

DEVELOPMENT AGREEMENT BETWEEN

the CITY OF CHELAN

and

CHELAN LOOKOUT LLLP

for the development of

the LOOKOUT

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THIS DEVELOPMENT AGREEMENT is entered by and between the City of Chelan, a Washington non-charter code city operating under the Mayor-Council plan of government and Chelan Lookout LLLP, a Washington limited liability partnership. This Agreement is made pursuant to RCW 36.70B.170 and CMC 19.38 and relates to Chelan Lookout, A Lakeside Village.

RECITALS

- a. **Scope and Intent.** This Development Agreement addresses the development standards for the Project Area within the City known as the Lookout under the Planned Development Standards in CMC 17.52, which provide for the adoption of permitted or accessory uses and dimensional standards that would not be permitted in the zoning districts of the Project Area.
- b. **The Project.** Chelan Lookout desires to continue developing a mixed-use project within the City originally known as Granite Ridge and now, with the inclusion of additional land, referred to as the Winery District, will be the “Lookout.” The Lookout includes single-family homes, multifamily units, community recreation amenities including one or more clubhouse(s), one or more pool(s), sports facilities, trails and paths, active and passive recreation amenities, a 70+-slip marina, community dock, watercraft rentals, and mixed-use commercial/retail uses and establishments that may include retail sales, offices, theater(s), restaurants, food courts, food trucks, and other project-related or recreational-based retail and commercial uses. The Lookout will be developed in one or more “Phases” to meet market demands, in one or more Districts currently known as the “Winery District,” the “Lakeside District,” the “Hilltop District” and the “Barn District.”
- c. **The Project Area and Districts.** The Project Area includes approximately 89 acres of privately owned land listed and legally described in *Exhibit A*. A map depicting the Project Area, the Districts and the conceptual Project layout is attached as *Exhibit B*. The Project Area legally described in *Exhibit A* and depicted in *Exhibit B* includes Granite Ridge, which Chelan Lookout acquired in 2011 and renamed the Lookout, the adjoining Winery District and the 4.8 Acre Parcel. The Districts include:
 - 1. The Hilltop District is the central core of the Project Area, includes a variety of detached single-family home types of diverse sizes, the Project’s central park,

community center, pool and other passive and active recreational features all designed to support and reinforce the Project's walkability and new urbanism.

2. The Winery District expands the housing forms, types and new urbanism theme established in the Hilltop District, and includes major components of the Project's Open Space and trail system such as the connection to the City's existing and future trail system.

3. The Lakeside District provides unique attached and multi-family housing opportunities, and includes the Project's waterfront amenities including the marina, the waterfront park, water access and parts of the trail system network.

4. The Barn District is the Project's gateway and transition to surrounding properties and includes commercial uses, mixed-uses and multi-family housing.

- d. **The City's Objectives.** The City's objective is to protect the public interest in the orderly long-term development of the Project Area in a manner that adequately mitigates environmental impacts, is compatible with adjacent land uses, and is consistent with the City and Lookout Development Standards through CMC 17.52 (Planned Development Districts) and CMC 19.38 (Development Agreements). The City also desires to state all agreements with Chelan Lookout affecting the Project in a single comprehensive development agreement.
- e. **Chelan Lookout's Objectives.** Chelan Lookout's objective is to obtain certainty for the development of the Project; and to obtain certainty regarding environmental mitigation and fiscal conditions imposed on the Project in this Agreement and any other City-issued permits for the Project all before Chelan Lookout makes further significant financial investments in the Project and the surrounding area. Chelan Lookout would not undertake the entire Project development without the assurances in this Agreement.
- f. **Current Applications.** Chelan Lookout submitted applications for the Winery District PDD under City of Chelan File No. PDD2015-01/SUB2015-01/SEPA2015-01, including an application for a multi-phase subdivision on 27.5 acres to create 137 residential lots under CMC 16 (Land Divisions), an application to change the zoning to P.D. under CMC 17.52 (Planned Development District), and to adopt a Development Agreement under CMC 19.38 (Development Agreement).

NOW, THEREFORE, in consideration of the recitals (which are incorporated into the Agreement by this reference) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Chelan Lookout agree as follows:

AGREEMENT

1. DEFINITIONS

Any capitalized term or acronym used throughout this Development Agreement shall have the meaning set out in this Section. Terms used within a section will be defined in that section:

4.8-Acre Parcel means the real property legally described in ***Exhibit A*** as Parcel B of BLA AFN 2183783, which is not part of the Winery District PDD, and which Chelan Lookout will develop under the Lookout Development Standards;

Agreement or *Development Agreement* means this Development Agreement between the City of Chelan and Chelan Lookout LLLP for the development of the Lookout;

Amendment refers to a written amendment of this Development Agreement signed by the Parties and approved by the City Council;

Barn District means the District of the Project Area generally described in Recital c and depicted on ***Exhibit B*** that will be developed as the Project's gateway and transition to surrounding properties, which will include commercial uses, mixed-uses and multi-family housing;

Chelan Lookout or *Developer* means Chelan Lookout LLLP, the developer of the Project;

City means the City of Chelan, a Code City organized and operating under the Mayor-Council form in RCW 35A;

City Attorney means the City Attorney appointed under CMC 2.66;

City Council means the City's Council;

City Development Standards means the ordinances adopted by the City Council governing the development of properties within the City, including the City's Comprehensive Plan, the City's Official Zoning Map, the Chelan Municipal Code, the City's Shoreline Master Program¹, the City's Public Works Standards, SEPA Ordinance and adopted policies, Concurrency Ordinance, if any, and all other ordinances, codes rules and regulations of the City establishing land use, subdivision standards, and Development Standards;

CMC is the acronym for the Chelan Municipal Code;

¹ Adopted, pending approval by the Washington State Department of Ecology.

Code means the Chelan Municipal Code;

Dedications means the conveyances and/or transfers of portions of the Project Area and/or improvements required by a Development Permit;

Default refers to a failure or delay by either party to perform any term or provision of this Development Agreement, as further defined and with the remedies set out in Section 12;

Density Distribution means the conceptual layout depicted in **Exhibit B**;

Development Agreement or *Agreement* means this Agreement;

Development Permit means any approval by the City for development of property within the Project Area. A Land Division is a type of Development Permit;

District means the different districts in the Project, known as the Barn District, Hilltop District, Lakeside District and Winery District, as generally described in Recital c and depicted in **Exhibit B**;

DOE means the Washington State Department of Ecology;

Effective Date means the date this Development Agreement is approved by the City Council;

ERU is the acronym for Equivalent Residential Units;

Exhibit refers to an exhibit attached to this Development Agreement;

Granite Ridge refers to the approximately 61.5 acre portion of the Project Area for which the Prior Granite Ridge Project Approvals (defined and listed below and attached as **Exhibits C-1 to C-3**) have been issued authorizing the development of up to 350 dwelling units and commercial and retail development. See Exhibits C-1 through C-6;

Granite Ridge Development Standards refers to the Granite Ridge Implementing Regulations for Granite Ridge administratively approved by the Planning Director on March 15, 2013, a copy of which are attached as **Exhibit C2**;

Granite Ridge PDD means the Prior Granite Ridge Project Approval attached as **Exhibit C-1**.

Hearing Examiner means the City's Hearing Examiner duly appointed under CMC 2.15;

Hilltop District is the portion of the Project Area generally described in Recital c and depicted in **Exhibit B**, that has been and will be developed as the central core of the Project. The Hilltop District includes a variety of detached single-family home types of diverse sizes, the Project's central park, community center, pool and other passive and active recreational features all designed to support and reinforce the Project's walkability and new urbanism focus. The Hilltop District has been substantially developed under the Prior Approvals;

Including means “including but not limited to,” unless the context requires otherwise;

Lakeside District is the portion of the Project Area generally described in Recital c.3 and depicted in **Exhibit B**, that will be developed to include the Project’s waterfront amenities, including the marina, the waterfront park, waterfront commercial uses, water access, and parts of the Project’s Open Space trail system network;

Land Division means any method of dividing property within the Project Area authorized by the City’s land division code, CMC 16. A Land Division is a type of Development Approval;

Lookout Cottage Rentals means the agent responsible for providing rental management oversight within the Project and for providing daily access service to the waterfront;

Lookout Development Standards means the development standards for completing the Lookout in this Development Agreement, specifically in Section 4 and **Exhibit C**;

Lookout or the Project means the development of the Project Area pursuant to this Development Agreement;

Lookout Owners Association means the nonprofit corporation formed to enforce the policies and procedures adopted in the Master CC&R’s;

Major Revision refers to the revisions to the Project itemized in Section 9.1 requiring an amendment to this Development Agreement;

Master CC&Rs mean the Declaration of Covenants, Conditions, Restrictions and Easements for the Lookout, recorded on July 26, 2013 under Chelan County Auditor’s file number 2386815, which may be amended from time to time;

Minor Revision refers to the revisions to the Project itemized in Section 9.2 approved by the Planning Director;

Maximum Residential Density refers to the maximum number of dwelling units Chelan Lookout may build in the Project Area as provided in Section 4.1, with the Density Distribution depicted in **Exhibit B**;

Owner means the fee simple owner of a lot within the Project Area and shall not include any person, persons, or entity acquiring an entire Phase or sub-phase of the Project for the purpose of future development of individual residential units within that Phase or sub-phase;

Parking Management Plan means the plan for parking and traffic management within the Project attached as **Exhibit D** and discussed in section 4.2;

PDD is the acronym for Planned Development District;

Phase means one or more portions of a Land Division developed pursuant to CMC 16.16.060;

Planning Director means the Director of the City's Department of Planning and Community Development;

Prior Granite Ridge Project Approvals or *Prior Project Approvals* mean the Development Permits already issued for the Project including the following, copies of which are attached as ***Exhibits C-1 through C-6***:

C-1 to C-3. *Prior Granite Ridge Project Approvals*. The approvals for Granite Ridge:

C-1. *Granite Ridge PDD*. City of Chelan Ordinance No. 05-1298 dated April 14, 2005, with exhibits A and B thereto (approving the Granite Ridge PDD, and authorizing the development of up to 350 dwelling units within Granite Ridge and mixed commercial and retail development);

C-2. *Granite Ridge Implementing Regulations*. City of Chelan Staff Report, File No. PDD2013-01 dated March 15, 2013 (adopting the Granite Ridge Development Standards);

C-3. *Subdivision*. City of Chelan Land Use Hearing Examiner Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, File No. SUB2015-02 dated October 28, 2015 (approving the subdivision of three existing lots into a total of 8 new lots);

C-4 to C-6. *Prior Project Approvals*. Approvals for the Project's waterfront park:

C-4. City of Chelan Shoreline Substantial Development Permit, File Nos. SSDP2015-5, SCUP2015-01, CUP2015-07, dated September 14, 2015 ;

C-5. Washington State Department of Ecology Approved Shoreline Substantial Development Permit, SDP (#2649) and Approved Shoreline Conditional Use Permit, CUP (#835), dated October 13, 2015; and

C-6. Washington State Department of Fish & Wildlife, Hydraulic Project Approval, Permit No. 2015-2-155+01 dated November 5, 2015.

Project or the *Lookout* means the development of the Project Area pursuant to this Development Agreement;

Project Area means approximately the 89 acres of privately owned land listed and legally described in ***Exhibit A*** that includes Granite Ridge, the Winery District and the 4.8 Acre Parcel;

Project Open Space refers to the publicly and privately accessible open space within the Project Area described and discussed in Section 4.3 and is synonymous with “common open space” in CMC 17.52;

Project Utilities mean domestic water and domestic sewer. See also Project Utilities

Project Water Rights refers to the domestic water rights appurtenant to the Project Area referenced by DOE change documents CS4-SWC458, CS4-SWC709(A), and CS4-SWC710, all of which, DOE authorized be diverted from the City’s points of diversion for municipal purposes within the City’s approved service area of the City pursuant to change orders dated May 7th, 2007;

RCW is the acronym for the Revised Code of Washington;

SEPA is the acronym for the State Environmental Protection Act, RCW 43.21C and WAC 197-11, implemented by CMC 14.06;

Term means the term of this Development Agreement set out in Section 2.2;

Third-Party Challenge means any action challenging any provision of the Winery District PDD by any person other than a Party.

Utilities, as they relate to the Project, mean domestic water and domestic sewer. See also Project Utilities;

Utility Parking Area means the area defined and depicted in **Exhibit B** on the northwest corner of the Lookout adjacent to Highway 150 and Bighorn Way providing parking for excess vehicles, accessory vehicles/items and patrons using the waterfront improvements in the Lakeside District as discussed in Section 4.2.4;

Winery District is that portion of the Project Area generally described in Recital c and depicted in **Exhibit B** that will be developed to expand the housing forms, types and new urbanism theme established in the Hilltop District, and will include major components of the Project’s Open Space and trail system;

Winery District PDD means the application for a multi-phase subdivision on 27.5 acres to create 137 residential lots, to change the zoning to P.D., and to adopt a Development Agreement under City of Chelan File No. PDD2015-01/SUB2015-01/SEPA2015-01;

WSDOT is the acronym for the Washington State Department of Transportation;

Vesting Date means the Effective Date.

2. EFFECTIVE DATE AND TERM.

2.1 Effective Date. The Effective Date of this Development Agreement is the effective date of the Ordinance adopted by the City Council approving the Winery District PDD and adopting this Development Agreement.

2.2 Term. The Term of this Development Agreement shall be twenty (20) years from the Effective Date. If, during the Term of this Development Agreement, the City grants a Development Approval, including a Land Division, for any portion of the Project, the Development Approval and Land Division shall remain valid for term(s) provided in the Code in effect at that time or under State law even if that period extends beyond the term of this Agreement

2.3 Extending the Term by a Third-Party Challenge. The City may extend the Term by the time necessary to resolve a Third-Party Challenge if the City determines, in its sole discretion, the extension is appropriate in light of the circumstances of Third-Party Challenge, the impact of the Third-Party Challenge on the Project and that Chelan Lookout is using its best efforts to timely resolve the Third-Party Challenge.

3. Purpose/Vesting/Recording/Compliance/Reservation of Authority.

3.1 Purpose/Binding Effect. The purpose of this Development Agreement is to unify the Prior Granite Ridge Project Approvals with the Prior Project Approvals and with the Winery District PDD and to apply the Lookout Development Standards to the Project Area. This Development Agreement incorporates the Prior Granite Ridge Project Approvals and the Prior Project Approvals but does not modify, amend or repeal them. To the extent a provision in this Development Agreement is inconsistent with the Prior Granite Ridge Project Approvals or the Prior Project Approvals, the Prior Granite Ridge Project Approvals or the Prior Project Approvals shall control.

3.2 Vesting. After the Effective Date, the Project shall be vested to the Lookout Development Standards, which shall modify and supersede any otherwise conflicting development standards of the underlying zoning. City Development Standards in effect on the date a complete application for a Development Permit is filed with the City shall apply if this Development Agreement does not establish development standards covering a certain subject, element or condition.

3.3 Recordation/Compliance. Pursuant to CMC 19.38.50, this Development Agreement and any Amendments or notice of termination of the Agreement shall be recorded with the Chelan County Auditor. During the Term of this Agreement, except for an Owner, any

heirs, successors, assigns, purchasers, transferees, devisees, administrators, representatives, lessees and all other persons or entities acquiring all or any portion of the Project shall observe and fully perform all of the duties and obligations of Chelan Lookout contained in this Development Agreement.

3.4 Compliance with State and Federal Regulations. To the extent any applicable state and/or federal law conflicts with the terms of this Development Agreement, the requirements of the state and/or federal law shall control instead of the Development Standards in effect on the Vesting Date.

3.5 Reservation of City authority. Nothing in this Development Agreement shall be construed to limit the City's authority or obligation to review additional Project-related Development Permit applications including SEPA review, holding required public hearings, limiting the discretion of the City and any of its officers in complying with, interpreting or applying the Lookout Development Standards to a Development Permit, or requiring the completion of Project Open Space amenities or Utilities outside the footprint of a Land Division. The City reserves the right to adopt and impose the following new or different standards or regulations after the Effective Date:

3.5.1. Development Standards on a Development Permit to the extent required to address a serious threat to public health and safety under CMC 19.38.030(B);

3.5.2. regulations relating to procedures and processing development applications;

3.5.3. regulations governing construction standards and specifications under CMC 15.04 (Building Codes);

3.5.4. taxes, fees, utility connection charges or other assessments (including mitigation fees) that apply uniformly throughout the City or within a defined area of benefit that includes any portion of the Project Area, other than transportation, utilities and parks mitigation fees and Dedications, which Chelan Lookout will provide under Section 6.

4. LOOKOUT DEVELOPMENT STANDARDS. The Lookout Development Standards in this Section 4 and in *Exhibit C* shall control the uses within and development of the Project Area.

4.1 Maximum Residential Density. The Maximum Residential Density is 487 dwelling units. *Exhibit B* depicts the Density Distribution within the Project Area. Chelan Lookout may adjust the Density Distribution from one or more District(s) to one or more other

District(s). A Minor Revision is required to adjust the Density Distribution of any District by 20% or less. A Major Revision is required to adjust the Density Distribution of any District by more than 20% or to exceed the Maximum Residential Density.

4.2 Parking and Traffic Management. Parking and traffic management within the Project Area will be subject to the Parking Management Plan, as updated from time to time, attached as *Exhibit D*. The following parking and traffic management standards, rules and regulations shall apply to the Project:

4.2.1. **Maximum Number of Parked Vehicles.** Two vehicles per residence may be parked at or near each residence. Subject to rules adopted by the Lookout Owners Association, both vehicles will be parked either off-street (on the home site) or at a minimum one off-street and one on-street. On-street parking shall be within designated parking areas on certain streets as depicted on *Exhibit D*. No on-street parking shall be permitted within the no-parking areas and fire lanes within the Project depicted on *Exhibit D*.

4.2.2. **Utility Parking/Minimum Amount of Parking.** All vehicles in excess of the maximum provided above, vehicles for patrons using the waterfront improvements in the Lakeside District, and all accessory vehicles/items including, boat trailers, snowmobile/four-wheeler trailers, recreational vehicles, fifth-wheels, etc., shall be parked in the Utility Parking Area depicted on *Exhibit D*. Pursuant to the City's Development Standards, Section Nine, Parking Standards, the Utility Parking area shall include at least 0.25 parking spaces per completed dwelling unit within the Project Area and 0.5 spaces per moorage stall within the Lookout marina.

4.2.3. **Timing of Construction of Utility Parking Area.** Chelan Lookout shall construct the Utility Parking Area as part of developing the Winery District, but may do so initially by providing a gravel surface that may be later improved to chip seal before it is finally improved to asphalt surface as part of completing the Barn District so long as at each stage it is hard-surfaced, graded and drained to dispose of surface water to the satisfaction of the City's Public Works Director and maintained in good condition free of weeds, dust, trash and debris.

4.2.4. **Waterfront Parking and Access.** The Lookout Owners Association in conjunction with Lookout Cottage Rentals shall provide daily access service to the

waterfront during the summer season: beginning on the Friday before the Memorial Weekend, through the weekend after the Labor Day Weekend.

4.2.5. Parking and Traffic Management Enforcement. Pursuant to the Parking Management Plan, the Lookout Owners Association shall limit on-street parking to ensure a minimum of 20'-clear access for emergency services and vehicular access on all roads within the Project Area except for Porcupine Lane and Jackrabbit Lane where this minimum clearance requirement shall not apply. Parking restrictions shall be by posted signage, striping or other appropriate means. Parking passes may be used to ensure compliance with these parking and traffic management requirements. Pursuant to the Master CC&Rs, the Lookout Owners Association has the authority to issue parking fines to violators and to tow cars violating these parking and traffic management requirements.

4.2.6. Secondary Access. Pursuant to the City's Development Standards, Section Five, Street Standard, 5C.090.E and .F and the Traffic Impact Analysis prepared by TENW dated March 5, 2015, Chelan Lookout will construct a secondary access to the Project Area as follows:

4.2.6.1. Temporary Emergency/Public Services Access. Prior to approval of any Development Permit within the Winery District, Chelan Lookout shall construct and maintain at its sole cost and expense a 20'-wide temporary secondary access in a location approved by the City's Department of Public Works that shall be accessible at all times for emergency and public services vehicles. The temporary secondary access may be constructed with a gravel surface, without sidewalks or other improvements and shall be maintained until the secondary access in Section 4.2.6.2 is constructed.

4.2.6.2. Permanent Secondary Access. Chelan Lookout, at its sole cost and expense, shall construct a permanent secondary access to the Project Area upon the earlier of WSDOT's completion of the No-See-Um Roundabout, construction of 100 ERUs within the Project Area or when the Project generates 1,000 ADTs. The permanent secondary access shall be constructed pursuant to the standards in 5C.030 for a Minor Collector. If WSDOT has completed the No-See-Um Roundabout when the permanent secondary access must be constructed, it will be located through the "Lords

Acres” parcel to align with and connect to the No-See-Um Roundabout. If WSDOT has not completed the No-See-Um Roundabout when the permanent secondary access must be constructed, it may be in an alternative location approved by the City’s Department of Public Works.

4.3 Project Open Space/Parks and Trails.

4.3.1. **Required Amount of Project Open Space.** Upon final Project build-out, Chelan Lookout will create a mix of publicly and privately accessible open space within the Project. During the Term of this Agreement, Chelan Lookout shall provide and retain Project Open Space equal to or exceeding 15% of the Project Area, which exceeds the 10% required by CMC 17.52.130. A Minor Revision is required to reduce the Project Open Space as depicted in *Exhibit E* by 10% or more at any one time; provided, however, in no event shall the Project Open Space be reduced to 10%, or less, of the Project Area.

4.3.2. **Location of Project Open Space.** The Project Open Space is intended to be located adjacent to and serve areas of greater density within the Project Area. *Exhibit E* depicts the conceptual size and location of the Project Open Space amenities. The final size and location of the Project Open Space amenities will be determined in each Land Division in the Project.

4.3.3. **Types of Project Open Space.** The Project Open Space will include a mix of publicly- and privately-accessible active and passive parks and open space, recreational/park-type facilities and structures, trails, and bicycle facilities that will be available for use without charge. The Project Open Space is intended to provide enhanced passive and active recreation opportunities ranging from large gathering spaces to intimate greenbelts and will create multi-modal transportation facilities, which will serve people in the Lake Chelan area. The Project Open Space will further create a network of trails and bike riding facilities within the Project to connect to the City’s existing and future trail system and, as appropriate, to connect with facilities to be constructed by WSDOT including specifically the No-See-Um roundabout. Instead of providing the standard five-foot wide sidewalk, as part of the Project Open Space, Chelan Lookout will construct a ten-foot wide multi-use trail along the north side of Bighorn Lane and Bluebell Lane as depicted on *Exhibit E*.

4.3.4. **Construction and maintenance of Project Open Space.** Chelan Lookout will develop and construct the Project Open Space as part of a Land Division and it shall be complete on or before final approval of the Land Division regardless of whether the Project Open Space extends beyond the physical boundary of the Land Division. Chelan Lookout shall be solely responsible for maintaining all publicly- and privately-accessible Project Open Space except the City shall be responsible to maintain the multi-modal trail within the Project that is part of the City's trail network once it is improved by Chelan Lookout to an asphalt or non-gravel surface. At that time, Chelan Lookout shall provide appropriate access easements to the City for maintenance and will install signage on and along the trail indicating it is accessible to the public.

4.3.5. **Use of Project Open Space.** The Project Open Space may be used for passive and active recreation activities pursuant to the terms and conditions of this Development Agreement. Chelan Lookout will make the Project Open Space accessible to public, who may use the Project Open Space subject to the limitations contained in the Master CC&Rs and general law, including the limitation of liability provided in RCW 4.24.210. Except for the waterfront portion of the Lakeside District, which will include Waterfront Commercial facilities and activities, and except for one or more Place of Private Assembly located within the Project Area, all as permitted under ***Exhibit C***, no residential or permanent retail or commercial uses may be located within the Project Open Space.

4.4 Lot Development Standards. The Lookout Development Standards, ***Exhibit C***, specify and shall control permitted, accessory and conditional uses and dimensional standards and deviations for all development within the Project Area.

4.5 Garbage Management Plan. The Lookout Owners Association, in conjunction with Lookout Cottage Rentals will provide periodic garbage pickup and disposal services from specified locations within the Project that will be established in cooperation with the City.

4.6 Preliminary Plat Term. Pursuant to RCW 58.17.140.4 and adoption of this Development Agreement by ordinance, City approval of a preliminary plat within the Project Area shall be valid for the Term of this Agreement.

5. MASTER CC&RS. The Project Area shall be subject to the Master CC&Rs. The Lookout Owners Association will undertake the responsibilities set out in the Master CC&Rs as required by CMC 16.16.080.

6. VOLUNTARY MITIGATION MEASURES. The Project includes the following voluntary mitigation measures:

6.1 Housing. Pursuant to CMC 19.38.030(A)(1) (provisions for affordable housing), Chelan Lookout will contribute \$1,000.00 from the sale of each lot in the Project to mitigate potential affordable housing impacts. Within 30 days after the Effective Date, Chelan Lookout will record a notice, approved by the City Attorney, with the Chelan County Auditor, directing this payment on the closing of each lot within the Project Area. The City, in the City Council's discretion, may use the Housing Mitigation Payments for any purpose relating to affordable housing in the City.

6.2 Recreation/Parks. To mitigate the Project's potential recreation impacts, Chelan Lookout shall construct and maintain the Project Open Space pursuant to Section 4.3.4.

6.3 Transportation. To mitigate the Project's potential transportation impacts, Chelan Lookout shall construct, repair and maintain the trails and bicycle facilities included in the Project Open Space pursuant to Section 4.3.4, shall provide the parking and traffic management provisions pursuant to Section 4.2.4 and 4.2.5, and provide the second access to SR 150 pursuant to Section 4.2.6.

7. PROJECT UTILITIES. Pursuant to RCW 82.02.020, and subject to the conditions and requirements thereof, the City and Chelan Lookout will complete the following improvements or contribute the following amounts to construct Project-related utilities to serve the Project Area:

7.1 Utility Construction:

7.1.1 **Utilities to serve the Project Area.** Chelan Lookout shall pay all costs and expenses to construct all utilities within the Project Area and its pro-rata share to construct off-site utilities necessary to serve the Project Area, including paying \$66,360.00 as its pro-rata share of the cost to upgrade the waterline from the Darnell Booster Pump Station. To the greatest extent possible, Chelan Lookout will construct all utilities within road rights-of-way. Utilities constructed within public rights-of-way shall be dedicated to the City upon final Land Division completion and approval for each Phase or District, as the case may be; utilities located within private rights-of-way or within private property will be dedicated along with necessary easements and rights of access.

7.1.2 **Upgrades to Granite Ridge Lift Station.** A local lift station, commonly referred to as the Granite Ridge Lift Station, was constructed by a predecessor to Chelan

Lookout adjacent to Bighorn Way to serve the Project Area. Chelan Lookout may continue to use the Granite Ridge Lift Station to serve the Project Area and may, at its sole cost and expense and subject to City design and permitting approval, upgrade the Granite Ridge Lift Station as necessary to serve up to 80 ERUs within the Project Area. Project sewer requirements beyond 80 ERUs shall be provided by the Lords Acres Regional Lift Station (LS #12) being built by the City subject only to the requirement that a lot Owner pays the general facility charge in Section 7.2.

7.1.3 Project Open Space Irrigation System. Chelan Lookout will construct a system to provide non-potable water for irrigation to the Project Open Space. During the Term of this Development Agreement, the Lookout Owners Association shall maintain, repair and replace the Project Open Space irrigation system pursuant to the Master CC&Rs.

7.2 Project Utility/Sewer Hook-up Fees. Upon application for a building permit, an Owner of a lot within the Project Area shall pay the City's then-current domestic water service and sanitary sewer service general facility charges, except for the Owners of Lots 1, 2 and 3 of SUB2015-02 and the Owners of Lots 163, 164, 177 and 178 of the Lookout, who shall pay the City's then-current domestic water service general facility charge and shall pay a sanitary sewer general facility charge in the amount of \$4,280.00 per lot.

7.3 Latecomer Fees/Agreements. Nothing in this Development Agreement shall bar, limit or require Chelan Lookout to enter into one or more latecomer agreements with third-parties to recoup Project-related costs pursuant to CMC 12.28.

7.4 As-Built Drawings. Chelan Lookout shall provide "as-built" drawings for all utilities as part of final approval for each Land Division.

8. PROVISION OF WATER AND SEWER.

8.1 Warranty of water and sewer capacity.

8.1.1 Treatment Capacity. The City warrants, as of the Effective Date, the City has adequate water and sewer treatment capacity to serve the Project Area.

8.1.2 Line Capacity. The City warrants it will have adequate water and sewer line capacity for the Project subject to Chelan Lookout's completion of its obligations in Section 7.1.1, construction of the Lords Acres Regional Lift Station (LS #12) and its associated sewer lines, and construction of the 12-

inch waterline main from the Darnell Booster Pump Station as part of the No-See-Um Roundabout.

