

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF )  
 )  
PLAT 2022-501 )  
Temaarik LLC )  
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 )  
 )

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 April 5, 2023, 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 to subdivide approximately 20.07 acres into 5 lots utilizing the cluster subdivision provision in Chelan County Code Section 11.12.020(1)(a). This proposal is a resubmittal of previously approved Plat 2015-136, which expired on December 21, 2022. The smallest lot is proposed at approximately 28,570 sq.ft. (0.66 acre) in size and the largest lot is proposed at approximately 55,372 sq.ft. (1.27 acres) in size with a 679,112 sq.ft. (15.59 acres) open space tract.
2. The Applicants/owners are Temaarik LLC, 13609 A State Route 2, East Wenatchee, WA, 98802. The agent/surveyor is Northwest Geodimensions, Attn: Michelle Taylor, 15 N. Chelan Ave. Wenatchee, WA 98801.
3. The parcel number for the subject property is 28-21-14-410-100 and the abbreviated legal description is Lot B of BLA 2013-130. The project location is unassigned in the city of Manson.
4. The subject property is not located within the Manson Urban Growth Area.
5. The Comprehensive Plan designation and zoning designation for the subject site is Rural Residential Resource 5 (RR5).
6. The subject property is currently vacant and 20.07 acres.
7. Site Description: Slopes are gently to moderately sloping above steep to very steep generally west facing slopes. The proposed residential building sites have more gentle to moderate slopes.
8. Surrounding properties:  
North: Vacant and zoned Residential/Resource 5 (RR5)  
South: Residential lots and zoned Residential/Resource 5 (RR5)  
West: Residential lots and zoned Residential/Resource 10 (RR10) and Commercial Agricultural Lands (AC)  
East: Vacant and zoned Residential/Resource 5 (RR5).
9. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped December 21, 2022. Pursuant to Chelan County Code (CCC) Section 11.82.040, the aquifer recharge measure does apply.

10. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150225A, the site does not contain 100-year flood plain or associated floodway. Therefore, Chelan County Code 11.84, Frequently Flooded Areas Overlay District does not apply.
11. The applicant has submitted a revised Geological Site Assessment, dated November 3, 2015, completed by Nelson Geotechnical Associates, Incorporated. The Assessment concludes that; “Provided that the geologic hazards are mitigated, it is our opinion from an engineering geologic standpoint that the site is generally compatible with the planned single-family residential development”. The report includes recommendations for construction including erosion control, site preparation, fills, cut slopes and building setbacks which should be adhered to for all development. The Assessment has specific recommendations regarding building setback requirements for geologic features found near the top of slope, including bedrock outcrops and local glacial outwash deposition. A minimum setback of 35 feet is recommended for all structures founded within bedrock. Within those areas where structure foundations will occur within or partially within the glacial outwash deposits, the Assessment recommends a minimum building setback of 65 feet, as depicted on the Site Plan of record, dated December 22, 2022. These building setbacks may be reduced upon recommendation of a qualified expert and a site-specific geotechnical engineering exploration and evaluation, and report.
12. Pursuant to the National Wetlands Inventory Map the site does not contain known wetland(s); therefore, the Chelan County Code Chapter 11.80 does not apply.
13. The Shoreline Master Program does not apply.
14. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps and CCC Chapter 11.78 Fish and Wildlife Overlay District, the development is within several identified fish and wildlife habitat conservation areas (FWHCAs) such as shrubsteppe habitat. As a condition of approval, the Hearing Examiner sets as a condition that, unless waived in writing by WDFW, the applicant prepare a survey for shrubsteppe habitat per the requirements of the WDFW comment letter dated February 3, 2022. If the survey determines that these habitats do exist within the subject properties, then a Habitat Management and Mitigation Plan will be required. Pursuant to CCC Chapter 11.78, a note on the final plat shall be required, identifying this subdivision as being located within in area containing fish and wildlife habitats.
15. Pursuant to RCW 27.53.020, full cooperation among DAHP and other tribal agencies is required to ensure information regarding the possible impact of construction activities on the state’s archaeological resources is maintained. For the original plat submission (2015), no comments were received regarding the cultural resources on the subject property. For the new plat submission (2022), the Department of Archaeology and Historic Preservation (DAHP) and the Colville Tribes both requested that a cultural resource survey be performed due to the onsite rock features and outcroppings that may contain features associated with spiritual activities. The Hearing Examiner sets as a condition of approval that, unless waived in writing by DAHP and Colville Tribes, a cultural resource survey be completed prior to further ground disturbing activities.
16. The original TEMAARIK plat was approved by the Hearing Examiner on December 21, 2015. The applicant received 1-year extensions in 2020 and 2021. However, the plat was not recorded prior to December 21, 2022 and it expired. The applicant then reapplied for a new plat on December 22, 2022.
17. The Chelan County Public Works comment letter, dated February 1, 2023, states the site is proposed to be accessed from a proposed 50-foot wide private access and utility easement off of Upper Joe Creek Road, which is classified as a Rural Local Access Road in the county road system, and consists 22-foot paved roadway with 1-foot to 4-foot shoulders. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private road would

be required to be constructed to meet a Private Rural Emergency Vehicle Access Road (Standard Plan PW-20). An Emergency Vehicle Access Turnaround (Standard Plan PW-23-A or B) is required on any dead-end street/road longer than one-hundred and fifty feet (150'). Pursuant to CCC Chapter 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 private shared/common access road and must contain wording of maintenance of the road sign within the development.

