

**CITY OF CHELAN  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>SUB2021-01/ SEPA2021-03</b>	)	<b>DECISION AND</b>
<b>Chelan Highlands LLC.</b>	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the City of Chelan Hearing Examiner on March 7, 2023, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. The Proposed Project application proposes to subdivide an existing lot (Parcel #272212340100) totaling approximately 42.34 acres into a total of 27 new single-family residential lots (approximately 8.32 acres).
2. The project proposes public road rights-of-way, three private landscape tracts, a storm drainage tract, recreation parcel, and three future development tracts. The 27 new lots are proposed to range in size between 5,100 square feet to 10,400 square feet.
3. The applicant is Chelan Highlands LLC, PO Box 119, Wenatchee, WA 98807.
4. The application was submitted on January 25, 2021, re-submitted on April 16, 2021, and deemed complete on April 29, 2021.
5. A variance application was submitted on May 28, 2021 as a concurrent process and was withdrawn. Public Works has approved the alternative road sections proposed in the subdivision application, as authorized under CMC 25.05.050 (Permissible Alternative to Development Standards), in a letter dated September 3, 2021.
6. A draft Staff Report was provided to the Applicant on August 30, 2021. The Applicant subsequently revised materials, including:
  - 6.1 Preliminary Subdivision Plans, dated October 14, 2021.
  - 6.2 Stormwater Site Plan with SWPPP, dated October 14, 2021.
  - 6.3 Response to Hiland Farms Preliminary Subdivision Review, dated October 14, 2021.
  - 6.4 Memorandum responding to CMC 17.59 (Hillside Development and Design Standards), dated December 17, 2021, with the following attachments:
    - 6.4.1 View Perspectives images, and
    - 6.4.2 Existing Conditions Photos
7. The subject site is located at 905 No-See-Um Road and is legally described as Lot 1 of City of Chelan Boundary Line Adjustment 2020-10.

8. The subject site is located on the north side of Manson Highway (SR 150) and Highland Avenue between No See Um Road and Union Valley Road/Bradley Street. More generally, it is located in the NE ¼ of SW ¼ Section 12, Township 27 North, Range 22 East, W.M., Chelan County, Washington.
9. The City of Chelan Comprehensive Land Use Plan and Zoning Map identifies the subject site as Tourist Accommodation (T-A).
10. The Hiland Farms application history is as follows:
  - 10.1 The Hiland Farms Preliminary Subdivision proposal was submitted on January 25, 2021.
  - 10.2 The Application was deemed incomplete on February 22, 2021 and the Applicant was requested to submit the required documentation to have a complete application.
  - 10.3 The Hiland Farms Preliminary Subdivision proposal was re-submitted on April 16, 2021.
  - 10.4 The application was deemed complete on April 29<sup>th</sup>, 2021. A Notice of Application (NOA) was issued on May 7, 2021 and published on May 11, 2021.
11. Utilities / services are provided by the following agencies:
  - 11.1. Water / Sewer – City of Chelan
  - 11.2. Fire Service – Chelan County Fire Protection District Number 7
  - 11.3. Law Enforcement – Chelan County Sheriff
  - 11.4. School District – Lake Chelan School District
12. Access roads / streets serving the property are public and maintained by the City of Chelan:
  - 12.1. No-See-Um Road
  - 12.2. West Golf Course Drive
13. A Traffic Impact Study was prepared by TENW and dated March 22, 2021.
14. A Preliminary Stormwater Site Plan was prepared by CPH Consultants and dated January 11, 2021.
15. A Final Stormwater Site Plan, inclusive of a Stormwater Pollution Prevention Plan (SWPPP) was prepared by CPH Consultants and dated October 14, 2021.
16. Adjacent Land Uses and Zoning are as follows:
  - 16.1. North: Public Lands and Facilities (PLF)
  - 16.2. South: Tourist Accommodation (T-A); Downtown Mixed Residential (DMR); and Public Lands and Facilities (PLF)
  - 16.3. East: Tourist Accommodation (T-A)
  - 16.4. West: Single Family Residential (R-L)
17. Notice of Application was provided as follows:
  - 17.1. Mailed to property owners of record within 300 feet of the subject property on May 11, 2021.
  - 17.2. Posted on site and City Hall on May 12, 2021.
  - 17.3. Published in Lake Chelan Mirror Newspaper on May 12, 2021.
18. The Notice of Application was referred to the following agencies on May 14, 2021:



- 18.1. Chelan County Public Utility District No. 1 – Becky Jaspers
- 18.2. Chelan County Public Utility District No. 1 – Jason Miller
- 18.3. The Confederated Tribes of the Colville Reservation (CCT) - Guy Moura
- 18.4. WA Department of Ecology - Gwen Clear
- 18.5. SEPA Register
- 18.6. Department of Archaeology & Historic Preservation – Sydney Hanson
19. Title 25 Deviation: Evaluated by:
  - 19.1. City of Chelan, Public Works – Jake Youngren
  - 19.2. City of Chelan, Public Works – Travis Denham
  - 19.3. City of Chelan, Public Works – Thomas Tupling
20. Notice of the Public Hearing was provided as follows:
  - 20.1. Mailed to property owners of record within 300 feet of the subject property on February 14, 2023.
  - 20.2. Posted at City Hall on February 22, 2023.
  - 20.3. Posted on site on February 15, 2023.
  - 20.4. Published in Lake Chelan Mirror Newspaper on February 15, 2023.
21. ENVIRONMENTAL REVIEW. The City of Chelan, as State Environmental Policy Act (SEPA) lead agency, has reviewed the proposed project for probable adverse environmental impacts. The application was processed in accordance with SEPA and CMC 14.06. A Determination of Non significance (DNS) was issued consistent with WAC 197-11 on 03/02/2022. It was not appealed.
22. CRITICAL AREAS. Critical areas maps in the Comprehensive Plan and online web maps identify steep slopes and other geologic hazards. A geotechnical engineering evaluation and Critical Area Study prepared by JP Consultants, and dated December 4, 2019, was submitted as part of the application materials. The Project Site has steep slopes over the central region of the site that qualify as erosion hazards. The City of Chelan Generalized Sensitive Areas Map identifies the central region of the site as a geologic hazard area with 35% average slope. Slopes greater than 30% are located on significant portions of the site, and the central and southern, lower portions are considered steep.
23. CMC 17.59 - HILLSIDE DEVELOPMENT AND DESIGN STANDARDS. Steep slopes in the Project Site exceed the 20% slope threshold in CMC 17.59, Hillside Development and Design Standards. Thus, the Applicant has submitted the required submittal requirements, including existing conditions photos, perspectives photos, and a summary of visual analysis for impacts on public views (memorandum), including identified viewsheds of local significance, as described in the 2017 City of Chelan Comprehensive Plan. The identified viewsheds include Don Morse Park, Downtown, and Lakeside City Park. The Applicant meets all other submittal requirements through other submitted application materials.
24. According to CMC 19.10.040, “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 re-subdivisions of land.

25. 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.
26. 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 58.17.110, and CMC 16.04.120, further states that land divisions may be approved only upon the following considerations and supported by appropriate findings and conclusions that the following are satisfied:
  - 26.1 The public use and interest will be served by the approval of the proposed land division, and associated dedications and impact fees, if any.
  - 26.2 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.
  - 26.3 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.
  - 26.4 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.
  - 26.5 The public facilities and services necessary to support the land division shall be adequate and available concurrently with the demand for such services.
  - 26.6 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.
  - 26.7 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.
27. The subject site is zoned T-A and subject to uses and standards of Chapter 17.48 CMC. A permitted use includes residential: "Single-family, two-family, three-family and multi-family dwellings, townhouses, and cottage housing developments provided they do not accommodate short-term nightly rentals and are intended to house year-round residents or seasonal employees for periods no less than thirty days;"
28. Per CMC 17.48.030 (Conditional Uses) and Chapter 17.56.290 and 17.56.300, Conditional Use Permits, would apply to the following:
  - 28.1. Recreation and amusement facilities (CMC 17.48.030(D)).
  - 28.2. Community waterfront parks, parks and playgrounds, including park buildings (CMC 17.48.030(K)).