- 8.1.3 **Certificates.** The City will provide certificates of water or sewer treatment capacity for all Districts of the Project based on sections 8.1.1 and 8.1.2. The City shall not be obligated to provide these certificates for all Districts and shall not be liable to Chelan Lookout for failure to do so if a court or administrative tribunal of competent jurisdiction or a state or federal agency issues a determination in the future that the City does not have sufficient water rights or wastewater treatment capacity to serve future Phases of the Project.

8.2 Project Water Rights Serve the Project. The Project Water Rights provide 196.6 AFY (acre-feet per year) to the Project Area. The City's Public Works Department reviewed and accepted the Washington State Department of Health's domestic potable water-use calculations for new development where irrigation water is provided separately from domestic potable water and reviewed the attached "Water Transfer Budget" included in *Exhibit F*. Based on that information and pursuant to CMC 13.40.050, the City determined the average daily demand within the Project will be .22 AFY/ERU and therefore 107.14 AFY of the Project Water Rights are sufficient to provide domestic potable water to serve the Project's Maximum Residential Density. Chelan Lookout may reserve the balance of the Project Water Rights, 89.46 AFY, to serve Project irrigation and other permitted uses.

8.3 Transfer of Project Water Rights. Within 30 days after the Effective Date Chelan Lookout will convey and/or transfer 107.14 AFY of the Project Water Rights to the City.

8.4 Purchase/Sale of Excess Project Water Rights. In the event Chelan Lookout has excess Project Water Rights or requires additional domestic water to serve the Project, the excess or additional required water rights shall be sold or purchased pursuant to CMC 13.40.050 in effect as of the Effective Date.

9. **MAJOR AND MINOR REVISIONS.** A Major or Minor Revision will revise this Development Agreement as provided in CMC 17.52 and this Section.

9.1 Major Revisions.

9.1.1 Types of Major Revisions. The following shall be Major Revisions:

9.1.1.1 Expanding the Project to include land beyond the Project Area;

9.1.1.2 Increasing the total number of dwelling units in the Project Area above the Maximum Residential Density;

9.1.1.3 Any change that requires additional review and/or mitigation measures pursuant to SEPA beyond that issued for the Project.

9.1.2 Vesting. Major Revisions shall vest to all Development Standards in effect on the date of filing a complete application requesting a Major Revision.

9.1.3 Processing Major Revisions. Major Revisions require an Amendment to this Development Agreement. The City will process Major Revisions as a Type IIIB project permit application pursuant to CMC 19.18 to ensure it is consistent with the City's Development Standards, including its comprehensive plan, the provisions of CMC 17.52 (Planned Development District approval) and CMC 16.20 (Subdivision Alteration).

9.2 Minor Revisions.

9.2.1 Types of Minor Revisions. The following shall be Minor Revisions:

9.2.1.1 Adding additional non-residential uses to the Project beyond those authorized by this Development Agreement that are determined to be for the benefit of the residents of the Project or the citizens of Chelan;

9.2.1.2 Adjusting the Density Distribution as provided in Section 4.1;

9.2.1.3 Modifying the setback requirements in the Lookout Development Standards;

9.2.1.4 Changes to the amount of Project Open Space or changes to the location(s), configuration(s), dimension(s) or size of any Project Open Space as part of approving a Development Permit as provided in Section 4.3.1; and

9.2.1.5 Any other adjustment to the layout of the Project that the Planning Director, in their reasonable discretion, determines is reasonably necessary to achieve Chelan Lookout's objectives set out in Recital (e) and that does not fall within any of the changes identified as a Major Revision.

9.2.2 Processing Minor Revisions. Minor Revisions shall not require an Amendment to this Development Agreement. The City will process a Minor Revision as a Type IA project permit application under CMC 19.18.010 and the Planning Director

shall apply the standards in CMC 17.52.290 to decide whether to approve or deny a Minor Revision. The Planning Director and the Developer shall sign an approved Minor Revision. The Planning Director will determine the most effective manner of maintaining the Minor Amendment, such as attaching it as an exhibit to this Development Agreement and/or recording it against the title of the affected property in the Project Area.

10. TERMINATION.

10.1 Grounds for Termination. This Development Agreement shall terminate and be of no further force and effect, except for the post termination obligations described in this Section, if any of the following occur:

10.1.1 Chelan Lookout completes construction of the entire Project, consistent with the requirements of this Development Agreement. In that event, provided all of the Dedications and infrastructure have been completed, there shall be no post-termination obligations.

10.1.2 The Term of this Development Agreement expires.

10.1.3 The Parties mutually agree this Development Agreement should terminate or Chelan Lookout unilaterally elects to terminate. If the Parties mutually agree to termination, any Development Permit(s) that have been issued but have not been fully constructed shall also terminate, Chelan Lookout shall complete any Dedications or construction of public improvements required by this Development Agreement or as a condition of a Development Permit, and shall restore the balance of the Project Area to as close to its pre-construction condition as the City deems necessary to protect the public health, safety and welfare. In the event Chelan Lookout unilaterally elects to terminate, in addition to all of the above, the Winery District Planned Development District also shall terminate as to any undeveloped portion of the Project Area.

10.1.4 A Party has not cured a Default under Section 12.

10.2 Notice of Termination. Upon termination, the City shall record a notice of the termination with the Chelan County Auditor in a form satisfactory to the City Attorney.

10.3 Effect of Termination. Upon termination, all undeveloped portions of the Project shall vest to the City Development Standards and underlying zoning district. Notwithstanding termination, Chelan Lookout and any portion of the Project that is permitted and developed

pursuant to this Development Agreement shall continue to be subject to all terms and conditions of this Development Agreement.

11. NOTICES.

11.1 Written Notice. Any notice, demand, or other communication given under this Development Agreement shall be in writing and given personally or by registered or certified mail (*return receipt requested*). A courtesy copy of the notice may be sent by email and/or facsimile transmission.

11.2 Delivery. Notice by hand delivery, email or facsimile shall be effective upon receipt. If deposited in the mail, notice shall be deemed delivered 72 hours after deposited. Any party may designate a different address or person to which such notice or communication shall be given. Notices to subsequent assignees shall be required to be given by the City only for those assignees who have given the City written notice of their addresses for such notice.

11.3 Addresses. Notices shall be given to the Parties at their addresses set forth below.

If to the City: City of Chelan Planning & Building Department
PO Box 1669
Chelan, Washington 98816
Attn: Planning Director

If to Developer: Chelan Lookout LLLP
915 E. Pine Street, Suite 100
Seattle, WA 98122
Email: ted@chelanlookout.com

CC: Joshua C. Allen Brower
Veris Law Group, PLLC.
1809 7th Ave, #1400
Seattle, WA 98101
Email: josh@verislawgroup.com
Fax (206) 829-9245

12. DEFAULT AND REMEDIES.

12.1 Events of Default. Subject to extensions of time by mutual consent in writing, failure or delay by either party to perform any term or provision of this Development Agreement, or a condition of any part of the Project Area violating an applicable Development Standard, constitutes an “Event of Default”.

12.2 Notice to Cure an Event of Default. The party alleging an Event of Default shall notify the other party of the nature and cure of the Event of Default.

12.3 Appeal of Event of Default. The Event of Default and/or its cure may be appealed to the Hearing Examiner as a Type IIA Administrative Interpretation under CMC 19.

12.4 Issuing Development Permits. Until an Event of Default is cured, or during an appeal of an Event of Default, a party is not in default for purposes of termination or institution of legal proceedings, but the City may withhold any approvals of a Development Permit.

12.5 Legal Proceedings Upon Default. Failure to cure an Event of Default within 30 days after a Notice of an Event of Default, failure to commence within 30 days after a Notice of Event of Default and diligently pursue cure thereafter for an Event of Default that cannot be cured within 30 days, or the Hearing Examiner's decision affirming the Event of Default, constitutes a Default. Upon Default, the non-defaulting party may institute legal proceedings to enforce the terms of this Agreement, including the right of the City to terminate this Agreement and/or to file an action to enforce the CMC and to obtain penalties and costs as provided in the CMC for violations of this Agreement and the CMC.

13. **GENERAL PROVISIONS.**

13.1 Third-Party Challenge. In the event of a Third-Party Challenge, Chelan Lookout may elect, in its sole discretion, to participate in the defense of the Third-Party Challenge, in which event, the City shall not settle without Chelan Lookout's consent.

13.2 No Agency, Joint Venture, or Partnership. It is specifically understood that development of the Project is a private development, and Chelan Lookout shall have full power over and exclusive control of the Project, subject to the terms and conditions of this Development Agreement. Although the City and Chelan Lookout intend to cooperate and work together, the parties renounce the existence of any form of agency relationship, joint venture, or partnership between the City and Chelan Lookout; and nothing contained herein or in any document executed in connection herewith shall be construed as creating any such legal relationship.

13.3 Release of Owners from the Developer's Obligations. Notwithstanding the provisions of Section 3.3 regarding the Project obligations of successors in interest, every Owner within the Project shall be automatically released from the Developer's obligations contained in this Development Agreement.

13.4 Other Necessary Acts. Each Party shall execute and deliver to the other all instruments and documents as may be reasonably necessary to carry out this Development Agreement.

13.5 Construction. This Development Agreement has been reviewed and revised by legal counsel for each Party, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Development Agreement.

13.6 Washington Law. This Development Agreement shall be construed and enforced in accordance with the laws of the State of Washington. Venue for any action relating to this Agreement shall be in Chelan County. The prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party.

13.7 Assignment of Development Rights; Release. Chelan Lookout may sell, assign, or transfer (an "Assignment") any portion or all of the Project Area and any rights to develop the Lookout to any person, firm, or corporation (an "Assignee"). An Assignment must be to an Assignee who expressly assumes and is substantially able to satisfy the financial obligations and commitments related to the Assignment (the "Developer Commitments"), as reasonably determined by the City. Chelan Lookout shall reimburse the City for its costs to review the proposed Assignment and Assignee. The City's determination to approve or deny an Assignment shall not be unreasonably withheld or delayed beyond 30 days from Chelan Lookout's notice of its intent to make an Assignment. The City's approval of an Assignment releases Chelan Lookout from the Developer Obligations and Commitments.

13.8 Severability. If any provision of this Development Agreement is determined to be unenforceable or invalid, this Development Agreement shall thereafter be modified, to implement the intent of the parties to the maximum extent allowable under law and the remainder of this Development Agreement shall remain unaffected and in full force and effect.

13.9 Authority. Each Party warrants that it has the respective power and authority to enter into this Development Agreement and to execute, deliver and perform its obligations under this Development Agreement.

13.10 No Third-Party Beneficiary. The Parties enter into this Development Agreement for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Development Agreement.

13.11 Time of Essence. Time is of the essence in the Parties' performance of every obligation under this Development Agreement. Unless otherwise set forth in this Agreement, the reference to "days" means calendar days. If any deadline for performance occurs on a weekend or legal holiday in the State of Washington, then the deadline extends to the next business day.

13.12 Entire Agreement. This Development Agreement, together with all Exhibits, constitutes the entire agreement between the Parties with respect to the subject matter of this Development Agreement. This Development Agreement is specifically intended by the Parties to supersede all prior agreements, whether written or oral.

13.13 Counterparts. This Development Agreement may be executed simultaneously or in counterparts, including facsimiles, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

13.14 No Precedent. The terms and conditions of this Agreement are based upon the unique circumstances applicable to the Project and this Agreement shall not be deemed to establish any precedent for other properties or projects whether undertaken by Chelan Lookout or third parties.

APPROVED BY THE COUNCIL on _____, 2016.

CITY OF CHELAN

Michael Cooney, Mayor
Date:

ATTEST:

Peri Gallucci, City Clerk
Date:

DEVELOPER:

CHELAN LOOKOUT LLLP, a Washington limited liability partnership

By: The Ted & Tricia Schroth Gift Trust
Its: Manager
By: _____
G. Ted Schroth,
Its: Trustee
Date: _____, 2016.

Exhibit A

The Lookout
Development Agreement

Legal Description:

That portion of Section 11, Township 27 North, Range 22 East of the Willamette Meridian, City of Chelan, Chelan County, Washington, more particularly described as follows:

Granite Ridge, according to the plat thereof recorded August 16, 2005, under Auditor's File Number 2206883, records of said County;

TOGETHER WITH Parcel B, Boundary Line Adjustment/Record of Survey, recorded September 24, 2004, under Auditor's File Number 2183783, records of said County;

AND TOGETHER WITH that certain parcel of land set forth and described within Warranty Deed recorded February 20, 2015, under Auditor's File Number 2413744, as defined by City of Chelan Boundary Line Adjustment No. 2014-02CH, recorded May 30, 2014, under Auditor's File Number 2401032, records of said County;

AND TOGETHER WITH that certain parcel of land set forth and described within Statutory Warranty Deed recorded March 31, 2015, under Auditor's File Number 2415653, as defined by Record of Survey recorded April 29, 2015, under Auditor's File Number 2417100, records of said County.

Exhibit B **Location Map depicting Project Area/Density.**

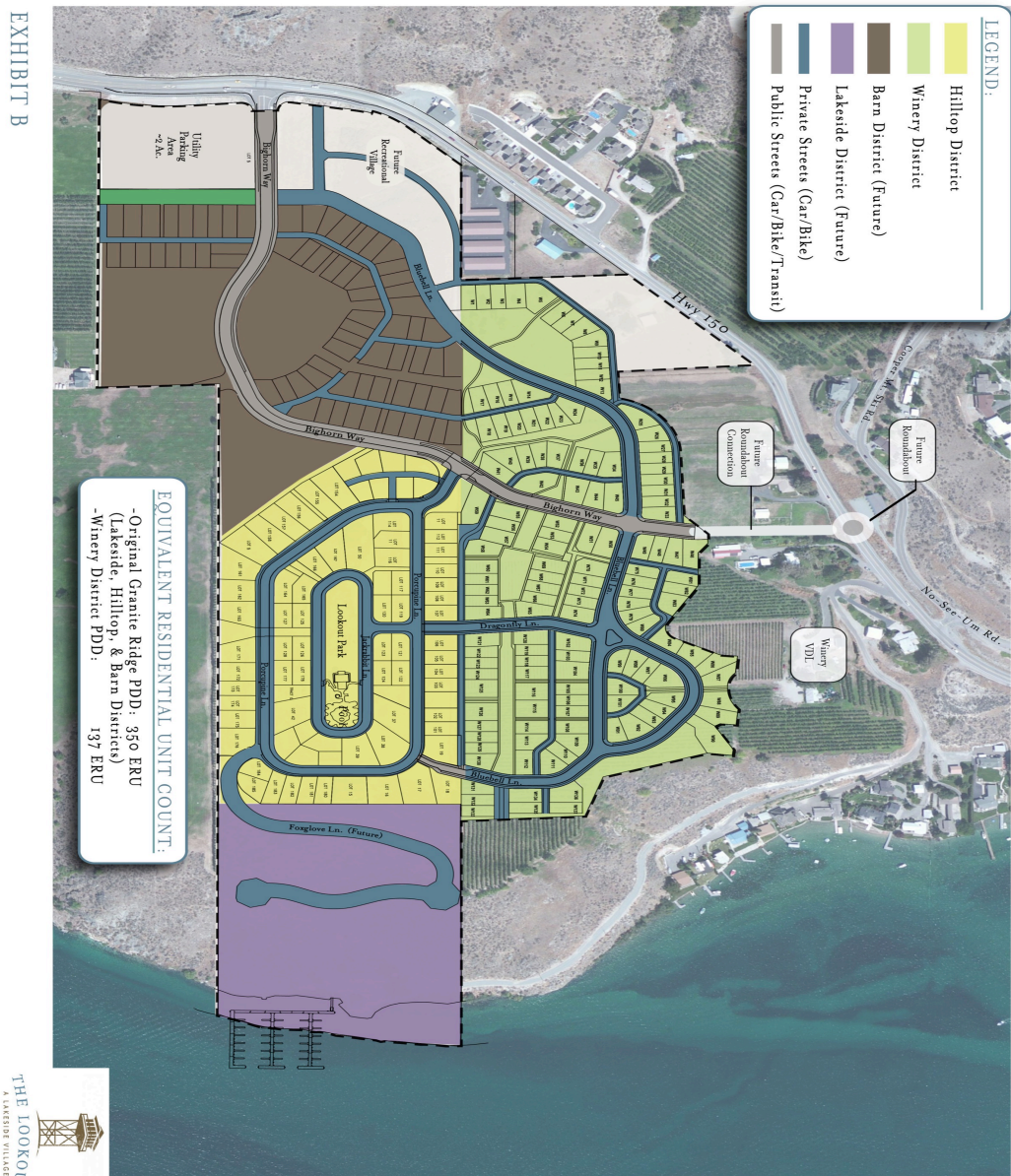


Exhibit C
Lookout Development Standards²

	<u>Hilltop District</u>	<u>Winery District</u>	<u>Barn District</u>	<u>Lakeside District</u>
PERMITTED USES				
<u>Residential</u>				
Single Family	P	P	P	P
Townhouse	X	X	P	P
Duplex	X	X	P	P
Triplex	X	X	P	P
Multifamily	X	X	P	P
Accessory Dwelling Unit ³	P	P	P	P
<u>Non-Residential/Commercial</u>				
Vacation Rental	P	P	P	P
Watercraft Rental	X	X	X	P
Mobile Vendor	X	X	P	P
Restaurants	X	X	P	P
Special Events	P	P	P	P
Marina	X	X	X	P
Place of Private Assembly ⁴	P	P	P	P

² All references in the Lookout Development Standards to the CMC shall mean and include the City's Development Standards in effect on the Effective Date.

³ One ADU is permitted for each single family lot provided all of the following conditions are met: (a) the ADU entrance shall be subordinate to the principal dwelling unit entrance; (b) A pedestrian walkway shall be provided from the street or alley to the ADU entrance; (c) No more than two bedrooms shall be provided in an accessory dwelling unit; (d) ADUs shall contain a minimum of three hundred square feet in floor area, exclusive of stairways or garage area; (e) One additional off-street parking space shall be required for an ADU; (f) The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering; (g) The orientation of the ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement; and (h) An ADU shall be considered a separate dwelling unit and any approvals must meet the density allowances permitted in the Planned Development.

⁴ As defined in CMC 19.10.040 but not subject to the development standards in CMC 17.56.130. A Place of Private Assembly may be permitted pursuant to any conditions imposed in a Development Permit, shall not be open to the public, shall not include any retail uses, may consist of one or more buildings, may be located within Project Open Space, and may include a commercial kitchen and a caretaker's quarters. No parking shall be required unless a caretakers' quarters is included in which case one (1) parking space will be required.

	<u>Hilltop District</u>	<u>Winery District</u>	<u>Barn District</u>	<u>Lakeside District</u>
All permitted uses within the Low Density Commercial District (C-L) zone	X	X	p ⁵	X
All permitted uses within the Downtown Mixed Use (DMU) zone	X	X	P See Footnote 5	X
All permitted uses within the Downtown Mixed Residential (DMR) zone.	X	X	P See Footnote 5	X
Community Waterfront Parks ⁶	X	X	X	P
Waterfront Commercial ⁷	X	X	X	P
ACCESSORY USES				
Attached or freestanding private garages ⁸	P	P	P	P
Freestanding Carriage style buildings ⁹	P	P	P	P
Other accessory buildings ¹⁰	P	P	P	P
Agricultural uses ¹¹	P	P	P	P

⁵ The City's C-L, DMU and DMR Development Standards in CMC Title 17 in effect on the Effective Date control permitted non-residential uses within the Barn District.

⁶ Pursuant to the conditions in CMC 17.56.300.

⁷ Subject to any conditions imposed in a Development Permit, waterfront commercial uses are limited to "Transient businesses" as defined in CMC 19.40.010.

⁸ Carports or combination thereof not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section [17.20.030](#).

⁹ A single- or double-car garage up to two stories in height are permitted outright provided: a) it shall be architecturally compatible and complementary to the primary dwelling; and b) it shall be designed to function as an extension of the primary residence.

¹⁰ Shall collectively be no more than 25% of the floor area of the principal structure, excluding the basement area, and not to exceed 600 square feet, provided that, regardless of size of the principal structure, other accessory buildings collectively may be at least 300 square feet.

¹¹ Except livestock, which are not permitted.

Fences ¹²	P	P	P	P
Architectural Site amenities ¹³	P	P	P	P
Swimming pools	P	P	P	P
<u>CONDITIONAL USES</u>				
	<u>Hilltop District</u>	<u>Winery District</u>	<u>Barn District</u>	<u>Lakeside District</u>
Bed and Breakfast ¹⁴	C	C	C	C
Churches ¹⁵	C	C	C	C
Historical Site/Structure ¹⁶	C	C	C	C
Home Occupations ¹⁷	C	C	C	C
Mini Day Care ¹⁸	C	C	C	C
Municipal Buildings ¹⁹	C	C	C	C
Public Schools ²⁰	C	C	C	C
Telephone exchanges, electrical substations and similar uses of public services corporations ²¹	C	C	C	C

¹² Subject to the following: (a) Front yard: Forty-two inches maximum height. On corner lots, fences shall be limited to thirty-six inches in height for a distance of fifteen feet from the intersection of the property lines abutting the street and to forty-two inches for the remainder of the front yard facing on those streets. (b) Where two adjoining properties have front yards of differing depths, any fence built along the side yard between the two properties shall not exceed a height of forty-two inches adjacent to the front yard of either dwelling. (c) Front yard fence height may be increased to a maximum of four feet in those instances where a "family day care home, mini day care center and day care centers" have been established in accordance with the provisions of Section 17.56.080. (d) Side yard and Rear Yard: Six feet maximum height. (e) Where there is a difference in grade between two adjoining properties, the base line for the fence height shall be the median of the difference between the grades of the two properties.

¹³ Include separate & free-standing from the primary or accessory structure, and can include covered patios, trellises, flag poles, storage sheds not larger than 120sf, outdoor fireplaces, or other similar amenities.

¹⁴ Pursuant to the conditions in CMC 17.56.

¹⁵ Pursuant to the conditions in CMC 17.56.

¹⁶ Pursuant to the conditions in CMC 17.56.200.

¹⁷ Home occupations not meeting permitted use criteria in CMC 17.20.010.F may be permitted pursuant to CMC 17.56.

¹⁸ Pursuant to the conditions in CMC 17.56.

¹⁹ Pursuant to the conditions in CMC 17.56.

²⁰ Pursuant to the conditions in CMC 17.56.

²¹ Permitted provided they are either: (a) Completely enclosed within buildings that conform to and harmonize with surrounding buildings as to type of architecture and landscaping and comply with the setback requirements of the R-1 zone; or (2) If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be completely enclosed by a view-obscuring fence or hedge with the exterior grounds landscaped and the enclosure to meet the following setback requirements: (i) Front yard: Thirty feet; (ii) Side yard: Twenty feet; and (iii) Rear yard: Ten feet if abutting on alley, otherwise twenty feet.

Garage and Carport larger than 50% of the floor area of the principal structure, including basement area	C	C	C	C
Places of public assembly ²²	C	C	C	C

DIMENSIONAL STANDARDS

	<u>Hilltop District</u>	<u>Winery District</u>	<u>Barn District</u> ²³	<u>Lakeside District</u>
<u>Min. Lot Requirements</u>				
Area	3,600 sq. ft.	3,600 sq. ft.	See footnote 23	5,000 sq. ft. or 1,500 sq. ft. per dwelling unit, whichever is greater
Width	40'	40'	See footnote 23	Townhouses = 17' All other uses = 50'
Depth	N/A	N/A	See footnote 23	80'
<u>Setbacks</u>				
Front Yard	See the Building Setback Diagrams below	See the Building Setback Diagrams below	See footnote 23	20'
Rear Yard	See the Building Setback Diagrams below	See the Building Setback Diagrams below	See footnote 23	25' plus additional 1' for each 2' feet building exceeds 35' height limit
Side Yard	See the Building Setback Diagrams below	See the Building Setback Diagrams below	See footnote 23	5' plus additional 1' for each 2' feet building exceeds 35' height limit ²⁴

²² Pursuant to the conditions in CMC 17.56.

²³ The dimensional standards in CMC 17.14.020 shall apply to the Barn District.

²⁴ For townhouses, the side-yard setback shall be waived at the property line between two townhouses sharing a common wall. For detached accessory buildings adjacent to alleys shall maintain a minimum of a five-foot side and five-foot rear yard setback. Buildings on corner lots shall observe the minimum front yard setback on one side and a fifteen-foot setback on the second front yard except that in the case of a garage or carport the setback shall be at least twenty feet.

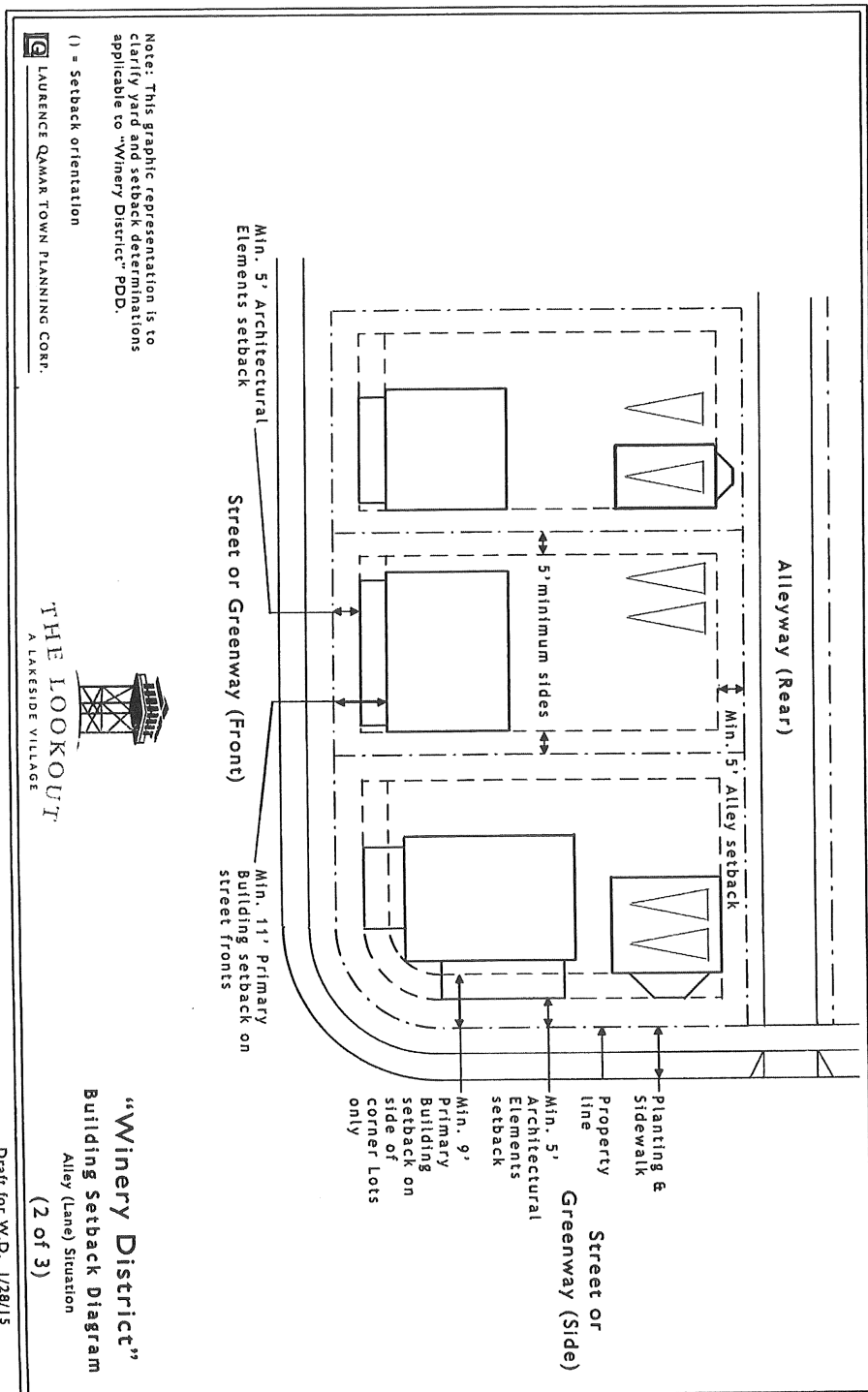
	<u>Hilltop District</u>	<u>Winery District</u>	<u>Barn District</u>	<u>Lakeside District</u>
Architectural Elements that project from primary or accessory structures	See the Building Setback Diagrams below	See the Building Setback Diagrams below	See footnote 23	See the Building Setback Diagrams below
Architectural Elements not attached to primary or accessory structures	See the Building Setback Diagrams below	See the Building Setback Diagrams below	See footnote 23	See the Building Setback Diagrams below
<u>Maximum Height</u> ²⁵	35'	35'	See footnote 23	Townhouses = 35', ²⁶ All other uses = 50' ²⁷
<u>Max. Lot Coverage</u>	75%	75%	See footnote 23	40%
MISCELLANEOUS				
<u>Green Streets</u> ²⁸	P	P	P	P
<u>Deviations</u>	Pursuant to the Deviations provisions in Exhibit C-2	Pursuant to the Deviations provisions in Exhibit C-2	Pursuant to the Deviations provisions in Exhibit C-2	Pursuant to the Deviations provisions in Exhibit C-2

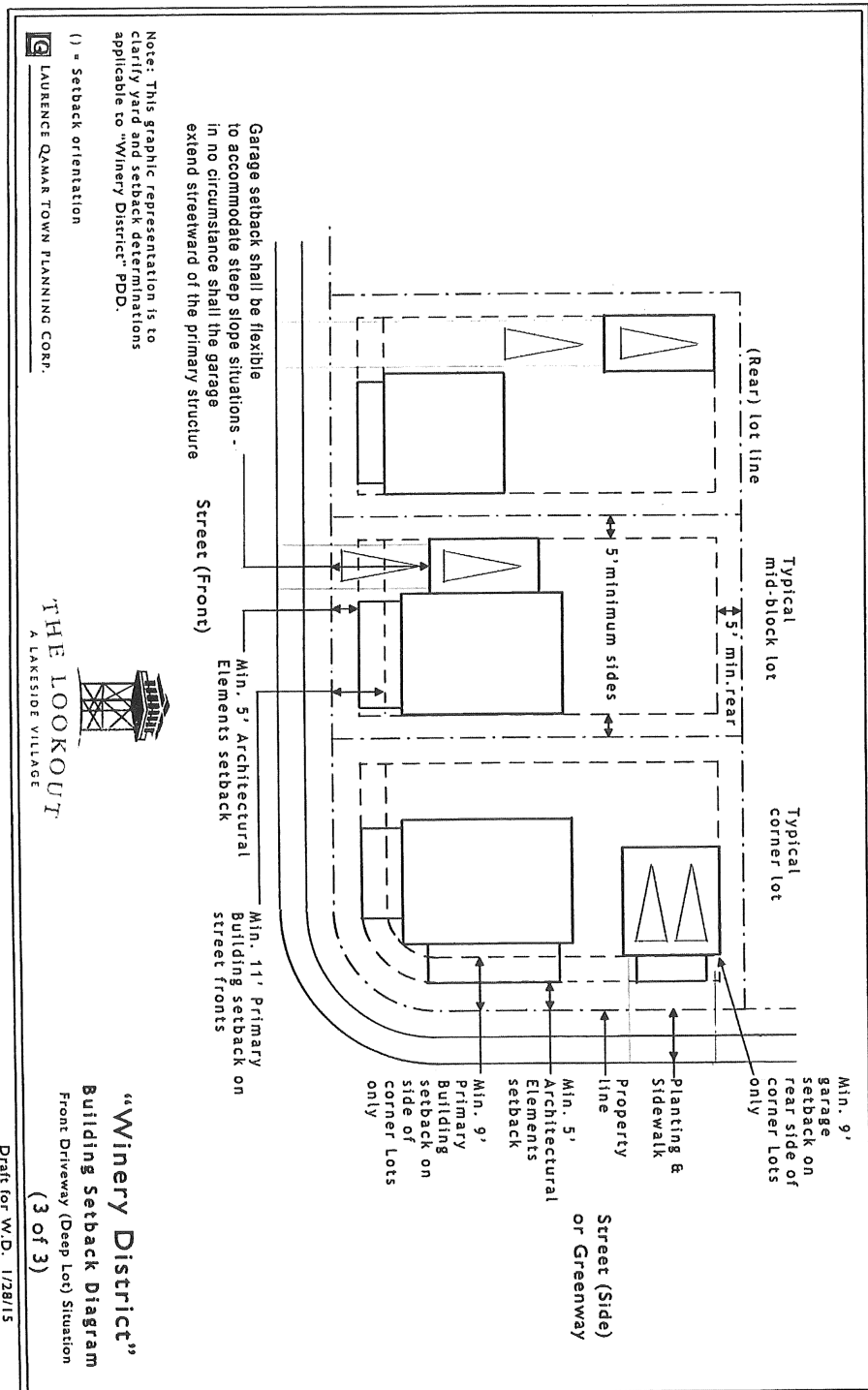
²⁵ Building height shall be measured from the "Finished Grade," which shall be established pursuant to a grading plan for a Land Division.

