

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

**PA 2026-190
Noche Vista LLC**

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on October 07, 2026, 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. An application for a Plat Alteration was submitted to relocate a trail easement located in the southwest corner of the Bandera Plat (Chelan County File No. PL 2004-005) that now runs through the middle of three residential lots that are currently being developed as part of the Noche Vista Plat (P 2022-302). The proposed relocation moves the easement to the southern property line allowing the residential lots to be developed while preserving maintenance access for the Bear Mountain Ranch Golf Course. The property owner plans to extinguish the existing easement and record an easement document for the trail. The auditors' filing number will be placed on the plat map for the relocated trail easement. The subject parcel is located within the Bear Mountain Planned Development and is zoned Rural Residential/Resource 10 (RR10) zoning designation.

2. General Information

Project Location(s):	The easement being relocated is located on Unassigned Chelan, WA 98816 also identified by Assessor's parcel number 27-22-18-480-765.
Legal Description(s):	Bandera at Bear Mountain Ranch Tract 10, Lot B BLA 2006-076.
Applicant:	Noche Vista LLC – John Dwyer 4620 83 rd Ave SE Snohomish, WA 98290 - 5118
Agent:	Makena McCombs, Complete Design 353 Malaga-Alcoa Hwy., Unit 3, Wenatchee, WA 98801
Urban Growth Area:	The subject properties are not located within an Urban Growth Area.

Comprehensive Designation:	Plan	Rural/Residential Resource 10 (RR10)
Zoning District:		Rural/Residential Resource 10 (RR10)
Existing Land Use:		Residential
Previous Land Use Files:		Plat 2004-005 – Approved October 1, 2005 Plat 2022- 302 Noche Vista – Approved May 05, 2023

3. Site Information

Application Submitted:	July 16, 2026
Determination of Completeness issued:	July 29, 2026
Notice of Hearing:	September 26, 2026
Public Hearing:	October 07, 2026
Hearing Decision:	Examiner The Hearing Examiner will issue a decision within 10 working days from the close of the hearing. This decision has a 30 days appeal period.

4. Noticing & Comments

4.1. The Notice of Application was referred to surrounding property owners within 300 ft. (excluding 60 ft. of right of way) of the project boundary, jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on August 05, 2026 with comments due August 22, 2026. Agency comments were considered by the Hearing Examiner and, when appropriate, set as Conditions of Approval. No public comments were received. The following is a list of Agencies who received notice and the date comments were received (Exhibit F):

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	August 12, 2026	No Comment
Chelan County Building Official	No Response	No Comment
Chelan Douglas Health District	No Response	No Comment

Agencies Notified	Response Date	Nature of Comment
Chelan County Public Works	August 10, 2026 August 27, 2026	August 10, 2026 – Formal Comment Letter. August 27, 2026 – E-mail follow up indicating no comment on the development.
Chelan County PUD	August 07, 2026	No Comment
Chelan County Assessor	No Response	No Comment
Chelan County Fire District No. 7	No Response	No Comment
WA Dept. of Archaeology & Historic Preservation	No Response	No Comment
WA Dept. of Fish & Wildlife	No Response	No Comment
Confederated Tribes of Colville	August 19, 2026 August 24, 2026	August 19, 2026 – Request for Survey August 24, 2026 – Relinquish request for survey
Yakima Nation	No Response	No Comment
WA State Parks & Recreation	No Response	No Comment
WA State Dept. Ecology	No Response	No Comment
WA State Dept. Natural Resources	No Response	No Comment
WA State Dept. Transportation	No Response	No Comment
Water Purveyor: Bear Mountain	No Response	No Comment
Irrigation District: Bear Mountain	No Response	No Comment

Agencies Notified	Response Date	Nature of Comment
School District #129	No Response	No Comment
Noxious Weed Control Board	No Response	No Comment

5. State Environmental Policy Act (SEPA) Environmental Review

- 5.1. On August 3, 2026 Chelan County adopted a SEPA Determination of Non-Significance that was issued on March 10, 2023 under WAC 197-11-355. The current proposal falls within the scope of the environmental review that was completed for Chelan County file number PL 22-302 Noche Vista Plat. (Exhibit E)
- 5.2. The SEPA Responsible Official determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination is based on the findings and conclusions that the proposal would not have a probable significant adverse impact on the environment. This project will not adversely impact fish, wildlife, water quality or cultural resources.

6. Chelan County Code Section 12.22.020: Plat Alteration

- 6.1. Except as provided herein for boundary line adjustments, the alteration of any subdivision or portion thereof shall proceed according to the provisions of this title for plat alterations.
 - 6.1.1. **Fact:** A site plan, date stamped July 16, 2026, was submitted along with the application materials (Exhibit A). The submitted application was reviewed for completeness and was deemed complete on July 29, 2026.
 - 6.1.2. **Conclusion:** The proposed alteration was submitted in accordance with this title.
- 6.2. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered.
 - 6.2.1. **Fact:** The existing trail easement was created as part of the "Trail System" per the Bandera Code Covenant & Restrictions which is granted as a Common Use Area. The county received a letter from the Bandera at Bear Mountain Ranch Homeowners Association stated per the community's Covenants, Conditions, & Restrictions Noche Vista LLC, a successor to the Scofield Construction LLC retains the right under Section 6.6.3 of the CC&Rs to relocate easements of this nature without a vote of, or other input from the owners or the Board. The letter date stamped August 28, 2026 is Exhibit D of this staff report.
 - 6.2.2. With the submitted application, signature from the owner of the affected property was provided for the proposed amendment (Exhibit B).
 - 6.2.3. **Conclusion:** Because all of the affected owners have signed the application, this provision is satisfied.
- 6.3. If the subdivision is subject to restrictive covenants, which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of

a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

6.3.1.**Fact:** The subdivision is subject to restrictive covenants recorded under the following Chelan County Auditor Filing Numbers: 2218225, 2220603, 2267564, 2268310, 2272543, 2279304, 2310241, 2380369, & 2619866, (Exhibit C).