29. CMC 17.48.040 identifies the following dimensional standards applicable to residential lots within the Tourist Accommodation (T-A) District:
- 29.1 Maximum density and minimum lot area:
- 29.1.1 Maximum gross density: 8.7 du/acre for single-family detached dwellings and eighteen dwelling units per acre for all other forms of dwellings; and
- 29.1.1.1 The subject development area is approximately 8.32 acres, resulting in an allowed density up to 74 lots. The Applicant is proposing 27 lots, which is under the allowed density. If considering the full site, the proposed density is 0.67 units per gross acre (27 units divided by 40.55 gross acres including tracts consistent with T-A zone calculation).
- 29.1.1.2 Later phases of the plat will be reviewed for consistency with zoning standards in place at that time. If zoning standards remain unchanged, the maximum units between the initial phase and later phases on the tracts identified for potential future development may equal about 314 (27 and 287) excluding any density bonuses.
- 29.2 Minimum lot area: 5,000 square feet for single-family detached dwellings;
- 29.2.1 For the 27-lot plat, the proposed residential lots range in size from approximately 5,100 square feet to 10,400 square feet.
- 29.3 1,500 square feet per all other forms of dwelling unit; provided, that there shall be a minimum parcel area of 10,000 square feet and maximum density shall not be exceeded;
- 29.3.1 Not applicable.
- 29.4 Provided, that single-family residential may have a density bonus of 0.25 units per acre, for a total of 8.95 gross dwelling units per acre if providing affordable housing. To earn the bonus, a minimum of ten percent of dwellings shall consist of housing affordable to households earning one hundred ten percent or less of the area median income, or consisting of workforce housing guaranteed for such purposes for the long-term subject to minimum fifty-year deed restrictions to ensure long-term use and affordability. Such deed restrictions shall be in a form approved by the administrator and city attorney and recorded with the Chelan County auditor prior to issuance of a certificate of occupancy for the subject property. Prior to the end of the fifty-year deed restriction period, the city may approve a removal of the deed restriction provided there is a payment in lieu of continuing affordability.
- 29.4.1 At this time, no density bonus is proposed.
- 29.5 Minimum lot width at the building line: fifty feet.
- 29.5.1 For the 27-lot plat, the proposed residential lot width dimensions range from approximately 60 feet to 101 feet. The proposed residential lot depth dimensions range from approximately 50 feet to 150 feet.
- 29.6 Maximum lot coverage: seventy-five percent for nonresidential development and sixty percent for residential development.
- 29.7 Maximum height: forty feet; provided, that an applicant may seek a maximum height of fifty feet consistent with Section 17.04.200.
- 29.8 Minimum setback distance:
- 29.8.1 All structures shall be set back at least twenty-five feet from the front property line. The setback for commercial structures may be reduced to ten feet upon compliance with the following:
- 29.8.1.1 A minimum landscaped buffer of at least ten feet in width is located between the building and the property line.