²⁶ Where an increase in building height is granted as an incentive, the building shall comply with dimensional standards applicable to the increased building height. Incentives may not be used to increase the height of a building above forty feet; (a) Underground parking will be encouraged, with a five-foot increase in maximum building height allowed as an incentive; (b) Where access to off-street parking is from a street, access from a flanking street will be encouraged, with a five-foot increase in maximum building height allowed as an incentive. (Note that alley access is required, where possible. Where alley access is provided, this incentive will not be applicable.)

²⁷ Where the building site abuts an existing single-family residence, side step backs or an alternative design approved by the planning director shall be required for any building taller than thirty feet. Where an alternative to side step backs is used, it shall achieve the purpose of the side step backs as stated in this title, that is, to increase privacy and allow more natural light and air to reach the adjacent single-family dwelling.

²⁸ Lots with primary access via any alley (Green Street) shall also front onto Project Open Space.





ORDINANCE NO. 05-1298

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHELAN, WASHINGTON, GRANTING PRELIMINARY
PLAT APPROVAL AND THE PLANNED DEVELOPMENT
OVERLAY DESIGNATION FOR THE PLAT OF GRANITE
RIDGE AND SETTING AN EFFECTIVE DATE.**

RECITALS

- A. The City's Office of Planning and Community Development received a group of permit applications relating to the approval of a preliminary plat of the real property described in *Exhibit "A"* (the "Subject Property") known as the Plat of Granite Ridge (the "Granite Ridge Plat Application"); and
- B. Included with the Granite Ridge Plat Application was an application to change the zoning overlay classification of the Subject Property from 'Special Use District' ("SUED") to 'Planned Development District Overlay' ("P.D."); and
- C. The Hearing Examiner held an open record public hearing on the Applications, after notice thereof was issued in accordance with the provisions of the Chelan Municipal Code, during which public comment and input was taken and considered;
- D. The Hearing Examiner issued Recommended Findings of Fact, Recommended Conclusions of Law, Recommendations, and Recommended Conditions of Approval, dated March 10, 2005 (the "Hearing Examiner's Recommendations"), a copy of which is attached as *Exhibit "B"*, which included a recommendation the zoning overlay designation of the Subject Property be changed to P.D.
- E. The City's Council held a closed record open public hearing on March 24, 2005 to consider the Hearing Examiner's Recommendations, after notice

given according to the requirements of the Chelan Municipal Code.

- F. After deliberation, the City's Council adopted the Hearing Examiner's Recommendations and directed the City's legal staff to prepare an ordinance which changes the zoning designation of the Subject Property from SUED to P.D.
- G. The City has complied with the substantive, procedural and notice requirements associated with SEA, the Growth Management Act and the Chelan Municipal Code for the purpose of reviewing the Granite Ridge Application, including the public in said process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHELAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The Recitals are incorporated into this Ordinance.

Section 2. Incorporation of the Hearing Examiner's Recommendations. The Hearing Examiner's Recommendations are approved and are incorporated into this Ordinance.

Section 3. Acceptance of Recommendation. The recommendation of the Hearing Examiner to change the zoning designation of the Subject Property from SUED to P.D. is accepted, and the change in the zoning designation is so ordered.


Section 4. Amendment of Maps. The Director of the Department of Planning and Community Development shall update the City's Comprehensive Plan and Zoning maps to reflect the change of the zoning designation of the Subject Property pursuant to this Ordinance.

Section 5: Severability. If any term or provision in this Ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of any other term or provision of this Ordinance.

Section 6. Publication and Effect. This Ordinance, or a summary thereof, shall be published in the official newspaper of the City of Chelan and shall take effect and be in full force thirty (30) days after passage and publication.

- EXHIBITS: A Legal Description of Subject Property
- B Recommended Findings of Fact, Recommended
 Conclusions of Law, Recommendations, and
 Recommended Conditions of Approval dated
 March 10, 2005

PASSED by the City Council of the City of Chelan, Washington, this 14th day of April, 2005.


JAY WITHERBEE, MAYOR

ATTEST:


LINDA ALLISON-LILES, CITY CLERK

FILED WITH THE CITY CLERK: April 8, 2005
PASSED BY THE CITY COUNCIL: April 14, 2005
PUBLISHED: April 20, 2005
EFFECTIVE DATE: May 20, 2005
ORDINANCE NO.: 2005-1298

Exhibit "A"

PARCEL B

THAT PORTION OF THE EAST HALF OF GOVERNMENT LOT 3, IN SECTION 11, TOWNSHIP 27 NORTH, RANGE 22, E.W.M., CHELAN COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING THE CENTER OF SECTION 11, AN EXISTING IRON PIPE; THENCE S 00°48'47" E, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE EAST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 1889.13 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 89°11'44" W, 341.09 FEET; THENCE S 00°41'40" E, 490 FEET, MORE OR LESS TO THE ORIGINAL ORDINARY HIGH WATER MARK OF LAKE CHELAN (ELEVATION 1079); THENCE SOUTHEASTERLY ALONG SAID ORIGINAL ORDINARY HIGH WATER MARK, TO THE EAST LINE OF SAID GOVERNMENT LOT 3; THENCE N 00°48'47" W, 528 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

PARCEL A:

1. THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER IN SECTION 11, TOWNSHIP 27 NORTH, RANGE 22, E.W.M., CHELAN COUNTY, WASHINGTON.
2. THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE EAST HALF OF GOVERNMENT LOT 3;

EXCEPT THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE FOR THE CHELAN-MANSON HIGHWAY, AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED JANUARY 18, 2000, UNDER AUDITOR'S NO. 2068189.

AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE EAST HALF OF GOVERNMENT LOT 3, IN SECTION 11, TOWNSHIP 27 NORTH, RANGE 22, E.W.M., CHELAN COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING THE CENTER OF SECTION 11, AN EXISTING IRON PIPE; THENCE S 00°48'47" E, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE EAST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 1889.13 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 89°11'44" W, 341.09 FEET; THENCE S 00°41'40" E, 490 FEET, MORE OR LESS TO THE ORIGINAL ORDINARY HIGH WATER MARK OF LAKE CHELAN (ELEVATION 1079); THENCE SOUTHEASTERLY ALONG SAID ORIGINAL ORDINARY HIGH WATER MARK, TO THE EAST LINE OF SAID GOVERNMENT LOT 3; THENCE N 00°48'47" W, 528 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

**CITY OF CHELAN
LAND USE HEARING EXAMINER**

IN THE MATTER OF	)	RECOMMENDED FINDINGS
	)	OF FACT, RECOMMENDED
SUB 2004-01, PD 2004-01	)	CONCLUSIONS OF LAW,
Plat of Granite Ridge	)	RECOMMENDATIONS, AND
	)	RECOMMENDED CONDITIONS
	)	OF APPROVAL

THIS MATTER, having come on before the City of Chelan Hearing Examiner for public open record hearing on March 1, 2005, the Hearing Examiner having heard testimony and admitted evidence into the record hereby submits the following Findings of Fact, Conclusions of Law, Recommendation and Conditions of Approval as follows.

RECOMMENDED FINDINGS OF FACT

1. This Shoreline Substantial Development Permit is part of group of permit applications, including a planned development overlaying a subdivision. The subdivision is for 56 lots to be known as "The Plat of Granite Ridge" which will comprise of single family residential component. The proposed planned development overlay will allow for a mix of multi-family, commercial and retail development on the subject property. The Shoreline Substantial Development Permit is to allow community recreation facility and a community dock for 50 or more slips on the north shore of Lake Chelan.
2. The area is designated for multi-family residential development, approximately 12 acres, would be developed in accordance with the Chelan Municipal Code. The commercial and retail component of the planned development would consist of low density commercial, mixed retail sales, recreational vehicle park, mini storage facilities, theaters, service oriented businesses, hotel/motel and agri business such as a winery.
3. The project is located on approximately 63 acres in the area known as the "Lords Acreage" on the north shore of Lake Chelan within the City of Chelan.
4. The property consists of approximately 63 acres, most of which has been used as an orchard in the past. The southerly one-third of the property, that nearest to Lake Chelan, slopes steeply towards Lake Chelan with slopes between 20% and 40% and in some places upwards to a 60% slope. Portions of this southerly area are also characterized with outcrops of bedrock. This area is proposed to be developed with the common shoreline recreational facilities and multi-family residential development.

5. The middle area of the property is proposed for the single-family component. This area has hilly characteristics with slopes in the 10% to 40% range. Generally this area has relatively more topsoil and less outcrops of bedrock than the southerly area.
6. The northerly area extends to State Road 150 and slopes northward with the majority of this area being relatively flat.
7. The adjacent land uses are as follows: To the north, single family residential/orchard; to the south, Lake Chelan; to the east, residential/orchard; to the west, residential/orchard.
8. The adjacent zoning districts are: To the north, RL, single family residential; to the south, east and west, SUD, special use district.
9. The Chelan Comprehensive Land Use Plan identifies the site as being within the special use district.
10. The goals of this district are to maintain an adequate supply of housing of sufficient quality and variety to meet present and future needs of the area, to maintain the integrity of residential neighborhoods but allow orderly transitional growth to occur when it is consistent with the Comprehensive Plan and to promote development at urban densities in the City of Chelan and the unincorporated urban growth area.
11. The Comprehensive Plan also states a policy that the Lords Acreage area should be designated as a special use district as a mixed use agricultural, tourist, commercial and residential use area.
12. The Chelan Municipal Code, Title 17, sets forth building requirements for a special use district. The special use district is intended to provide an opportunity of low-density residential housing and low impact tourist commercial planned development units. Property owners in this area have wished to continue their historical agricultural uses, however looking to the 20-year planning period, many property owners will look to some potential development options consistent with the current development pressures in this area, such as the application currently pending.
13. Permitted uses in the special use district include single family residential structures, commercial planned unit development, boat launching facilities, marinas and similar facilities, crop and tree farming, truck farming, and nurseries provided no retail sales are maintained on the premises, vineyards and cottage wineries excluding roadside stands.
14. Accessory uses include fences, cold storage warehouses and tenant residences located on property being farmed.

15. Conditional uses in this district include places of public or private assembly, RV parks, self-service laundries, bed-and-breakfasts, and wineries.
16. Planned development districts are a separate zoning classification that is intended to allow new development which is consistent with the Comprehensive Plan but would not be permitted in other zoning districts due to limitations in the dimensional standards, permitted uses or accessory uses.
17. The Hearing Examiner has been requested to render a decision on the Shoreline Substantial Development permit and to make recommendations to the Chelan City Council.
18. The combination of all of these applications are in harmony with the surrounding area. Although this area has been historically used in agriculture, it is a natural location for a planned development of this type.
19. The 63-acre parcel is adequate to accommodate the type of mixed use development being proposed.
20. This proposed land use could not be achieved without a planned development because although special use district does allow single family residential, marinas, commercial planned developments and cottage wineries, this proposed planned development district will also allow multi-family residential and a mixture of retail and commercial uses which otherwise would not be allowed.
21. This development can be done in conformance with the City's adopted development standards including adequate public water, sewer, streets, storm water retention and sufficient off-street parking. A portion of the property will include private streets.
22. The project will provide adequate provisions for landscaping, parking, recreational and open space.
23. The lots within the subdivision will be served by newly constructed extension of Granite Ridge Drive, requiring 50 feet of right-of-way, 28 feet of asphalt paving with concrete barrier curb, gutter and sidewalk on both sides of the street. All lots within the subdivision will be served with City water and sewer and an engineered storm water retention system in order to contain storm water runoff.
24. After preliminary plat approval, the applicant will be required to submit construction drawings to Public Works for approval. The design of these systems will be reviewed to meet current development standards.
25. The development within the 200-foot shoreline jurisdiction consists of a community dock and a community recreation facility to include storage, Jacuzzi

pool, showers, etc. No marina is proposed. The dock will provide boat moorage and lake access to the lots created by the project. The community dock will extend up to 266 feet waterward of the ordinary high-water mark and will provide one boat slip per lot with a future expansion area. Upland development within the 200 feet of the shoreline development will be minimal, 2.5 acres will be preserved in its natural shrubs-steppe habitat. Development in this area will be minimized allowing access to the marina via a trail to the boat dock and perhaps a small terp area for marina users.

26. The subject property is located in an urban shoreline development which allows multi-family residences subject to the applicable zoning ordinance and development standards.
27. Joint use dock facilities are required for any subdivision, multi-family residences or commercial or industrial enterprises in close proximity to each other.
28. The 56-lot subdivision on planned development overlay district required an environmental review as provided under the State Environmental Policy Act and Chelan Municipal Code 14.06. A determination of non-significance was issued on February 4, 2005.
29. On November 2, 2004, the City of Chelan, Department of Community Development, received the Preliminary Plat, Rezone and Environmental Checklist and JARPA application from Darren Talley of Issaquah, Washington. The application was determined complete for processing on December 10, 2004.
30. Public notice was provided for in accordance with the applicable ordinance requirement of Title 19 of the Chelan Municipal Code as follows: Notice of application was provided on December 20, 2004; posting of the property was completed on December 20, 2004.
31. Notice of public hearing was provided on December 20, 2004; and publishing of the public hearing notice was accomplished on December 17 and 21, 2004.
32. During the public comment period on the notice of application, the Department of Community Development received no public comment.
33. These applications were submitted to public agencies with jurisdiction for their comments. Those comments were included and incorporated in the Conditions of Approval where appropriate.
34. Public hearing was begun in this matter on February 15, 2005. After the staff report, the hearing was continued to March 1, 2005, on the request of the applicant.

35. At the March 1, 2005, meeting, a new site plan was submitted which contained minor revisions which were not significant or material to the overall development project. Those changes set forth an access point to the property to the west and an access point off of the adjoining highway.
36. Public testimony was provided by Mary Shearer who lives near an adjacent property line. Her concerns were regarding whether or not walking paths through the project area would be open to the public and whether lights emanating from the property could be controlled. Her term was that there be "non-polluting lights."
37. Also testifying was Hank Lewis of East Wenatchee. He represents an adjoining property owner where future development is being considered although no applications have been submitted. It was his client's desire to attempt to work out an access agreement with this project which would allow highway access through this project's development and into adjoining property development. Apparently Mr. Lewis' client's property currently lack infrastructure including utilities and road access and the request was made to keep the public record open so that joint use agreements could be reached.
38. The Hearing Examiner denied this request because there are no pending applications by the adjacent property owners and there was no proven factual reason or legal justification to bind the current applicants, and to delay the decision for the current applicants, based upon adjoining property owners' needs.
39. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction to make a recommendation to the City Council on these permits.
2. As conditioned, this Shoreline Substantial Development permit is consistent with the City of Chelan Comprehensive Plan, City of Chelan Municipal Code and City of Chelan Shoreline Master Program.
3. There was no legal reason to keep the public record open as requested by a number of the public.
4. Any Finding of Fact that is more appropriately a Conclusion of Law is hereby incorporated as such by this reference.

RECOMMENDATION

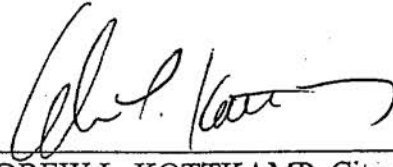
Based upon the above recommended Findings of Fact, recommended Conclusions of Law and subject to the recommended Conditions of Approval, the Hearing Examiner recommends to the Mayor and Council of the City of Chelan that SUB 2004-01 and PD 2004-01 be **APPROVED**.

RECOMMENDED CONDITIONS OF APPROVAL

1. All conditions imposed shall be binding on the "applicant," which term shall include the owner or owners of the property, their heirs, assigns and successors.
2. The builder of any shoreline works and structure shall be responsible for adverse effects on the property of others caused by his construction and shall take all necessary precautions to minimize such effects.
3. All surrounding works and structures shall be designed and constructed to blend with the surrounding development insofar as feasible.
4. The use of car bodies, construction debris and/or discarded pieces of equipment or appliances for stabilization of shorelines or other purposes is prohibited.
5. Pilings must be structurally sound and cured prior to placement in the water.
6. All docks shall include stops which serve to keep the floats off the bottom of the bedlands at low water levels.
7. When plastics or other non-biodegradable materials are used in float, pier or dock construction, precautions shall be taken to ensure their containment.
8. No plumbing will be permitted on the dock.
9. A copy of this permit and attached conditions shall be kept on site and provided to the contractor and all others working within the shoreline areas at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall have read this permit and attached conditions and shall follow its conditions at all times.
10. The Conditions of Approval apply to the Shoreline Substantial Development Permit currently on record.
11. The project shall proceed in compliance with the Shoreline Management Act, the Washington Administrative Code, the City of Chelan Shoreline Master Program and the City of Chelan Municipal Code.

12. The applicant shall comply with all applicable local, state and federal regulations. The applicant is responsible for securing any and all local, state and federal agency permits, licenses and authorizations as may be required. Prior to entering the project area, all equipment shall be checked for leaks and cleaned, free of any external petroleum products, hydraulic fluid, machinery coolants, dirt, weeds (both aquatic and terrestrial), weed seeds and/or other deleterious materials.
13. All public improvements shall be designed by a licensed civil engineer and approve by the Director of Public Works. All public improvements shall be designed in accordance with the City of Chelan Development Standards which will apply to all design and construction details.
14. Pending construction of a regional sewer lift station, an interim lift station serving this development will be allowed. The configuration of this interim solution shall be subject to City approval. This interim solution shall be compatible with gravity flow westerly to a regional lift station. A method of assuring the developer's financial participation in the future sewer improvements, in the form of a development agreement or some other instrument, may be required prior to final plat approval. * }
15. The developer shall provide for future road connectivity both to the east and to the west. Final location of connection points will be based upon sight distances, topography, and other considerations. Potential utility connectivity shall also be accommodated prior to final plat approval.
16. The developer will be responsible for any improvements deemed necessary by the City of Chelan to assure that the development will not adversely impact the water system. A method of assuring the developer's financial participation in any water improvements, in the form of a development agreement or some other instrument, may be required prior to final plat approval.
17. A Two Way Left Turn Lane extending from Dietrich Rd. to the new intersection of Granite Ridge Drive will be required. Illumination of the intersection will be required as part of the construction of the channelization. The developer shall enter into a Local Agency Developer Agreement between the City of Chelan and the Washington State Department of Transportation for this improvement to State Route 150 prior to construction.

ISSUED this 10 day of March, 2005.


ANDREW L. KOTTKAMP, City of Chelan
Land Use Hearing Examiner

AGENDA BILL NO. 03-035K

MEETING OF THE CITY COUNCIL
CHELAN, WASHINGTON

SUBJECT: Closed Record Decision to consider : DATES AND EXHIBITS
the final plat of *Granite Ridge*. :
 : 8/11/05
FOR AGENDA OF: August 11, 2005 : 1. Notice of Action 7/28/05
 : 2. Copy of final plat
ORIGINATOR: Dan Valoff, Planning Dir. :
 :
DATE SUBMITTED: August 4, 2005 :
Revised: :
 :
APPROVED :
City Administrator: D. T.

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: N/A	BUDGETED: N/A	REQUIRED: N/A
Budget Line #:		

***** SUMMARY STATEMENT/ISSUES *****

On March 10, 2005 the City Council granted preliminary plat approval for the 56-lot plat of *Granite Ridge* located in the Lords Acreage area of Chelan. The developer has completed some of the improvements required as part of the conditions of the preliminary plat approval. The developers have submitted a financial surety bond approved by the Director of Public Works to secure the remainder of the work to be completed. The developers of Granite Ridge have therefore submitted the final plat for Council consideration

Upon review of the preliminary plat file, the Director of Planning & Community Development makes the following findings:

1. The requirements of state law and Title 16 of the Chelan Municipal Code have been satisfied by the subdivider;
2. Conditions imposed on the preliminary plat have been met;
3. The applicant has furnished the City with a surety bond to assure the completion of the required public infrastructure improvements as required as a condition of the preliminary plat approval;
4. The public use and interest will be served by approving the final plat.

X	Public Hearing	Quasi Judicial Matter
	Closed Record Appeal/Decision	Legislative Matter
	Recommendation From _____	

Suggested Motion(s): "I move that the findings proposed by the Director of Planning & Community Development be adopted as findings of the City Council pursuant to CMC 16.20.130, and that the Mayor therefore be authorized to approve and sign the final plat of Granite Ridge."

EXHIBIT "A"

Planned Development District) File No. **PDD2013-01**
 Minor Amendment Development)
 Standards – **Chelan Lookout,**
LLC (formerly Granite Ridge))
) Staff Contact:
 Located in area know as “Lords) Craig Gildroy, Planning Director
 Acreage” on SR 150.)
) Phone: (509) 682-8017
)
 Submitted by Chelan Lookout,)
 LLC.)

1. The Chelan Lookout, LLC planned development minor amendment application was received by the City of Chelan, on February 5, 2013 and deemed technically complete for processing on February 1, 2013.
2. The planned development minor amendment proposal establishes allowed uses and development standards for single family residential within the Granite Ridge Planned Development District (PDD) and is attached as Exhibit 1 The Lookout Implementing Regulations
3. Granite Ridge Planned Development District is described in Exhibit 2 and Auditor File Number 2206883.
4. The proposal applies to the single family area and for single family development within the multifamily planned development areas shown in Exhibit 3.
5. The applicant is Chelan Lookout, LLC; 915 East Pine Street, #100 in Seattle, WA 98122.
6. Included with the PDD Amendment Application, as required by CMC 17.52.060 are:
 1. Planned Development application form
 2. Critical Areas checklist
 3. Ownership certifications
 4. Environmental Checklist
 5. Single Family Residential Guidelines
 6. Map of Granite Ridge Planned Development
 7. Legal Description
 8. Vicinity Map

7. The underlying zoning district & Comprehensive Plan land use designation for the Granite Ridge PDD overlay is Special Use District.
8. According to CMC 17.52.020, a PDD is a separate zoning district and the uses within the PDD shall be limited to those which are specifically approved in that PDD development plan including recreational and open spaces. The Granite Ridge approval did not specify the allowed uses or standards for the residential area; whereas, the approval specified that the multi-family area is subject the Multi-family (R-M) zoning district standards and the commercial area is subject to the Low Density Commercial (C-L) zoning district standards.
9. Land uses adjacent to Chelan Lookout are:
 1. to the north, residential/vacant;
 2. to the south, vacant/ lake Chelan,
 3. to the east, vacant, winery, production facility and grape production
 4. to the west, residential, commercial, vacant and residential
10. The zoning for parcels neighboring Chelan Lookout is:
 1. Special Use District to the north and west;
 2. Warehouse Industrial to the west, south and east.
11. In 2004, Darren Talley submitted a Planned Development District (“PDD”) application to the Planning Department to rezone 63 acres of property from Special Use District to PDD, for commercial and residential uses. The site was previously used as crop and tree farming. The site is within the areas known as Lords Acreage, bordering and south of SR 150.
12. On April 14, 2005, the Chelan City Council approved the PDD by Ordinance Number 05-1289.
13. The Granite Ridge PDD established areas reserved for single family residential, multi-family and commercial without specifying the exact location or size of buildings and of parking facilities.
14. Ordinance 05-1298, granting approval for the Granite Ridge PDD did not specify a maximum density within the development boundaries; however the acreages of multi-family and commercial were provided along with a preliminary plat which was reviewed with the corresponding standards. A Traffic Impact Analysis dated December 3, 2004 was submitted and utilized for establishment of necessary on site and off-site improvements to accommodate this planned project. The maximum density allowed with the PDD boundaries is 350 dwelling units, which is consistent with the Traffic Impact Analysis.

PDD2013-01

Chelan Lookout, LLC

Minor Amendment Development Standards

15. The process by which a PDD can be modified is governed by CMC 17.52.290 *Plan modifications and amendments*, and is based upon whether a proposed modification is minor, or major, as determined by the Planning Department, based upon criteria set forth in CMC 17.52.290(B).
16. An amendment may not be consider minor (CMC 17.52.290) if it will increase the project density, total amount of floor space authorized in the approved final development plan, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site. The proposal includes a shift in density but not an increase within the project boundary and does not allow buildings closer to the boundary line and potentially decreases the number of dwelling units if the single family standards are applied for single family development within the multi-family PDD areas. In addition, the proposal clarifies uses and standards which were less than clear with the initial submittal in 2004. Allowing for improved review and administration.
17. Pursuant to CMC 17.52.290(A), minor modifications to a PDD can be approved administratively by the Planning Department.
18. CMC 17.52.290 Plan modifications and amendments (B) states “the following criteria are set forth to establish and allow for minor modifications and amendments. The amendment is determined to be minor due to the following:
 1. The modification or amendments maintains the design intent and quality of the original approval; and
 2. The amount of landscaping, buffering and open space will not be reduced; and
 3. The number of dwelling units in residential developments and the square footage of nonresidential structures will not increase; and
 4. The height of buildings and other structures will not increase; and
 5. Views from both structures onsite and offsite will not be substantially reduced; and
 6. Traffic volumes will not increase and traffic patterns will not change; and
 7. Changes in colors, plant material and parking lot configurations are minor; and
 8. The modification or amendment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original SEPA documents; and
 9. The city planning department determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.”
19. The proposed uses and development standards are consistent with the Single Family (R-L), Downtown Mixed Use (DMU), Downtown Residential (DMR)

PDD2013-01

Chelan Lookout, LLC

Minor Amendment Development Standards

zoning districts and further establish and promote the design intent and quality of the Granite Ridge Planned Development.