18. The Chelan County Public Works comment letter, dated February 1, 2023, states a private stormwater drainage system is required with a Maintenance Agreement accompanied by a note on the final plat.
19. The Chelan-Douglas Health District comment letter, dated January 30, 2023, states that domestic water service shall be provided by a Group B well that is already developed.
20. The Chelan-Douglas Health District comment letter, dated January 30, 2023, states that all lots meet or exceed the state minimum lot size based upon soil type and source of domestic water supply.
21. From the 2015 plat submittal, the Chelan County PUD commented that electrical service is available; however, extensive overhead primary and underground primary extensions will be required. Easements along County right-of-way and private property are necessary. No comments were received from the Chelan County PUD for the 2022 plat submittal.
22. The Chelan County Fire Marshal comment letter date stamped February 26, 2023, states the proposal shall conform to all applicable requirements of the International Fire Code and International Building Code administered by the Chelan County Fire Marshal. A note on the face of the final plat shall state *“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.”*
23. No irrigation water is present on the parent parcel.
24. Noise impacts are addressed in Chelan County Code Chapter 7.35.
25. The applicant submitted an environmental checklist on December 22, 2022. Pursuant to WAC 197-11 and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed by Chelan County. A Determination of Non-Significance (DNS) was issued on February 24, 2023. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
26. The Notice of Application and Environmental review was referred to agencies and departments on January 25, 2024 and surrounding property owners within 300' excluding 60' of right-of-way with comments due February 8, 2023. Agency comments are included, as appropriate, within this staff report and in the recommended Conditions of Approval. The following agencies and County departments were sent referral packets:

Agencies Notified	Response Date	Nature of Comment
Chelan County Public Works	February 1, 2023	Recommended conditions of approval were provided for the proposed project.
Chelan County Fire Marshal	February 26, 2023	The subject property does not have adequate fire flow; either additional fire hydrants would be necessary to serve this project or alternative fire flow provisions would be necessary.

Agencies Notified	Response Date	Nature of Comment
Chelan County Assessor	No Comment	
Department Archaeology & Historic Preservation	February 8, 2023	DAHP recommends a cultural survey be performed and a report produced prior to ground disturbing activities.
WA Department of Fish & Wildlife	February 8, 2023	Recommends that a survey for shrubsteppe habitat be conducted. If shrubsteppe habitat is found on the subject property, then a Habitat Management and Mitigation Plan would be required.
Manson School District	No Comment	
Chelan-Douglas Health District	January 30, 2023	Domestic water would be provided by expansion of the existing well to a Group B water system and sanitation would be provided by onsite septic systems.
Chelan County PUD	No Comment	
WA Department of Ecology	No Comment	
Chelan County Fire Dist. 5	February 8, 2023	The nearest fire station is 2.7 miles away and the nearest fire hydrant 2.1 miles away. Requests that the applicant installs a 10,000-gallon water supply for fire use only.
Confederated Tribes of the Colville Nation	January 25, 2023	Recommends a cultural resource survey.
Yakima Nation	No Comment	

27. No public comments were received.

28. Application and Public Hearing Notice:

Application Submitted:	December 22, 2022
Determination of Completeness issued:	January 20, 2023
Notice of Application:	January 25, 2023
SEPA DNS Issued:	February 24, 2023
Notice of Hearing:	March 25, 2023
Public Hearing:	April 5, 2023

29. Comprehensive Plan Review: Chelan County Comprehensive Plan, page RU 13, states the purpose of the Rural Residential/Resource 5 (RR5) designation is to provide *“for small scale agricultural activities, and rural development consistent with the rural character and rural*

*development provisions outlined in goals and policies of the comprehensive plan These areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development. Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale business that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.”*

- 29.1 Hearing Examiner Finding: The proposed subdivision is located entirely within the Rural Residential/Resource 5 (RR5) designation. The development plan proposes residential dwellings for the subject site. The proposed development is consistent with the adopted Chelan County Comprehensive Plan policies.
30. Chelan County Code, Title 11: Zoning -Chelan County Code Section 11.04.020: District Use Chart, lists land divisions within the Rural Residential/Resource 5 (RR5) zoning district as a permitted activity.
31. Chelan County Code 11.12.020 – Standards. Chelan County Code Chapter 11.12, Zoning, provides guidance for the lot sizes and dimensions, densities and appropriate uses within the Rural Residential/Resource 5 (RR5) district.
- 31.1 Minimum lot size is five acres, which measures to the centerline of adjoining public rights-of-way. Cluster subdivisions and planned developments may have reduced minimum lot sizes.
- 31.2 Minimum lot width is 100 ft. at the front building line.
- 31.3 Maximum building height is 35 ft.
- 31.4 Maximum lot coverage is 35%.
- 31.5 The minimum front yard setback is twenty-five feet (25') from front property line or fifty-five feet (55') from the street centerline, whichever is greater. The rear yard setback is twenty feet (20') from the rear property line. The side yard setback is five feet (5') from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.
- 31.6 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.66 acres to 1.27 acres in size. In addition, the applicant has requested a reduction of the rear yard setbacks to 5 feet where the rear yard adjoins the open space tract, which would maintain the desirable separation of structures without unduly restricting the buildable areas of the lots. All proposed lots exceed the minimum lot width of 100 feet at the front building line. Building height, lot coverage and setbacks would be reviewed at time of building permit.

