

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
PD 2022-503 / P 2022-504	)	DECISION AND CONDITIONS
Riverview Terrace	)	OF APPROVAL
	)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on July 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 for a Planned Development with an accompanied plat that consists of a 45-lot residential development with two open space tracts and one access/utility tract located on approximately 11.3 acres within the Rural Recreational/Residential (RRR) zoning district. Lots within the development would range in size from approximately 5,600 sq.ft. to 11,900 sq.ft. and would be used for single-family residences. Buildout of this development would be completed in up to two phases; Phase 1 would consist of the development of Lots 7-23 and 43-45 while Phase 2 would consist of the developments of Lots 1-6 and 24-42. The proposed infrastructure for this proposed development utilizes an approved road design deviation and has proposed amenities that include a community park, a natural area, and potentially a trail to Three Lakes Golf Course. Access to the development would be through an extension of Riverview Lane, potable water would be supplied by expansion of the Malaga Water District, and sanitation would consist of individual on-site septic systems with community drainfields provided within the community park.
2. The Applicants/owners are Davy Enterprises and Bremmer Construction, 411 S. Mason Ave., East Wenatchee, WA 98802. The agent is B&D Development, Inc., 411 S. Mason Ave., East Wenatchee, WA 98802.
3. The subject property is located at 3025 Riverview Lane, Malaga, WA.
4. The parcel numbers for the subject property are 22-21-29-861-005 and further described as Lot A of BLA 2022-313.
5. The proposed development is not within an urban growth area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Recreational / Residential (RRR).
7. The subject property is currently vacant. It was set aside as a future development lot in the original Riverview Terrace Planned Development submittal in 2009 that was recorded in 2014.
8. The subject property is a gently rolling terrace that is located between steep north-facing escarpments on neighboring properties to the north and south. No structures currently exist on the subject property and it is currently covered by a mixture of native and invasive grasses and shrubs. The surface soils are a mixture of sandy and gravelly loams, with lower strata of gravelly sands and fine sands. Surrounding land uses include a recently removed orchard to the north, large-acreage single-family lots to the east, an open space tract immediately to the south with a

development of 1/3-acre single family homes and the Three Lakes Golf Course beyond that. To the west is a recent development of single-family homes on 1/3-acre lots. The existing Riverview Lane to the southwest is a Private Rural Local Access HD (modified) road with two lanes separated by a landscaped median and curb, gutter and sidewalk on the south side. This connects to a Local Access County Road by the same name with 38-ft of pavement and 60-ft Right of Way. The change from private to County road occurs at the west side of the easternmost recent development. The County Road connects to Golf Course Road, another Local Access County Road that runs along the north edge of the Golf Course. Pavement width varies, but is approximately 27-ft minimum, and Right of Way is believed to be 60-ft. The west end of Golf Course Road intersects West Malaga Road, a County Rural Minor Collector, with two 11-12ft paved lanes, 3-4ft paved shoulders and 4-8ft gravel shoulders in a Right of Way that varies from 50-60ft.

9. The site size is 11.3 acres.
10. The property to the north is residential and orchards and is zoned Rural Village (RV).
11. The property to the south is undeveloped / vacant land and is zoned Rural Recreational / Residential (RRR).
12. The property to the west is residential and is zoned Rural Recreational / Residential (RRR).
13. The property to the east is residential and is zoned Rural Recreational / Residential (RRR).
14. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped December 22, 2022. Pursuant to Chelan County Code (CCC) Section 11.82.040, Chelan County has determined that the aquifer recharge measures do apply and the applicant shall submit a vulnerability rating with the blueline review submittal.
15. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150650A, the site does not contain identified 100 or 500-year flood plain or associated floodway. Therefore, CCC Chapter 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, CCC Chapter 11.86, Geologically Hazardous Areas Overlay District, does apply. A geologic site assessment was prepared by Nelson Geotechnical Associates, Inc. on December 22, 2022 and concludes that the properties are suitable to be developed provided that any geologic hazards are mitigated per the general recommendations found in the geologic site assessment.
17. Pursuant to the National Wetlands Inventory Map, the site does not contain any known wetlands; however, from the original 2009 Riverview Terrace plat, a wetland was located approximately 150 ft. from the western property boundary. A Fish and Wildlife Habitat Management and Mitigation Plan was submitted for the development on May 4, 2023, which included an updated wetland study. According to the wetland delineation performed, no wetlands were found on or nearby the subject property. Therefore, CCC Chapter 11.80, Wetlands, does not apply.
18. 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 and mule deer habitat. A Fish and Wildlife Habitat Management and Mitigation Plan (HMMP) was submitted for the development on May 4, 2023 (Exhibit C). The HMMP found that there is approximately 1.86 acres of existing low quality shrubsteppe within the subject property and approximately 0.93 acres would be disturbed by the proposed development. These impacts to shrubsteppe habitat would be mitigated for through the creation of a 1.10-acre Natural Area in

Tract B that would preserve and enhance a portion of the existing shrubsteppe within the subject property. 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.

19. 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 (2009), an Archaeological Survey, by Rain Shadow Research, Inc., dated August 12, 2009 was submitted to the Tribes and DAHP. For the new plat submission (2022), no comments from either the Department of Archaeology and Historic Preservation (DAHP) or the Colville Tribes was received. The Hearing Examiner sets as a condition of approval, that an Inadvertent Discovery Plan be submitted as part of the construction documents.
20. The original Riverview Terrace Planned Development, corresponding plat, and an associated conditional use permit was approved by the Hearing Examiner on June 28, 2012. The first phase of Riverview Terrace was recorded on November 25, 2014. However, the subsequent phases of the plat was not recorded prior to June 28, 2019 and therefore it expired. The applicant then reapplied for a new Planned Development and associated plat on December 22, 2022.
21. The Chelan County Public Works comment letter, dated February 23, 2023, states the primary access to the project site is by extension of Riverview Lane (a continuation of the private road section) and access to the new proposed lots would be provided by a proposed internal private road.
22. The Chelan County Public Works comment letter, dated February 23, 2023 states that the project shall comply with stormwater standards, Chapters 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 County Public Works comment letter, dated February 23, 2023 states that the project shall comply with stormwater standards, Chapters 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.
24. The Chelan-Douglas Health District correspondence email, dated June 27, 2023, states: Domestic water service shall be by expansion of the Malaga 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. The applicant submitted a Method II Drainfield Justification for the proposed development. Pursuant to feedback from the Chelan-Douglas Health District, the applicant shall:
  - 24.1 Submit a new site and soil evaluation report, which must be completed by a state licensed designer or professional engineer, per WAC 246-272A.
  - 24.2 Submit an updated Method II evaluation using data from the site and soil evaluation for approval prior to final plat approval. Lot sizes must comply with the sizes described in the report. If drainfields for lots are proposed to be placed on open space tracts, the site and soil evaluation is required to indicate size and location of designated drainfield sites, to include any necessary easements.

25. The Lake Cortez Water Users Association 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.
26. The Chelan County PUD did not provide a comment letter for this proposed development. However, they did provide a comment letter for the 2009 Planned Development and subsequent plat, which stated that power is available, but primary line extensions will be required and the Chelan County PUD will obtain any necessary easements that are not included in the final plat.
27. The Chelan County Fire Marshal commented in a letter dated 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."
28. Noise impacts are addressed in CCC Chapter 7.35.
29. 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 and a Mitigated Determination of Non-significance (MDNS) was issued on June 16, 2023. The SEPA Checklist and MDNS are included within the file of record and adopted by reference.
30. The Notice of Application and environmental review was referred to agencies and departments on January 25, 2023 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 Decision and in the Conditions of Approval.
31. The following agencies and County departments were sent referral packets:

Agencies Notified	Response Date	Agencies Notified	Response Date
Chelan County Public Works	February 23, 2023	Chelan County PUD #1	June 14, 2023
Chelan County Building & Fire Marshal	February 26, 2023	WA Department of Ecology	February 16, 2023
Chelan County Assessor	None	Lake Cortez Water-users Association (Irrigation)	None
Chelan-Douglas Health District	June 27, 2023	Chelan County Fire # 1	February 22, 2023
Yakama Nation	None	Wenatchee School District	None
Department of Archaeology & Historic Preservation	None	Confederated Tribes of the Colville Nation	None
Noxious Weed Control Board	February 7, 2023	Department of Fish & Wildlife	February 17, 2023

32. Prior to the issuance of the staff report, twenty-five (25) public comment letters have been received by the Department:

Public Comments	Date Received	Nature of Comment
Charles Atkinson	February 21, 2023	Concerned about the functional evacuation of the development since there is only one way in and out. Would like to see a secondary access to the development. Also concerned about traffic safety for neighborhood kids.
Carlee Atkinson	February 21, 2023	Concerned about the functional evacuation of the development since there is only one way in and out. Would like to see a secondary access to the development. Also concerned about traffic safety for neighborhood kids.
Mike Barnum	February 9, 2023	Concerned about roadway and traffic issues, including snow storage and removal as well as ingress/egress during winter.
Robert Barnum	February 9, 2023	Concerned about roadway and traffic issues, including snow storage and removal as well as ingress/egress during winter.
Vicki Cook	February 21, 2023	Concerned about neighborhood density and the access to the development. Would like to see development be made into a 55+ neighborhood and a secondary access road to the east added as well.
Bill Dooley	February 19, 2023	Concerned about the increase in traffic as a result of the development, more specifically believes there should be a secondary access and additional right-turn lanes at Golf Course Road and McEldowey Road.
Dustin Huber	February 10, 2023	Concerned about traffic in emergency situations and that home deliveries would create traffic backups.
Melissa Eaton	February 21, 2023	Would like to see a secondary access road to accommodate additional traffic.
Todd Eggers	February 13, 2023	Concerned about the increase in traffic and would like to see a secondary access road.
J.M. Gavin	February 21, 2023	Concerned about the increase in traffic and trying to get out from Golf Course Road will be difficult.

Public Comments	Date Received	Nature of Comment
Amber Gunn	February 19, 2023	Concerned about neighborhood density and the access to the development. Would like to see development be made into a 55+ neighborhood and a secondary access road to the east added as well.
Colleen Hepnar	February 20, 2023	Concerned about the volume and density of the housing, the lack of infrastructure to support this density, and traffic safety issues. Believes that a secondary access road is needed.
Brettany Huber	February 9, 2023	Concerned that there is only one access point to the development and impacts on traffic from construction and deliveries.
Jennifer Molenaar	February 21, 2023	Concerned about the proposed density in relation to the existing infrastructure. Other potential issues include irrigation
Patti Montalvo	February 21, 2023	Concerned that there isn't a secondary access road due to traffic issues such as additional traffic and winter time impacts.
Jim Olson	February 21, 2023	Concerned with the proposed density as well as the proposed ingress/egress to the development. Believes that a secondary access road is needed.
Pioneer Way HOA	February 21, 2023	Concerned about traffic, private property rights, and water.
Gary Piscopo	February 17, 2023	Concerned about water availability and expansion of the Malaga Water District.
Joanne Reeder	February 20, 2023	Concerned about private property rights and would like the applicant to fence off the development to ensure there is no trespassing.
Sharon Stephens	February 21, 2023	Concerned about no secondary access, high traffic volume, and size of lots.
Audrey Taylor	February 19, 2023	Concerned with the proposed density as well as the proposed ingress/egress to the development. Believes that a secondary access road is needed.
Judy Thees	February 21, 2023	Concerned about the size of the lots, rural nature, and lack of a secondary access road.

Public Comments	Date Received	Nature of Comment
Hannah Walters	February 20, 2023	Concerned about water availability, traffic issues, and lack of infrastructure.
Cy Whitener	February 8, 2023	Concerned about the density of lots and no secondary access.
Trisha Wise	February 21, 2023	Concerned about additional traffic within the neighborhood and the size of the lots.

33. **TRAFFIC.** The applicant submitted a Traffic Impact Analysis performed by TENW for the proposal. This traffic study found that the study intersections would operate at LOS B or better with the development of the project in 2026 and therefore, no off-site improvements or mitigation obligations are warranted. In addition, no turn lanes would be necessary at any of these study intersections affected by the project. Per the comment letter submitted on February 23, 2023, Chelan County Public Works stated that a revised Traffic Impact Study would need to be submitted after a scoping meeting is held between the applicant and Public Works. After review of this revised Traffic Impact Study, the applicant may be required to construct off-site and/or frontage improvements. In addition, the internal private road system has been granted a deviation by Public Works. No secondary access is recommended or required.
34. **ROADS.** On November 23, 2022, the applicant submitted a revised request to Chelan County Public Works for four (4) specific deviations to County road standards related to the Design Classification, Design Speed, and cross section components of the entry road and loop roads. On December 5, 2022, Chelan County Public Works approved the revised road deviation request, which includes the following:
- 34.1 Main Entry Road (End of Existing Construction at Sta 11+80 to Sta 12+75)
  - 34.2 Loop Roads (Riverview Lane Sta 13+00 to end & Country Cottage Lane (Road B))
  - 34.3 Secondary Access (This request has been withdrawn).
  - 34.4 Road Extension to East Property Line:
35. **INFRASTRUCTURE.** The applicant would be responsible for improving the local water infrastructure as a condition of approval. Domestic water service for the development would be provided by expansion of the existing Malaga 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 service for the development would be provided by private septic systems with community drainfields located on Tract A (open space to be used for community park). Site evaluations may be required at the time of applicant for individual onsite septic system construction permits.
36. **LAND USE.** Based on the narrative provided by the applicant, this development would be a private, gated community. The 45 lots would have single-family residences on them ranging in size from 1,000 sq.ft. to 2,400 sq.ft., with a maximum of three bedrooms with a one or two car garage. An approximately 1.71-acre (74,473sf) Community Park would be located between the two roads. At the eastern side of the park, the two roads would intersect with homes on both sides, and an approximately 1.10-acre (48,094sf) Natural Area would be created and/or preserved

within the Chelan County PUD powerline easement that crosses the northeast corner of the property.

37. Application and Public Hearing Notice Compliance:

<b>Application Submitted:</b>	December 22, 2022
<b>Determination of Completeness issued:</b>	January 25, 2023
<b>Notice of Application:</b>	February 7, 2023
<b>SEPA Decision:</b>	June 16, 2023
<b>Notice of Hearing:</b>	June 24, 2023
<b>Public Hearing:</b>	July 5, 2023

38. Chelan County has identified Limited Areas of More Intensive Rural Developments (LAMIRD) for higher densities developments and focused growth. These areas provide for residential development when served by public water, sewer and other facilities. LAMIRDs help focus development and support the preservation of rural lands in other areas of the County.

39. The proposed development is located in a Rural Recreational/Residential (RRR) designation (a type of LAMIRD). The Comprehensive Plan outlines the purpose, uses and density intended for this area:

39.1 Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural recreational/residential areas for residential, recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Chelan County. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural recreational development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

39.2 Uses appropriate for these areas include: open space and developed 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: intensification of existing development or new development of small scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

39.3 Density: May allow for less than 1 acre per dwelling unit, when consistent with Health District standards. The provision of necessary public facilities and services shall not

- permit or encourage low density sprawl or urban type development outside of the designation boundary.
- 39.4 Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.
  40. The following Comprehensive Plan policies indicate support for the proposed development within an LAMIRD:
    - 40.1 Policy LU 1.1: Promote improved neighborhood character and compatibility through unified design and site requirements for both site-built homes and manufactured and modular housing.
      - 40.1.1 Rationale: The placement should take into consideration compatibility with the character of existing and future residential areas.
    - 40.2 Policy LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.
      - 40.2.1 Rationale: Many parcels of land are available within existing residential developments that can accommodate further development. Infill within these areas will allow public facilities and services to be provided in a more efficient manner
    - 40.3 Policy LU 1.7: Consistent with the Growth Management Act, ensure provision of necessary public facilities and public services for the development, infill and redevelopment of existing residential and mixed-use centers outside urban growth areas, such as LAMIRDs or rural communities. Such services should not be extended in a manner that promotes low density sprawl in rural areas.
 

Policy RE 6.2: Apply development standards in LAMIRDs to ensure the design of development or redevelopment is consistent with the character of the existing areas and the proposed use conforms to the intent of this Comprehensive Plan

      - 40.3.1 Rationale: Requiring new and/or redevelopment within LAMIRD designations to be consistent with the provisions of this element ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.
    - 40.4 The Comprehensive Plan outlines the long-range goals and development patterns for the County. The proposed development is consistent with the intent of the Comprehensive Plan which supports high density uses and development in the RRR zoning district where public facilities (such as water) are available.
    - 40.5 The Hearing Examiner finds the proposed development is consistent with the Chelan County Comprehensive Plan for residential development in the RRR designation.
  41. CHELAN COUNTY CODE REVIEW: CCC Title 11 Zoning.
    - 41.1 CCC Section 11.04.020, District Use Chart, lists planned developments within the Rural Recreational/Residential (RRR) district as permitted, P(1), subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards. It also lists subdivisions as a permitted use.