20. The submitted site plan with this minor amendment does not establish building or lot locations and is a potential scheme for development; however access, traffic circulation and connectivity along with utilities shall not be substantially modified except in accordance with the Planned Development District (CMC 17.52) which may require a major amendment.
21. The proposed standards increase the amount of open space, provide a level of view protection and create greenway or corridors as conditioned.
22. The proposal is consistent with the Granite Ridge Planned Development Traffic Study dated December 3, 2004 as the proposal limits the uses within the single family residential area and no new traffic generating uses are proposed.
23. The proposal sets appropriate single family residential standards that are consistent with other City residential zones which do not increase adverse impact or undesirable effects of the project.
24. The environmental impacts of the proposal fall within the overall impacts analyzed in the review of the prior application for which a DNS was issued on February 4, 2005. A review of the prior SEPA documents, submitted with the PDD amendment application, show that there are no substantial changes to the Granite Ridge project likely to have significant adverse environmental impacts and reveal no new information indicating the change would create any probably significant adverse environmental impacts. For this reason, the prior environmental documentation and determinations are adopted and incorporated by reference per WAC 197-11-600 (2) and (3) and 630. A notice of adoption of existing environmental documents was published February 27, 2013 with a 14 public comment period.
25. The Department of Ecology submitted a written comment dated March 12, 2013 noting that the site was previously agricultural use and of possible residual concentration of pesticides within the soil.
26. The City of Chelan Public Works and the Washington State Department of Transportation commented with no comment.

PDD2013-01

Chelan Lookout, LLC

Minor Amendment Development Standards

II. CONCLUSIONS OF LAW

1. The project permit is identified in CMC 19.14 as type IIA, which requires administrative approval.
2. The property is located in the Granite Planned Development District.
3. The proposal is considered a minor amendment according to criteria in CMC 17.52.290.
4. The Planned Development District, as originally approved, satisfied all requirements of planned development districts imposed by CMC 17.52.080(B) and was approved by Ordinance #05-1289.
5. The Planned Development minor amendment application was determined technically complete for processing and vested under the laws in force on February 11, 2013.
6. The procedures for processing the minor amendment application in accordance with Title 19 of the Chelan Municipal Code have been followed.
7. In accordance with CMC 19.14 & 19.18, minor amendments to a planned development are a type II project permit and a notice of application & public comment period are not required. The final decision is made by the administrator.
8. The issuance by the City of a SEPA Notice of Adoption of Existing Environmental Documents consistent with the provisions under WAC197-11-600 and 630 was appropriate under the facts of this case as no new substantial environmental impacts are reasonably probable by reason of the proposed change.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the PDD2013-01 Chelan Lookout, LLC Minor Amendment to the Granite Ridge PDD establishing single family development uses and standards is hereby approved and the Granite Ridge Planned Development District is amended as presented in Exhibit 1 "The Lookout Implementing Regulations" subject to the following conditions:

1. The single family development uses and standards (Exhibit 1 The Lookout Implementing Regulations) shall supersede Granite Ridge minor amendment

PDD2013-01
Chelan Lookout, LLC

Minor Amendment Development Standards

PDD 2004-02 which reduced specific lots rear yard setbacks and apply to the exclusion area (lot 41) stated within the initial application.

2. Maximum density established by PDD2004-01 Granite Ridge of 350 dwelling units may not be exceed but may be allocated within the Granite Ridge planned development boundary and includes accessory dwelling units and single family residential that are vacation homes / hotels.
3. Open space, green belts & corridors shall substantial comply with Exhibit 4 Community Park, Open Space & Corridor Plan dated March 12, 2013.
4. Any proposed relocation of utilities, traffic circulation or connectivity shall be in accordance with CMC 17.52 and application of the City's Development Standards.
5. If new pedestrian facilities are proposed, the applicant shall submit to the Planning Department for approval a fully integrated and comprehensive recreation, traffic, pedestrian and trail program demonstrating connectivity, safety, and residential accessibility.

Signature: Craig Gildroy Date: 3/15/13
Craig Gildroy, Planning Director



Implementing Regulations

(PDD2004-01 Granite Ridge)

Purpose

This section provides guidance for the design of new residential construction and division of properties within Planned Development PD2004-01

Intent

- To provide the project developers and individual property owners flexibility so that they can achieve high-quality design and develop homes that strengthen the existing neighborhood;
- To provide a variety of housing choices, including homes with diverse sizes and price points;
- To enhance the character of the streets as pedestrian places and allow for introduction of additional common use areas and pedestrian linkages;
- To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape;
- To deemphasize cars parked head-in to driveways as major visual elements along the street;
- To provide usable yard space for residents;
- To promote architectural diversity and articulation;
- To encourage front yard orientation;
- To provide side and rear yard design options to enhance the pedestrian environment and the overall setting for development; and
- To encourage compact development that is pedestrian-scaled.

Applicability

These guidelines shall apply to all single-family residential development within Planned Development 2004-01, except lot 41 of the Plat of Granite Ridge recorded with Chelan County under AFN 2206833.

A previous minor modification dated October 14, 2010 is hereby superseded with setbacks identified in these guidelines.

Permitted uses

Permitted uses are as follows:

- A. One-family dwelling, but not to exceed one dwelling on any one lot; provided, that the lot has been legally created through the appropriate City approval processes;
- B. Temporary construction offices within the tract or subdivision on which buildings are being erected and only for the duration of active construction;
- C. Hotels/motels (vacation rentals) and community recreation centers.
- D. Family day care homes, subject to licensing requirements of the Washington State Department of Social and Health Services and Fire Code requirements as set forth in Chapter [212-54](#) WAC;
- E. Home occupations that involve no customers or other business-related visitors to the home business, no signs or other outward appearance that a business exists in the home, no delivery trucks, and no more than one individual residing within the home who is active in the home occupation business; provided, that if the planning director is given satisfactory proof of a physical disability of the individual wishing to engage in a home business or occupation, a volunteer or employee may assist in the home occupation. In addition, the home occupation must comply with the conditions for home occupation set forth in Section [17.56.060](#) including the payment of any and all associated fees established by the City of Chelan;
- F. Special events as allowed in CMC 5.50
- G. Parks, playgrounds, playground equipment, community gathering spaces and buildings, pools, architectural & landmark features, fireplaces, fire-pits, greenways and other active and inactive recreation facilities to be used by residents in the Community. Also included are common area support facilities and necessary management, orientation and educational signage.

Accessory uses

Accessory uses are as follows:

- A. **Attached or freestanding private garages**, carports or combination thereof not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section [17.20.030](#).

- B. **Freestanding Carriage style buildings**, typically including a single- or double-car garage and most commonly two stories in height are allowed outright provided: 1) they shall be architecturally compatible and complementary to the primary dwelling; (2) they shall be designed to function as an extension of the primary residence; and (3) they are not considered to be an accessory dwelling unit unless a conditional use permit has been issued.
- C. **Other accessory buildings** besides garages shall collectively be no more than twenty-five percent of the floor area of the principal structure, excluding the basement area, and not to exceed six hundred square feet, provided that, regardless of size of the principal structure, other accessory buildings collectively may be at least three hundred square feet;
- D. **Agricultural uses** with the exception of the keeping of livestock;
- E. **Fences:**
1. Front yard: Forty-two inches maximum height. On corner lots, fences shall be limited to thirty-six inches in height for a distance of fifteen feet from the intersection of the property lines abutting the street and to forty-two inches for the remainder of the front yard facing on those streets.
 2. Where two adjoining properties have front yards of differing depths, any fence built along the side yard between the two properties shall not exceed a height of forty-two inches adjacent to the front yard of either dwelling.
 3. Front yard fence height may be increased to a maximum of four feet in those instances where a "family day care home, mini day care center and day care centers" have been established in accordance with the provisions of Section [17.56.080](#).
 4. Side yard: Six feet maximum height.
 5. Rear yard: Six feet maximum height.
 6. Where there is a difference in grade between two adjoining properties, the base line for the fence height shall be the median of the difference between the grades of the two properties.
- F. **Architectural Site amenities:** These are separate & free-standing from the primary or accessory structure, and can include covered patios, trellises, flag poles, storage sheds not larger than 120sf, outdoor fireplaces, or other similar amenities.
- G. **Swimming pools:** All swimming pools must be located behind the front yard setback line and the yard or area around them must be enclosed by a fence of not less than four feet in height. At least a five-foot setback from all side and rear property lines must be maintained.

Conditional Uses

Conditional uses are as follows:

A. Accessory Dwelling Units (ADU).

1. Intent.
 - a. To provide infill housing opportunities.
 - b. To provide affordable housing options.
 - c. To provide an opportunity for rental income for property owners.
2. Standards for all ADUs. One accessory dwelling unit for each single family lot is permitted provided all of the following conditions are met:
 - a. ADU Entrance.
 - i. The ADU entrance shall be subordinate to the principal dwelling unit entrance.
 - ii. A pedestrian walkway shall be provided from the street or alley to the ADU entrance;
 - b. No more than two bedrooms shall be provided in an accessory dwelling unit;
 - c. ADUs shall contain a minimum of three hundred square feet in floor area, exclusive of stairways or garage area;
 - d. One additional off-street parking space shall be required for an ADU;
 - e. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering; and
 - f. The orientation of the ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.
 - g. An ADU shall be considered a separate dwelling unit and any approvals must meet the density allowances permitted in the Planned Development.

B. Bed and breakfast under conditions set forth in Chapter [17.56](#).

C. Churches under conditions set forth in Chapter [17.56](#).

D. Historical site or structure under conditions set forth in Section [17.56.200](#).

E. Home occupations, not meeting the permitted use criteria set forth in Section 17.20.010F, under conditions set forth in Chapter [17.56](#).

F. Mini day care centers, and day care centers within churches and other semipublic building, under conditions set forth in Chapter [17.56](#).

G. Municipal buildings under conditions set forth in Chapter [17.56](#).

H. Public schools and private schools offering curricula similar to public schools under conditions set forth in Chapter [17.56](#).

I. Telephone exchanges, electrical substations and similar uses of public service corporations provided they are either:

1. Completely enclosed within buildings which conform to and

- harmonize with surrounding buildings as to type of architecture and landscaping and comply with the setback requirements of the R-1 zone; or
2. If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be completely enclosed by a view-obscuring fence or hedge with the exterior grounds landscaped and the enclosure to meet the following setback requirements:
 - a. Front yard: Thirty feet;
 - b. Side yard: Twenty feet;
 - c. Rear yard: Ten feet if abutting on alley, otherwise twenty feet.
- J. Garage and carport sizes larger than fifty percent of the floor area of the principal structure, including basement area.
- K. Places of private or public assembly under conditions set forth in Chapter [17.56](#);

Dimensional Standards

Dimensional standards are as follows:

- A. Minimum lot area: Thirty six hundred square feet;
- B. Minimum width of lot at building line: Forty feet;
- C. Minimum lot depth: Not applicable
- D. Maximum building height: Thirty-five feet;
- E. Maximum land coverage: Seventy five percent for all buildings;
- F. Yard and Setback determinations:

General Note: Three Building Setback Diagrams are attached to clarify yard determination and represent the setback allowances for differing lot configurations & circumstances. In all circumstances, these Diagrams shall be the primary means of determining appropriate setback and yard areas.

1. Primary & Accessory building setback:

Front yard: Varies dependent on circumstance- refer to Building Setback Diagrams for clarification.

Side & rear yard: Varies dependent on circumstances- refer to Building Setback Diagrams for clarification. This will not apply to any lots touching the western boundary of the PD.

2. Architectural Element Setback:

Architectural features that project from the primary or accessory building are permitted to extend into the Primary building setback, as exhibited on the Building Setback Diagrams. Examples of such architectural features are: porches, stoops, bays, balconies, decks, chimneys, trellises and the like.

Architectural Site Amenities which are not attached to the primary or accessory building must adhere to the Architectural Element Setback as exhibited on the Building Setback Diagrams.

3. Accessory Building common wall alternate:

Accessory buildings may be permitted a common wall alternate subject to meeting all building code responsibilities, and the recording of a common party wall agreement between affected properties with the Chelan County Auditor. This Party Wall Agreement must address necessary easements for maintenance, occupancy and appearance. The form of Agreement must be approved by the City of Chelan prior to recording.

See Building Setback Diagrams for example of this alternate.

4. Alley/Lane Access provisions:

Any lot having an alley or lane access alternate must orient garage to access from such alley or lane.

Deviations

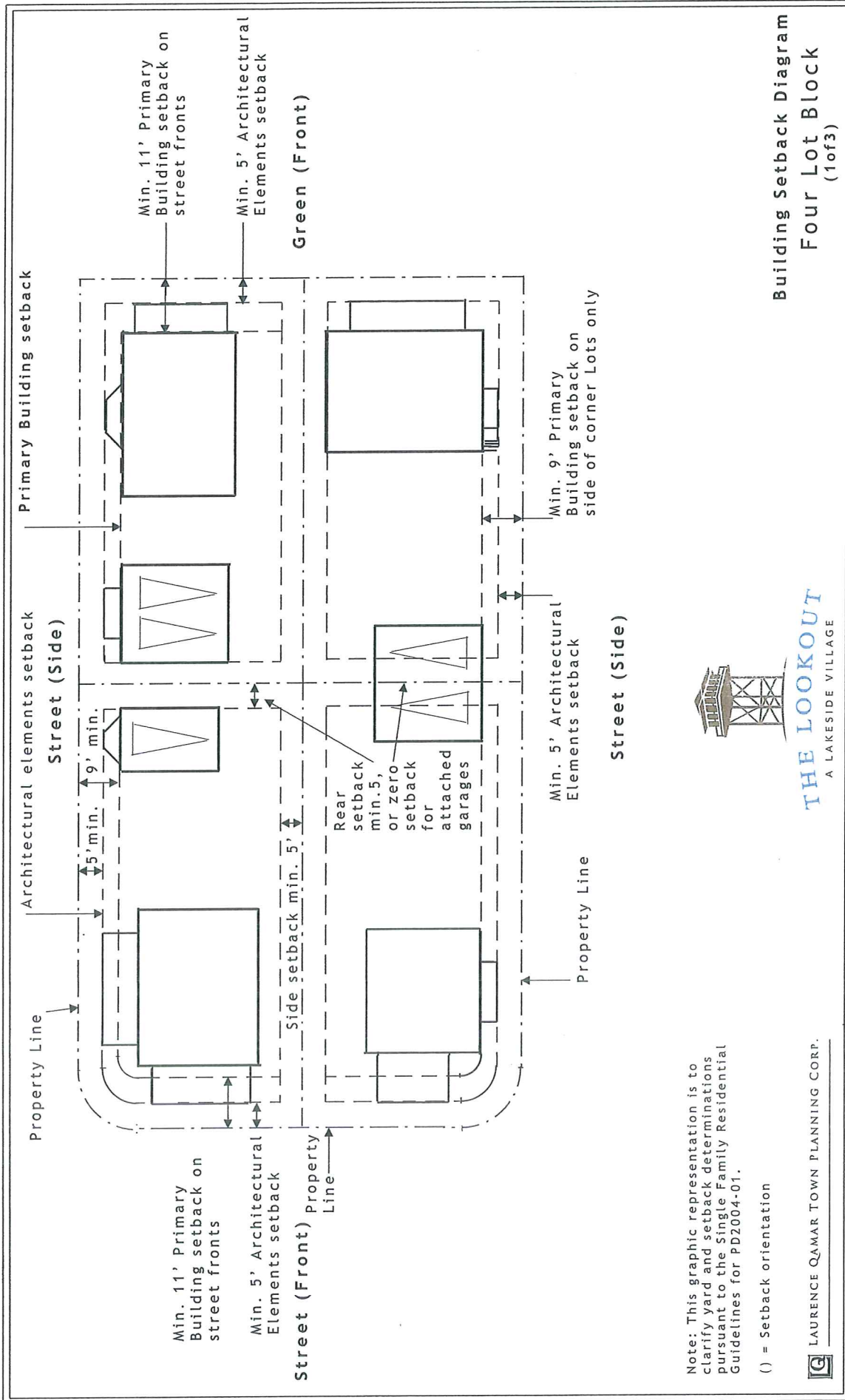
To encourage the implementation of alternative or innovative practices, the Planning Director shall have the authority to review a request from an applicant for deviations from these standards provided the deviation(s) implement the intent of the standard to be modified and provide equivalent benefits without significant adverse impacts on the environment or surrounding development. The decision to approve or deny the request shall include consideration of written information submitted by the applicant, which shall include the following:

- i. The specific deviation(s) being requested.
- ii. A description of how the requested alternative(s) will implement the intent of the standard to be modified and provide equivalent benefits without significant adverse impacts on the environment or surrounding development.
- iii. Agreement to extend the city's regulatory time frame, when

applicable, to review and act on the request.

The Planning Director shall notify the applicant in writing of the decision as part of the normal permit review process and shall document his or her findings in support of the decision.

Conditions of Approval. In granting a deviation, the Planning Director may require conditions that will substantially secure the objectives of the standard to be modified and that will substantially mitigate any potential adverse impact on the environment or surrounding development (including the existing character of the neighborhood), including but not limited to additional landscaping or buffering.

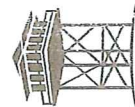


Note: This graphic representation is to clarify yard and setback determinations pursuant to the Single Family Residential Guidelines for PD2004-01.

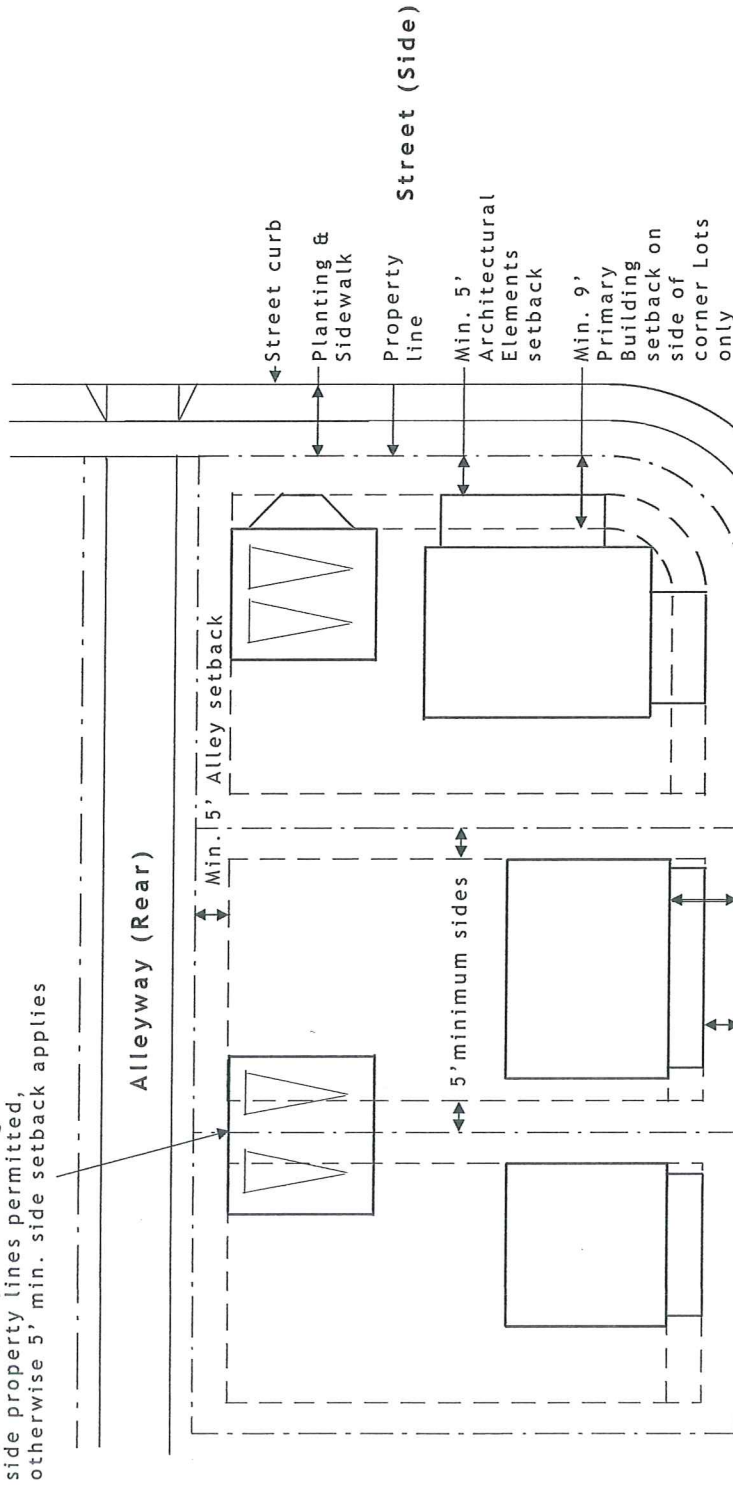
() = Setback orientation

LAURENCE QAMAR TOWN PLANNING CORP.

THE LOOKOUT
A LAKESIDE VILLAGE



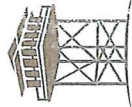
Attached garages straddling side property lines permitted, otherwise 5' min. side setback applies



Min. 5' Architectural Elements setback

Min. 11' Primary Building setback on street fronts

Street (Front)



THE LOOKOUT
A LAKESIDE VILLAGE

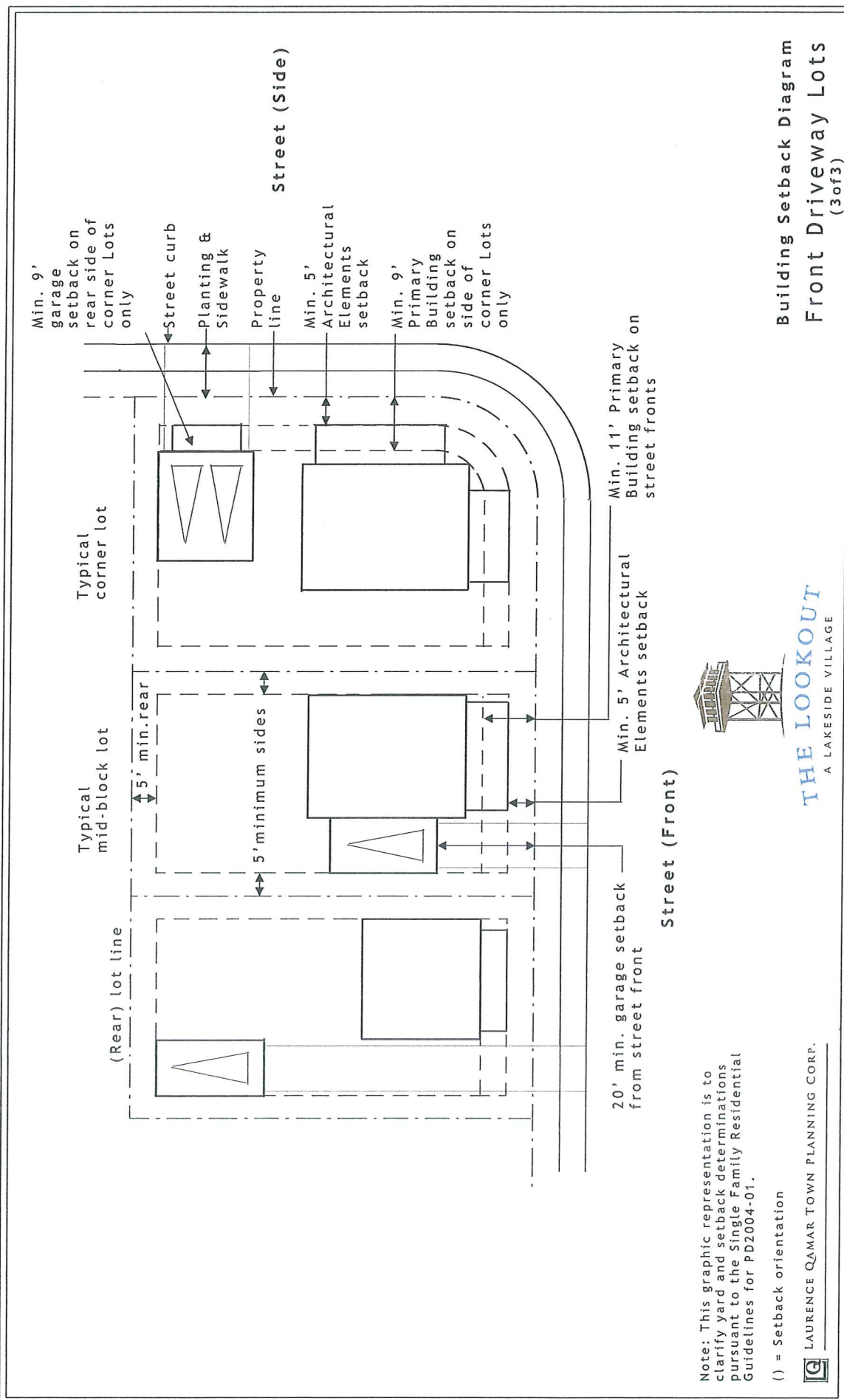
Note: This graphic representation is to clarify yard and setback determinations pursuant to the Single Family Residential Guidelines for PD2004-01.

() = Setback orientation

LAURENCE QAMAR TOWN PLANNING CORP.