- 31.7 The Hearing Examiner finds that site plan of record, date stamped December 22, 2022, indicates that all minimum dimensional standards have been met.
- 31.8 The Hearing Examiner finds that the proposed major subdivision, as conditioned, is consistent with the provisions of CCC Section 11.12.020.
32. Chelan County Code 11.86 - Geologically Hazardous Areas. Pursuant to the Chelan County Geologically Hazardous Areas map data and submitted Geological Site Assessment, dated November 5, 2015, the subject property does contain potential geologically hazardous areas. Therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay District do apply.
33. Chelan County Code 14.08.010 Pre-application meetings:
- 33.1 Prior to the filing of a preliminary plat, the sub-divider shall submit to the administrator plans and other information sufficient to describe essential features of the property and the proposed or contemplated uses and development for the purposes of scheduling a formal pre-application meeting in accordance with CCC 14.08.010.
- 33.2 Hearing Examiner Finding: The applicant participated in a pre-application meeting with Chelan County Community Development on April 23, 2015.
34. Chelan County Code, Title 12: Land Divisions - Chelan County Code 12.02.060 Concurrency of Public Infrastructure:
- 34.1 After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the proposed land division have been 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.
- 34.2 No county facilities will be reduced below adopted levels of service as a result of the proposed land division.
- 34.3 The subject property would be served by a Group B well and would utilize on-site septic systems. Extensions of the existing lines would be required for power.
35. Chelan County Code 12.04.020 - Suitability for Land Division. As submitted, the proposed major subdivision is consistent with the provisions of this section.
36. Chelan County Code 12.08 – Defines the standards for all subdivisions:
- 36.1 Chelan County Code 12.08.010 - Land division names. No land division shall be approved which bears a name using a work which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words which contain the following “town,” “county,” “place,” “court,” “addition,” “acres,” “heights,” “villa,” or similar words, unless the land so divided is contiguous to the land division bearing the same name.
- 36.2 Hearing Examiner Finding: Review of the name would be required prior to final plat approval to determine that it does not match or is not similar to an existing plat name.
37. Chelan County Code 12.08.020 – Lot Standards.
- 37.1 Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended, meeting the dimensional standards of the Chelan County Code or shoreline master plan, including but not limited to required buffers, setbacks or protection zones. Cluster lots, planned unit developments and binding site plan may vary from the dimensional standards of the applicable zoning district as provided for in this title. No lot

shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.

- 37.1.1 Hearing Examiner Finding: The applicant has requested a reduction of the rear yard setbacks to 5 feet where the rear yard of each lot adjoins the open space tract, which would maintain the desirable separation of structures from adjacent properties. As conditioned, the proposed cluster plat is consistent with the required dimensional standards.
- 37.2 Every lot shall be provided with access. If access is provided by a road, residential driveway or shared residential driveway, access shall meet the requirements of Title 15.
  - 37.2.1 Hearing Examiner Finding: Access to the proposed cluster subdivision is via a private easement off of Upper Joe Creek Road, a public roadway in the county road system. This proposed internal road is proposed to meet the Private Rural Emergency Vehicle Access Road (Standard Plan PW-20) of Title 15. The proposed cluster plat is consistent with the required access requirements.
- 37.3 Forest service roads and roads designated as “primitive” by Chelan County are not suitable access for land division, except as provided in Section 12.04.020.
  - 37.3.1 Hearing Examiner Finding: Not applicable
- 37.4 Proposed lots must include a building footprint where the slope does not exceed forty percent, unless a geological or engineer report can demonstrate building area, except as provided in Section 12.04.020.
  - 37.4.1 Hearing Examiner Finding: The subject property does contain some steep slopes that are greater than 40%. However, none of the proposed residential building lots exceed a forty percent grade. The geoassessment prepared for the development requires a setback from slopes steeper than 40%.
- 37.5 The administrator may require a map showing the building envelope of each lot and related critical areas and associated buffers.
  - 37.5.1 Hearing Examiner Finding: The project is located in an area identified as a potential geologic hazard for steep slopes and erosive soils. No other critical areas were identified.
  - 37.5.2 The applicant has submitted a Geological Site Assessment, dated November 5, 2015, completed by Nelson Geotechnical Associates, Incorporated. The Assessment concludes that; “Based on our site observations, review of the plans as provided, and review of our prior letter, we are of the opinion that the building setbacks shown on the attachments generally conform to our prior recommendations, and should be suitable for use in this project development and construction”. The report includes recommendations for construction including erosion control, site preparation, fills, cut slopes and building setbacks which should be adhered to for all development.
  - 37.5.3 The Assessment has specific recommendations for building setback requirements regarding geologic features found near the top of slope, including bedrock outcrops and local glacial outwash deposition. A minimum setback of 35 feet is recommended for all structures founded within bedrock. Within those areas where structure foundations will occur within or partially within the glacial outwash deposits, the Assessment recommends a minimum building setback of 65 feet, as depicted on the Site Plan of record.