- 29.8.1.2 An agreement in a form acceptable to the city guaranteeing the property owner will maintain the landscaped buffer is executed by the property owner and filed with the city.
- 29.8.1.3 The landscaped buffer shall be designed so as not to impair site distance requirements and other traffic safety concerns of the city.
- 29.8.1.4 A detailed site plan shall be submitted to the city administrator for review and approval prior to the issuance of a building permit.
- 29.8.1.5 The property owner shall improve the city right-of-way adjacent to the property, which may include the construction of a sidewalk conforming to city standards if required by the city administrator or the execution of a waiver of protest for a local improvement district to construct street and sidewalk improvements.
  - 29.8.1.5.1 Compliance with front yard setbacks to be addressed with building permits.
- 29.8.2 Side yard minimum: five feet.
  - 29.8.2.1 Compliance with side yard setbacks to be addressed with building permits.
- 29.8.3 Rear yard minimum: twenty feet.
  - 29.8.3.1 Compliance with rear yard setbacks to be addressed with building permits.
- 29.8.4 Hillside developments: See Chapter 17.59 Hillside Development and Design Standards.
  - 29.8.4.1 Applicant has provided the necessary submittal requirements
- 30. Per CMC 17.59, the Applicant has provided all necessary submittal requirements to meet the intent of the Hillside Development and Design Standards. Any future clearing or grading of individual lots shall be deferred to the building permit stage, as per CMC 17.59.020(G).
- 31. Vehicular access is proposed via a new public Major Collector road and local access roads that will intersect with the proposed Major Collector.
- 32. In accordance with Resolution No. 2019-1356, the Applicant is required to contribute to the No See Um Roundabout Improvement prior to final plat approval.
- 33. Public Comments:
  - 33.1 Steve and Mary Lane, received 5/19/2021: There will be a lot more traffic on No-See-Um Road. We (and others) like to walk into town. Will there be safety improvements for pedestrians? The roundabout at No-See-Um Road and Gold Course Dr. accumulates a lot of rocks and sand. With the additional construction I'm sure it will get worse. Maybe the city (or contractor) could clear that up more frequently?
- 34. Agency Comments (addressed in the Conditions of Approval):
  - 34.1 Confederated Tribes of Colville Reservation (CCT) – Guy Moura, received 5/17/2021, Address site survey and need for monitor given limited survey depth.
  - 34.2 Chelan County Public Utility District (PUD) – Becky Jaspers, received 5/25/2021, address utility easement and need for PUD verification.
  - 34.3 Chelan County Public Utility District (PUD) – Jason Miller, received 5/27/2021, address capacity and extension concerns.
  - 34.4 Chelan County Public Works (PW) – Andrew Brunner, received 5/26/2021, no comments on this phase of the Hiland Farms Subdivision.



- 34.5 WA Department of Ecology – Gwen Clear, received 5/26/2021, address water quality standards.
- 34.6 City of Chelan Public Works – Thomas Tupling, received 6/30/2021; updated by Travis Denham 7/14/2022, addresses full range of city road, water, sewer, stormwater, and critical areas.
- 34.7 Department of Archaeology & Historic Preservation (DAHP) – Sydney Hanson, received 7/29/2021, no eligible historic resources. No additional archaeological study needed. Prepare an inadvertent discovery plan.
- 34.8 City of Chelan Public Works – Travis Denham, received 08/10/2021 and revised 07/14/2022, addresses sewer system capacity review for proposed discharge to Emerson Street.
- 34.9 City of Chelan Public Works – Jake Youngren, received 9/3/2021, approval of variance for road deviation standards, pursuant to CMC 25.05.050. See below under Title 25 Deviation.
- 34.10 City of Chelan Public Works – Travis Denham, received 01/14/2022 and 7/14/2022, address full range of city road, water, fire supply, sewer, stormwater, and critical areas.
- 34.11 WA Department of Fish & Wildlife – Graham Simon, received 03/9/2022, areas within the parcel (272212340100) that are slated for development were previously converted to agricultural use and contain little fish and wildlife habitat, including in the areas where the new lots are proposed. Portions of the site, including Tract F1 and F2, which are both designated Priority Habitats, may contain shrub steppe or Eastside steppe habitat in steeper unconverted areas. WDFW recommends the developer site the lots in the previously converted portions.
- 34.12 City of Chelan Public Works – Thomas Tupling, received 03/15/2022, responded that they have been working with the Applicant during the subdivision process and support all requirements; no further SEPA comments.
- 34.13 WA Department of Ecology – Gwen Clear, received 03/15/2022, Recommends a NPDES Construction Stormwater General Permit if there will be off-site stormwater discharge, which requires that the SEPA checklist fully disclose any anticipated activities and requires a Stormwater Pollution Prevention Plan. The permit process could take 38-60 days. If there are unpermitted stormwater discharge off-site, this would violate RCW 90.48, and thus subject to enforcement action.
- 34.14 WA Department of Transportation – Maxwell Nelson, received 03/16/2022, highlights evidence of Applicant intention to develop a larger project beyond the 27-lot phase. References the Final Draft TIS, which states that the project would add 3,400 ADT, increasing the traffic volume by 34%; the TIS does not analyze the off-site impacts of the full development. Segment of SR 150, east of No See Um Road had a 2020 AADT of 10,000 vehicles/day. SEPA Handbook states “phased review is not appropriate when it would merely divide a project to avoid consideration of cumulative impacts or alternatives.” Cumulative Impacts Analysis is required if there is evidence of future action that would result in additional impacts. WSDOT finds that it is important to fully analyze the entire project’s impacts on the transportation system. The TIS should be updated with a full analysis of all future phases. As the proposed project is on a State Highway of Regional Significance (SR 150), the updated TIS should use LOS standards as defined in CDTC RTP. This would include a signalized intersection and link-level analysis requirements.