- 41.2 CCC Section 11.18.020 - Standards: CCC Chapter 11.18, Zoning, provides guidance for the lot sizes and dimensions, densities and appropriate uses within the Rural Recreational /Residential (RRR) zoning district.
- 41.2.1 Lot size, which measures to include ten percent of the adjoining public rights-of-way, shall be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal; however, in no case shall lot size be less than twelve thousand square feet, except for cluster subdivisions approved pursuant to Title 12 of the Chelan County Code or planned development districts approved pursuant to Chapter 11.76 of this title.
  - 41.2.2 Minimum lot width is 70 feet at front building line for an interior lot, eighty feet for a corner lot.
  - 41.2.3 Maximum building height is 35 feet
  - 41.2.4 Maximum lot coverage is 35 percent.
  - 41.2.5 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.
  - 41.2.6 For the proposed development, the lots would be residential in nature. The applicant is proposing lots ranging in size from 5,6000 sq.ft. to 11,900 sq.ft. in size with narrower lot widths (down to 60 ft.). In addition, the applicant has requested a reduction of the front yard setbacks to 15 feet from the edge of the roadway easement, with the exception of Lot 6, which its front yard setback from Riverview Lane would be 10 ft. due to it being a double-frontage lot. Building height, lot coverage and setbacks would be reviewed at time of building permit.
  - 41.2.7 Chelan County allows for alterations from setbacks, maximum lot coverage and building height through the application of a planned development. Per the site plan of record (Exhibit A), lot sizes in the proposed development range from approximately 5,600 sq.ft. to 11,900 sq.ft. (or as determined by the CDHD) and the applicant has requested a reduction of the front yard setbacks to 15 ft. (with the exception of Lot 6) and a reduction of minimum lot width to 60 ft. The applicant has not requested any other modification from the RRR zoning standards; therefore, the side and rear yard building setbacks, lot coverage and building height would be the same as the underlying RRR zoning district.
- 41.3 CCC Chapter 11.76 Planned Unit Development Overlay District. CCC 11.76.010 Intent:
- 41.3.1 The intent of this chapter is to provide a means of allowing development to occur that is not limited to the strict application of the Chelan County zoning resolution. The careful use of discretion by the hearing examiner to approve, deny or modify the proposal submitted by the developer may be required to achieve the purposes of this chapter and to carry out the objectives and intent of the comprehensive plan. More specifically, it is the intent of this chapter to:
    - 41.3.1.1 Allow some flexibility in design and development that will result in a more desirable and efficient use of land by reviewing developments on

a project level rather than on a building-by-building or lot-by-lot basis typical of the rest of the zoning resolution.

41.3.1.2 Permit some flexibility of design, placement of improvements, use of open spaces, pedestrian and vehicular circulation, parking areas and other design elements to better utilize unique site characteristics.

41.3.1.3 Produce an integrated and balanced development of mutually supportive uses that might otherwise be inharmonious.

41.3.1.4 Provide a guide for the development community and county representatives who review and approve developments to ensure the standards and purposes of this chapter are met.

41.3.1.5 Provide a variety of environments for living, and/or working, and/or recreational activities for the interest of the general public..

41.3.2 Applicant's Statement:

41.3.2.1 Flexibility. This overlay provides smaller and narrower lot sizes than the underlying zone, and this allows efficient and desirable land use.

41.3.2.2 Use of Open Spaces, pedestrian and vehicular circulation. The overlay allows creation of significant, usable and attractive open spaces with separated pedestrian facilities to enhance and encourage their use. Additionally, if easements can be obtained, a trail to the Three Lakes Golf Course will be constructed.

41.3.2.3 Variety of living and recreational environments. With the smaller and varying home sizes, formal recreation facilities, landscaping, trails and a natural area, the use of the overlay provides the desired variety.

41.3.3 The proposed development includes single-family residential development with a variety of recreation facilities, flexible design of the internal road (as approved by Public Works), and designated open space.

41.3.4 Hearing Examiner Finding: The proposed development is consistent with the intent of the Planned Unit Development Overlay District..

41.4 CCC 11.76.020 Applicability:

41.4.1 This chapter is applicable in all zoning districts in the unincorporated portions of Chelan County. The procedural provisions for the unincorporated urban growth area boundaries for the cities of Leavenworth, Cashmere, Wenatchee, Entiat, Manson and Chelan shall follow this chapter's process. The provisions of this chapter can be utilized for any residential, commercial and/or industrial project. The planned unit development (PUD) district provides an alternative form of development through flexibility and creativity in site layout and design. Therefore, this chapter is applicable only to design and site layout. The density and primary use limitations of the underlying district still apply. Planned unit densities may be allocated across adjoining lots and the various zoning districts when allowed within the district. The placement of allocated residential/commercial units derived from the planned unit subdivision process may be located within the best development sites of combined properties.

- 41.4.2 This chapter is not intended to abrogate any performance or use restrictions or conditions set forth in the underlying zone for uses listed as permitted, accessory, conditional or administrative uses as set forth in this title.
- 41.4.3 Applicant's Statement: The PUD overlay is applicable in all zoning districts unincorporated areas of Chelan County, and therefore applies in this RRR zone. The density and primary use limitations of the RRR zone still apply and are complied with by this proposal.
- 41.4.3.1 The proposed development includes single-family residential development with a variety of recreation facilities, flexible design of the internal road (as approved by Public Works), and designated open space.
- 41.4.3.2 Hearing Examiner Finding: The proposed development is consistent with the intent of the Planned Unit Development Overlay District.
- 41.4.4 Applicant's Statement: The applicant has the burden of demonstrating that their proposal will achieve a public benefit as a result of any deviation from the underlying zoning regulations. The code states:
- 41.4.4.1 "Any applicant for a planned unit development will have the burden of demonstrating that their proposal will achieve a public benefit as a result of any deviation from underlying zoning regulations through the creation of open space or public facilities, conservation, superior project design and/or function, needed private facilities or otherwise, and clearly implements the goals and policies of the comprehensive plan."
- 41.4.4.2 The PUD code therefore specifically recognizes that privately-owned project features can be a public benefit without needing to be open to the general public. Features detailed below like creation of open space (Tract A, a landscaped park, Tract B, a natural area), superior project design (central park with ¼ mile walking loop trail and recreation area, walkable neighborhood, home design requirements that emphasize neighborliness) and function (Community drainfields and front yard landscaping maintained by Homeowners Association), and needed private facilities (Natural Area, Community Park) do not necessarily directly benefit the general population, but are defined by the PUD Code itself as a public benefit.
- 41.4.4.3 This proposal has the following public benefits as a result of the requested deviations:
- 41.4.4.4 Smaller lot sizes and reduced lot widths provide the space to allow the development of the two parks and reduce the individual homeowners' maintenance responsibilities. The parks will enhance the entire development and provide a community focus, and the recreational opportunities and trails within them will provide health benefits. There is currently a deficit of available public parks and open space in the Malaga area. The provision of the proposed Open Spaces within this development will reduce demand on the public areas currently available and those that will be developed in the future. That reduced

demand will also reduce the vehicular traffic travelling to the public facilities on public streets.