- 37.5.4 The location of the geologic features and the recommended sixty-five foot setback for structures which occur within or partially within the glacial outwash deposits is shown on the Site Plan of record, dated December 22, 2022. These building setbacks may be reduced upon recommendation of a qualified expert and a site-specific geotechnical engineering exploration and evaluation, and report. As reviewed, each proposed lot has an adequate building envelope when consideration of the additional geotechnical setbacks is incorporated into the design.
  - 37.5.5 Where the land division may result in barriers to development of adjacent lots, the administrator may require that the location of lot lines provide for future land division of surrounding property.
  - 37.5.6 Hearing Examiner Finding: The proposed cluster plat is along a hill top with an existing access and utility easement serving parcels to the north and south. The adjacent surrounding parcels are accessed from the same private easement off of Joe Miller Road. The proposed land division does not result in a barrier to development of adjacent lots.
38. Chelan County Code 12.08.030 Easement:
- 38.1 Utilities, whenever feasible, shall be located outside the established road prism, as defined in Title 15, but within the right-of-way. When location within the public right-of-way is not feasible or practical, as determined by the county or local utility purveyor, the following provisions shall be adhered to:
    - 38.1.1 Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the county or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.
    - 38.1.2 The widths of the easements shall be the minimum necessary as determined by the utility purveyor, unless the administrator determines a small or larger width is appropriate based on-site conditions. Whenever possible, public utilities shall be combined with driveways, pedestrian access ways and other utility easements.
    - 38.1.3 Hearing Examiner Finding: Electrical services are available from the Chelan County PUD No. 1. However, line extension will be required.
  - 38.2 Private road easements shall be shown.
    - 38.2.1 The applicant is proposing access off of an existing county road by a private easement and driveways. Private road standards, as detailed in CCC Title 15, apply to this development and require an approved maintenance agreement.
  - 38.3 Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final land division or separate instrument.
    - 38.3.1 All easement locations are required to be shown on the final plats, pursuant to CCC 12.08.030. Separate instruments recorded with the Chelan County Auditor should be referenced on the face of the final plat. Required easements, shall be reviewed with the blue line submittal.
  - 38.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
    - 38.4.1 Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.



39. Chelan County Code 12.08.040 Fire protection standards: The fire protection standards contained in Title 15 and adopted International Fire Code are required in all divisions of land. Modifications are allowed though the adopted fire credit options when approved by the Chelan County Fire Marshal.
- 39.1 The subject property is located in Fire District 5. The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is approximately 2.7 miles from the subject property. Pursuant to CCC 3.04.010, State Building Code, all building permits require compliance with the International Fire Code(s), as adopted or amended by Chelan County.
40. Chelan County Code 12.08.050 Storm Drainage: All land division creating new impervious surfaces shall meet the following requirements: (1) Storm drainage shall be provided in accordance with the adopted standards. (2) All infrastructure within the right-of-way shall become the property of, maintained and operated by, Chelan County.
- 40.1 A private stormwater drainage system would be required for the proposed preliminary plat. Operation and maintenance of the private drainage system would require a Maintenance Agreement. The Maintenance Agreement must include operational and annual maintenance criteria. Said Maintenance Agreement shall but submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.
41. Chelan County Code 12.08.060 Watercourses. Where a division of land is traversed by a watercourse, a drainage easement adequate for the purpose and conforming to the line of such watercourse, drainage way, waste-way, channel or stream and of such width for construction, maintenance and protection as determined by the decision body shall be provided.
- 41.1 The property is not impacted by a watercourse.
42. Pursuant to Section 12.08.070 – Water and sewer standards. All water and sewer facilities shall be designed and constructed in compliance with Chelan-Douglas Health District, the county’s construction specifications, all applicable purveyors and all state and federal regulations.
- 42.1 Hearing Examiner Finding: The Chelan-Douglas Health District comment letter, dated January 30, 2023, states that domestic water service shall be provided by an approved Group B well. Additionally, it states that all lots meet or exceed the state minimum lot size for on-site septic systems, based upon soil type and source of domestic water.
- 42.2 As conditioned, the proposed development would meet the requirements for domestic water supply and on-site septic systems. On-site septic system and domestic water supply systems are reviewed and approved by the Chelan-Douglas Health District.
43. Chelan County Code 12.08.080. Road Standards: All land divisions shall comply with Title 15.
44. Chelan County Code 12.08.090. Monuments: Permanent survey monuments shall be provided for all final land divisions as required in Section 15.30.825.
- 44.1 Per Title 15 of the CCC, monuments should be required prior to submittal of the final plat or as approved by Chelan County Public Works Department. Compliance with CCC 15.30.825 shall be a condition of approval.
45. Chelan County Code 12.08.100 Flood Protection:
- 45.1 No land division shall be approved if related improvements such as levees, fills, roads, or other features will individually or collectively significantly increase flood flows, heights, or velocities.