35. **COMPREHENSIVE PLAN.** The City of Chelan Comprehensive Plan identifies a density of 8.7 dwelling units per acre under the Tourist Accommodation (T-A) designation. The principal uses under this designation are primarily oriented towards tourism and recreational uses. Housing is permitted and may be for short-term or long-term occupancy. Comprehensive Plan goals and policies generally support the Proposed Project as conditioned including:
- 35.1. Goal LU-I. Protect water quality.
  - 35.2. Goal LU-III. Protect critical areas including wetlands, geologically hazardous areas, aquifer recharge areas, fish and wildlife habitat conservation areas and frequently flooded areas in accordance with the Growth Management Act.
  - 35.3. Goal LU-IV Permit development to occur in known natural hazard areas only when sufficient safeguards protecting life and property can be met.
  - 35.4. Goal LU-XII. Encourage the development of recreation facilities and opportunities.
  - 35.5. Goal LU-XIII. Provide safe, convenient, pleasant non-motorized routes connecting the City's principal origins and destinations.
  - 35.6. Goal LU-VI: Maintain an adequate supply of housing of sufficient quality and variety to meet the present and future needs of the area.
  - 35.7. Policy LU VI-11: Promote quality residential design and development that enhances the distinctive physical, historic, and cultural qualities of its location while accommodating growth and infill development. Encourage context-sensitive development designed to respond to and enhance the positive qualities of site and context and to promote compatibility with planned uses of adjacent properties.
  - 35.8. Policy DT III-2. Encourage the development of infill housing and new tourist accommodations within downtown to increase pedestrian activity and support downtown business.
36. An open record public hearing after due legal notice was held on March 7, 2023.
37. The following exhibits were admitted into the record at the public hearing:
- 37.1 Ex. A: Approval of Variance Request, September 2021
  - 37.2 Ex. B: Preliminary Subdivision Plans, October 14, 2021
  - 37.3 Ex. C: Stormwater Site Plan with SWPPP, October 14, 2021
  - 37.4 Ex. D: CPH Response to Hiland Farms Preliminary Subdivision Review, October 14, 2021
  - 37.5 Ex. E: Memorandum responding to CMC 17.59 (Hillside Development and Design Standards), December 17, 2021
  - 37.6 Ex. F: Traffic Impact Study, TENW, March 22, 2021
  - 37.7 Ex. G: Hiland Farms Phases 2 and 3 Critical Area Study, December 4, 2019
  - 37.8 Ex. H: Public Works Recommendations and Conditions, July 14, 2022
  - 37.9 Ex. I: No See Um Roundabout Improvement, Resolution 2019-1356
  - 37.10 Ex. J: Hearing Notices
  - 37.11 Ex. K: Public and Agency Comments, including SEPA DNS comments.
  - 37.12 Ex. L: SEPA Checklist and DNS
  - 37.13 Ex. M: Staff Report.