- 41.4.4.5 Smaller and narrower lots reduce the infrastructure and land costs per home and enable the developer to provide a higher level of facilities for residents without higher lot costs. This will increase affordability, and permit development of an 'Active' community, geared toward retirees, with stick-built homes which are more desirable and longer-lasting than manufactured homes, and lot ownership rather than lot rental. This proposed development fills a market niche (and therefore a public need) that is currently underserved.
  - 41.4.4.6 Reduced front yard setbacks, in combination with the separated pathways and Covenant requirements for front porches and additional setbacks for garages, will encourage a 'walkable', pedestrian-friendly neighborhood where residents will get to know their neighbors well, resulting in a healthier and happier population.
  - 41.4.4.7 Reduced maintenance responsibilities will enable older homeowners to remain in their own homes for longer. This will reduce the pressures on assisted living facilities and nursing homes with their higher costs. Seniors want to stay in their own homes as long as possible, and this development provides additional options for them to do so.
  - 41.4.4.8 There are several additional public benefits (as defined in the Code) that are proposed but that are not the result of requested deviations or code requirements, but are of significant benefit to the residents:
  - 41.4.4.9 Although only 15% of the total project area is required to be Open Space (73,997 sq.ft.), a total of 122,567 sq.ft. - an additional 48,596 sq.ft. - has been provided.
  - 41.4.4.10 A trail to the Three Lakes Golf Course is also proposed, provided easements can be secured, which will complete a 1.25-mile walking loop.
  - 41.4.4.11 The public benefit can be determined, in part, by open space, amenities, and build out of infrastructure.
  - 41.4.4.12 Hearing Examiner Finding: The proposed development meets this criterion.
42. CCC 11.76.040 Planned unit development superimposed - Effect. The result of the use of this process is to superimpose each approved planned unit development on the underlying use zone regulations as an exception to such regulations to the extent that such approved planned unit development shall modify and supersede the regulations of the underlying zone.
- 42.1 Hearing Examiner Finding: If approved, this planned development would supersede the regulations of the underlying RRR zoning district.
43. CCC 11.76.050 Complete application.
- 43.1 Hearing Examiner Finding: The applicant has complied with the requirements of CCC Section 11.76.050 and a determination of complete was made on January 25, 2023.

44. CCC 11.76.060 Application procedure.
- 44.1 Hearing Examiner Finding: The applicant has submitted all materials for Preliminary Plan and was determined complete on January 25, 2023. Final Plan materials are anticipated to be submitted and reviewed at a closed record hearing, pursuant to CCC 11.76.060.
45. CCC 11.76.070 Permitted uses.
- 45.1 Primary uses permitted within the planned unit development overlay district (PUD) are limited to those that are allowed as permitted, administrative or conditional uses in the zone in which the development is located. Accessory uses that are commonly associated with permitted, administrative and conditional uses are allowed as well as other ancillary uses that directly benefit and support the primary uses within the development. Within multiple zone districts with conflicting interest/uses the administrator shall review and resolve any questions involving the proper interpretation of application of the provisions of this title/ section that may be requested by any property owner, tenant, government officer, department or other person affected, and shall be required and be filed consistent with the provisions of Section 11.02.060.
- 45.2 The applicant is proposing residential and recreational uses which are permitted in the RRR zoning district.
- 45.3 Hearing Examiner Finding: The proposed uses are consistent with the underlying zoning but may require additional permitting processes prior to use/development. The Hearing Examiner sets as a condition of approval stating, pursuant to CCC 11.76.070, appropriate uses and developments within the Planned Development shall be subject to the underlying zoning as either permitted, conditional or prohibited uses in the District Use Chart.
46. CCC 11.76.080 General requirements.
- 46.1 Time Limitation. Within five years from the date of approval of a preliminary development plan by the hearing examiner (seven years for any PUD approved between December 2007 and December 2014), unless phased approval provides otherwise and is not in conflict with Chapter 58.17 RCW or Title 12 of the Chelan County Code, the applicant shall submit a final development plan for the PUD or a stage thereof for approval. If, at the date of expiration of the five-year time period, a final development plan has not been filed for approval with the hearing examiner, or at any time after a final plan has been approved it appears that the project is not progressing in a reasonable and consistent manner or the project has been abandoned, the project will be considered abandoned and the permit for the PUD will be revoked by the hearing examiner. When revocation has been enacted upon a PUD, the zoning designation shall revert to the land use designation for that location in the Chelan County comprehensive plan and the land and structures thereon may be used only for a lawful purpose permissible within the zone in which the PUD is located. (A) A planned unit development may be developed in phases, subject to an approved phasing schedule approved by the hearing examiner. (B) Each phase of the proposed development must contain the required parking spaces, common open space, landscape, sufficient egress and ingress, and utility areas necessary for creating and sustaining a desirable and stable environment for that phase of the development.
- 46.2 Time extension shall be filed consistent with the provisions of Section 14.12.010.

- 46.3 Any time after the approval of a planned unit development and prior to the developer making improvements that would not be allowed outright in the underlying zoning district, the developer may improve the property in a manner conforming to the requirements of the underlying zone and abandon the PUD development option. The ability to revert to the underlying zone provisions is available without the need to amend or vacate the previously approved PUD.
- 46.4 Timing and development of the planned development is subject to criteria limitations. The applicant is seeking Preliminary Plan approval and would require Final Plan review and approval pursuant to CCC 11.76.
- 46.5 Hearing Examiner Finding: These criteria have been addressed in the conditions of approval.
- 47. CCC Section 11.76.090 Development standards.
  - 47.1 Building Spacing and Setbacks.
    - 47.1.1 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.
    - 47.1.2 Setbacks for structures internal to the development may be altered to the extent allowed by the International Building/Fire Codes, Chelan County shoreline master program, or applicable Title 11 and Title 12 codes, depending on the structure type and usage. Structures such as townhouses have common walls, thus requiring building to the property line and have no side setback requirements.
    - 47.1.3 The hearing examiner or administrator may establish setbacks not to exceed one hundred feet, as necessary to buffer agricultural or forestry activities from residential uses.
  - 47.2 Applicant Statement:
    - 47.2.1 The rear and side yard setbacks of the underlying RRR zone are 20ft and 5ft respectively. These are maintained around the perimeter of the development.
    - 47.2.2 Internal setbacks will be modified to promote a more 'neighbor friendly' development. Front yard setbacks will be reduced to 15ft from the edge of the roadway easement, except as follows: Lot 6 is a double-frontage lot and will take access from Country Cottage Lane, and its setback on Riverview Lane will be reduced to 10ft from the roadway easement. Side yard and rear yard setbacks will be unchanged from the RRR zone.
    - 47.2.3 Agricultural or forestry buffers are not applicable.
    - 47.2.4 Per the site plan of record (Exhibit A), the applicant has requested a reduction of the front yard setbacks to 15 ft. (with the exception of Lot 6) and a reduction of minimum lot width to 60 ft. The applicant has not requested any other modification from the RRR zoning standards. Therefore, the side and rear yard building setbacks, lot coverage and building height would be the same as the underlying RRR zoning district.
    - 47.2.5 Hearing Examiner Finding: The Hearing Examiner sets as a condition of approval, pursuant to CCC 11.76.090, the front yard setbacks may be fifteen feet (10 ft. for Lot 6) and the minimum lot width may be 60 ft.

- 47.3 Minimum Lot Size. The minimum lot size requirements for other chapters of this title may be altered for a planned unit development, except that the lot size requirements of the underlying zone shall be used as the basis for determining the overall dwelling unit density for the entire development. When these calculations result in fractional numbers or decimal numbers the decimal result shall be rounded to the next higher number of allowed units.
- 47.3.1 Applicant Statement: The minimum lot size will be reduced from the RRR minimum of 12,000sf to around 5,700sf. However, as required, the overall number of lots will be no greater than that permitted by the RRR zone with the allowable bonus density of the PUD: Total parcel area is 11.33Ac (493,317 sf). With the RRR minimum lot size of 12,000sf, a maximum of 41.11 lots would be allowed for the underlying zone. The Planned Unit Development allows a 50% increase to 61 lots. 45 are proposed, a density that is 110% of the underlying zone maximum. The minimum lot width will be reduced to 60-ft. Lot corner radii at intersections are not applicable as the roadways run through the lots in easements, and lots meet at the centers of the roads.
- 47.3.2 Hearing Examiner Finding: While the Rural Recreational/Residential (RRR) zoning district requires a minimum 12,000 square foot lot size, this provision states they may be altered except for density calculation.
- 47.3.3 Density bonus is calculated as follows:  $493,317 \text{ sq ft} / 12,000 \text{ sq ft} = 42 \text{ lots} \times 150\% = 63 \text{ lots}$
- 47.3.4 The applicant is proposing lot sizes ranging from 5,600 sq.ft. to 11,900 sq.ft.. (or as determined by the CDHD). The calculation used is consistent with similar cluster development calculation found in CCC, Section 12.12.050 (2)(f).
- 47.3.5 Hearing Examiner Finding: The proposed lot sizes are consistent with the Planned Development regulations. The Hearing Examiner sets as a condition of approval stating, pursuant to CCC 11.76.090, the applicant is authorized to have lot sizes 5,600 sq.ft. or larger (or as determined by the CDHD) with a minimum width of 60 ft.
- 47.4 Maximum Lot Coverage. For individual lots or parcels, the maximum lot coverage requirement may be altered; provided, that the coverage percentage for the total development does not exceed the requirements of the underlying zone.
- 47.4.1 Applicant Statement: 35% lot coverage is permitted by the RRR zone, and no change is sought or necessary. For this 11.33-acre parcel, 35% is 3.964 acres or 172,661sf. Assuming home sizes including garages, patios and decks of 2,500 sf for the 45 lots, this is a total of only 112,500sf. For the smallest lot of 5,700sf, 35% coverage is 1,995sf, which is an adequate footprint.
- 47.4.2 The Rural Recreational/Residential (RRR) zoning district sets the maximum lot coverage at 35% of the lot area. The total planned development boundary includes 11.33 acres of land or 493,535 square feet. The maximum lot coverage permitted is 35% or approximately 172,737 square feet.
- 47.4.2.1 "Lot coverage" is defined in CCC 14.98.1140 as, the ratio of the surface area measured by the exterior walls of the ground floor of all

principal and accessory structures and decks, patios, etc., on a lot to the total lot area, as measured on a horizontal plain.