Building Setback Diagram
Rear Alley Lots
(2 of 3)



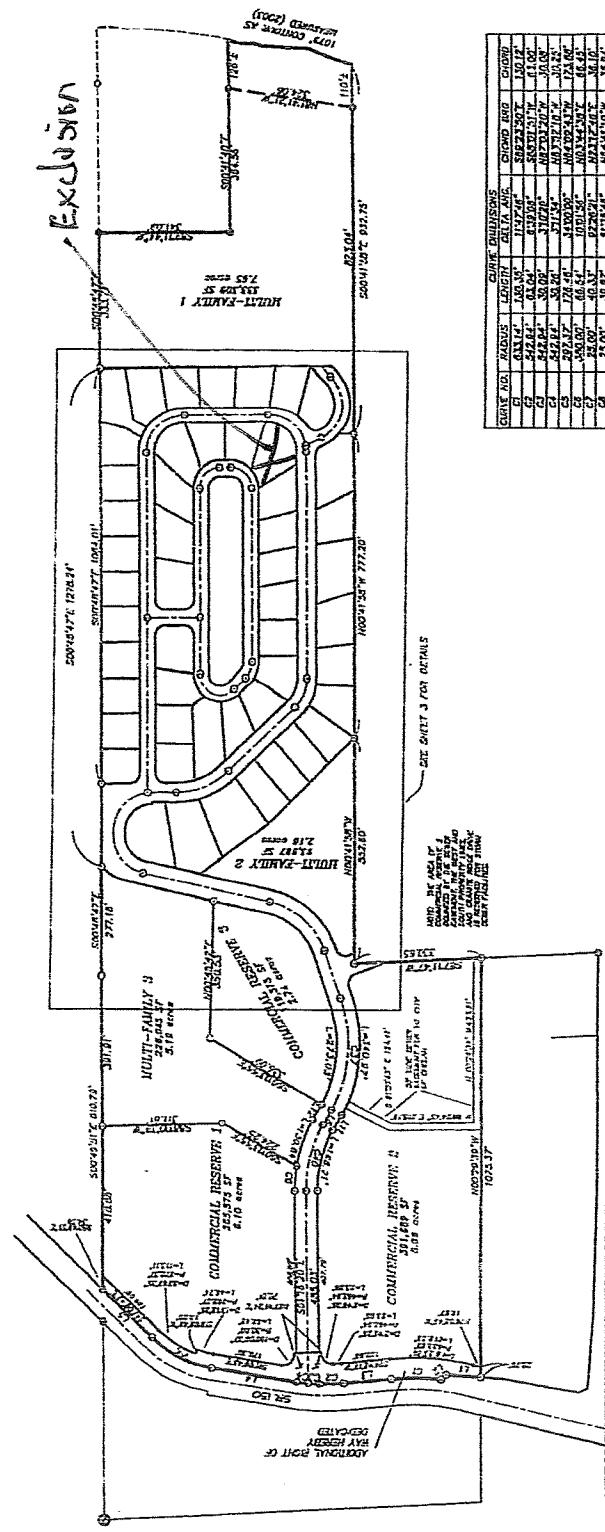
Plot ofn 2206883

T22 R22 S11

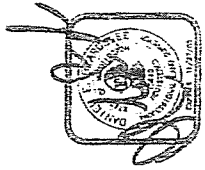
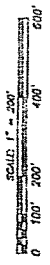
2 of 3

7 29/98

GRANITE RIDGE



LINE NO.	BEARING	DISTANCE
1	S 89° 45' 30" E	12.42
2	N 89° 45' 30" E	12.42
3	N 89° 45' 30" E	12.42
4	S 89° 45' 30" E	12.42
5	S 89° 45' 30" E	12.42
6	S 89° 45' 30" E	12.42
7	S 89° 45' 30" E	12.42
8	S 89° 45' 30" E	12.42
9	S 89° 45' 30" E	12.42
10	S 89° 45' 30" E	12.42
11	S 89° 45' 30" E	12.42
12	S 89° 45' 30" E	12.42
13	S 89° 45' 30" E	12.42
14	S 89° 45' 30" E	12.42
15	S 89° 45' 30" E	12.42
16	S 89° 45' 30" E	12.42
17	S 89° 45' 30" E	12.42
18	S 89° 45' 30" E	12.42
19	S 89° 45' 30" E	12.42
20	S 89° 45' 30" E	12.42
21	S 89° 45' 30" E	12.42
22	S 89° 45' 30" E	12.42
23	S 89° 45' 30" E	12.42
24	S 89° 45' 30" E	12.42
25	S 89° 45' 30" E	12.42
26	S 89° 45' 30" E	12.42
27	S 89° 45' 30" E	12.42
28	S 89° 45' 30" E	12.42
29	S 89° 45' 30" E	12.42
30	S 89° 45' 30" E	12.42
31	S 89° 45' 30" E	12.42
32	S 89° 45' 30" E	12.42
33	S 89° 45' 30" E	12.42



LINE NO.	RADIUS	LENGTH	CHORD	CHORD BEG	CHORD END
1	100.00	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00	100.00
3	100.00	100.00	100.00	100.00	100.00
4	100.00	100.00	100.00	100.00	100.00
5	100.00	100.00	100.00	100.00	100.00
6	100.00	100.00	100.00	100.00	100.00
7	100.00	100.00	100.00	100.00	100.00
8	100.00	100.00	100.00	100.00	100.00
9	100.00	100.00	100.00	100.00	100.00
10	100.00	100.00	100.00	100.00	100.00
11	100.00	100.00	100.00	100.00	100.00
12	100.00	100.00	100.00	100.00	100.00
13	100.00	100.00	100.00	100.00	100.00
14	100.00	100.00	100.00	100.00	100.00
15	100.00	100.00	100.00	100.00	100.00
16	100.00	100.00	100.00	100.00	100.00
17	100.00	100.00	100.00	100.00	100.00
18	100.00	100.00	100.00	100.00	100.00
19	100.00	100.00	100.00	100.00	100.00
20	100.00	100.00	100.00	100.00	100.00
21	100.00	100.00	100.00	100.00	100.00
22	100.00	100.00	100.00	100.00	100.00
23	100.00	100.00	100.00	100.00	100.00
24	100.00	100.00	100.00	100.00	100.00
25	100.00	100.00	100.00	100.00	100.00
26	100.00	100.00	100.00	100.00	100.00
27	100.00	100.00	100.00	100.00	100.00
28	100.00	100.00	100.00	100.00	100.00
29	100.00	100.00	100.00	100.00	100.00
30	100.00	100.00	100.00	100.00	100.00
31	100.00	100.00	100.00	100.00	100.00
32	100.00	100.00	100.00	100.00	100.00
33	100.00	100.00	100.00	100.00	100.00

Erlandsen & Associates Inc.
Professional Land Surveyors

SHT 2 OF 3

DATE: 08/03/98
DRAWN BY: J.R.
FILE NO: 2004002-172
SHEET: 2 OF 3

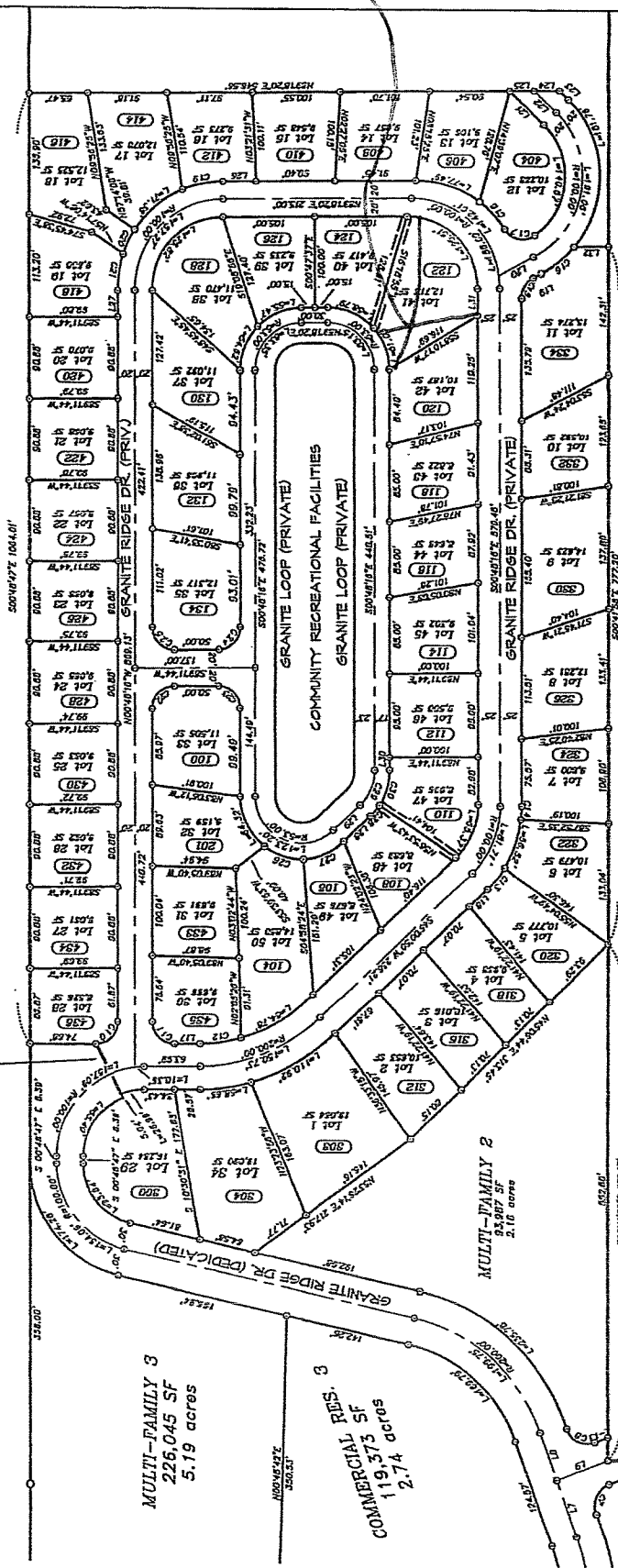
Plot of 2206883

T22 R22 S11

3+3 p 29/99

GRANITE RIDGE

NOTES: ALL RIGHT OF WAY FROM THIS LINE TO SR. 160 IS HEREBY DEDICATED TO THE PUBLIC. THE REMAINDER OF THE STREETS ARE PRIVATE.



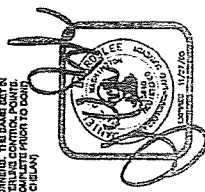
NOTE: A 10' EASEMENT IS GRANTED FOR ALL UTILITIES BETWEEN LOTS 47 AND 48 AND BETWEEN LOTS 40 AND 41



LEGEND

- FOUR MONUMENT
- FOUND REBAR WITH CAP
- CALCULATED POINT
- STREET ADDRESS

NOTES: REBAR AND CAP MARKED L.A. 800 TO BE SET AT ALL CORNERS AND INTERSECTIONS. MON. CAGES AT ALL CORNERS AND INTERSECTIONS. REBAR SETTING TO BE COMPLETED PRIOR TO DOING UTILITIES IN THE CITY OF DENVER.



BASIS OF BEARINGS:

WASHINGTON STATE AND OTHER NORTH ARROW BEARINGS (1911) BASED ON STATION ON RAMP STATION CHS MEASUREMENTS. ASTROLOGICAL NORTH BEARS APPROXIMATELY 11.07332° W OF TRUE NORTH. SCALE: 1" = 60'

THE MEASURED DISTANCES SHOWN ON THIS MAP HAVE BEEN ADJUSTED TO THE WASHINGTON STATE PLANE COORDINATE SYSTEM. MEASUREMENTS OF DISTANCES SHOWN ON THIS MAP HAVE BEEN ADJUSTED TO OBTAIN THE ACTUAL GROUND DISTANCE. FOR ADDITIONAL DETAILS RELATED TO OVERALL BOUNDARIES, PLEASE REFER TO THE SURVEYOR'S FIELD BOOK TO OF SHORT PLAT, PAGE 10

EQUIPMENT & PROCEDURES

EQUIPMENT: LEICA TOL 115 TOTAL STATION
LEICA BRAD 010 DISTOMETER
PROCEDURES: INITIAL CONTROL ESTABLISHED BY ADJUSTING OP9 OBSERVATIONS WITH A RESECTION OF ADJ. CONTROL POINTS. ALL MEASUREMENTS MADE BETWEEN THIS CONTROL TO OBTAIN ADDITIONAL DATA AND FOR CORNER MONUMENTATION. ALL MEASUREMENTS MADE FOR CORNER MONUMENTATION USING LEAST SQUARES ANALYSIS. PROCEDURES MEET OR EXCEED S.W.C. 33-100-02A

DATES OF SURVEY: INITIAL CONTROL: 10/10/04
CORNER SET: 10/10/04

Erlandsen & Associates Inc.
Professional Land Surveyors

3
OF
3

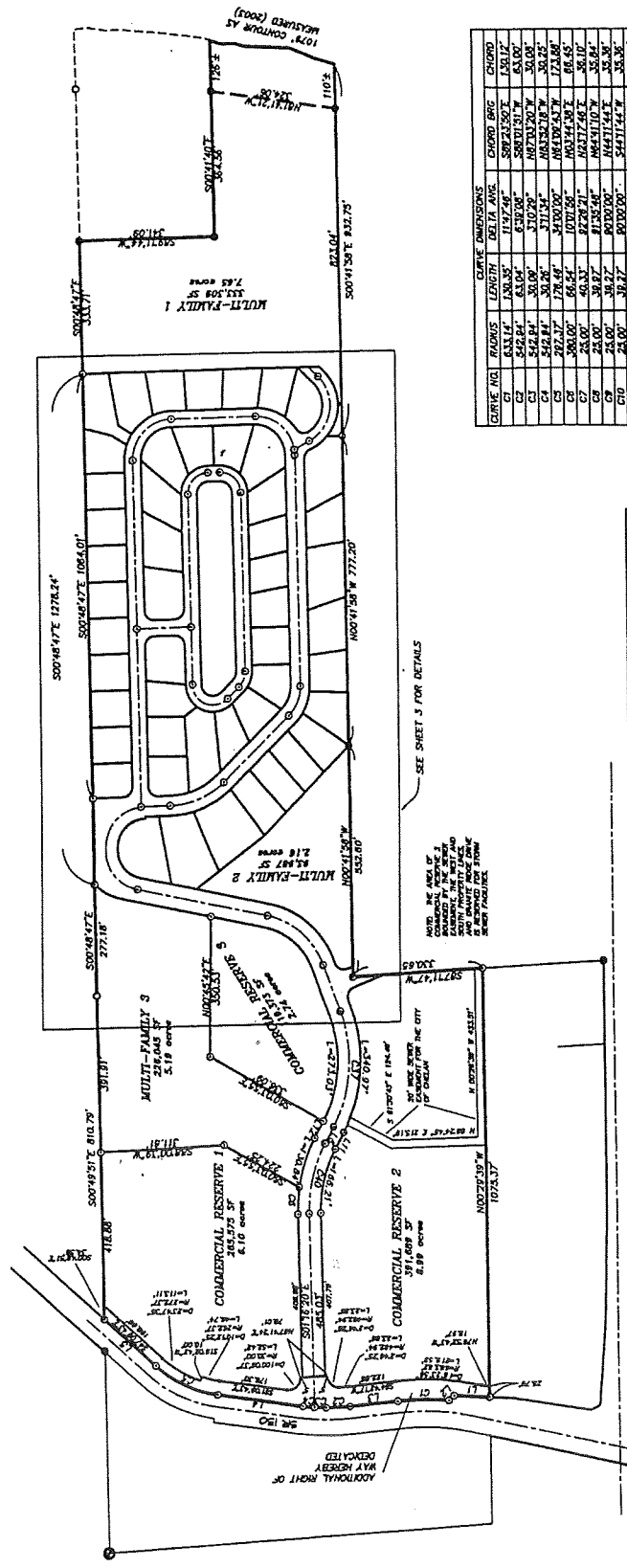
BRINKSTER: 502-602-2329; CHILAN: 502-602-4189;
E. REMATCHED: 502-584-2542; HUNTER: 502-584-2329;
DRAWN BY: JLF
DATE: 02/10/04
FILE NO: 20040702.PPT
JOB NO: 20040702

p 29/99

T27 R22 S11
2 of 3
7/29/98

plat
ofn 2206883

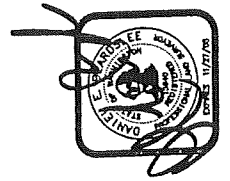
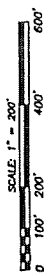
GRANITE RIDGE



SEE SHEET 3 FOR DETAILS

CURVE NO.	RADIUS	LENGTH	CHORD	CHORD BRG
C1	150.00'	117.44'	117.44'	130.12°
C2	150.00'	117.44'	117.44'	130.12°
C3	150.00'	117.44'	117.44'	130.12°
C4	150.00'	117.44'	117.44'	130.12°
C5	150.00'	117.44'	117.44'	130.12°
C6	150.00'	117.44'	117.44'	130.12°
C7	150.00'	117.44'	117.44'	130.12°
C8	150.00'	117.44'	117.44'	130.12°
C9	150.00'	117.44'	117.44'	130.12°
C10	150.00'	117.44'	117.44'	130.12°
C11	150.00'	117.44'	117.44'	130.12°
C12	150.00'	117.44'	117.44'	130.12°
C13	150.00'	117.44'	117.44'	130.12°
C14	150.00'	117.44'	117.44'	130.12°
C15	150.00'	117.44'	117.44'	130.12°
C16	150.00'	117.44'	117.44'	130.12°
C17	150.00'	117.44'	117.44'	130.12°
C18	150.00'	117.44'	117.44'	130.12°
C19	150.00'	117.44'	117.44'	130.12°
C20	150.00'	117.44'	117.44'	130.12°
C21	150.00'	117.44'	117.44'	130.12°
C22	150.00'	117.44'	117.44'	130.12°
C23	150.00'	117.44'	117.44'	130.12°
C24	150.00'	117.44'	117.44'	130.12°
C25	150.00'	117.44'	117.44'	130.12°
C26	150.00'	117.44'	117.44'	130.12°
C27	150.00'	117.44'	117.44'	130.12°
C28	150.00'	117.44'	117.44'	130.12°
C29	150.00'	117.44'	117.44'	130.12°
C30	150.00'	117.44'	117.44'	130.12°
C31	150.00'	117.44'	117.44'	130.12°
C32	150.00'	117.44'	117.44'	130.12°
C33	150.00'	117.44'	117.44'	130.12°
C34	150.00'	117.44'	117.44'	130.12°
C35	150.00'	117.44'	117.44'	130.12°
C36	150.00'	117.44'	117.44'	130.12°
C37	150.00'	117.44'	117.44'	130.12°
C38	150.00'	117.44'	117.44'	130.12°
C39	150.00'	117.44'	117.44'	130.12°
C40	150.00'	117.44'	117.44'	130.12°

LINE NO.	LINE TYPE	DISTANCE
L1	RIGHT-OF-WAY	100.00'
L2	RIGHT-OF-WAY	100.00'
L3	RIGHT-OF-WAY	100.00'
L4	RIGHT-OF-WAY	100.00'
L5	RIGHT-OF-WAY	100.00'
L6	RIGHT-OF-WAY	100.00'
L7	RIGHT-OF-WAY	100.00'
L8	RIGHT-OF-WAY	100.00'
L9	RIGHT-OF-WAY	100.00'
L10	RIGHT-OF-WAY	100.00'
L11	RIGHT-OF-WAY	100.00'
L12	RIGHT-OF-WAY	100.00'
L13	RIGHT-OF-WAY	100.00'
L14	RIGHT-OF-WAY	100.00'
L15	RIGHT-OF-WAY	100.00'
L16	RIGHT-OF-WAY	100.00'
L17	RIGHT-OF-WAY	100.00'
L18	RIGHT-OF-WAY	100.00'
L19	RIGHT-OF-WAY	100.00'
L20	RIGHT-OF-WAY	100.00'
L21	RIGHT-OF-WAY	100.00'
L22	RIGHT-OF-WAY	100.00'
L23	RIGHT-OF-WAY	100.00'
L24	RIGHT-OF-WAY	100.00'
L25	RIGHT-OF-WAY	100.00'
L26	RIGHT-OF-WAY	100.00'
L27	RIGHT-OF-WAY	100.00'
L28	RIGHT-OF-WAY	100.00'
L29	RIGHT-OF-WAY	100.00'
L30	RIGHT-OF-WAY	100.00'
L31	RIGHT-OF-WAY	100.00'
L32	RIGHT-OF-WAY	100.00'



SHT 2 OF 3

Erlendsen & Associates Inc.
Professional Land Surveyors
REGISTERED: 508-889-2528
E. WEAVER: 508-884-2562
DRAWN BY: JLR
DATE: 06/10/98
FILE NO: 20041076-PT2
SCALE: 1" = 200'

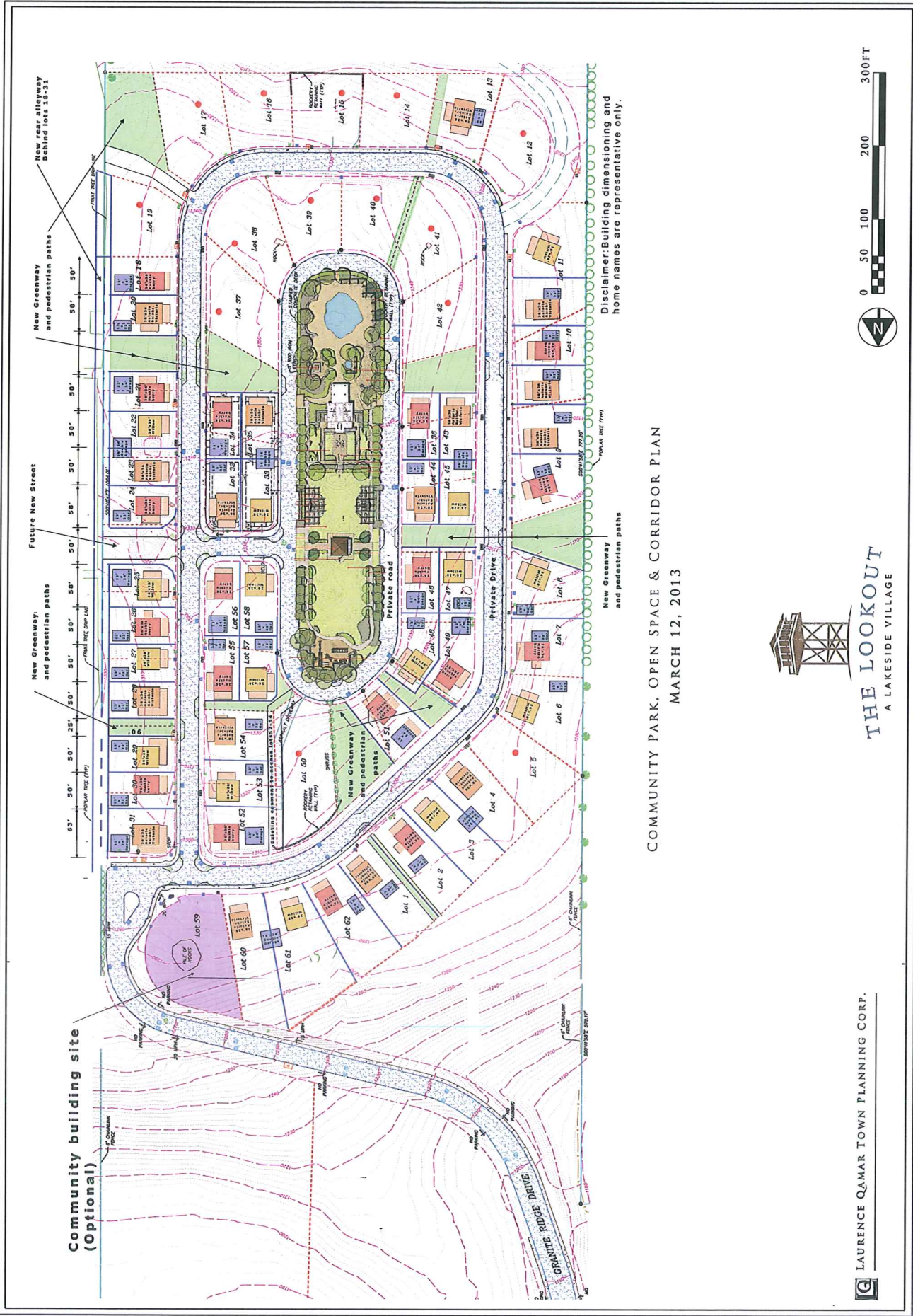


Exhibit 4

**CITY OF CHELAN
LAND USE HEARING EXAMINER**

IN THE MATTER OF	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
SUB2015-02	)	DECISION AND
Chelan Lookout LLC	)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Chelan Hearing Examiner on October 27, 2015, 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. The application proposes to divide three existing lots (re-division of a portion of a 2013 short plat within a five year period resulting in more than nine lots) into a total of eight new lots and a private tract for alley purposes. The 8 new lots are proposed to range in sizes between 3,628 and 4,979 square feet.
2. The applicant is Chelan Lookout LLC, 915 East Pine Street, Suite 100; Seattle, WA 98122.
3. The application was submitted on September 1, 2015 and deemed complete on September 10, 2015.
4. The subject site is legally described as lots 151, 152, and 153 of SP2013-01CH, Chelan County Parcel Nos: 272211597040, 272211597041, and 272211597042.
5. The Lookout Planned Development District residential land division / application history is as follows:
 - 5.1. Granite Ridge Planned Development approved for 56 lots through SUB2004-01 / PD2004-01 (Ord. 05-1298). The application was approved for a minor amendment dated 10/14/10 (AFN's 2213458, 2386815).
 - 5.2. PDD2012-01 – amendment of allowed uses within the PDD.
 - 5.3. PDD2013-01 – amendment and establishment of implementing regulations (dimensional standards, allowed uses).
 - 5.4. BLA2013-003CH – boundary line adjustment of existing platted lots.
 - 5.5. SP2013-001CH – short subdivision establishing eight lots and one tract.
 - 5.6. SP2013-002CH – short subdivision establishing seven lots and two tracts.
 - 5.7. SP2013-003CH – short subdivision establishing eight lots and one tract.
 - 5.8. SP2013-004CH – short subdivision establishing six lots.
 - 5.9. SP2015-001CH (preliminary approval/ pending final drawing) – short subdivision establishing five lots.
6. Utilities / services are provided by the following agencies:
 - 6.1. Water / Sewer – City of Chelan
 - 6.2. Fire Service – Chelan County Fire Protection District Number 7
 - 6.3. Law Enforcement – Chelan County Sheriff
 - 6.4. School District – Lake Chelan School District

7. Access roads / streets located within the subject project area are private and not maintained by the City of Chelan.
8. Adjacent Land Uses and Zoning are as follows:
 - 8.1 **North:** Bighorn Lane (public street); zoned Lookout Planned Development District (PDD) Overlay.
 - 8.2 **South:** Porcupine Lane (private street); zoned Lookout Planned Development District (PDD) Overlay.
 - 8.3 **East:** Bighorn Lane (public street); zoned Lookout Planned Development District (PDD) Overlay.
 - 8.4 **West:** Lot 154, SP2013-01CH; zoned Lookout Planned Development District (PDD) Overlay.
9. A geotechnical engineering evaluation prepared by Nelson Geotechnical Associates, Inc, and dated May 28, 2105, was submitted as part of the application materials.
10. Notice of Application was provided as follows:
 - 10.1 Mailed to property owners of record within 300 feet of the subject property on September 9, 2015,
 - 10.2 Posted on site and City Hall on September 9, 2015.
 - 10.3 Published in Lake Chelan Mirror Newspaper on September 9, 2015.
11. Notice of Application was referred to the following agencies on September 10, 2015:
 - 11.1 Chelan County Public Utility District No. 1 - Tim Larson
 - 11.2 Chelan County Public Utility District No. 1 – Lisa Juchmes
 - 11.3 The Confederated Tribes of the Colville Reservation (CCT) - Guy Moura
 - 11.4 Chelan County Fire District No. 7 - Timothy Lemon
 - 11.5 Department of Natural Resources - Rochelle M. Gross
 - 11.6 Department of Ecology - Andrea Jedel
 - 11.7 Department of Ecology - Gwen Clear
 - 11.8 SEPA Register
 - 11.9 US Army Corps of Engineers – Debbie Knaub
 - 11.10 Washington State Department of Fish and Wildlife - Graham Simon
 - 11.11 City of Chelan, Public Works - Deanne Reynolds
 - 11.12 City of Chelan, Building Department - Ron Hanson
 - 11.13 Lake Chelan School District – Kit Couchee (e-mailed notice on 10/5/15)
12. Notice of the Public Hearing was provided as follows:
 - 12.1 Mailed to property owners of record within 300 feet of the subject property on October 15, 2015;
 - 12.2 Posted at City Hall on October 15, 2015;

- 12.3 Posted on site on October 19, 2015; and
- 12.4 Published in Lake Chelan Mirror Newspaper on October 13, 2015.
13. The application was processed in accordance with the State Environmental Policy Act (SEPA) and CMC 14.06. A Determination of Nonsignificance was issued on October 6, 2015 using the Optional DNS process.
14. According to CMC 19.04, "Subdivision" means the division of land into ten or more lots or tracts for the purpose of sale, lease or transfer pursuant to Chapter 16.16, and includes all resubdivisions of land.
15. Pursuant to Chelan Municipal Code Title 19 and Title 16, an application for a preliminary subdivision shall be processed as a Type IVA project permit application, where the Hearing Examiner, after a public hearing, issues a decision.
16. In order to preliminarily approve an application for a subdivision, the Hearing Examiner must find that it complies with all applicable adopted plans, policies and ordinances of the City. In addition, RCW 58.17.110CMC 16.04.120 further states that land division may be approved only upon the following considerations and supported by appropriate findings and conclusions that the following are satisfied:
- 16.1 The public use and interest will be served by the approval of the proposed land division, and associated dedications and impact fees, if any.
- 16.2 Appropriate provisions are made for, but not limited to, conditions due to flooding, bad drainage, topography, critical areas, rock formations, or other physical characteristics of the land and other matters affecting the public health, safety and general welfare; for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- 16.3 Any land division for land situated in a flood control zone shall satisfy the requirements of Title 14, Environmental Regulations, and must have written approval from the Department of Ecology as provided in Chapter 86.16 RCW.
- 16.4 No locally adopted level of service standard for public facilities and services will fall below the standards as set forth in the comprehensive plan as a result of the land division being approved.
- 16.5 The public facilities and services necessary to support the land division shall be adequate and available concurrently with the demand for such services.
- 16.6 The capacities and dimensions of water, sewerage, drainage and street facilities shall be adequate to provide for future needs of other undeveloped properties in the general vicinity, with the subdivider bearing a roughly proportionate portion of the cost that is the result of the relative impact of the land division, and the balance to be borne in a manner appropriate for the situation, either through a latecomer's agreement, development agreement, or by contribution by the city.
- 16.7 No dedication, impact fee, condition or requirement shall be imposed upon the approval of a land division that constitutes an unconstitutional taking of private property.
17. "The Lookout" Planned Development District - Implementing Regulations (PDD2013-01), identifies the following dimensional standards applicable to residential lots within the PDD.

- 17.1 Minimum lot area: Thirty six hundred square feet;
- 17.2 Minimum width of lot at building line: Forty feet;
- 17.3 Minimum lot depth: Not applicable;
- 17.4 Maximum building height: Thirty-five feet;
- 17.5 Maximum land coverage: Seventy five percent for all buildings;
- 17.6 Yard and Setback determinations:

General Note: Three Building Setback Diagrams are attached to clarify yard determination and represent the setback allowances for differing lot configurations & circumstances. In all circumstances, these Diagrams shall be the primary means of determining appropriate setback and yard areas.

17.6.1 Primary & Accessory building setback:

Front yard: Varies dependent on circumstance –refer to Building Setback Diagrams for clarification.

Side & rear yard: Varies dependent on circumstance –refer to Building Setback Diagrams for clarification. This will not apply to any lots touching the western boundary of the PD.

17.6.2 Architectural Element Setback:

Architectural features that project from the primary or accessory building are permitted to extend into the Primary building setback as exhibited on the Building Setback Diagrams. Examples of such architectural features are: porches, stoops, bays, balconies, decks, chimneys, trellises and the like.