- 45.2 If a determination is made that part of a proposed land division lies within the one-hundred-year flood plain or the floodway, the requirements of the Chelan County flood hazard development resolution shall apply.
- 45.3 The subject property does not contain floodplains or floodways.
46. Chelan County Code 12.12.050 – Required features for cluster subdivisions.
- 46.1 The following features are required for all cluster subdivisions
- 46.1.1 Lot design shall group building lots in a manner to maximize open space, preserve natural habitat and protect critical areas. A checker board, or alternating of open space and buildable lots, type of layout is incompatible with clustering.
- 46.1.2 Hearing Examiner Finding: The proposed cluster plat groups the building lots on the upper most portion of the subject property that exhibits gentle to moderate slopes. The majority of the planned building envelopes measure between 5 to 20 degrees. The proposed open space tract has a varied slope between 35 to 65 degrees.
- 46.2 Within the AC zoning district, the applicant should locate the buildable lots on land which will retain the optimal agricultural land for production. Optimal agricultural land shall include topography, slope, historical productions, soil type, etc.
- 46.2.1 Hearing Examiner Finding: The subject site is within the Rural Residential/Resource 5 (RR5) zoning district and therefore this provision of code does not apply.
- 46.3 Open space of at least seventy percent shall be provided.
- 46.3.1 Hearing Examiner Finding: The parent parcel is 20.07 acres which requires 14.04 acres in open space (70% of the parent parcel size). The applicant is proposing 15.90 acres of open space.
- 46.4 When clustering on steep slopes or other land development limitations, multiple clustering of groups of two or more buildable lots may be placed throughout the development, provided the following can be met: (i) Buildable lots take advantage of natural shelves and terraces or as appropriate for geography and terrain; and (ii) Placement of lots minimizes grading.
- 46.4.1 Hearing Examiner Finding: The proposed cluster plat groups the building lots on the upper most portion of the parcel that exhibits gentle to moderate slopes. The majority of the planned building envelopes measure between 5 to 20 degrees. The proposed open space tract has a varied slope between 35 to 65 degrees.
- 46.5 (2)(A) through (D), outline the procedure for increased density.
- 46.5.1 Hearing Examiner Finding: The zoning district permits one dwelling per 5 acres; the parent parcel has 20.07 acres permitting a base density of 4.01, or rounded up to 5 lots with a potential of 10 lots if applying the maximum bonus density. However, the applicant is only seeking a bonus density with a total of 5 residential lots, which is consistent with the code requirements for cluster plats.
- 46.6 Open space shall not include any developed areas, including right-of-way (built or un-built), but may include development open space features and snow easements.
- 46.6.1 Hearing Examiner Finding: The applicant is proposing a total of 15.90 acres of open space. The applicant has not documented any snow easement locations. However, the proposed 50' access easement would appear adequate for roadway

and snow storage. Final determination will be required by Chelan County Public Works prior to blue-line review.

- 46.7 The public benefit incentives, listed in the Code below, may be incorporated into a proposal for an additional density bonus. The total density bonus may not exceed two hundred percent from what would otherwise be allowed in the zoning district. The applicant shall provide documentation of and assurance of each benefit to guarantee full implementation and maintenance of incentives. Public benefit incentives may include: (chart not included).
- 46.7.1 Hearing Examiner Finding: The zoning district permits one dwelling per 5 acres; the parent parcel has 20.07 acres permitting a base density of 4.01, or rounded up to 5 lots with a potential of 10 lots if applying the maximum bonus density. The applicant is not proposing to utilize the additional density bonus.
- 46.8 (3) Dimensional Standards.
- 46.8.1 Minimum Lot Size. For individual lots, approved cluster subdivision shall be the minimum required by the Chelan-Douglas health district to meet provisions for domestic water and sewer, accommodate minimum setback requirements, and building envelopes.
- 46.8.2 Hearing Examiner Finding: The proposed development has been reviewed by Chelan-Douglas Health District which has determined that the minimum lot size has been met based on soil types.
- 46.8.3 Minimum Setback Distances. (i) Setbacks for the portion of the development that is on the perimeter of the project site shall be the setbacks required by the underlying zone. (ii) Setback for structures internal to the development may be altered to the extent allowed by the International Building/Fire Codes (IBC)/(IFC), Chelan County shoreline master program, and Title 11, Zoning. (iii) All buffer requirements, such as shoreline buffers, must be identified and protected.
- 46.8.4 Hearing Examiner Finding: As part of the narrative submitted with the plat application, the applicant requested a reduction of the rear yard setback from the required 20 feet to 5 feet, for those lots that abut the open space. According to the request; "This will maintain the desirable separation of structures without unduly restricting the buildable area of the lots".
- 46.8.5 The primary purpose of building setbacks is to provide for adequate air and light circulation, noise reduction as well as suitable separation between structures for fire protection. The rear yards on all of the proposed lots abut common open space; therefore, the application of the prescriptive 20-foot rear yard setback for this cluster subdivision is unnecessary. The proposed 5-foot rear yard setback request is reasonable, based on the site characteristics and subdivision design, and does not detract from the primary purpose for the rear yard setback.
- 46.8.6 Maximum Lot Coverage. For individual lots or parcels, the maximum lot coverage shall not exceed the requirements of the underlying zone.
- 46.9 Types of Open Space.
- 46.9.1 Individually Owned Open Space Standards. (i) The open space within the cluster development may be privately owned. (ii) Privately owned open space in a cluster development shall meet the following standards: (a) Privately owned open space must be maintained in its natural condition or used for agricultural,