- 47.4.3 Hearing Examiner Finding: The Hearing Examiner sets as a condition of approval stating, pursuant to CCC 11.76.090, the applicant shall not exceed a total 35% lot coverage within the Planned Development boundaries or approximately 172,737 square feet. Individual lots may have 100% lot coverage. "Lot coverage" is defined as, the ratio of the surface area measured by the exterior walls of the ground floor of all principal and accessory structures and decks, patios, etc., on a lot to the total lot area, as measured on a horizontal plain.
- 47.4.4 Building Height. Building height maximums of the underlying zone may be waived on an individual building, through the preliminary public hearing process (major modification), to allow greater flexibility within the development. Considerations shall be given to adjacent uses and building heights as well as building relationships within the development.
- 47.4.5 Applicant Statement: No changes to the RRR requirements are proposed. All building height calculations shall be done at the time of building permit.
  - 47.4.5.1 "Building height" is defined in CCC 14.98.325 as, the vertical distance from the average elevation of the actual or proposed finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.
- 47.4.6 Hearing Examiner Finding: The Hearing Examiner sets as a condition of approval stating, pursuant to CCC 11.76.090, the building height shall not exceed 35' within the Planned Development boundaries.
- 47.5 Density. The underlying zone densities shall be used as the basis for determining the overall density for the development.... Residential densities may be increased up to one hundred fifty (150) percent of that allowed in the underlying zoning district; provided, that all other Chelan County Code requirements are met.
  - 47.5.1 Applicant Statement: As noted in (2) above, a 10% increase in density from the underlying RRR zone requirements is sought.
    - 47.5.1.1 Planned developments are permitted at 150% of the density when meeting other code provisions. The applicant is not requesting additional bonus density.
    - 47.5.1.2 The base density is calculated as follows:  $493,317 \text{ sq ft} / 12,000 \text{ sq ft} = 42 \text{ lots} \times 150\% = 63 \text{ lots}$
  - 47.5.2 Hearing Examiner Finding: The proposal meets the other Chelan County Code provisions for 150% density of the underlying zoning.
- 47.6 A total residential project density bonus not to exceed two hundred percent of that allowed in the underlying zoning district is available for any planned development that commits itself to make available ten percent of the residential units to households earning eighty percent or less of the median household income for Chelan County. To qualify for this bonus the annual rent or payment, for the ten percent of the residential units, may not exceed twenty-eight percent of the median household income for Chelan County, adjusted for family size. The availability of these units shall be guaranteed by covenant,

deed restriction or other legally binding mechanism for twenty years from the time of issuing the certificate of occupancy.

47.6.1 Applicant Statement: As noted in (2) above, a 10% bonus density is sought.

47.6.1.1 The applicant is not proposing a 200% bonus density.

47.6.1.2 Hearing Examiner Finding: This criterion does not apply.

47.7 Landscaping and/or Native Vegetation. It is the intent of this section to maintain and encourage landscaping design, innovation, and flexibility. The arrangement of plantings in conjunction with other landscape elements will vary according to the requirements of each project. Less formal grouping of materials, especially in rural areas, is encouraged to accomplish a more naturalized appearance and to avoid linear and visually rigid design. Such groupings must still accomplish the intended required buffering between incompatible uses. Native drought tolerant vegetation, in lieu of lawns, and other water conserving design techniques (xeriscape) are greatly encouraged. (Note: All common open space within the development shall be appropriately landscaped and/or vegetated using native vegetation according to the landscaping plan submitted by the applicant and approved by the hearing examiner/administrator unless otherwise allowed by the authorizing resolution. Natural features that are to be preserved such as indigenous plant life, natural rock formations and riparian areas shall be shown on the landscaping plan.)

47.7.1 Applicant Statement: Landscaping of the Community Park will provide a usable and visually interesting focus for the development. There will be large areas of lawns, some shrubbery, and several clusters of trees, including deciduous and evergreen.

47.7.2 The Natural Area will be preserved and enhanced as Shrub-Steppe Habitat in accordance with the 'Fish and Wildlife Habitat Management and Mitigation Plan' developed by Grette Associates. No ground disturbance or existing native vegetation removal will be allowed. It will be left in its natural state, with the small previously disturbed areas enhanced by seeding with native grass, flower and shrub species.

47.7.3 The planter strip between the parking strip and the walk running parallel with the loop road will mostly be low-maintenance drought-tolerant native species, but with shade trees at approximately 30-ft spacing. To avoid conflicts with driveways, each homeowner will be required to install two trees along their frontage, with the species and size specified by the developer. The area around the gated entry will be landscaped with a mixture of native species and deciduous and evergreen trees and/or shrubs to provide an aesthetically pleasing entrance to the development.

47.7.4 The covenants will require each homeowner to provide and install rear yard landscaping that enhances the neighborhood and will encourage the use of native species and those requiring reduced irrigation. The developer may provide front yard landscaping, emphasizing native species and those requiring reduced irrigation, or may require the homeowner to do so via the covenants.

47.7.5 The applicant has shown open space areas. A formal landscaping plan has not been submitted.

47.7.6 Hearing Examiner Finding: The Hearing Examiner sets as a condition of approval stating, pursuant to CCC 11.76.060(3), the applicant shall submit a Final Landscape Plan for review prior to final plat approval.

47.8 Open Space.

- 47.8.1 Maintenance and Ownership of Common Open Space. The applicant shall choose one or any combination of the following methods of administering common open space: (i) Dedications of common open space to local public agencies, e.g., schools, cities, counties, utility purveyors, and/or libraries, are subject to the public agencies formal acceptance. (i) Dedications of common open space to local public agencies, e.g., schools, cities, counties, utility purveyors, and/or libraries, are subject to the public agencies formal acceptance. (ii) Establishment of an association or nonprofit corporation of all property owners or corporations within the project area to ensure ownership of and responsibility for perpetual maintenance of all common open space. (iii) Retention of ownership, control and responsibility for maintenance of all common open space by the applicant. All privately owned common open space shall continue to conform to its intended use and remain as expressed in the site development plan by the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the site development plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners in the planned unit development.
- 47.8.2 Within a PUD, open space is required at a minimum rate of fifteen percent of the project site for residential developments and ten percent of the project site for commercial or industrial developments of the total area. Of the total area calculated for open space, one hundred percent must be usable open space.
- 47.8.3 Usable Open Space. Land that may consist of, but not be limited to, any of the following: (i) All other open space owned in common by all residents or owners in the PUD; (ii) Open play areas; outdoor recreational facilities; (iii) Pedestrian or bicycle paths; (iv) Picnic areas with tables and benches; (v) Gazebos, benches and other resident gathering areas; (vi) Community gardens; (vii) Active recreational use such as sport courts, tot lot with play equipment, open play area, outdoor recreation center; (viii) Nature interpretive areas; (ix) Flower gardens; (x) Pedestrian trails and paths not adjacent to streets; (xi) Agricultural uses (including pastures); (xii) Critical areas, shorelines, and their required buffers; natural, historic, archeological sites or features; (xiii) Site perimeter landscaping and other required landscape areas, outside of the rights-of-way; (xiv) Unfenced stormwater detention/retention ponds.
- 47.8.4 Open space shall not include any of the following: (i) Lots, dwellings and associated private yards, outdoor storage areas, and building setback areas; (ii) Public or private street right-of-way, including sidewalks and planter strips; (iii) Parking lots, driveways and other areas of motor vehicle use.
- 47.8.5 Where practicable, open space should be located contiguous to designated open space on adjacent properties.
- 47.8.6 Open space shall be clearly identified according to the proposed use of the open space.