Architectural Site Amenities which are not attached to the primary or accessory building must adhere to the Architectural Element Setback as exhibited on the Building Setback Diagrams.

17.6.3 Accessory Building common wall alternate:

Accessory buildings may be permitted a common wall alternate subject to meeting all building code responsibilities, and the recording of common party wall agreement between affected properties with the Chelan County Auditor. The Party Wall Agreement must address necessary easements for maintenance, occupancy and appearance. The form of Agreement must be approved by the City of Chelan prior to recording.

17.6.4 Alley/Lane Access Provisions:

Any lot having an alley or lane access alternate must orient the garage to access from such alley or lane.

- 18. No public comments were received during the comment period.
- 19. Agency comments:

19.1 City of Chelan Building Department, received 9/11/15

- 19.1.1 The proposed 20' wide fire lane, Alley A & B shall be designated as fire lanes.

- 19.1.2 Provide 28' radius at intersection of Alley A & B per IFC, Appendix D for 120' hammerhead turn around.
- 19.1.3 The proposed grass-crete or acceptable equal proposed for the 20' wide emergency access at corner of Bighorn Way & Porcupine Lane shall be designed for support of wheel loading typical of a 75,000 lb. fire engine.
- 19.1.4 It isn't clear where the location of the island at the intersection of Porcupine Lane @ Bighorn Way is located with reference to the Emergency Access on the corner. The intent is to have sufficient turning radius for a fire engine. Stake the location at the site and coordinate with the Chelan County Fire Department to determine if their fire engine has sufficient turning radius to access the emergency fire lane.
- 19.1.5 Geotechnical engineer to provide recommendations for the proposed areas of fill. Provide scarification, benching, and compaction testing by the geotechnical engineer (or approved equal) that material has been compacted to at least a min. of 95% density within the proposed alleys/fire lanes and 90% density within other areas (not within foundations or driveways).
- 19.1.6 Required parking and guest parking shall be provide outside of Alley A & B (fire lanes) and not within Porcupine Lane (fire lane).
- 19.1.7 If this site has unbalanced cut and fill materials; show locations where excess fill and/or excavation materials will be relocated. Provide 90%-95% compaction on fill materials placed on locations within the City of Chelan. Verify that there is a current open Grading Permit or obtain a Grading Permit if fill is trucked off this site.
- 19.1.8 Contractors shall not park within fire-lanes during construction unless otherwise approved by the Chelan County Fire Department.
- 19.1.9 Addressing to be determine by the Building Official.
- 19.1.10 Street names to be reviewed and approved by the Public Works Department to prevent duplication within County of Chelan.
- 19.1.11 Public Works to verify locations of existing and proposed fire hydrants and provide a min. 1000 gpm fire-flow @ 20 psi. Proposed residences shall comply with either the IFC, Appendix C for spacing of hydrants; or the Public Works Standards.

19.2 **City of Chelan Public Works, received 10/5/15**

- 19.2.1 All infrastructure improvements (water, sewer, storm drainage, and roads) needed for this project must be designed and constructed per the current City of Chelan Development Standards. The construction drawings must be approved by the City of Chelan Public Works Department before work can begin.
- 19.2.1 Sheet 4 of the preliminary plat drawing set shows grading and storm drainage. No storm service lines are shown for Lots 2, 3 or 4. The drainage tech memo mentions that roof drains will either be tight lined to individual galleries located on each lot or connected to the storm system. These lots are very small – is there going to be enough room for individual

infiltration galleries on these lots? Why not just connect all the lots to the storm system?

- 19.2.3 The fire flow available at the hydrant located just south of the proposed Cottage Court subdivision is 2400 GPM at 20 psi residual.
- 19.2.4 The primary access to the eight lots will be through the newly constructed alleys shown on the plan set. All lots will continue to front a public or private street, although access will not be taken off these streets. The Building Official and Fire Chief must approve this configuration for emergency vehicle access.
- 19.2.5 The streets fronting these properties (Bighorn Way and Porcupine Lane) are 24 feet wide. The minimum width required for two lanes of traffic plus parking on one side is 28 feet. We would recommend that no on-street parking be allowed on these streets in order to maintain the 20' width necessary for emergency vehicle access, per the requirements of the Fire Chief.
- 19.2.6 Each single family home is required to provide one on-site parking space, and more on-site parking spaces are encouraged. The driveway grade to each individual single family home must not exceed 18%.
- 19.2.7 These properties will be subject to water and sewer General Facilities Charges (GFC), due at the time of building permit application. All eight lots will be subject to a water GFC of \$7,501. Lots 1, 2 and 3 will be subject to a sewer GFC of \$4,280, with the remaining five lots subject to a sewer GFC of \$6,250. The original lots 151, 152, and 153 are exempt from the new Lord Acres sewer GFC, and this exemption is passed on to the first three lots of the subdivision.
- 19.2.8 The temporary Granite Ridge lift station currently serves this area. The attached sheet shows the current summary of sewer ERU, both by platted properties and by building permits approved by Public Works. Please note that the Cottage Court project puts us over the 80 ERU currently allowed with the temporary lift station (with respect to platted properties).

Staff Commented: As noted in the Public Works comments, the current proposal results in a total planned sewer demand of 82.6 ERU's within The Lookout development. The current number of active ERU's, based on building permits approved by Public Works, is 53.6. The existing sewer lift station serving The Lookout has a capacity of 60 ERU's and 80 ERU's with future interim upgrades. The current lift station capacity cap was noted in the approval of Short Plat's 2013-01, 02, 03, and 04.

The City is currently in the process of design and future construction of a regional sewer lift station, identified within the Lord Acres Infrastructure Planning Report dated April 2015, that would replace the lift station currently serving The Lookout development. Depending on the timeframe of future permit applications, upgrades to the existing lift station to 80 ERU's, and construction of the regional sewer lift station, the subject proposal may exceed the temporary lift capacity by 2.6 ERU's.

In the event that the Lord Acres regional lift has not been completed and the current sewer lift station reaches maximum capacity, occupancy permits shall not be granted for building permits resulting in an ERU demand in excess of the lift station capacity; this shall be placed as a note on the final plat.

19.3 **Chelan County Fire District No. 7, received 9/11/15**

- 19.3.1 Road/driveway access shall conform to the applicable International Fire Codes (IFC).
- 19.3.2 Concerns include parking on the side of the roads when roads aren't designed to accommodate parking while maintain emergency vehicle access.
- 19.3.4 Development on the new lots will require fire flow at outlined in the IFC.
- 19.3.5 I would also encourage the developer to install applicable fire sprinkler systems in any new construction.

19.4 **The Confederated Tribes of the Colville Reservation (CCT) - Guy Moura, received 8/31/15**

- 19.4.1 In the territory of the Chelan Tribe, a constituent of the Colville Tribes. In the former Moses Reserve. Continuing reports that cultural resources are being adversely impacted by the overall development without adequate cultural resource reporting. Section 13 incorrectly filled out since we have, now on numerous occasions report the accusations of intentional destruction of archaeological and burial sites on the development. It remains against the law to disturb either archaeological sites or burials. And, if the reports are erroneous, how could that be substantiated without a cultural resource investigation?

19.5 **Department of Ecology – Gwen Clear, received 9/21/15**

19.5.1 TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

If you have any questions or would like to respond to these Toxics Clean-up comments, please contact Valerie Bound at (509) 454-7886 or email at valerie.bound@ecy.wa.gov.

19.5.2 WATER QUALITY

Dividing or platting of a piece of property is often the first step in a proposed development. An NPDES Construction Stormwater Permit may be required if a subsequent individual or common plan of development that has potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements and building or upgrading existing roads. The process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an

application and a 30 day public notice process. This may take 45- 60 days. A permit and a storm water plan are required prior to beginning ground-breaking activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at:

<http://www.ecy.wa.gov/programs/wg/stormwater/construction/>. Please submit an application or contact Mark Peterschmidt at the Department of Ecology, (509) 454-7843, with questions about this permit.

20. Comprehensive Plan goals and policies generally support the Proposed Project as conditioned including:

20.1 **Land Use Element**

20.1.1 **Residential**

Policy 1: Encourage an adequate mix of housing units to meet the needs of existing and future residents of the area. Housing types should not be concentrated in one area but distributed in the urban growth area.

Policy 4: Flexible standards such as zero lot line development, lot size averaging, clustering and other innovative designs that would reduce the cost of housing developments should be considered so long as public safety and convenience are not unreasonably compromised

Policy 9: Promote development at urban densities in the City of Chelan and the unincorporated urban growth area. Urban residential densities shall be defined as:

Special Use District (SUD) – To provide an opportunity for low density residential housing, and low impact tourist commercial planned unit developments. Currently a significant number of property owners in this area wish to continue in agricultural use. However, looking to the 20 year planning period, many property owners wish to have some development options. This development should minimize orchard/non-farm development conflicts and protect the character of the area.

21. An open record public hearing after due legal notice was held on October 27, 2015.
22. The entire Planning Staff file was admitted into the record at the public hearing.
23. The City of Chelan Department of Planning and Community Development recommended approval of the requested permit, subject to the recommended conditions of approval.
24. Appearing and testifying on behalf of the applicant was Erik Gahringer. Mr. Gahringer testified that he was an agent authorized to appear and speak on behalf of the applicants and property owners. Mr. Gahringer testified that the applicant had no objection to any of the proposed Conditions of Approval.
25. No member of the public testified at the hearing.

26. The following exhibits were admitted into the record:
 - 26.1 Exhibit A: Application Materials;
 - 26.2 Exhibit B: Agency Comments;
 - 26.3 Exhibit C: SEPA Documents;
 - 26.4 Exhibit D: Notice of Application Materials;
 - 26.5 Exhibit E: Notice of Public Hearing Materials.
27. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
28. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
29. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
30. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
31. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
32. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
33. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in the Chelan Municipal Code.
34. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. The application was processed in accordance with procedures outlined in CMC Title 19 – Administration of Development Regulations, Title 14 – Environmental Protection, and Title 17– Zoning, and Title 16 – Land Divisions.
3. As conditioned, the proposed subdivision conforms to the zoning dimensional requirements of The Lookout “Implementing Regulations” established through PDD2013-01.
4. As conditioned, the proposed subdivision conforms to the requirements of CMC 16.36 – Design Standards.
5. The public use and interest will be served by the approval of the proposed land division, and associated dedications and impact fees, if any.

6. As conditioned, appropriate provisions are either unnecessary or are made for conditions due to flooding, bad drainage, topography, critical areas, rock formations, or other physical characteristics of the land and other matters affecting the public health, safety and general welfare; for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
7. As conditioned, the Proposed Project will not cause level of service standards for public facilities and services to fall below the standards as set forth in the City's comprehensive plan.
8. As conditioned, the public facilities and services necessary to support the Proposed Project are adequate and will be available concurrently with the demand for such services.
9. As conditioned, capacities and dimensions of water, sewerage, drainage and street facilities shall be adequate to provide for future needs of other undeveloped properties in the general vicinity.
10. As conditioned, the proposal substantially complies with the City of Chelan Comprehensive Plan, Zoning Code, Land Division Code, Development Standards, and RCW 58.17.
11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application SUB2015-02 is hereby **APPROVED** subject to the following Conditions of Approval.

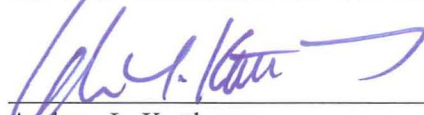
IV. CONDITIONS OF APPROVAL

1. All conditions imposed herein shall be binding on the "Applicant", which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. Construction shall proceed substantially as shown in the application materials on file with the City of Chelan, except for minor adjustments to conform to any received agency comments.
3. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. Should any archaeological resources be discovered during grading / construction, all work that would affect the discovered resources must be stopped until proper authorities have been notified and appropriate steps have been taken to protect resources in accordance with applicable laws.
5. A plat certificate showing parties of interest from a title company must accompany the final plat in accordance with RCW 58.17.165. All parties having ownership interest in the subject property shall acknowledge the plat.

6. A final plat shall be submitted by a land surveyor licensed in the State of Washington and comply with the substantive standards of the City of Chelan Municipal Code and RCW 58.17.250.
7. The proposed 20' wide fire lane, Alley A & B shall be designated as fire lanes.
8. Provide 28' radius at intersection of Alley A & B per IFC, Appendix D for 120' hammerhead turn around.
9. The proposed grass-crete or acceptable equal proposed for the 20' wide emergency access at corner of Bighorn Way & Porcupine Lane shall be designed for support of wheel loading typical of a 75,000 lb. fire engine.
10. Geotechnical engineer to provide recommendations for the proposed areas of fill. Provide scarification, benching, and compaction testing by the geotechnical engineer (or approved equal) that material has been compacted to at least a min. of 95% density within the proposed alleys/fire lanes and 90% density within other areas (not within foundations or driveways).
11. Required parking and guest parking shall be provide outside of Alley A & B (fire lanes) and not within Porcupine Lane (fire lane).
12. If this site has unbalanced cut and fill materials; show locations where excess fill and/or excavation materials will be relocated. Provide 90%-95% compaction on fill materials placed on locations within the City of Chelan. Verify that there is a current open Grading Permit or obtain a Grading Permit if fill is trucked off this site.
13. Contractors shall not park within fire-lanes during construction unless otherwise approved by the Chelan County Fire Department.
14. An NPDES Construction Stormwater Permit may be required if a subsequent individual or common plan of development that has potential for stormmmwater discharge from a construction site with disturbed ground.
15. Each single family home is required to provide one on-site parking space, and more on-site parking spaces are encouraged. The driveway grade to each individual single family home must not exceed 18%.
16. A note in effect of the following shall be placed on the face of the plat: In the event that the Lord Acres regional lift has not been completed and the current sewer lift station reaches maximum capacity, occupancy permits shall not be granted for building permits resulting in an ERU demand in excess of the lift station capacity.

Dated this 28th day of October, 2015.

CITY OF CHELAN 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 THE CHELAN COUNTY
SUPERIOR COURT AS PROVIDED FOR UNDER THE REVISED CODE OF
WASHINGTON AND THE CHELAN CITY CODE.**

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SSDP2015-05, SCUP2015-01, CUP2015-07,

Administering Agency City of Chelan

Type of Permit: ■ Shoreline Substantial Development

Action: ■ Shoreline Conditional Use Permit

■ Zoning Conditional Use Permit

■ Approved ☐ Denied

Date of Action: September 14, 2015

Date Mailed to DOE/AG

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of the City of Chelan, a permit is hereby granted to:

**Chelan Lookout, LLC
C/o Ryan Walker
Grette Associates, LLC
151 S. Worthen St, Suite 101
Wenatchee, WA 98801**

To undertake the following development: The applications are for a 'Community Waterfront Park' consisting of improvements within the 200 foot shoreline jurisdiction for the exclusive use of the Chelan Lookout community. Improvements include installation of utilities, grading, construction of trails, swimming pool, hot tub, recreational structures including a gazebo, trellis, pavilion with cooler, poolside cabanas, pump house, changing room, pier, swim float, buoy line, removal of concrete/asphalt debris from the lake, stabilization of an eroding shoreline and excavation of a swim area in the upland that will be connected with Lake Chelan.

The project also includes the removal of unauthorized rock stairs that were installed in 2014. The area will also be landscaped with native trees and shrubs that will be irrigated to ensure their survival. In addition to the plantings the project also includes construction of an underwater habitat reef in Lake Chelan.

Upon the following property: 192 Spader Bay, Chelan, WA 98816.

Within 200 feet of Lake Chelan and/or its associated wetlands.

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a Rural designation. The Chelan County Shoreline Master Program provisions are applicable to this development.

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. Construction shall proceed substantially as shown in the application materials on file with the City of Chelan. Changes or modifications required by other permitting agencies shall be allowed if required by an agency to protect the functions of ecology of the shoreline. Any proposed changes shall be submitted for record with the City of Chelan.
3. A copy of this permit and attached conditions shall be kept on-site and provided to the contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall read this permit and attached conditions and shall its conditions at all times.
4. No covered structures, including covered walkways, boatlifts, or other structures are permitted water ward of the OHWM applicable to the subject property or within the fifteen (15) foot setback from the OHWM.
5. Large woody-debris shall not be used for project mitigation or placed within Lake Chelan.
6. The applicant shall obtain all required building permits, licenses, or other permits applicable to the subject proposal from applicable State and Federal agencies prior to construction of the project.
7. Any construction debris and excavated material removed from the shoreline area shall be transported to a legal disposal facility located more than 200 feet upland from the shoreline of Lake Chelan.
8. The project shall conform to applicable requirements of the International Fire Code and International Building Codes as administered by the City of Chelan.
9. Prior to entering the project area, all equipment shall be checked for leaks and cleaned free of any external petroleum products, hydraulic fluids, machinery coolants, dirt/soils, weeds (aquatic and terrestrial, seeds, and/or any other deleterious materials.
10. All lighting associated with the project shall be in compliance with the Dark Sky Ordinance, Chapter 17.62, and the city park and recreation design standards.
11. The applicant shall provide additional parking outside of the shoreline jurisdiction consistent with the swimming pool parking requirements of 1 parking stall per 50 SF of enclosed/fenced pool area, per Section 9-6, item 24 of the Development Standards.
12. Chlorinated water cannot be allowed to drain into the lake. Sewer lines and facilities must be constructed to meet the needs of the waterfront, and must be designed per the requirements of Sections 3 & 4 of the Development Standards.
13. Execution of the project shoreline improvement mitigation plan; including performance standards, maintenance, long term and adaptive management, and recording the final approved plan to title with Chelan County.
14. Obtain any required permits associated with RCW 27.44 and RCW 27.53.060 as necessary.

FINDINGS OF FACT

1. The applications are for a 'Community Waterfront Park' consisting of improvements within the 200 foot shoreline jurisdiction for the use of the Chelan Lookout community. Improvements include installation of utilities, grading, construction of trails, swimming pool, hot tub, recreational structures including a gazebo, trellis, pavilion with cooler, poolside cabanas, pump house, changing room, pier, swim float, buoy line, removal of concrete/asphalt debris from the lake, stabilization of an eroding shoreline and excavation of a swim area in the upland that will be connected with Lake Chelan.

The project also includes the removal of unauthorized rock stairs that were installed in 2014. The area will also be landscaped with native trees and shrubs that will be irrigated to ensure their survival. In addition to the plantings the project also includes construction of an underwater habitat reef in Lake Chelan.

- 1.1 The Shoreline Substantial Development Permit (SSDP2015-05) review applies to utilities (water, power, sewer, irrigation, etc...), site grading, trails, recreational structures (gazebo, trellis, pavilion with cooler), poolside cabanas, changing room, pier, pump house, removal of unpermitted rock stairs, shoreline stabilization, and excavated swim area.
 - 1.2 The Shoreline Conditional Use Permit (SCUP2015-01) review applies to the swimming pool, hot tub, and swim float.
 - 1.3 The Zoning Conditional Use Permit (CUP2015-07) review is for the overall establishment of a Community Waterfront Park within the portion of the project area zoned Special Use District (SUD).
2. The applicant is Ryan Walker of Grette Associates, LLC, 151 S Worthen St., Ste 101, Wenatchee, WA 98801, agent for Chelan Lookout LLC, 915 East Pine Street, Suite 100; Seattle, WA 98122.
 3. The application was submitted on March 11, 2015 and deemed complete on April 8, 2015.
 4. The subject property is located at 192 Spader Bay, Chelan, WA 98816 and is further identified as Chelan County Parcel Nos: 27-22-11-597-550, 27-22-11-340-050.
 5. Parcel 27-22-11-597-550 is approximately 7.8 acres in area. Parcel 27-22-11-340-050 is approximately 3.8 acres in area. The project size where improvements are proposed is approximately 2 acres.
 6. The City of Chelan Comprehensive Land Use Plan / Zoning Map identify the subject sites as The Lookout Planned Development District (PDD) Overlay for parcel 27-22-11-597-550 and Special Use District (SUD) for parcel 27-22-11-340-050.
 7. The subject area was annexed into the City of Chelan in 2002, and established as part of the Granite Ridge Planned Development District (PDD) under the City of Chelan applications, SUB2004-01 and PD2004-01.

8. The Granite Ridge Planned Development was amended and superseded by the "The Lookout" Planned Development District - Implementing Regulations (PDD2013-01)".
9. The Granite Ridge Planned Development included a community dock permitted under Shoreline Substantial Development Permit SSDP2004-05.
10. A cultural resources / archaeological survey, dated August 23, 2007, within the subject area was previously prepared for Granite Ridge proposed shoreline improvements. The survey stated no cultural resources were identified.
11. The current proposal is subject to review under the Chelan County Shoreline Master Program (CCSMP) pursuant to WAC 173-26-160.
12. The CCSMP Environmental Designation is Rural.
13. Adjacent Land Uses and Zoning are as follows:
 - 13.1 **North:** Vacant hillside part of The Lookout PDD.
 - 13.2 **South:** Lake Chelan / zoning not designated.
 - 13.3 **East:** Vacant hillside and private road / easement known as Spader Bay Road. Area is zoned Single Family Residential (R-L)
 - 13.4 **West:** Vacant hillside. Area is zoned Special Use District (SUD).
14. The project area has an approximate average slope of 20% (within the 200 ft. shoreline jurisdiction) and includes a relatively flat area, centrally located, adjacent to the lake. The subject site is adjacent to a critical area as defined by CMC Chapter 14.10.
15. Lake Chelan is a Shoreline of Statewide Significance.
16. The Notice of Application was:
 - 16.1 Mailed to property owners of record within 300 feet of the subject property on April 29, 2015; and
 - 16.2 Posted on site and City Hall on April 29, 2015; and
 - 16.3 Published in Lake Chelan Mirror Newspaper on April 29, 2015 and May 6, 2015 (*publication on May 6th corrected and extended the comment due date from May 29 to June 5*); and
 - 16.4 Supplemental notice for clarification of the application to include a zoning conditional use permit (CUP2015-07) was published on June 10, 2015.
17. The Notice of Public Hearing was:
 - 17.1 Mailed to property owners of record within 300 feet of the subject property on August 26, 2015; and
 - 17.2 Posted on site and City Hall on August 26, 2015; and
 - 17.3 Published in Lake Chelan Mirror Newspaper on August 26, 2015.
18. No public comments were received on the subject application.
19. The Notice of Application was referred to the following agencies on April 30, 2015:

- 19.1 Chelan County Public Utility District No. 1 - Tim Larson
 - 19.2 Chelan County Public Utility District No. 1 – Tracy Dunning
 - 19.3 The Confederated Tribes of the Colville Reservation - Guy Moura
 - 19.4 Chelan County Fire District No. 7 - Timothy Lemon
 - 19.5 Department of Natural Resources - Rochelle M. Gross
 - 19.6 Department of Ecology - Andrea Jedel
 - 19.7 Department of Ecology - Gwen Clear
 - 19.8 SEPA Register
 - 19.9 US Army Corps of Engineers - Jess Jordan - Seattle District, Regulatory Branch
 - 19.10 Washington State Department of Fish and Wildlife - Graham Simon
 - 19.11 City of Chelan, Public Works - Deanne Reynolds
 - 19.12 City of Chelan, Building Department - Ron Hanson
20. Agency comments were received from:
- 20.1 Steve Vaugh - Chelan County P.U.D., received 6/1/15
 - 20.2 Jim Ramella – Chelan County P.U.D. received 5/29/15
 - 20.3 Gwen Clear - Department of Ecology, received 5/28/15
 - 20.4 Gretchen Kaehler – Washington State Department of Archeology and Historic Preservation, received 5/28/15
 - 20.5 Guy Moura - CCT, received 5/4/15; an additional email was stated to have been prior to 5/4/15, this e-mail was not received.
 - 20.6 Deanne Reynolds - City of Chelan Public Works, received 7/24/15
21. The application was processed in accordance with the State Environmental Policy Act (SEPA) and CMC 14.06. A Determination of Nonsignificance was issued on August 12, 2015.
22. CCSMP 7.2.280.4 defines the Rural Environment as “an area characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development.”
23. CCSMP 7.2.170 defines Common Line Setback as “a setback from the ordinary high water mark which is determined by averaging the setbacks of structures existing on waterfront. Lots which are adjacent to the one upon which the development is to be built. In the following circumstances, the rear yard setback required in the applicable zoning resolution shall be used in calculating the common line setback for an adjacent lot.”
- 23.1 CCSMP 7.2.170.1 Where no structure exists on a lot(s) adjacent to the proposed development.
 - 23.2 No structures exist on the adjacent properties; the common line setback from the OHWM is fifteen (15) feet based on the rear yard setback of the Special Use District (SUD).
24. CCSMP 7.2.190 defines Conditional Use as “a use listed among those classified in an Environment, but permitted to locate only after review the Administrative Authority or Board of Adjustment and the Department, and only after the granting of a permit imposing performance standards which are specified in this document, and additional standards which may be imposed by the Administrative Authority or Board of Adjustment, or the Department, provided the proposed development does not thwart the policies of R.C.W. 90.58.”

25. CCSMP 7.2.650 defines SWS (Shoreline Works and Structures) as “the term includes bulkheads, seawalls, protective structures, piers, levees, dikes, channelization, docks, rip-rapping, and similar structures.”

26. CCSMP 7.2.800.1 defines Water Dependent Uses as “all uses that cannot exist in any other location and require location on the shoreline by reason of the intrinsic nature of their operations, such as:

26.1 CCSMP 7.2.800.1(g) Shoreline recreation, including parks, bike trails, beaches, etc.

27. CCSMP 29.1 Review Criteria for Substantial Development Permits:

The purpose of a substantial development permit is to facilitate environmentally sound utilization and coordinated planning of the shorelines of Chelan County. A substantial development permit shall be granted only when the proposed project is consistent with all of the following:

- a. The provisions of the Shoreline Management Act RCW 90.58.
- b. The applicable provisions of the Washington Administrative Code.
- c. The Chelan County Shoreline Master Program.

28. The Applicant provided responses to the review criteria of RCW 90.58.020 as follows:

28.1 Recognize and protect the statewide interest over local interest;

There is a statewide interest in providing an adequate inventory of housing and providing recreational access to shorelines of statewide significance associated with residential use of the shoreline. The project will be implemented on privately-owned property that is surrounded by other privately-owned properties that have similar residential uses and structures.

28.2 Preserve the natural character of the shoreline:

The natural character of the shoreline will be preserved to the greatest extent possible while still providing for priority uses of the SMA. The recreational improvements will be concentrated in an existing improved area where two structures were formerly located and recently demolished. Passive improvements such as trails and seating areas have been designed to blend naturally with the topography to minimize new improvements in undisturbed areas. The majority of the residential lots are located landward of the shoreline zone but will have community access to the recreational area. All utilities will be installed underground so as to not negatively impact views. Much of the property within shoreline jurisdiction will be left in its natural state.

28.3 Result in long term over short term benefit:

The short and long term benefits of this project will be increased recreational utilization of the subject properties. The project will facilitate access to the shoreline for a substantial number of properties that will help to moderate future use demands on public parks and recreational facilities.

28.4 Protect the resources and ecology of the shoreline:

Increased use of the action area by residents may contribute to the cumulative effect of greater overall use of Lake Chelan. The project includes environmentally beneficial elements

such as planting woody vegetation along the shoreline, removing asphalt and concrete debris from the lake and upland planting that will increase the amount of woody vegetation on the property. The project includes planting 370 native trees and shrubs within shoreline jurisdiction.

28.5 Increase public access to publicly owned areas of the shoreline:

There is no publicly owned shoreline included in the project. The use of the Chelan Lookout property by its residents will alleviate some use of public parks, thereby allowing more opportunities for others to enjoy Lake Chelan.

28.6 Increase recreational opportunities for the public in the shoreline:

This project will be constructed on privately owned shoreline. However, it will increase access for residents of Chelan Lookout who are members of the public.

28.7 Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary:

RCW 90.58.100 establishes duties for local government when preparing master programs and amendments. This application has been demonstrated to be consistent with the applicable master program and is therefore consistent with RCW 90.58.100.

29. CCSMP Section 29.4 Review Criteria for Shorelines of Statewide Significance:

29.1 CCSMP 29.4.1 The Shoreline Management Act clearly establishes that Shorelines of Statewide Significance should receive additional attention and scrutiny (R.C.W. 90.58.020, WAC 173-16-040(5)) [staff comment: the stated WAC has been repealed and replaced by WAC 173-26], and should be utilized in accordance with the following principles:

- a. Recognize and protect the interest of all Washington State residents equally;
- b. Preserve the natural character of the shoreline;
- c. Consider results in long term over short term benefits;
- d. Protect the resources and ecology of the shoreline;
- e. Increase public access to publicly owned areas of the shoreline;
- f. Increase recreational opportunities for the public.

29.2 All permit applications for a proposed development along Shorelines of Statewide Significance must be shown to be consistent with the intent and spirit of the above mentioned principles.

29.3 The provisions of CCSMP 24.9.1, a – f, are addressed in the applicant responses to RCW 90.58.020 identified above in Finding of Fact #28.