forest or recreational purposes. (b) No accessory structures shall be allowed within privately owned open space, except for structures appurtenant to utilities, agricultural and forest uses, which cover less than ten percent of the open space.

46.9.2 Common Open Space Standards. Common open space in a cluster development shall meet the following standards: (i) The location, shape, size and character of the open space must be suitable for its intended use. (ii) Common open space must be managed for its intended use. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized and the structures shall cover less than ten percent of the open space. (iii) The preliminary development plan and program shall include a provision which assures retention and maintenance of the open space in a cluster development. Such assurances may be undertaken in forms approved by the administrator or hearing examiner. (iv) All legal documents necessary to implement this requirement (typically in the form of notice to title) shall be filed by the applicant with the final cluster development plan and program, and shall be subject to approval as to form by the administrator. Recorded documentation shall be noted, by the assessor's file number, on the Mylar for reference.

46.9.3 Hearing Examiner Finding: The application materials state; "The open space tract will be transferred to the homeowners of the cluster subdivision after the sale of 5 lots".

47. Chelan County Code 12.24.015. All final land division review and approval requirements: The approval given to a preliminary plat shall expire pursuant to Revised Code of Washington (RCW) 58.17.140 unless, within the allowed timeframe, a proposed final plat in proper form is filed with the administrator.

47.1 The applicant shall have five (5) years to final the plat from the date of preliminary approval.

48. An open record public hearing after due legal notice was held on April 5, 2023. The Hearing Examiner admitted into the record the following exhibits:

48.1 Ex. A Site Plan of Record date stamped December 22, 2022;

48.2 Ex. B File of Record;

48.3 Ex. C Chelan County Inadvertent Discovery Plan;

48.4 Ex. D Staff Report.

49. Appearing and testifying on behalf of the Applicant was Michelle Taylor. Ms. Taylor testified that she was an agent authorized to appear and speak on behalf of the property owner and Applicant. Ms. Taylor testified that she had reviewed the staff report and did not have any specific objections, but did have some discussion points. She also indicated that she had reviewed the proposed conditions of approval and also had no objection, but had a few that she wished to discuss.

50. The issues brought up by Ms. Taylor were comments by the Fire Marshal. There was a suggestion that water storage was required, but there was also a comment that fire credits could be incorporated to replace fire storage. Ms. Taylor also testified that certain infrastructure has already been put in place, such as roads and utilities, and therefore, a cultural resource survey does not make sense. It is unclear to the Hearing Examiner whether DAHP or the Colville Tribes are aware of the development that has occurred on the property.

51. Ms. Taylor also had concerns about the habitat study request by the Department of Fish and Wildlife. She asked that the study be waived because there is significant open space on the property.
52. Staff indicated that the Fire Marshal made the comment the comment requesting water storage and fire credits being sufficient, whereas the Fire Chief requested water storage. Staff indicated that fire credits were acceptable to staff if they met 100% of protection with the credits.
53. Regarding the requested cultural resource study, staff is working with DAHP and the Colville Tribe to resolve this concern.
54. Finally, staff indicated that it was certainly acceptable for the Applicant to work with the Washington State Department of Fish and Wildlife regarding the requested survey.
55. No member of the public testified at this hearing.
56. 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 CCC Title 11 Zoning, Title 12 Land Divisions, Title 14 Development Permit Procedures and Administration, and Title 15 Development Standards.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Chelan County Comprehensive Plan.
4. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. The public interest would be served by the 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, **PLAT 2022-501** 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.
3. Pursuant to Chelan County Code Section 12.24.040, the final cluster plat shall be designed in substantial conformance with the preliminary cluster plat of record, date stamped December 21, 2022, 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 new or amended subdivision application.
4. Pursuant to RCW 27.53, 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.
  - 4.1. Pursuant to the comment letter received from Washington State Department of Archaeology and Historic Preservation (DAHP), a prehistoric archaeological site is located within the proposed project area. Prehistoric sites are protected under Washington State law. Therefore, the applicant shall obtain the necessary permit from DAHP in order to work within the site boundary.
  - 4.2. Unless waived in writing by both DAHP and the Colville Tribes, prior to ground disturbing activities, an updated cultural resource survey shall be conducted and a report meeting DAHP's Standards for Cultural Resource Reporting shall be submitted to DAHP.
  - 4.3. Regardless of whether a Cultural Resource Survey is required, the Applicant shall prepare and utilize an Inadvertent Discovery Plan approved by Chelan County.
5. Pursuant to CCC Section 12.08.030 and 12.24.020(3) and CCC Chapter 15.30, all easement locations are required to be shown on final plats.
6. Pursuant to CCC Section 12.02.010(1), the following note shall be placed on the final plat mylar:
  - 6.1. **"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 assure all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations."**
7. 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.
8. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required to be paid by the Chelan County Treasurer shall be paid prior to final Plat recording.
9. Pursuant to CCC Chapter 11.78, the following note shall be placed on the final plat:
  - 9.1. **"The subject property is within identified wildlife habitats and shall be subject to the provisions of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conversation Areas Overlay District, as amended."**
  - 9.2. Pursuant to the comment letter received from the Washington Department of Fish and Wildlife (WDFW), a vegetation survey for shrubsteppe habitat shall be performed. If the