- 47.8.7 Open space shall be protected by recorded covenants, which restrict use to those specified in the approved PUD site plan and provide for the maintenance of the open space in a manner which assures its continuing use for the intended purpose.
- 47.8.8 Open space should be accessible by pathways or sidewalks from all lots within the PUD.
- 47.8.9 Open space designed for children shall not be located adjacent to any street unless properly designed with fencing, located away from street edges and other provisions to ensure adequate child safety.
- 47.9 Applicant Statement:
- 47.9.1 Maintenance and Ownership. A non-profit Homeowners Association, with all lot owners as the members, will be established to own and maintain in perpetuity the common open spaces and the other tracts, and to maintain roads, utilities, trails, etc. running in easements on private property. These tracts will be deeded to the Homeowners Association following recording of the plat for the phase in which they are located. Bylaws and the Covenants will regulate how monthly or quarterly assessments are calculated and collected for operation and maintenance of the Open Space Tracts, together with the other facilities for which the Association will have responsibility.
- 47.9.2 Area. Fifteen percent of 11.33 acres (or 1.70 acres) of Open Space is required. 2.81 acres of Open Space tracts are provided. This is an excess of 1.11 acres or 48,515 sf (39% excess).
- 47.9.3 Usable Open Space. All 2.81 acres of Open Space is usable, as separate tracts have been provided for road facilities. Roadways, planter strips, sidewalks, etc. do not encroach into the Open Space Tracts. Uses permitted and proposed include pedestrian paths, picnic areas with table and benches, park benches, and unfenced storm water retention ponds.
- 47.9.4 The community drainfields and reserve areas within the park will be covered with lawn and will be unseen and will not affect the park's usability. Should repair and/or replacement of drainfield components be required, there would be a temporary restriction on usage of a small area of park until the work is completed and the vegetation restored. Even if a whole drainfield (3,500sf) were to be abandoned while a new 3,500 sf drainfield is constructed, the minimum 1.70 acres of Open Space would be available at all times.
- 47.9.5 Prohibited uses. Lots neighboring the Park will be required to install fences or appropriate landscaping to delineate the line between the park and the rear and/or side yards of the lot.
- 47.9.6 Location. It is not practical to locate the Community Park or Natural Area contiguous to the neighboring Common Open Space Tract to the south. The Natural Area is located where the best and least disturbed existing shrub-steppe habitat is located and is contiguous with the adjacent off-site shrub-steppe habitat in the PUD powerline Easement, and therefore cannot be relocated. The Community Park is the focus of this development and needs to be centrally located within it. The Community Park will also be developed open space with significant landscaping, but the existing open space to the south is undeveloped and having the two adjacent would be inharmonious.

- 47.9.7 Identification. The Park and Natural Area are clearly identified both on the Site Plan and the Preliminary Plat.
- 47.9.8 Protection. The Covenants will be recorded and will protect the Open Spaces and restrict their use to those approved and ensure their perpetual maintenance for those uses.
- 47.9.9 Accessibility. Sidewalks and pathways provide accessibility from all lots to the Open Spaces. Crosswalks are identified on the plans to enhance pedestrian safety. An ADA-compliant parking stall will be constructed as close as feasible to the entrance to the Natural Area.
- 47.9.10 Children. The Open Spaces are not designed specifically for use by children, and so no child safety fencing is proposed. Should the Homeowners Association decide to install children's playground equipment at some future date, it would be their responsibility to ensure child safety fencing is installed if necessary.
- 47.9.11 The applicant proposes 2.81 acres of open space tracts to be used for recreational activities or 24.8% open space, which is more than the required 1.70 acres. There is no open space designed for children. The open space would be owned and managed by the Homeowners Association.
- 47.9.12 Hearing Examiner Finding: The proposed development meets the open space criteria.
- 47.10 Level of Service Standards. Planned development applications shall not be approved if the increased demand for public facilities and services would have the effect of reducing service capacities below locally adopted levels of service.
  - 47.10.1 Applicant Statement: Specific studies have been performed for traffic, sanitary sewer service and storm water. These studies indicate that there will be no reduction in service capacities for these below locally adopted levels of service. The Malaga Water District has indicated that adequate domestic water is available for the development, including fire flows, and 7.5 shares of Lake Cortez Water Users Association irrigation water run with the land. The Chelan County PUD has indicated that power is available to the site.
  - 47.10.2 Hearing Examiner Finding: The applicant is proposing extending Riverview Lane and has an approved Design Deviation from Public Works, which includes the following:
    - 47.10.2.1 Main Entry Road (End of Existing Construction at Sta 11+80 to Sta 12+75)
    - 47.10.2.2 Loop Roads (Riverview Lane Sta 13+00 to end & Country Cottage Lane (Road B))
    - 47.10.2.3 Road Extension to East Property Line
  - 47.10.3 No concerns have been identified related to level of service at this time, but the applicant shall submit a revised Traffic Impact Study after a scoping meeting is held with Public Works.

47.10.4 In addition, a letter of availability was signed by the Malaga Water District and submitted with the application materials. The Chelan County PUD commented that power was available with line extensions and easements.

47.10.5 Hearing Examiner Finding: The proposed development meets this criterion.

48. Chelan County Code, Title 12: Land Divisions - Consistency With Ccc 12.02.060: Concurrency Of Public Infrastructure.

48.1 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.

48.2 No county facilities will be reduced below adopted levels of service as a result of the proposed land division.

48.3 Hearing Examiner Finding: The subject property would be served by expansion of the Malaga Water District infrastructure and would utilize on-site septic systems with community drainfields located in the community park. Extensions of the existing lines would be required for power.

49. Consistency With CCC 12.04.020: Suitability for Land Division.

49.1 As submitted, the proposed major subdivision is consistent with the provisions of this section.

50. Consistency With CCC 12.08: Standards.

50.1 CCC Section 12.08.010 - Land division names

50.1.1. No land division shall be approved which bears a name using a word 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.

50.1.2. 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.

50.2 CCC Section 12.08.020 – Lot Standards

50.2.1 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.

50.2.2 Hearing Examiner Finding: The applicant has requested a reduction of the front yard setbacks to 15 feet (with the exception of Lot 6 being reduced to 10 ft.) and the minimum lot width being reduced to 60 ft. at the front building line. As

conditioned, the proposed plat is consistent with the required dimensional standards.

- 50.2.3 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.

50.2.3.1 Hearing Examiner Finding: Access to the proposed subdivision is via extension of Riverview Lane, a private roadway in the county road system. This proposed internal road was granted several design deviations by Chelan County Public Works on December 5, 2022. As conditioned, the proposed plat is consistent with the required access requirements.

- 50.2.4 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.

50.2.4.1 Hearing Examiner Finding: Not applicable

- 50.2.5 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.

50.2.5.1 Hearing Examiner Finding: There are no slopes steeper than 40 percent within the subject property. A geoassessment prepared for the development was submitted with the application materials.

- 50.2.6 The administrator may require a map showing the building envelope of each lot and related critical areas and associated buffers.

50.2.6.1 Hearing Examiner Finding: The project is located in an area identified as a potential geologic hazard for erosive soils and for having shrubsteppe habitat per WDFW PHS mapping.

50.2.6.2 The applicant has submitted a Geological Site Assessment, dated December 22, 2022, completed by Nelson Geotechnical Associates, Inc. The Assessment concludes that; “Provided that the geologic hazards are mitigated, it is our opinion from an engineering geologic standpoint that the site is compatible with the proposed developed”. The report includes recommendations for construction including erosion control, site preparation, and foundation design which should be adhered to for all development.

50.2.6.3 In addition, the applicant submitted a HMMP, which found that there is approximately 1.86 acres of existing low quality shrubsteppe within the subject property and approximately 0.93 acres would be disturbed by the proposed development. These impacts to shrubsteppe habitat would be mitigated for through the creation of a 1.10-acre Natural Area in Tract B that would preserve and enhance a portion of the existing shrubsteppe within the subject property.

- 50.2.7 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.