30. CCSMP Section 29.3 Review Criteria for Conditional Use Permits:

30.1 CCSMP 29.3.1 The purpose of a conditional use permit is to allow greater flexibility in administering the Use Regulations in a manner consistent with the policies of the Shoreline Management Act.

30.2 CCSMP 29.3.2 Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the can demonstrate all of the following:

- a. That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the master program.
 - b. That the proposed use will not interfere with the normal public use of public shorelines.
 - c. That the proposed use of the site and design of the project will compatible with other permitted uses within the area.
 - d. That the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is to be located.
 - e. That the public interest suffers no substantial detrimental effect.
- 30.3 CCSMP 29.3.3 Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the regulations of the master program.
- 30.4 CCSMP 29.3.4 In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were for granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of the Shoreline Management Act and should not produce substantial adverse effects to the shoreline environment.
31. The review criteria of CCSMP 29.3.2 are satisfied as follows:
- 31.1 That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the master program:

The proposed swimming pool, hot tub and swim float are consistent with the policies of this Act. The pool and hot tub will meet the applicable 15 ft shoreline and critical area setback. The proposed swim float is similar in size and design to many swim floats authorized on Lake Chelan. All of these uses will help to foster the goal of SMA to increase access to the shoreline for substantial numbers of people
 - 31.2 That the proposed use will not interfere with the normal public use of public shorelines:

This project will not interfere with normal public uses of public shorelines, as there is no public shoreline within the immediate vicinity. The swim float will occupy a miniscule portion of the waters available for public navigation and will be within the proposed line of navigational marker buoys.
 - 31.3 That the proposed use of the site and design of the project will compatible with other permitted uses within the area:

The proposed swimming pool, hot tub and swim float will be compatible with other permitted uses in the area, including private residences and associated structures and recreational uses that include conditional uses and structures on other properties. These proposed improvements will help to enhance the residential use of the property.
 - 31.4 That the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is to be located:

The proposed uses will be located in the existing improved area of the property which will minimize and avoid disturbance of the natural environment. The shoreline environment designation for the property is Rural. The proposed swimming pool and mooring buoys are

consistent with this designation, which allows for structures to land and moor boats, and gives preference for residential and recreational uses providing access to the shoreline.

- 31.5 That the public interest suffers no substantial detrimental effect:

Much of the shoreline of Lake Chelan is privately owned and subdivided for residential and recreational development. The proposed project would be consistent with the shoreline use of the adjacent properties and other properties on Lake Chelan. The proposed conditional uses would have no detrimental effect on the public interest or use of the shoreline.

32. The review criteria of CCSMP 29.3.3 are satisfied as follows:

The proposed conditional uses are the same uses as have been routinely approved by local jurisdictions and the Department of Ecology. They are not listed in the CCSMP due to it being written approximately 40 years ago. Since that time pools, hot tubs and swim floats have become commonplace on Lake Chelan as evidenced by their routine approval.

33. The review criteria of CCSMP 29.3.4 are satisfied as follows:

Many of these uses have been approved and there has been no measurable cumulative impact. Because these uses are so similar to uses that are allowed (docks, marinas, recreational structures, etc.) as substantial developments and exemptions their impacts will be similar to those of developments allowed by SMA. Because this property is so unique and much of the shoreline in Chelan is developed there are few, if any, areas where similar circumstances for future development exist. In conclusion, the total of the conditional uses would remain consistent with the policies of the Shoreline Management Act and would not produce substantial adverse effects to the shoreline environment.

34. CCSMP Section 9 General Shoreline Use Activity Regulations:

34.1 CCSMP 9.6.1 Patios and sidewalks which are not elevated more than nine (9) inches above the existing grade at any point and which are constructed of poured concrete, wood, brick, or other like materials and which lie directly on the ground, shall be permitted up to but no further than the ordinary high water mark EXCEPT that no roof or enclosure of any kind associated with said patio or sidewalk may extend beyond the applicable setback requirements of these Use Regulations.

34.2 The application materials include pedestrian trails that appear to meet the requirements of CCSMP Section 9.6.1. The proposed patio area associated with the pool and changing room show the southwest corner located landward of the OHWM; no roof overhang is depicted beyond with the required setback area.

35. CCSMP Section 21.2 Shoreline Works and Structures (Rural Environment):

35.1 CCSMP 21.2 SWS may be permitted on Rural shorelines subject to the regulations given below; provided they do not substantially change the character of the Environment and are a part of the project defined as water dependent or water related.

35.2 CCSMP 21.2.1 Section 21.1.1 through .5 above shall apply on Rural shorelines (Urban Environment)

35.3 CCSMP 21.1.1 The portions of the criteria governing the design of bulkheads, landfills, and marinas for the protection of fish and shellfish resources adopted by the Washington State Department of Fisheries, 1971, may be utilized in preparation of conditions granting a permit.

35.4 CCSMP 21.2.2 The building of any SWS shall be responsible for adverse effects on the property of others caused by his construction and shall take all necessary precautions to minimize such effects.

- 35.5 CCSMP 21.1.3 Joint use dock facilities shall be required for any subdivision, multifamily residences, or commercial and industrial enterprises in close proximity to each other which are initiated after the effective date of the resolution.
- 35.6 CCSMP 21.1.4 SWS shall be designed and constructed to blend with surrounding development insofar as feasible.
- 35.7 CCSMP 21.1.5 The use of bodies, construction debris and/or discarded pieces of equipment or appliances for stabilization of shorelines or any other is prohibited.
- 36. CCSMP Section 21 Shoreline Works and Structures (9/24/93 Amendment):
 - 36.1 CCSMP 21.A.6.1(b) For all subdivisions, short subdivisions and all other division of land occurring after 5/3/94 the date of adoption of this amendment, community docks or piers shall be encouraged and may be allowed where they are found to be consistent with the provisions of this program. No single use piers or docks may be authorized for any subdivision, short subdivision or other division of land nor for any lot within such subdivision, short subdivision or other division of land except in accordance with the provisions of Section 21.A.8.
 - 36.2 CCSMP 21.A.6.2(b) Community Piers and Docks:

Length: Not more than 40 feet from the OHWM plus 10 feet for residential unit with use rights in excess of two residential units up to a maximum of 80 feet provided that a greater length may be authorized up to the minimum length necessary to reach a depth of twelve feet below OHWM at the waterward end of the pier or dock.

Width: The maximum width of the walkway shall not exceed eight feet.

Area: The total area of the pier or dock shall not exceed 320 square feet provided that docks or piers in excess of 40 feet in length pursuant to the provisions above may add eight square feet for each one foot of additional length authorized and may add 50 square feet for residential unit with use rights in excess of one residential unit.
 - 36.3 CCSMP 21.A.6.4 Side Yard Setbacks:

On lots with shoreline frontage, private and community docks and piers shall be setback a minimum of ten (10) feet from side property lines, EXCEPT that they may be located adjacent to or upon a side property line when mutually agreed to by contract/covenant with the owners of the adjacent property, a copy of which must be recorded with the County Auditor.
 - 36.4 CCSMP 21.A.6.5 Density:

Community docks and piers shall include no more than one (1) permanent moorage space per dwelling unit or lot. Guest moorage shall be allowed on a case-by-case basis.
 - 36.5 CCSMP 21.A.7.1 Urban, Rural and Conservancy – Permitted subject to the standards.
 - 36.6 The application materials depict the proposed community dock meeting the dimensional standards for length, width, area, and side yard setbacks. Permanent moorage is not proposed for the community dock.
- 37. The review criteria of CCSMP Section 21 are satisfied as follows:
 - 37.1 Per Section 21 of the CCSMP Shoreline Works and Structures (SWS) are permitted on the shoreline. Per CCSMP 7.2.650, SWS includes bulkheads, seawalls, protective structures, piers, levees, dikes, channelization, docks, rip-rapping, and similar structures. The restoration and stabilization of the shoreline and the excavation of the shoreline for the swim area qualify as SWS.

- 37.2 Per CCSMP 21.1.2 the builder of SWS shall be responsible for effects on property of others and shall take precautions to minimize such affects. This project is not anticipated to cause any negative effects to other properties. The reduced erosion and removal of debris from the lake will have an overall positive effect on the quality of water in the vicinity of the project.
- 37.3 Per CCSMP 21.1.4 SWS shall be designed and constructed to blend with surrounding development insofar as feasible. The removal of debris and planting of native vegetation will help to blend the project with surrounding shorelines that have natural rock and native vegetation. The swimming area has been designed to be excavated out of the existing upland thereby blending in with the overall recreation area and shoreline of the proposed project.
- 37.4 Per CCSMP 21.1.5 the use of car bodies, construction debris, and/or discarded pieces of equipment or appliances for stabilization of shorelines is prohibited. This project will help to repair and remove past armoring accomplished with the use of old concrete and asphalt. Removal of this material and replacement with natural materials such as angular rock, sand and native vegetation will improve the natural character of the shoreline and provide for compliance with this section.
- 37.5 The excavated swim beach is considered to modify and extend the OHWM. The modified OHWM surrounding the swim beach area does not result any of the proposed improvements being within the fifteen (15) foot common line setback from. The proposed habitat reef at approximately 3,000 square feet provides mitigation of the swim beach at a ratio of 3:1 in area.
38. CCSMP Section 25 Utilities:
- 38.1 CCSMP 25.1 All Environments
- 38.2 CCSMP 25.1.1 Underground utility system, such as pipelines, sewer lines, water lines, and similar facilities may be permitted on all shorelines; PROVIDED all such facilities shall be designed and constructed to sound engineering standards to prevent future environmental degradation.
- 38.3 CCSMP 25.1.2 A Permit may be granted subject to the following regulations:
- a. All utility systems shall be underground except where the presence of bedrock or other obstructions makes undergrounding prohibitive; PROVIDED electric transmission lines in excess of 15 KV are exempt from undergrounding.
 - b. Where such utility systems cross shoreline areas, clearing necessary for installation or maintenance shall be kept to the minimum width necessary to prevent interference by trees and other vegetation with proposed transmission facilities.
 - c. Upon completion of installation of such utility system or of any maintenance project which disrupts the environment, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide an attractive, harmonious vegetative cover.
 - d. The applicant for an underwater utility corridor must show that provisions have been made to insure against substantial or permanent damage to the affected waterway.
39. CCSMP Section 25 is satisfied as follows:
- 39.1 Per Section 25—Utilities of the CCSMP, underground utilities are permitted on all shorelines. Such utilities for the project, water, electricity, fiber, etc. will be installed

underground as required and area of installation will be restored and/or replanted where feasible. Existing overhead utilities have previously been removed to help facilitate compliance with this section.

40. CCSMP Section 28 Recreation:

- 40.1 CCSMP 28.2 Rural Environment – Medium intensity recreational uses such as golf courses, fully developed campgrounds, swimming beaches, picnic facilities, etc., may be permitted on Rural shorelines, subject to the following regulations.
- 40.2 CCSMP 28.2.1 Section 28.1.1 through 28.1.6 above shall apply (Urban Environmental Designation)
- 40.3 CCSMP 28.1.1 Parking lots for nine or fewer vehicles shall be to the common line setback as defined in Section 7.2.170
- 40.4 CCSMP 28.1.2 Parking lots with spaces for ten or more vehicles shall not be located within fifty (50) feet of the ordinary high water mark.
- 40.5 CCSMP 28.1.3 A recreational facility or structure which markedly changes or detracts from the character of the local environment shall be prohibited.
- 40.6 CCSMP 28.1.4 Access roads to recreational facilities shall be to the regulations for roads in Section 26.
- 40.7 CCSMP 28.1.5 Access roads and parking lots shall be paved.
- 40.8 CCSMP 28.1.6 The design, construction and operation of recreational facilities shall be such that undue adverse impacts on adjacent properties are minimized.

41. The review criteria of CCSMP Section 28 is satisfied as follows:

- 41.1 Section 28—Recreation of the CCSMP allows for any recreational use to be permitted on the shoreline. Uses proposed for this project are both water dependent (park, dock, swim float, swimming area, and shoreline recreation) and water related (pool, hot tub, resort). Water dependent uses are not required to meet the common line setback which has been calculated to be 15 feet. Water related recreation must meet the common line setback and all such proposed uses will comply with the required distance from the lake.

- 41.2 The proposed project is consistent with intent and criteria for medium intensity recreation uses for the swimming beach, pedestrian trails, and recreational structures.

The application materials do not propose any parking facilities within 50 feet of the OHWM. Comments from the Public Works Department note that additional parking for the swimming pool will need to be provided off site.

The application materials indicate no new access roads are proposed at the subject site; existing access roads would remain in place. Comments received from the Public Works Department state no vehicle traffic, other than emergency vehicles, would be allowed on the access roads.

Based on the application materials, the design and operation of the proposed recreation facilities, size of the project area, and distance to adjoining properties, restrains potential impacts on adjacent properties and detracts of the character of the local environment.

42. City of Chelan Municipal Code 17.56.300 Community waterfront parks.

- A. Purpose. The intent of this section is to provide provisions for public open spaces and water access.
- B. District permitted: all zoning districts.

C. Minimum Conditions.

1. Required lineal feet of shoreline:

- a. Twenty contiguous lineal feet of shoreline for each residential unit, including multi-family, that is allowed access to the community waterfront area.
- b. Any subdivision or multi-family development that provides contiguous shoreline greater than three hundred feet in length would be excluded from this requirement.

D. Buffers between Community Waterfront and Noncompatible Uses. Buffers to include physical spacing and visual screening will be required between parks and community waterfront and adjacent, noncompatible uses. Fences shall be placed on the dividing property line. Plantings shall be placed on property owned and maintained by the developer.

1. Buffers shall be created for all community waterfront parks adjacent to single-family homes.
2. New community waterfront parks adjacent to existing, unlike development shall provide visual and trespass-inhibiting screening to include the following:
 - a. A minimum six-foot (except for front yard fence requirements of the zoning district), sight-obscuring, trespass-resistant fence.
 - b. Plantings to include a minimum single row of evergreen shrubs or trees which will achieve a height of no less than six feet at maturity, spaced at appropriate intervals to provide a solid screen at maturity. (Plantings should be drought-tolerant and hardy to winter conditions typical to the area. Nuisance shrubs and trees, or those with root systems likely to damage pavement, utilities, fencing, adjacent lawns, or adjacent properties are prohibited.)
 - c. A minimum planting bed width of ten feet.
3. A planting plan submitted by a certified landscape architect. The plan must identify plantings that will achieve the visual screening, trespass inhibiting, and long-term sustainability goals of this section. (The planting plan must be submitted prior to project approval, and must comply with all other planting requirements of this code.)
4. An irrigation system sufficient to serve the entire planting strip. (An irrigation plan must be submitted prior to project approval.)
5. Maintenance of landscaped buffers shall be the responsibility of the property developer or future owner(s) of subject property. The long-term maintenance plan must be submitted with the landscape plan and approved by the responsible city official. A note on the deed will specify a responsibility for the long-term maintenance of the buffer to run with the land.
 - a. All planting beds must be weeded and maintained regularly. Maintain ten-foot width of beds to prevent encroachment from adjacent lawns.
 - b. Diseased or dying shrubs or trees must be replaced with similar items projected to achieve the desired screening effect.
 - c. Fences must be maintained in good order at all times.

6. Buffer planting, including plant materials, soil preparation, mulch, irrigation, and maintenance, shall be in accordance with the most current version of Standard Specifications for Road, Bridge and Municipal Construction, published by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association (WSDOT/APWA), and any special provisions developed by the project landscape architect. See Section 25.05.080(A).
- E. Lighting. Compliance with the Dark Sky Ordinance, Chapter 17.62, and the city park and recreation design standards.
- F. Other Requirements. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.
- 42.1 The subject site meets the lineal footage requirements being in excess of 300 feet in length. Adjacent property are currently unimproved / vacant and do not trigger requirements for screening / buffers.

The submitted application meets the requirements of the conditional use permit criteria for Community Waterfront Parks; analysis of compatibility of adjacent uses, mitigation plantings / buffers, allowed uses, and setback requirements are addressed by the shoreline permit review.
43. The City of Chelan Comprehensive Plan goals and policies support the proposal as follows:
 - 43.1 Natural Systems Critical Areas
 - 43.1.1 GOAL 1: PROTECT WATER QUALITY.
 - 43.1.2 Policy 4: Development along the shoreline shall comply with Federal, State, and City guidelines to ensure minimum impact on water quality.
 - 43.2 Open Space / Recreation
 - 43.2.1 GOAL 2: IDENTIFY AND PROVIDE FOR THE PARKS AND RECREATION NEEDS OF RESIDENTS AND VISITORS.
 - 43.2.2 Policy 4: Encourage public and private recreation development and natural amenities which attract residential and recreational development to lands within the Urban Growth Area.
 - 43.2.3 GOAL 3: ENCOURAGE THE DEVELOPMENT OF RECREATION FACILITIES AND OPPORTUNITIES
 - 43.2.4 Policy 3: Allow public and private development of adequate camping, boat launching, docking and moorage facilities, marinas, and other water-related recreational opportunities on Lake Chelan and the Columbia River.
44. Agency comments:
 - 44.1 City of Chelan Public Works, received 7/24/15:

Domestic water is already provided by a 10" line down to the waterfront. All water line extensions off this existing line must meet the requirements of Sections 1 & 2 of the Development Standards.

The application materials mention changing rooms and restrooms down at the waterfront. At this time, no sanitary sewer service is available. Also, a swimming pool and hot tub are proposed for the site, and provisions must be made for disposal of water from these

facilities. Sewer lines and facilities must be constructed to meet the needs of the waterfront, and must be designed per the requirements of Sections 3 & 4 of the Development Standards.

The road currently leading down to the waterfront does not meet the requirements of our Development Standards, and therefore vehicular access will be limited to emergency vehicles only. No other vehicular traffic will be allowed on this road. However, parking will still need to be provided somewhere on The Lookout site for the swimming pool. The swimming pool parking requirement is 1 parking stall per 50 SF of enclosed/fenced pool area, per Section 9-6, item 24 of the Development Standards.

All development within this shorelines area (200' from the OWHM) must meet the requirements of the City of Chelan Development Standards.

- 44.2 Washington State Department of Ecology, received 5/28/15:

WATER QUALITY

This project is in the Lake Chelan watershed which has a TMDL (Total Maximum Daily Load) addressing water quality impairments for PCBs, DDT, and phosphorus. This project will need to protect the waters in Lake Chelan from further degradation. Project planning, development and use of the site needs to include best management practices to keep all soils and other pollutants out of the lake.

DDT and PCBs tend to accumulate in sediment, plants, aquatic plants and animals, and fish. DDT is regularly found in waters near fruit orchards.

The swimming area with connection to the lake that you've planned will require safeguards to prevent contaminated pool water from entering the lake at any time. Chlorinated water cannot be allowed to drain into the lake.

TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

- 44.3 Chelan County P.U.D., received 6/1/15:

Chelan County PUD (the District) owns flowage easements around the Lake Chelan Reservoir. The District, in compliance with its Federal Energy Regulatory Commission's license to operate the Lake Chelan Hydroelectric Project, governs the land lying waterward of the 1100 foot Easement Elevation Line and has the right to permanently flood to that elevation. Any proposed land uses, improvements and/or alterations, including changes in soil or vegetation, at or below said elevation, require the District's prior written approval in the form of a Chelan County PUD license signed by the District. Please see the enclosed Lake Chelan Flowage Easement Restrictions for additional information.

The construction of a community use pier (6' x 50') is considered to have minimal impact within the District's project boundary which is at an elevation of 1100 feet above sea level on this property. The District has the right to permanently impound waters of Lake Chelan to an elevation of 1100 feet above sea level on this property.

This preliminary review does not constitute a license. Provided, all District conditions are met, the proposed construction has been approved by all governing agencies AND provided

no substantial changes have been made to the project since this review, a Chelan County PUD license will be issued upon request of the property owner.

Please withhold final construction approval until the City of Chelan's Planning & Community Development Department is provided a signed copy of the Chelan PUD license for this project.

44.4 Confederated Tribes of the Colville Reservation, received 5/4/15:

John, in addition to the email I sent last week, SEPA rules require the permitting agency to ensure that all proper studies have been completed and incorporated into planning. It is your (City of Chelan's) responsibility to compel the proponent to conduct the necessary studies to respond to SEPA item #13. Historic and Cultural Preservation.

WAC 197-11-080, specifies if information on significant impacts is not known, agencies shall obtain and include the information in the environmental documents if the costs are not exorbitant. When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies must state such information is lacking or that substantial uncertainty exists. If the agency proceeds, it shall indicate in environmental documents its worst case analysis and the likelihood of occurrence.

In this case, the worst case scenario is that significant cultural resources will be adversely impacted by the undertaking. As explained in the previous communication. Knowingly disturbing archaeological site or Native American graves is an illegal act.

44.5 Washington State Department of Archeology and Historic Preservation, received 5/28/15:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). Based on the documents provided for the above project and archaeological information at DAHP, the project will be within a precontact archaeological site 45CH468 and a permit from DAHP will be required under RCW 27.53. There have also been reports of human burial disturbances in the vicinity.

Please be aware that archaeological sites are protected from knowing disturbance on both public and private lands in Washington States. Both RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from our Department before excavating, removing, or altering Native American human remains or archaeological resources in Washington. Failure to obtain a permit is punishable by civil fines and other penalties under RCW 27.53.095, and by criminal prosecution under RCW 27.53.090.

Chapter 27.53.095 RCW allows the Department of Archaeology and Historic Preservation to issue civil penalties for the violation of this statute in an amount up to five thousand dollars, in addition to site restoration costs and investigative costs. Also, these remedies do not prevent concerned tribes from undertaking civil action in state or federal court, or law enforcement agencies from undertaking criminal investigation or prosecution. Chapter 27.44.050 RCW allows the affected Indian Tribe to undertake civil action apart from any criminal prosecution if burials are disturbed.

The DAHP permit requires the services of a professional archaeologist and may take between 45 and 60 days to issue after a sufficient permit application has been received. No ground disturbance may take place until the permit has been issued and received.

45. The City of Chelan Department of Planning and Community Development recommended approval of the requested permits, subject to recommended conditions of approval.

46. An open record public hearing after legal notice was held on September 9, 2015.

47. Appearing and testifying at the hearing on behalf of the applicant was Ryan Walker. Mr. Walker testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Walker testified that the proposed Conditions of Approval were all acceptable to the applicant.
48. No member of the public testified at the hearing.
49. At the open record public hearing, the entire planning staff file was admitted into the record.
50. Public agencies with potential jurisdiction over this project were given an opportunity to review the proposal. Agencies that responded with comments were admitted into the record and considered by the Hearing Examiner in rendering this Decision.
51. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

CONCLUSIONS

1. The Hearing Examiner has been granted authority to render this Decision.
2. The Hearing Examiner has jurisdiction to render a final decision on a shoreline substantial development permit (Type III application) according to CMC Title 19, Administration of Development Regulations and CMC Title 2, Chapter 2.15 – Hearing Examiner.
3. The application was processed in accordance with procedures outlined in CMC Title 19 – Administration of Development Regulations, Title 14 – Environmental Protection, and Title 17 – Zoning
4. The proposal is for a substantial development permit, shoreline conditional use permit, and zoning conditional use permit within a shoreline of statewide significance.
5. The proposal is consistent with the policies of Chelan County Shoreline Master Program.
6. The proposal is consistent with the policies of RCW 90.58 and WAC 173-27.
7. The proposed use will not interfere with the normal public use of public shorelines.
8. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program.
9. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.
10. The proposal is not a prohibited use within the Chelan County SMP.
11. The public interest will suffer no substantial detrimental effect from the proposed use.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

This permit is granted pursuant to the Shoreline Master Program of the City of Chelan, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit. Said periods may be extended for a single period of not more than one (1) year, on reasonable bases, provided that application is made to the City prior to the expiration of said period(s). The running of the periods shall not include the time incurred obtaining other permits necessary for the completion of the project.

Approved this 14th day of September, 2015.

CITY OF CHELAN HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the "date of receipt" as defined in RCW 43.21B.001 to file a petition for review with the Shorelines Hearings Board as provided for in Washington law.

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A
CONDITIONAL USE OR VARIANCE PERMIT**

Date received by the Department _____

Approved _____

Denied _____

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

Date

Signature of Authorized Department Official



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

October 13, 2015

Chelan Lookout LLC
Attn: Ted Schroth
915 East Pine Street, Suite 100
Seattle, WA 98122

Re: City of Chelan Permit SDP 2015-05, SCUP 2015-01
Chelan Lookout LLC - Applicant
SIMULTANEOUS FILING OF
Approved Shoreline Substantial Development Permit (SDP) #2649
Approved Shoreline Conditional Use Permit (CUP) #835

Dear Mr. Schroth:

On October 5, 2015, the Department of Ecology received the City of Chelan's decisions on your permits for the Lookout "Community Waterfront Park" consisting of improvements within the 200 foot shoreline jurisdiction for the use of the Chelan Lookout Community. Improvements include installation of utilities, grading, construction of trails, swimming pool, hot tub, recreational structures including a gazebo, trellis, pavilion with cooler, poolside cabanas, pump house, changing room, pier, swim float, buoy line, removal of concrete/asphalt debris from the lake, stabilization of an eroding shoreline and excavation of a swim area in the upland that will be connected with Lake Chelan.

The project also includes the removal of unauthorized rock stairs that were installed in 2014. The area will also be landscaped with native trees and shrubs that will be irrigated to ensure their survival. In addition to the plantings, the project also includes construction of an underwater habitat reef in Lake Chelan.

Your approved SDP and CUP have been filed with Ecology.

By law, Ecology must review SDP and CUPs for compliance with:

- The Shoreline Management Act (Chapter 90.58 RCW)
- Ecology's SDP approval criteria (Chapter 173-27-150 WAC)
- Ecology's CUP approval criteria (Chapter 173-27-160 WAC)
- The City of Chelan Local Shoreline Master Program.

Local governments, after reviewing SDPs for compliance, are required to submit them to Ecology. Your approved SDP has been received by Ecology.

After reviewing CUPs for compliance, Ecology must decide whether to approve, approve with conditions, or disapprove them.



Chelan Lookout LLC
Attn: Ted Schroth
Page 2 of 2
October 13, 2015

Our Decision on your CUP:

Ecology approves your CUP, provided your project complies with the conditions required by City of Chelan.

Please note, however, that other federal, state, and local permits may be required in addition to these shoreline permits.

What Happens Next?

Before you begin activities authorized by this permit, the law requires you wait at least 21 days from October 13, 2015, the "date of filing." This waiting period allows anyone (including you) who disagrees with any aspect of this permit to appeal the decision to the state Shorelines Hearings Board.

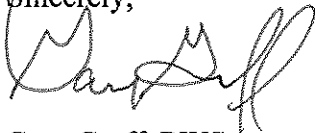
You must wait for the conclusion of an appeal before you can begin the activities authorized by this permit.

We recommend contacting the Shorelines Hearings Board at (360) 664-9160 before beginning permit activities to ensure that no appeal has been filed. Information on appeals is also posted at http://www.eluho.wa.gov/Decision/Search_Cases. Select "Shorelines Hearings Board" from the drop down menu labeled "Board" and enter "Search." The most current appeal will appear on top.

If you want to appeal this decision, you can find appeal instructions (Chapter 461-08 WAC) at the Shorelines Hearings Board website above. They are also posted on the website of the Washington State Legislature at: <http://apps.leg.wa.gov/wac/>.

If you have any questions about this letter, please contact Andrea Jedel at (509) 454-4260.

Sincerely,



Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program

cc: Craig Gildroy, City of Chelan
ec: John Ajax, City of Chelan
Jess Jordan, USACE
Graham Simon, WDFW
Shane Early, DNR



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: November 05, 2015
Project End Date: November 05, 2019

Permit Number: 2015-2-155+01
FPA/Public Notice Number: N/A
Application ID: 5358

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Chelan Lookout LLC ATTENTION: Ted Schroth Oddfellows Building, 915 East Pine Street, Suite 100 Seattle, WA 98122	Grette Associates LLC ATTENTION: Ryan Walker 151 S Worthen St, Ste 101 Wenatchee, WA 98801-3025

Project Name: Chelan Lookout LLC Shoreline Improvement Project

Project Description: Chelan Lookout LLC is applying to construct improvements for the use of the Chelan Lookout community. Improvements will include installation of utilities, grading, construction of trails, swimming pool, hot tub, recreational structures including a gazebo, trellis, pavilion with cooler, poolside cabanas, pump house, changing room, pier, swim float, buoy line, removal of concrete/asphalt debris from the lake, stabilization of an eroding shoreline and excavation of a swim area in the upland that will be connected with Lake Chelan. The project also includes the removal of unauthorized rock stairs that were installed in 2014. The area will also be landscaped with native trees and shrubs that will be irrigated to ensure their survival. In addition to the plantings the project also includes construction of an underwater habitat reef in Lake Chelan. All improvements will be constructed on privately owned property owned by the applicant.