survey determines that these habitats do exist within the subject properties, then a Habitat Management and Mitigation Plan will be required.

10. Pursuant to CCC Section 11.86.080, the following notes 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 Site Assessment prepared by Nelson Geotechnical Associates, Inc. dated November 5, 2015 or with a site-specific geological site assessment.”**
11. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final Plat:
  - 11.1. **“Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”**
  - 11.2. **“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.**
    - 11.2.1. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan may be obtained from Chelan County Community Development.
  - 11.3. **“Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.”**
12. Pursuant to CCC Section 11.12.020(1), the minimum lot size may be modified one time for a cluster subdivision. The following note shall be placed on the final plat:
  - 12.1. **“The lots associated with this plat shall not be further subdivided utilizing the cluster subdivision criteria.**
13. Pursuant to CCC Section 12.12.050, the open space accumulated shall be clearly labeled and numbered as a tract with an approved open space management plan; the following language shall be inserted on the final plat filed for record under this chapter:
  - 13.1. **“This tract is held in reserve as open space designated for recreational use in accordance with CCC 12.12.050(4)(a) on which a variety of activities may occur that are not compatible with residential development for certain periods of limited duration. Open space set aside for recreational purposes may allow improvements that are associated with the recreational operations, such as construction of trails, outbuildings, and other related facilities provided they are incidental and do not take up more than ten (10) percent of the open space. This tract is held in reserve as open space with provision for building consistent with the approved open space management plan AFN: \_\_\_\_\_, or as legally amended.”**
14. Pursuant to Chelan County Code Section 12.12.050, the applicant shall ensure the following note is shown on the final cluster plat:
  - 14.1. **“Lots within this cluster subdivision may observe a five (5) foot rear yard setback”.**

#### **CHELAN COUNTY FIRE MARSHAL**

15. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal Agency Comment dated November 4, 2022.

- 15.1. 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.
- 15.2. All land upon which buildings or portions of buildings are hereafter constructed in or moved within Chelan County, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in CCC Section 15.40.040 and the current edition of the International Fire Code.
- 15.3. The minimum fire flow and flow duration requirements for one and two-family dwellings having a fire area which does not exceed three thousand six hundred sq. ft. 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 sq. ft. 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 provided with an approved automatic sprinkler system.
- 15.4. 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 feet from a fire hydrant when serving lots less than 43,560 sq. ft. (one acre).
- 15.5. 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.
- 15.6. Provide fire hydrants for the lots within the required distance of the parcels.
- 15.7. The Fire Marshal May modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. A note on the face of the final plat shall state:
  - 15.7.1. **“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.”**
- 15.8. 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:
  - 15.8.1. **“All buildings that require a building permit within this plat shall have Class A roofing materials.”**
- 15.9. A note on the final mylar shall state:
  - 15.9.1. **“All buildings that require a 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.”**
- 15.10 To make sure this is clear, the Hearing Examiner is waiving the requirement for fire water storage and will instead allow the utilization of fire credits, so long as those fire credits meet 100% protection as required by the Chelan County Fire Marshal.

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

16. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan-Douglas Health District Agency Comment dated January 30, 2023.



17. The final plat mylar must include these notes:
  - 17.1. **“The Health District has not reviewed the legal availability of water to this development.”**
  - 17.2. **“The combined water usage by all the wells in this development may not exceed 5000 gallons per day or be used to irrigate more than ½ acre unless a ground water withdrawal permit is obtained from the Washington State Department of Ecology (RCW 90.44.050).”**
  - 17.3. **“Site evaluations may be required at the time of application for individual septic system construction permits.”**
18. For public wells (three or more connections to a well): A Sanitary Control Area showing a radius of 100 feet surrounding a public well point must be shown on the final play mylar, included plat note below:
  - 18.1. **“A Declaration of Covenant recorded as a notice to title with Chelan County as AFN:\_\_\_\_\_ establishes a sanitary control area with a 100’ radius around the domestic well shown [as well tag #\_\_\_\_\_]. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area.”**
19. Development served by on-site sewage/septic systems:
  - 19.1. A Site and Soil evaluation report by Tower Designs has been submitted with the plat application. Lot sizes must comply with the sizes described in the report. Any changes from this may require an additional Site and Soils report. If drainfields for lots are proposed to be placed on other lots, a Site Evaluation report is required to indicate size and location of designated drainfield sites, to include any necessary easements. Site Evaluations must be completed by a state licensed designer or professional engineer, per WAC 246-272A.

