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.