PROVISIONS

- 1. TIMING LIMITATION:** You may begin the project on immediately and you must complete the project by November 5, 2019.
Provided all inwater work must be completed in the dry when the lake level is down or be isolated from flowing water with a cofferdam
- 2. RE-VEGETATION:** You must complete re-vegetation by no later than 1 year post construction, and you must monitor the success of the re-vegetation through 2019.
- 3. APPROVED PLANS:** You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled Brewster Shoreline Protection, dated 31 March 2015, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project proposal.

NOTIFICATION REQUIREMENT

- 4. PRE- AND POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.



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5. PHOTOGRAPHS: You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

6. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

STAGING, JOB SITE ACCESS, AND EQUIPMENT

7. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
8. Use existing roadways or travel paths.
9. Clearly mark boundaries to establish the limit of work associated with site access and construction.
10. This Hydraulic Project Approval does not authorize the removal of riparian zone vegetation.
11. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the preproject location before leaving the job site.
12. Confine the use of equipment to the specific access and work corridor shown in the approved plans.
13. Equipment used for this project may operate waterward of the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) do not enter or operate waterward of the ordinary high water line.
14. Station and operate equipment used for this project from approved shoreline areas or a barge.
15. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.
16. Use environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols in equipment operated in or near the water.
17. Operate and anchor vessels and barges during construction in a manner that protects native aquatic vegetation.
18. Heavy equipment shall work from a barge or onshore staging areas with the exception of an excavator arm or bucket.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT



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19. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).
 20. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.
 21. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.
 22. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.
 23. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater unless the material is approved by the Washington Department of Fish and Wildlife for reuse in the project.
 24. Deposit all trash from the project at an appropriate upland disposal location.

CONSTRUCTION MATERIALS

25. Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
26. Do not stockpile construction material waterward of the ordinary high water line.
27. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).

LAKE SHORELINE STABILIZATION

28. The length of the bank protection must not exceed 312 feet.
29. Install the toe to protect the integrity of bank protection material.
30. Bury the base of the structure deep enough to prevent undermining.
31. Do not release overburden material into the waters of the state when resloping the bank.
32. Do not use bed gravel for exterior armor or backfill unless approved by the Washington Department of Fish and Wildlife.
33. Place bank protection or shoreline stabilization material and biodegradable filter blanket material from the bank or a barge. Dumping material onto the bank face may occur only if the toe is established and the material can be confined to the bank face.
34. Place geotextile cloth or biodegradable filter blanket material before placing the bank protection material.
35. Avoid damaging existing vegetation when placing bank protection material.
36. Backfill all trenches, depressions, or holes created waterward of the ordinary high water line prior to inundation by



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high water or wave action.

PIER & SWIM FLOAT

37. The design and location of the pier, ramp, float or dock, and associated moorings must avoid shading of native aquatic vegetation.

38. The pier, ramp, and float or dock structure must not exceed a total length of fifty five feet.

39. The structure must include functional grating. The grating material's open area must be at least sixty percent. a. Grating installed parallel to the length of the pier must extend the length of the pier and cover at least thirty percent of the deck area. b. The ramp must have one hundred percent of the entire deck surface covered in functional grating. c. The float must have at least fifty percent of the entire deck surface covered in functional grating. Orient grating so the lengthwise opening maximizes the amount of light penetration. Any objects that are not part of the structure on, above, or below the grating should not block light penetration. Flotation must be located under the solid decked area only.

40. Do not construct skirting, including batter fencing, around piers, docks or floats.

41. Use low-intensity lights that are located and shielded to prevent light from reaching the water surface.

PILE

42. As specified in the approved plans, the eight (8) pilings must be six (6) inch diameter steel pilings.

43. Do not use wood treated with oil-type preservative (creosote, pentachlorophenol) in any hydraulic project. Wood treated with waterborne preservative chemicals (ACZA, ACQ) may be used if approved by the Western Wood Preservers Institute for use in the aquatic environment. Any use of treated wood in the aquatic environment must follow guidelines and best management practices available at www.wwpinstitute.org.

44. Fit all pilings with devices to prevent perching by fish-eating birds.

45. The use of a vibratory and/or an impact hammer, or a water jet, is authorized for piling installation under this Hydraulic Project Approval, however a vibratory driver is preferred.

46. Sound attenuation methods are required for the driving or proofing of steel piles with an impact hammer below the ordinary high water line. For impact driving of steel piles that exceed the following criteria, a bubble curtain or other Washington Department of Fish and Wildlife approved sound attenuation device must be used. The specific criteria include sound pressure levels of:

- a. Greater than or equal to 206 dB (one micropascal squared per second) peak,
- b. Greater than or equal to 187 dB (one micropascal squared per second) accumulated sound exposure level (SEL) for fish greater than or equal to 2 grams, and
- c. Greater than or equal to 183 dB (one micropascal squared per second) (SEL) for fish less than 2 grams.
- d. Install a bubble curtain around the pile during all driving operations to ensure proper sound attenuation. The bubble curtain must distribute air bubbles around 100 percent of the perimeter of the piling over the full length of the pile in the water column.

47. The diameter of sleeved piles must be no more than three inches greater than the diameter of the existing piles.

BOUY LINE



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48. Design and locate the mooring buoy anchoring system to avoid damage to native aquatic vegetation.
 49. Design the mooring buoy anchoring system to prevent the anchor from shifting or dragging along the bed.
 50. Either an embedded anchor or precast concrete anchor on the sea floor may be used.
 51. Design the buoy system with a mid-water float(s) so that anchor lines do not drag.
 52. The buoy must have a shell that is resistant to ultraviolet radiation (sunlight) and abrasion caused by rubbing against vessels, the bed, and/or waterborne debris.
 53. NOTE: The mooring buoy should be marked with a Department of Natural Resources issued identification number, and a Washington Department of Fish and Wildlife identification number consisting of the Hydraulic Project Approval Application ID Number followed by WDFW. For example, if the Application ID Number is 6456, then the mooring buoy identification number is 6456WDFW.

SWIM AREA

54. Place boundary markers to identify the excavation zone.
55. Excavation must start at the excavation line and proceed toward the bank or the center of the bar, perpendicular to the alignment of the watercourse.
56. Do not remove bed material from the waterward side of the excavation line.
57. Do not place or operate equipment within the wetted perimeter of the watercourse.
58. At the end of each workday, the excavation zone must not contain pits, potholes, or depressions that may trap fish because of fluctuating water levels.
59. Retain large woody material waterward of the ordinary high water line. Large wood within the excavation zone must be repositioned within the watercourse. Other debris must be disposed of so it will not reenter the watercourse.
60. Work in the dry water-course (when no natural flow is occurring in the channel, or when flow is diverted around the job site).
61. To avoid fish stranding, the bed must not contain pits, potholes, or large depressions upon completion of the dredging.

DEMOBILIZATION AND CLEANUP

62. To prevent fish from stranding, backfill trenches, depressions, and holes in the bed that may entrain fish during high water or wave action.
63. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.
64. Apply the native erosion control grass seed mix, such as one consisting of: 30% Hard fescue (*Festuca trachyphylla*), 20% Sheep fescue (*Festuca ovina*), 20% Crested wheatgrass (*Agropyron desertorum*), 20% Rush intermediate wheatgrass (*Thinopyrum intermedium*), 10% Sherman big bluegrass (*Poa secunda* 'Sherman') at a rate of



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10-12 lbs./acre and lightly compact with a compactor, excavator bucket or the equivalent.

65. Replace native riparian zone and aquatic vegetation, and wetland vascular plants (except noxious weeds) damaged or destroyed by construction using a proven methodology.

66. Complete replanting of riparian vegetation during the first dormant season (late fall through late winter) after project completion per the approved plan. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.

67. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.

68. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

LOCATION #1:	Site Name: Lake Chelan 192 Spader Bay, Chelan, WA 98816					
WORK START:	November 5, 2015			WORK END:	November 5, 2019	
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
47 - Chelan		Lake Chelan			Columbia River	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
SW 1/4	11	27 N	22 E	47.8450	-120.0419	Chelan
<u>Location #1 Driving Directions</u>						
From Chelan, follow SR 150 toward Manson. Turn left onto Bighorn Way. Follow the road to up the hill which turn into porcupine Lane and continue around the loop to the south. Turn right onto Foxglove Lane that leads down to the water. Follow the driveway down to the lake.						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person (s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.



HYDRAULIC PROJECT APPROVAL

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The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the control number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the control number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, payment of the application the original application was subject to an application fee, and the requestor's signature. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: November 05, 2015

Project End Date: November 05, 2019

Permit Number: 2015-2-155+01

FPA/Public Notice Number: N/A

Application ID: 5358

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: November 05, 2015

Project End Date: November 05, 2019

Permit Number: 2015-2-155+01

FPA/Public Notice Number: N/A

Application ID: 5358

Habitat Biologist

Graham.Simon@dfw.wa.gov

Graham Simon

509-662-0503

A handwritten signature in black ink, appearing to read "Graham Simon".

for Director

WDFW

Exhibit D

PARKING MANAGEMENT PLAN

OVERVIEW

This document provides specifics about parking regulations at the Lookout, including:

- 1) Designated parking areas for “Winery District”
- 2) Parking areas and trial period for Jackrabbit and Porcupine Lanes
- 3) Enforcement mechanisms for all parking regulations
- 4) Location of utility parking area
- 5) Lookout Shuttle structure
- 6) Waterfront Parking
- 7) Appendix A: Parking Regulations in Lookout CC&R’s and Policies and Procedures
- 8) Appendix B: Parking Overlay

Text refers to the attached Parking Overlay, which shows the various Districts in the Lookout and proposed parking guidelines within each District.

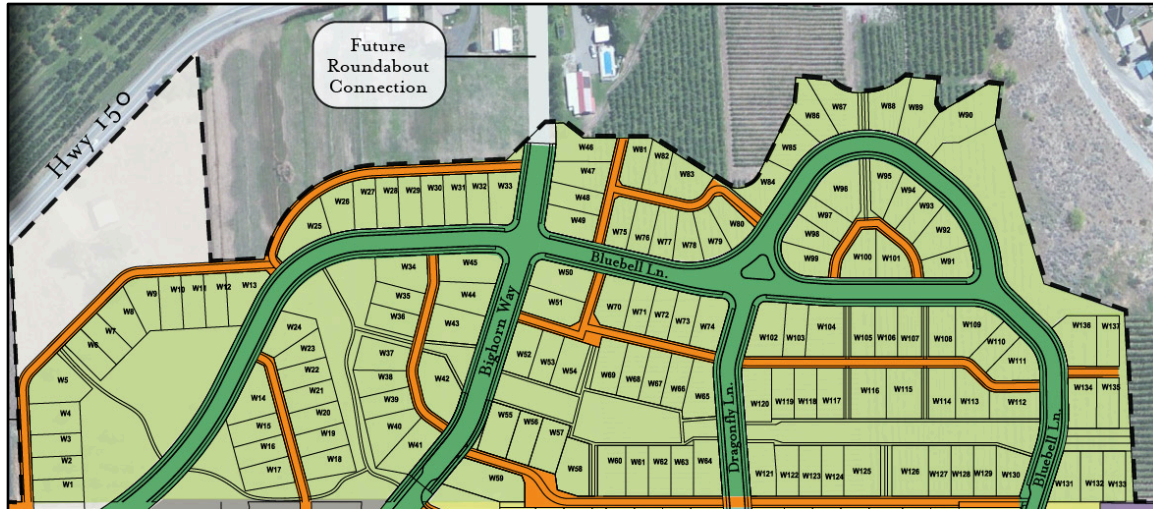
GENERAL ASSUMPTIONS

- A) The walkable design of the Lookout coupled with the presence of the Lookout Shuttle service offers owners and guests easy means of traveling within the neighborhood without the use of their automobile.
- B) Two vehicles are allowed to park at each home. Depending on the neighborhood, this ranges from one to two stalls of parking on the home site. The remaining car may be parked on the street fronting the home. Extra vehicles can be parked in the Lookout utility parking area.
- C) Short-term guests may park on street or in the Lookout utility area.
- D) Parking is allowed in a garage driveway only if the vehicle does not block pedestrian passage on the sidewalk.
- E) The Lookout utility parking area provides for short term parking (<2 weeks) of boat trailers, RVs, extra cars and trucks, etc.

1) DESIGNATED PARKING AREAS – WINERY DISTRICT PDD

The following parking rules will apply in the Lookout’s “Winery District”:

- 1) Each home site will provide two off-street parking stalls.
- 2) One-sided parking allowed on Bluebell Lane, Dragonfly Lane, Street A, and Bighorn Way provided these streets have a minimum width of 28’. *(Shown as green in below illustration.)*
- 3) No parking is allowed in alleys (Lanes A-M) *(Shown as orange in below illustration.)*



Winery District portion of Parking overlay

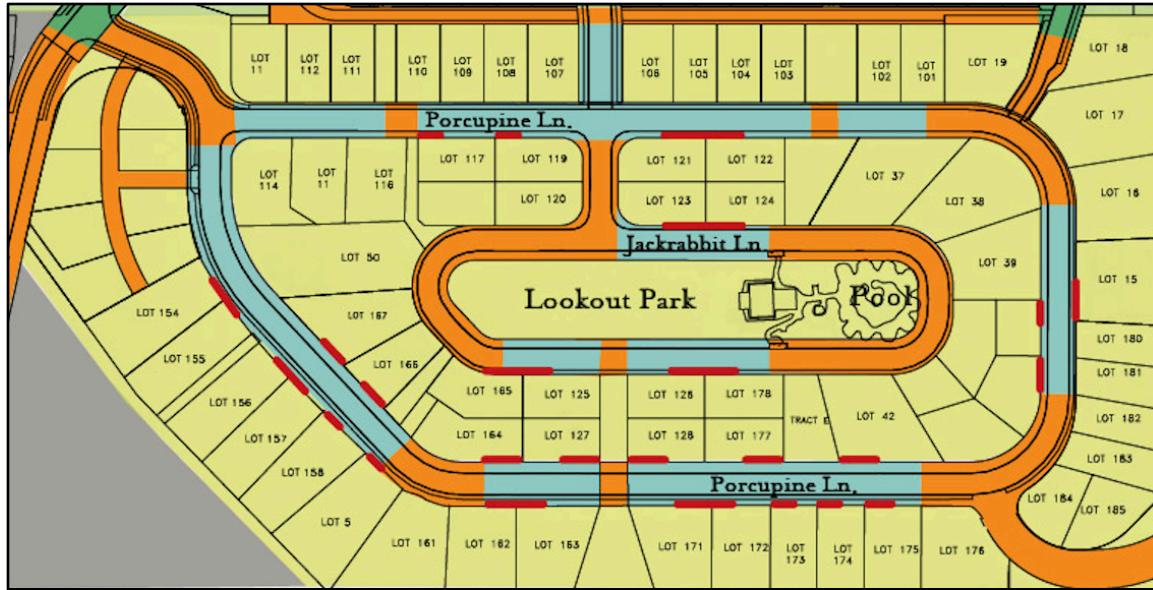
2) PROPOSED PARKING AREAS AND TRIAL PERIOD FOR JACKRABBIT AND PORCUPINE LANES

Jackrabbit and Porcupine Lanes are twenty-four feet in width and are proposed to provide areas of one-sided parking

The Lookout proposes to create a series of no-parking areas on Jackrabbit and Porcupine to aid in the flow of large emergency vehicles. These no-parking fire lanes are located on the curves of both streets and at select park crossings. *(Shown as orange in below illustration.)* Existing and planned driveways also provide no parking areas. *(Shown as red in below illustration.)*

Additionally, the Lookout utilizes many means to reduce fire danger including:

- Universal use of composite or metal roofs.
- Predominant use of Hardiboard cement siding.
- Predominant use of rock mulch in landscaping.
- Fire sprinklers in select areas such as along Jackrabbit around the Lookout Park.



Jackrabbit & Porcupine Lanes portion of larger Parking Illustration

JACKRABBIT / PORCUPINE TRIAL PERIOD RULES:

The Lookout proposes the adoption of the following parking rules on a two-year (2016 and 2017) trial basis for Jackrabbit and Porcupine Lanes:

- 1) One-sided parking along ‘outside’ of Jackrabbit and Porcupine with the following exceptions:
 - a. No parking on curves of Jackrabbit and Porcupine to allow for turning movements of large vehicles
 - b. No parking along Dragonfly between Jackrabbit and Porcupine
 - c. No parking around the south end of Jackrabbit (in 20’ width section)
 - d. No parking in front of 108 Jackrabbit (to provide fire access for 108 Jackrabbit and 120 Jackrabbit)
 - e. No parking in mid-block pedestrian crossing areas (25’ in length – to provide access areas for emergency vehicles, traffic calming, and pedestrian passage between parks.)
- 2) On-street parking along Porcupine and Jackrabbit Lanes will be restricted to owners and guests of the homes that front these streets. One car per home is allowed on street (but not guaranteed). One parking pass will be issued to each Porcupine and Jackrabbit homeowner (or their guests) for use in vehicles parked on street.
- 3) Parking areas along Jackrabbit and Porcupine Lanes will be indicated by painted stalls.

The parking trial would begin January 1, 2016 and run through December 31st, 2017. A meeting with the Lookout and the City of Chelan in December of 2017 would be held to review effectiveness of parking plan during the trial period. This effectiveness would be judged by:

- a) Adherence of parking regulations
- b) Ability of emergency vehicles to pass unobstructed along Porcupine and Jackrabbit Lanes in unannounced tests.

- c) Ability of emergency vehicles to function during actual emergencies.

The Lookout and the City would cooperatively work at this meeting to determine the appropriate next step, such as:

- a) If trial rules are successful, adoption of rules as permanent
- b) If not successful, modification of rules and initiation of new trial period

3) ENFORCEMENT

Enforcement of Lookout parking regulations will be implemented through passive and active means:

- a) Passive - Signage:
 - a. One-sided street parking: *"No Parking this Side of Street"*
 - b. Fire lane – street: *"No Parking Fire lane"*
 - c. Alley fire lane: *"No Parking in Alley – Fire Lane"*
 - d. Porcupine/Jackrabbit Lanes: *"Parking by Permit Only"*
- b) Passive - Striping:
 - a. Red curb striping as appropriate will be used to identify fire lanes
 - b. Parking stall striping along Jackrabbit and Porcupine Lanes
- c) Active – Patrols by Lookout staff
 - a. Warning ticket followed by towing

The attached Appendix contains mechanisms for enforcement and fee collection as excerpted from the Lookout Policies and Procedures document.

4) PROPOSED LOCATION OF UTILITY PARKING AREA

The Lookout utility parking area will be located on the northwest corner of the Lookout adjacent to Highway 150 and Bighorn way. (See "Parking" layer in illustration bundle) The utility parking area will be installed in 2016 as a gravel surface with access provided via Bighorn Way.

As the Lookout grows and as development of the north sections of the Lookout in the vicinity of the parking area mature, the parking area will be improved to include lights, appropriate landscaping, and a hard surface.

5) LOOKOUT SHUTTLE STRUCTURE

Shuttle service operated jointly by the Lookout HOA and Lookout Cottage Rentals provides access to the waterfront and utility parking area. Hours of operation vary by season and will be expanded as appropriate to meet the needs of owners and guests.

Reliable and timely access provided by the Lookout Shuttle service will meet all transportation needs to and from the waterfront.

6) PARKING AT THE WATERFRONT

The required parking for the Lookout waterfront will be located in the utility parking area. The Lookout Shuttle will be utilized to transport owners and guests from this area to waterfront.

Parking at the waterfront will be restricted to Lookout Shuttle and maintenance vehicles.

7) APPENDIX A: LOOKOUT PARKING ENFORCEMENT STRUCTURES

Excerpted from Lookout Policies & Procedures and & Lookout CC&R documents.

From CC&Rs:

ARTICLE 8.9.f – Prohibited Vehicles – Parking

No mobile homes, RVs, snowmobiles, ATVs, dirt bikes, trailers, boats, or trucks with rated load capacities greater than $\frac{3}{4}$ ton may be on streets or home sites for more than three hours.

From POLICIES & PROCEDURES:

III. Automobiles and Parking

3.1. Occupants shall use only the parking spaces on their respective s and designated street parking and designated street parking as defined in the Lookout Parking Management Plan. IN ORDER TO MAINTAIN PUBLIC SAFETY AND FIRE AND EMERGENCY VEHICLE ACCESS, THE LOOKOUT OWNER’S ASSOCIATION SHALL HAVE THE RIGHT TO TOW VEHICLES (AT THE OWNER’S EXPENSE, AND WITH OR WITHOUT PRIOR NOTICE OTHERWISE PROVIDED FOR HEREIN) PARKED IN VIOLATION OF THE CCRS AND/OR THESE POLICIES AND PROCEDURES.

XI: Fines/Collection

11.2. The Board may adopt a schedule of fines and issue the same from time to time. Until such modification is made, the following fines in any amounts up to the following may be imposed:

INFRACTION	MAX FINE
Speeding	\$100
Parking	\$50
ATV Use	\$250

Separate fines may be assessed for different types of violations and for separate incidences of the same infraction. Fines may be doubled for second offenses of the same nature by any Occupant of the same Lot and tripled for any such subsequent occurrences thereof. Unpaid fines shall bear interest at the rate of twelve percent (12%) per annum from the tenth (10th) day after they are levied until paid. Fines shall be considered Individual Assessments under the Declaration, and as

such, the Lookout Owners Association shall have a lien against the Owner's Lot on unpaid fines as permitted by the Declaration, Bylaws and applicable law.

11.3. In addition to the above schedule of fines, Owners are responsible for the cost of repairing all damage, towing costs, and any legal fees or costs incurred by the Lookout Owners Association to enforce violations or collect fines. **IN ORDER TO MAINTAIN PUBLIC SAFETY AND FIRE AND EMERGENCY VEHICLE ACCESS, THE LOOKOUT OWNER'S ASSOCIATION SHALL HAVE THE RIGHT TO TOW VEHICLES (AT THE OWNER'S EXPENSE, AND WITH OR WITHOUT PRIOR NOTICE OTHERWISE PROVIDED FOR HEREIN) PARKED IN VIOLATION OF THE CCRS AND/OR THESE POLICIES AND PROCEDURES.**

11.4. All fines are immediately due and payable and are subject to late fees and interest at rates established by the Board if more than ten (10) days delinquent. Such amounts shall be invoiced on the Owner's next monthly assessment statement.

11.5. The right to assess fines and collect costs under this Article are in addition to any other rights and remedies the Lookout Owners Association may have at law or under the Declaration.

11.6. Upon receipt of credible information indicating a violation has occurred, the Board or Manager shall take the following action:

- a) On the first occurrence of any type of alleged violation, the Manager shall deliver a written notice, by any reasonable means, to the last known address of the Owner responsible for the alleged violation indicating (i) the nature of the alleged violation, and (ii) that subsequent or continuing violations will result in the assessment of a fine.
- b) On the second occurrence (or if the first occurrence is continuing and remains uncured within a reasonable time) of any type of alleged violation, the Manager shall deliver a written notice, by any reasonable means, to the last known address of the Owner responsible for the alleged violation indicating (i) the nature of the alleged violation, (ii) the date and circumstances of the first notice, (iii) the amount of the fine assessed based on the above schedule of fines, and that such fine is immediately due and payable, (iv) that subsequent or continuing violations will result in the assessment of an additional fine, and (v) that, if the Owner disputes the alleged violation or contests the imposition of the fine, the Owner must send written notice of such dispute or contest to the Manager within fourteen (14) after the date the second notice was sent to the Owner.
- c) On any subsequent occurrence (or if any prior occurrence is continuing and remains uncured within a reasonable time) of any type of alleged violation, the Manager shall deliver a written notice, by any reasonable means, to the last known address of the Owner responsible for the alleged violation in substantially similar form to the second notice as described above.

11.7. The Board shall establish a Rules committee (the "Rules Committee") which shall consist of three Owners, none of whom shall concurrently serve on the Board, and one member of the

Board, who shall serve on the Rules Committee in an ex- officio capacity only, but shall otherwise be included in the references below to the Rules Committee members. The members of the Rules Committee shall serve until their voluntary resignation, or until removed or replaced by the Board. Any dispute or contest received in writing within the required time shall be heard by the Rules Committee. Upon a majority vote, the Rules Committee shall have the authority to waive or reduce fines or make other findings it deems appropriate and consistent with these Rules in addressing and resolving such dispute or contest. Any Owner's request for variance from these Rules shall be referred to the Rules Committee. The Rules Committee shall have no authority to waive any continuing violations or approve variances from the restrictions in the Declaration or from these Rules, but shall make recommendations to the Board regarding such continuing violations or requested variances. If, at any given time, the Rules Committee is not formed, or if the members thereof are unwilling or unable to perform their functions thereon, the Board may act in its stead under these Rules, and may complete the disposition of any matter that has come before it in that capacity if the Rules Committee is constituted or its members become willing and able to act prior to the conclusion thereof.

11.8. The Rules Committee shall convene a hearing no later than sixty (60) days after receipt of any written notice of a dispute or contest timely submitted. Prior to such hearing, the Rules Committee members shall engage in such fact finding and inquiry as they deem appropriate, including issuing written requests for information or requesting the presence of certain witnesses to attend the hearing. Rules Committee members should exercise reasonable discretion in determining whether to recuse themselves prior to any hearing on a particular matter to ensure the hearing is conducted in a fair and impartial manner. A minimum of two members must be present to open any hearing; if at least two members are not available due to recusal or extended absence or unavailability, the matter may be submitted for resolution by the Board. All hearings will be closed to the Community and public, although the petitioning Owners and Rules Committee members may invite a reasonable number of witnesses relevant to the matters at issue to attend the hearing and provide testimony. The hearings will be conducted in an informal and non-adversarial manner according to any reasonable procedures established by the Rules Committee. After hearing all of the evidence and allowing the Owner to make his or her presentation, the Rules Committee members shall caucus in closed session to make its determination by majority vote of those members present at the hearing. If the members are deadlocked in their vote, the ex-officio member of the Rules Committee representing the Board shall cast the tie-breaking vote or submit the matter for resolution by the Board. The Rules Committee's decision may be postponed for no more than ten (10) days after the date of the hearing for any purpose, including the gathering of additional information or permitting further deliberation. The Rules Committee shall provide a copy of its determination in writing to the Owner and the Board within ten (10) days after its decision, and may include any findings it deems appropriate and consistent with these Rules. Such determination shall be delivered, by any reasonable means, to the last known address of the Owner, and shall be accompanied by written notice that the Owner may appeal any adverse decision to the Board.

11.9. Any appeal of a determination issued by the Rules Committee must be submitted in writing to the Manager within fourteen (14) calendar days after the date the determination was sent to the Owner. The Board shall review each appeal on a case-by-case basis within sixty (60) days after receipt of the appeal. The Board may request additional evidence and/or schedule a hearing, conducted according to any reasonable procedures it adopts, on any appeal, or may vote on the matter without consideration of any evidence or testimony other than the written record

submitted by the appellant and the Rules Committee. Upon a majority vote of the Board, the Board may uphold, amend, or reverse any determination of the Rules Committee. The member of the Board that is an ex-officio member of the Rules Committee shall be recused from all voting on any appeal, except as necessary to break a tie among the Directors.

11.10. The Rules Committee, in consultation with the Board, shall develop practices and procedures for the consistent and uniform enforcement of these Rules and advise the Manager and Board with respect to such enforcement practices and procedures.

NOTE: The above rules deal with collection of fines from Lookout owners. Fines applied to Lookout Cottage Rental Guests will be applied to the guest's lodging bill.

Exhibit E
Project Open Space



Exhibit F
Water Transfer Budget

Peterson & Marquis Law Office

1227 First Street
Wenatchee, WA 98801

h2oattorneys.com

November 18, 2015

City of Chelan Planning & Building Department
PO Box 1669
Chelan, Washington 98816
Attn: Director

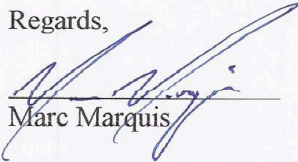
Re: Chelan Lookout Water Transfer Budget

To Whom It May Concern:

Water rights presently available to Chelan Lookout are referenced by Department of Ecology change authorizations CS4-SWC458, CS4-SWC709(A), and CS4-SWC710. As proposed, the Project will consist of 487 ERUs. Non-potable water for domestic irrigation will be supplied via a separate irrigation system operated by Chelan Lookout. When separate irrigation is available, Washington State Department Health Water System Planning Guidelines Appendix D suggests an average daily demand of 200gpd/ERU. A review of water use information from local municipal water utilities including Bear Mountain Water District, Greater Bar Water District, and Corral Springs Water District corroborates an average daily demand of 200gpd/ERU with an annual use of less than .22afy. As proposed, the transfer of 107.14 acre feet per year is sufficient to accommodate the Project's 487 ERUs. The balance of available water right authority shall be reserved by Chelan Lookout as necessary to support the separate irrigation system.

If you have any questions, please contact me at (509) 679-0337.

Regards,



Marc Marquis

Mark Peterson:

Cell # 509.264.1882

email: markp@nwi.net

Marc Marquis:

Cell # 509.679.0337

email: marcm@nwi.net