- 50.2.7.1 Hearing Examiner Finding: The proposed plat is in-between two steep escarpments to the north and south at the end of Riverview Lane. The proposed land division does not result in a barrier to development of adjacent lots.
- 50.3 CCC Section 12.08.030 - Easements
  - 50.3.1 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:
    - 50.3.1.1 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.
    - 50.3.1.2 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.
  - 50.3.2 Hearing Examiner Finding: Electrical services are available from the Chelan County PUD. However, line extensions (and possibly easements) would be required.
- 50.4 Private road easements shall be shown.
  - 50.4.1 Hearing Examiner Finding: The applicant is proposing access off of an existing private lane. The approved Design Deviations by Public Works apply to this development.
- 50.5 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.
  - 50.5.1 Hearing Examiner Finding: 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.
- 50.6 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
  - 50.6.1 Hearing Examiner Finding: Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
- 50.7 CCC Section 12.08.040 - Fire protection standards
  - 50.7.1 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.
  - 50.7.2 Hearing Examiner Finding: The subject property is located within the Wenatchee Valley Fire Department District. The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is approximately 1.5 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.

50.8 CCC Section 12.08.050 - Storm drainage

50.8.1 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.

50.8.2 Hearing Examiner Finding: 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 be submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.

50.9 Chelan County Code 12.08.060 - Watercourses

50.9.1 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.

50.9.2 Hearing Examiner Finding: The property is not impacted by a watercourse.

50.10 CCC Section 12.08.070 – Water and sewer standards

50.10.1 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.

50.10.2 Hearing Examiner Finding: The Chelan-Douglas Health District correspondence email, dated June 27, 2023, states that domestic water service shall be provided by expansion of the Malaga Water District. Additionally, it states that the applicant shall submit a new site and soil evaluation along with an updated Method II evaluation for review and approval by CDHD and the State prior to final plat approval. However, State approval is not required. The Method II justification has been submitted.

50.10.3 As conditioned, the proposed development would meet the requirements for domestic water supply and on-site septic systems. On-site septic system and community drainfields are reviewed and approved by the Chelan-Douglas Health District.

50.11 CCC 12.08.080 - Road standards

50.11.1 Road Standards: All land divisions shall comply with Title 15.

50.12 CCC 12.08.090 - Monuments

50.12.1 Permanent survey monuments shall be provided for all final land divisions as required in Section 15.30.825.

50.12.2 Hearing Examiner Finding: 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.

50.13 CCC 12.08.100 - Flood protection

50.13.1 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.

50.13.2 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.

50.13.3 Hearing Examiner Finding: The subject property does not contain floodplains or floodways.

50.14 CCC 12.24.015 - All final land division review and approval requirements

50.14.1 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.

50.14.2 Hearing Examiner Finding: The applicant shall have five (5) years to final the plat from the date of preliminary approval.

51. An open record public hearing after due legal notice was held on July 5, 2023.

52. The following exhibits that were admitted into the record:

52.1 Ex. A Updated Site Plan submitted on April 28, 2023

52.2 Ex. B Approved Road Design Deviation

52.3 Ex. C Habitat Management and Mitigation Plan (HMMP)

52.4 Ex. D Inadvertent Discovery Plan

52.5 Ex. E Traffic Impact Analysis

52.6 Ex. F Staff Report

52.7 Ex. G File of Record including all agency and public comments.

53. Appearing and testifying for the Applicant was Martin Davy. Mr. Davy stated that he was an agent authorized to appear and speak on behalf of the Applicant and property owner. Mr. Davy indicated that all of the proposed conditions of approval were acceptable, but did ask that the requirement for State approval of the proposed septic system be removed. He stated that there would be covenants that would apply to the property. The Homeowner's Association will be responsible to maintain the parks and trails and the park is to be a private park for Homeowner's Association members and not open to the general public. Mr. Davy also provided testimony regarding public concerns relating to secondary access, the steepness and path of the access road, density and lot sizes, traffic, infrastructure, construction traffic and irrigation.

54. Testifying from the public was the following individual:

54.1 Jim Walters. Mr. Walters testified consistent with his written comments. His primary concern is relating to water quality.

55. 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 2022-503; P 2022-504 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.

### CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

1. 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. 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.
3. Pursuant to the Mitigated Determination of Nonsignificance for the environmental checklist issued June 16, 2023 by the Chelan County Department of Community Development, the applicant/developer/contractor(s) shall comply with all mitigation measures as listed in the MDNS as follows:
  - 3.1. 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.

- 3.1.1. 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.
    - 3.1.2. 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.
  - 3.2. Pursuant to Chelan County Code Chapter 15.30, the design and construction of the proposed new main internal private roads shall be constructed to meet the design as presented in the Design Deviation request, dated November 30, 2022, and approved by the County Engineer on December 5, 2022
  - 3.3. Pursuant to Chelan County Code Section 15.30.920, the applicant shall submit a Traffic Impact Study (T.I.S.). The applicant is required to have a T.I.S. Scoping Meeting with the Chelan County Public Works Department to determine the scope of the study. After review of the Traffic Impact Study, the applicant may be required to construct off-site and/or frontage improvements. This condition has been satisfied.
  - 3.4. Noxious weeds known to occur in the area of this project include: puncturevine, diffuse knapweed, hoary cress, Ravenna grass, Canada thistle, and Scotch thistle. The applicant shall contact the Chelan County Noxious Weed Control Board for assistance in identifying noxious weed problems on the property and recommendations for weed control.
  - 3.5. Based on the documented presence of shrubsteppe habitat on the subject property, the proposed development shall incorporate avoidance and minimization measures to protect the existing critical areas and to limit the potential adverse impacts to these critical areas. For those potential impacts that can't be avoided or minimized, the proposed project will be required to provide compensatory mitigation, per section 11.78.060 of the CCC, as further described in the Fish and Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates in May of 2023.
4. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record (updated site plan in Exhibit A), 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.
5. 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.
6. 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.
7. Pursuant to Chelan County Code Section 11.76.060(3) Final Plan, following the hearing examiner approval of the preliminary development plans at a closed record hearing, the developer may submit final plans incorporating any changes required in the preliminary approval. In addition to the required elements of the preliminary plan set forth above, the final plan shall contain the following:
  - (A) Circulation plan, including road plans and profiles, surfacing improvements and nonvehicular facilities (pedestrian and bicycle paths);

- (B) Landscape plan, including existing vegetation and features to be preserved, open space, and perimeter landscaping including provisions for permanent irrigation of landscaped areas;
  - (C) Topographic contours at five-foot intervals;
  - (D) Storm water drainage plan;
  - (E) Locations and provisions for fire protection facilities;
  - (F) Provisions for domestic water, sewage and solid waste disposal;
  - (G) Location, dimensions and design of all off-street parking facilities showing points of ingress and egress from the site.
8. Pursuant to CCC 11.76.070, appropriate uses and developments within the Planned Development shall be subject to the underlying zoning as either permitted, conditional or prohibited uses in the District Use Chart.
  9. Pursuant to CCC Section 11.76.080, within five years from the date of approval of a preliminary development plan by the hearing examiner (seven years for any PUD approved between December 2007 and December 2014), unless phased approval provides otherwise and is not in conflict with Chapter 58.17 RCW or Title 12 of the Chelan County Code, the applicant shall submit a final development plan for the PUD or a stage thereof for approval. If, at the date of expiration of the five-year time period, a final development plan has not been filed for approval with the hearing examiner, or at any time after a final plan has been approved it appears that the project is not progressing in a reasonable and consistent manner or the project has been abandoned, the project will be considered abandoned and the permit for the PUD will be revoked by the hearing examiner. When revocation has been enacted upon a PUD, the zoning designation shall revert to the land use designation for that location in the Chelan County comprehensive plan and the land and structures thereon may be used only for a lawful purpose permissible within the zone in which the PUD is located.
    - 9.1 (A) A planned unit development may be developed in phases, subject to an approved phasing schedule approved by the hearing examiner.
    - 9.2 (B) Each phase of the proposed development must contain the required parking spaces, common open space, landscape, sufficient egress and ingress, and utility areas necessary for creating and sustaining a desirable and stable environment for that phase of the development.
    - 9.3 Time extension shall be filed consistent with the provisions of Section 14.12.010.
    - 9.4 Any time after the approval of a planned unit development and prior to the developer making improvements that would not be allowed outright in the underlying zoning district, the developer may improve the property in a manner conforming to the requirements of the underlying zone and abandon the PUD development option. The ability to revert to the underlying zone provisions is available without the need to amend or vacate the previously approved PUD.
  10. Pursuant to CCC Section 11.76.090, 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 proposed deviations from zoning standards are the minimum lot size (5,600 sq.ft.), the reduction of the front yard setbacks down to 15 ft. (10 ft. for Lot 6), the minimum lot width being reduced to 60 ft. at the front building line, and the approved road design deviation (Exhibit B).