38. Appearing and testifying on behalf of the applicant was Charles Underwood. Mr. Underwood testified that he was an agent authorized to appear and speak on behalf of the property owner. Mr. Underwood testified that all of the proposed Conditions of Approval were acceptable, and that he agreed with all representations in the staff report.
39. No member of the public testified at the hearing.
40. 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.
41. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
42. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
43. 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, Title 16 – Land Divisions, Title 17– Zoning, and Title 25 – Development Standards.
3. As conditioned, the proposed subdivision conforms to the requirements of CMC 16.36 – Design Standards.
4. The public use and interest will be served by the approval of the proposed land division, and associated dedications and impact fees, if any.
5. 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.
6. 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.
7. 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.
8. 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.
9. As conditioned, the proposal substantially complies with the City of Chelan Comprehensive Plan, Zoning Code, Land Division Code, Development Standards, and RCW 58.17.

10. As per CMC 17.48.030, the Applicant has been asked to apply for a Conditional Use Permit for the recreational parcel sited in the first phase of the Hiland Farms project. A Conditional Use Permit will address future plans for the recreation parcel pursuant to requirements as provided in CMC 17.56.290 (Parks) and CMC 17.56.300 (Community Waterfront Parks or Recreation Facilities).

#### **Title 25 Deviation**

11. The City of Chelan Public Works Department has approved the proposed Variance Request (letter dated September 3, 2021 from Jake Youngren, PE), pursuant to CMC 25.05.050 (Permissible Alternative to Development Standards), which allows the Public Works Director to approve alternatives to public road standards.
12. The Applicant must meet all applicable safety requirements, including site distance and access management.
13. Access will not be granted within the proposed landscape median area. Applicant must maintain the median if landscaping is proposed, and will be responsible for costs associated with providing water service.
15. 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, Application SUB 2021-01 is hereby **APPROVED** subject to the following Conditions of Approval.

### **IV. CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. 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.
2. 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.
3. 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.
4. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
5. The applicant shall provide easements for utilities to the Chelan PUD for verification.
6. A line extension and facility modification shall be approved by Chelan PUD.
7. Owner shall apply for power with Chelan PUD.



8. The applicant shall demonstrate a substation is not precluded by earlier phase on later phase properties.
9. The applicant shall prepare an Inadvertent Discovery Plan as a condition for a construction permit. 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.
10. The applicant shall provide a monitor on site for subsurface testing through all phases of development. The critical time is the initial clear and grubbing, leveling to grade, and trenching for infrastructure.
11. A stormwater pollution prevention plan (SWPPP) shall be implemented consistent with Section 5 of the Stormwater Site Plan dated October 14, 2021.
12. All recommendations specific to the sewer system capacity review, as referenced in the submitted Public Works comments (Travis Denham) dated July 14, 2022, shall be addressed before final approval.
13. All conditions as referenced in submitted Public Works comments (Travis Denham) dated January 14, 2022, shall be addressed before final approval.
14. Regarding the submitted Preliminary Subdivision Plat, and in order to meet CMC 16.04.100, address any restrictive covenants, including those relevant to the recreation parcel and trail connection.
15. Remove from Plat any reference to future density associated with the future development tracts F1, F2, and F3.
16. Address all required elements of CMC 17.59 (Hillside Development and Design Standards) as described in CMC 17.59.040, including providing elevations at the building permit stage.
17. The property owner shall seek a Conditional Use Permit for Tract R1 (Recreation parcel) as per CMC 17.56.290 or CMC 17.56.300, prior to use of property as a recreation use.
18. The Applicant shall contribute to the No See Um Roundabout Improvement, as per Resolution 2019-1356. This is also referenced in the Public Works comments dated January 14, 2022, as referenced above. This is also referenced in the Public Works comments dated January 14, 2022, as referenced above.

Dated this 9th day of March, 2023.

CITY OF CHELAN HEARING EXAMINER



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Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW**

**36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.**