**CHELAN COUNTY PUBLIC WORKS DEPARTMENT**

20. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Works Agency Comment dated February 1, 2023.
21. Pursuant to CCC Section 12.08.020(2), the applicant shall demonstrate legal and perpetual access for the indicated access road for the proposed plat.
22. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private road shall be constructed to meet a Private Rural Emergency Vehicle Access Road (Standard Plan PW-20). An Emergency Vehicle Access Turnaround (Standard Plan PW-23-A or B) is required on any dead-end street/road longer than one-hundred and fifty feet (150’).
23. The applicant shall be required to provide snow storage areas to place snow accumulated for the new private road.
24. The applicant must demonstrate safe ingress/egress. The applicant shall provide a sight distance analysis in accordance with Title 15 for all existing and proposed access points.
25. Pursuant to CCC Section 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 private shared/common access road and must contain wording of maintenance of the road sign within the development. Said agreement must be provided simultaneously with the Preliminary Mylar (blue-line) submission. Said agreement shall be recorded with the final plat.

26. Pursuant to Chelan County Code Section 15.30.650, the applicant shall place the following note on the face of the plat: **“Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.”**
27. Pursuant to CCC Section 15.30.310, the applicant shall submit a Lot Access Plan so that addresses can be determined for all existing and proposed lots. The Lot Access Plan must show the driveways/access location for the proposed project. This requirement may be fulfilled on a separate submittal and must be accomplished prior to the pre-Mylar submittal.
28. Pursuant to CCC Section 10.20.200, a road naming shall be required for shared driveway/access roads that serve three or more addressable parcels or structures. The applicant will be required to notify all affected property owners that have legal access/use to the access being named or that owns property that abuts the access. A signature of the property owner or a certified mail receipt will be required to prove such notification. That proof, a road naming application with 3 or more names and a road naming fee must be submitted to Chelan County Public Works for each of the shared accesses being named. Approval will be up to emergency services. Once a road name has been approved, a road name sign will be required to be installed by the applicant per Chelan County specs. Once the road name sign is installed; the applicant will be required to contact Chelan County Public Works for an inspection. More details, the road naming application and the road sign spec can be found online at: <https://www.co.chelan.wa.us/public-works/page/addressing-and-road-naming>.
29. Pursuant to CCC Title 13, the applicant shall add the following note for addressing: **“Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s)”**.
30. The applicant shall submit construction plans and reports for all required improvements on Crestview Road and the internal roads in accordance with CCC Section 15.30.650: The Construction Plans shall include, but are not limited to:
  - (A) Drainage Report and Plan;
  - (B) Roadway Improvement Plan (showing the location of utilities and roadway curve data);
  - (C) Lot Access Plan (profiles and topography);
  - (D) Erosion and Sedimentation Control Plan;
  - (E) Signage Plan;
  - (F) Topography Lines; and,
  - (G) all easements).
31. Pre-Construction Meeting is required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
32. As-Built Plans shall be submitted, reviewed and approved by the Public Works Department upon completion of all required improvements and prior to County Engineer’s signature on the Final Mylar.
33. Pursuant to Chelan County Code Section 15.30.820, the applicant shall not obstruct sight distance with a centralized mailbox or locate a centralized mailbox on a County road right-of-way that will hinder County Road Maintenance. Should a centralized mailbox be required, the applicant shall provide details on construction plans, including the location, installation details and pull-out detail.

34. Pursuant to Chelan County Code Section 15.30.650, the final cluster plat shall include any easements necessary to provide and maintain all utilities to and within the proposed plat, including but not limited to, the approved drainage plan.
35. Pursuant to Chelan County Code Chapter 13.16, 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 which shall include operational and annual maintenance criteria. The agreement shall be submitted to Public Works with the blue-lines and shall be recorded with the final plat.
- 35.1. The following note shall be placed on the final cluster plat mylar:
- 35.2. **“The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties’ successors a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owners(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 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.”**
36. Pursuant to Chelan County Code Chapter 12.10, the applicant, with the blue-line submission, shall provide lot closure calculations, identify all roads as public or private, show all easements that benefit or burden the project site and identify centerlines and right-of-way dimensions on any new proposed road or access easements.
37. Pursuant to Chelan County Code Section 15.30.825D, monumentation shall be required on the internal roadway and on Upper Joe Creek Road if not already monumented.
38. Pursuant to the comments of the Washington State Department of Fish and Wildlife, unless waived in writing by WSDFW, the Applicant shall prepare a survey for shrubsteppe habitat per the requirements of the WDFW comment letter dated February 3, 2022. If the survey determines that these habitats do exist within the subject properties, then a Habitat Management and Mitigation Plan will be required. Pursuant to CCC 11.78, a note on the final plat shall be required identifying this subdivision being located within an area containing fish and wildlife habitats.

Dated this 7 day of April, 2023.

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.