11. Pursuant to CCC Section 11.76.110, Modifications, the hearing examiner or administrator may allow modifications to the application for a planned unit development to ensure that the intent of this chapter is accomplished.
  - 11.1 A substantial modification to the approved preliminary or final planned unit development plan shall only be approved by the hearing examiner through an amendment (change of condition) application to the preliminary approval. All modifications which are not minor shall be considered substantial.
  - 11.2 A minor modification to the preliminary or final planned unit development plan may be approved administratively. Minor modifications shall be consistent with the following requirements:
    - 11.2.1 The modifications shall be limited to minor shifting of the location of buildings, proposed streets, utility easements, or common open space.
    - 11.2.2 The minor modifications shall not:
      - 11.2.2.1 Enlarge the boundaries of the approved planned unit development plan.
      - 11.2.2.2 Change the approved uses.
      - 11.2.2.3 Change general location or amount of land devoted to a specific land use.
      - 11.2.2.4 Increase the residential densities
12. Pursuant to CCC Chapter 11.78, the following note shall be placed on the final plat:
  - 12.1. "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."
  - 12.2. "The Natural Area (Tract B) shall remain undeveloped and shall be maintained as wildlife habitat as outlined in the Riverview Terrace Fish and Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates LLC in May 2023."
13. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:
  - 13.1. "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 Nelson Geotechnical Associates, Inc. dated December 22, 2022 or with a site-specific geological site assessment."
14. Pursuant to CCC Title 12, the following notes shall be placed on the final Plat:
  - 14.1. "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."
  - 14.2. "Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."
  - 14.3. "Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended."
  - 14.4. "Setbacks for structures shall be determined at time of building permit submittal."

- 14.5. "All landscape plantings within the Riverview Terrace tracts and associated irrigation are to be maintain by the Homeowner's Association."
- 14.6. "Protective covenants for this subdivision of "Riverview Terrace" are recorded under AFN: \_\_\_\_\_."
15. 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.
16. 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.
17. 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.
18. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final plat:
- 18.1. "Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended."
- 18.2. "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.

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.

#### **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 February 26, 2023.

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. The minimum fire flow and flow duration requirements for one and two-family dwellings having a fire-flow calculation 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-flow calculation 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.
21. 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. Applicant is encouraged to contact this office to ascertain how the attached fire protection credits options apply to their project. A note on the face of the final plat shall state:
- 21.1. "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.”

22. 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).
23. 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).
24. 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.
25. 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:
  - 25.1. “All buildings that require a building permit within this plat shall have Class A roofing materials.”
26. 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.
27. All buildings within this plat that require a building permit shall comply with the provisions of the Wildland-Urban Interface Code as adopted by Chelan County at the time the building permit is submitted:
  - 27.1. “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 Correspondence dated June 27, 2023.

28. The applicant shall provide a written water availability statement from the Malaga Water District confirming that water is available to serve each of the proposed lots. This statement must include a description of any water system improvements needed or easements to service the lots. Improvements must be completed prior to final plat approval, or indicate if includes performance bonding.
29. The applicant shall submit a new site and soil evaluation. This site and soil evaluation report must be completed by a state licensed designer or professional engineer, per WAC 246-272A.
30. The applicant shall update the Method II evaluation using data from the site and soil evaluation for re-submittal to CDHD to be approval prior to final plat approval. Lot sizes must comply with the sizes described in the report. If drainfields for lots are proposed to be placed on open space tracts, the site and soil evaluation is required to indicate size and location of designated drainfield sites, to include any necessary easements.
31. The dedicatory language on the final plat shall carry these notes:
  - 31.1. “The Health District has not reviewed the legal availability of water to this development.”

- 31.2. "Site evaluations may be required at the time of application for individual onsite septic system construction permits."

## **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 February 23, 2023 as well as the approved Design Deviation (see Exhibit B).

32. Pursuant to CCC Section 15.30.920, the applicant shall submit a Traffic Impact Study. The applicant is required to have a T.I.S. Scoping Meeting with the Chelan County Public Works Department to determine the scope of the study. After review of the Traffic Impact Study, the applicant may be required to construct off-site and/or frontage improvements.
33. Frontage and intersection improvements will be determined after the County reviews the revised TIS.
34. The applicant shall demonstrate Legal and Perpetual Access for the proposed subdivision per CCC Section 12.08.020.
35. Pursuant to CCC Chapter 15.30, the design and construction of the proposed new main internal private roads shall be constructed to meet the design as presented in the Design Deviation request, dated November 30, 2022, and approved by the County Engineer on December 5, 2022.
36. 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 signs 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.
37. Pursuant to CCC Section 15.30.650 requires the following language on the face of the plat: "Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat."
38. Pursuant to CCC Section 15.60.070, road design specifications and features will be required to meet CCC Chapter 15.30, WSDOT, AASHTO, MUTCD, and all other referenced design guidelines and publications in this section which may include but limited to ADA ramps, curb, gutter and sidewalks.
39. Pursuant to CCC Section 15.30.360, all lots within this subdivision shall be required to access off the new proposed internal roadway system.
40. Pursuant to CCC Section 15.30.240, the applicant shall be required to provide snow storage areas.
41. Pursuant to CCC Section 15.30.330, the applicant is required to submit a sight distance analysis for all existing access and proposed access points. This includes all driveways and road intersections.
42. Pursuant to CCC Section 15.30.310, the applicant shall submit a Lot Access/Addressing Plan. The Lot Access/Addressing Plan shall demonstrate how all lots and any existing driveway easements will be constructed and how they meet county road approach standards. Submit three (3) or more names for the new proposed roads to the Public Works Department for approval by Rivercom pursuant to CCC Chapter 10.20.
43. Pursuant to CCC Section 10.20.200, a road naming will be required for the shared driveway/access roads that serves 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.

44. Pursuant to CCC Chapter 10.20, the applicant shall add the following note to the Final Mylar 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)".
45. Pursuant to CCC Section 15.30.310, the applicant shall cause a note to be placed on the face of the plat stating "All new driveways accessing County Roads shall require an access permit from Chelan County Public Works, prior to the issuance of a building permit."
46. 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:
  - 46.1 Drainage Report and Plan.
  - 46.2 Roadway Improvement Plan (showing location of utilities and roadway curve data).
  - 46.3 Lot Access Plan (Profiles, Topography).
  - 46.4 Erosion and Sedimentation Control Plan.
  - 46.5 Signage and Striping Plan.
  - 46.6 ADA Ramp Detail.
  - 46.7 Curb, Gutter and Sidewalk Details.
47. Pursuant to CCC Section 15.30.650, a Pre-Construction Meeting is required with the owner, contractor, the Chelan County Public Works Department prior to commencing any construction.
48. 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.
49. 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.
50. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
51. Pursuant to CCC Section 13.10.030(9), on the final plat, show the necessary easements and tracts in accordance with the approved drainage plan.
52. 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:
  - 52.1. The project shall comply with stormwater standards, Chapter 13.12; 13.14; 13.16 and 13.18 of the Chelan County Code

52.2. 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.

52.3. The following note shall be placed on the final plat mylar:

“The area within this plat contains a private stormwater drainage system designed to control stormwater runoff originating from this site. This site shall burden and benefit the parties’ successors and assigns; that its contents are binding upon the parties’ successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of \_\_\_\_\_, dated \_\_\_\_\_, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have a 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.”

53. Applicant shall submit Lot Closure calculations must be submitted with Preliminary Mylar (blue-lines) submission.

54. The final plat must identify all roads as public or private.

55. The final plat must identify centerlines and right-of-way dimensions on adjacent County roads and on any new proposed roads.

56. Pursuant to CCC Section 15.30.825, monumentation will be required to be placed on all public roads if not already monumented.

57. The final plat shall show all easements that benefit or burden the project site.

#### **CHELAN COUNTY PUBLIC UTILTIY DISTRICT**

The subject properties and final plat shall conform to the conditions of approval typically required by the Chelan County PUD

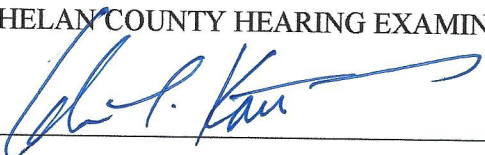
58. There is electrical service available at the subject property.

59. A primary line extension will be required.

60. Chelan PUD will obtain any necessary easements that are not included in the final plat.

Dated this 11 day of July, 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.