6.3.2.**Conclusion:** The covenants state that the trail may be modified from time to time. This Plat Alteration does not violate the covenants as stated in the letter provided by the Bandera at Bear Mountain Ranch Homeowners Association. (Exhibit D).

6.4. The alteration of a subdivision is subject to RCW 64.04.175.

6.4.1.**Fact:** The proposed alteration is to relocate an existing trail easement that was created on the face of P 2004-005 in order to allow building envelopes on Plat 2022-302 which received approval from the Chelan County Hearing Examiner on May 05, 2023. The applicant plans to extinguish the existing easement, and record a new trail easement through a separate recording instrument. The new trail easement auditor filing number will be reflected on the final plat map.

6.4.2.**Conclusion:** The proposed alteration meets the requirements of RCW 64.04.175.

6.5. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

6.5.1.**Fact:** The proposed plat alteration would only relocate the existing easement. No known assessments are known to be levied against any of the properties involved in this plat alteration.

6.5.2.**Conclusion:** Any assessments would need to be satisfied prior to the Chelan County Treasurer signing the plat alteration.

6.6. After approval of the alteration, the applicant shall submit to the county a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority shall be filed with the county auditor to become a lawful plat of the property.

6.6.1.**Fact:** The applicant is required to submit blue-line drawings and final plat to the Chelan County Department of Community Development for review and approval prior to being filed with the Chelan County Auditor's Office.

6.6.2.**Conclusion:** Staff recommended a Condition of Approval that the applicant must meet the final platting standards outlined in Chelan County Code Chapter 12.24.

6.7. The revised plat shall be surveyed and prepared by a Washington State licensed land surveyor.

6.7.1.**Finding:** As submitted with the application materials (Exhibit A), the site plan was prepared by a licensed surveyor.

6.7.2. **Conclusion:** Staff recommended a Condition of Approval that the applicant meet the final platting standards outlined in Chelan County Code Chapter 12.24, which includes the submittal of a Record of Survey produced by a licensed surveyor.

7. Chelan County Code 12.08.040 - Fire protection standards

- 7.1. The fire protection standards contained in Title 15 and adopted International Fire Code are required in all divisions of land. Modifications are allowed though the adopted fire credit options when approved by the Chelan County Fire Marshal.
- 7.2. **Hearing Examiner Finding:** The subject property is located in Fire District 7. The proposal/project shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal. Notice of application was routed to Fire District 7 and the Chelan County Fire Marshal. No comments were received from the fire district and the Chelan County Fire Marshal had no comments regarding the proposed relocation of the trail easement.

8. Chelan County Code 12.24.015 - All final land division review and approval requirements

- 8.1. All requested for final approval of a preliminary approved land division must be submitted to the legislative body of Chelan County for final approval, affixed with the required signatures of signing agencies or jurisdiction within five years, unless otherwise defined by RCW 58.17.140, of said preliminary approval, after which time the preliminary approval is void.
- 8.2. **Hearing Examiner Finding:** The applicant shall have five (5) years from the date of preliminary approval to finalize the plat.

9. Comprehensive Plan Review:

- 9.1. The subject property is located within the study area of the Chelan County Comprehensive Plan and is designated as Rural/Residential Resource 10 (RR10)
- 9.2. The Following Comprehensive Plan sections, and Chelan County Code have been considered for the review of this proposal:
 - 9.2.1. **Rural Residential/Resource 10 (RR10):** The proposed subdivision is located within the Bear Mountain Planned development and is zoned RR10. Uses appropriate for these areas include open space, residential, agriculture, and forestry. Additional uses may be considered with supplemental provisions. Density is one dwelling unit per 10 acers. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted.
 - 9.2.2. **Hearing Examiner Finding:** The Hearing Examiner finds that the proposed alteration to realign the trail easement, as conditioned, remains consistent with the Chelan County Comprehensive Plan.

10. Hearing Examiner Analysis

- 10.1. The applicants are seeking a Plat Alteration of Plat 2004-005 in order to realign the existing trail easement to the southern portion of parcel 27-22-18-480-765. The intent of the proposed alteration is to allow for building envelopes on Lots 1, 2, & 3 of proposed Plat 2022-302 which received preliminary approval on May 05, 2023. Without the relocation of this easement the Lots of Plat 2022-302 would be unbuildable.
11. An open record public hearing was held, after legal notice, on October 07, 2026.

12. Appearing and testifying was Ryan Kelso. Mr. Kelso testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Kelso testified that he had reviewed the staff report and agreed with all of the representations contained therein. He also stated that he had reviewed the proposed conditions of approval and had no objection to any of those.
13. No member of the public testified at the hearing.
14. The following exhibits were admitted into the record:
 - 14.1. Ex. A Site Plan for the short plat alteration, date stamped July 16, 2026
 - 14.2. Ex. B Signed application by Noche Vista LLC
 - 14.3. Ex. C Codes, Covenants & Restrictions for Bandera Phase I, Phase II, & Phase III
 - 14.4. Ex. D Bandera at Bear Mountain Ranch Homeowners Association letter date stamped August 28, 2026
 - 14.5. Ex. E Adoption of an existing environmental document
 - 14.6. Ex. F Agency Comments
 - 14.7. Ex. G Staff report
15. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
16. 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 the authority to render this decision.
2. As conditioned, this application is consistent with the Chelan county Code and Chelan County Comprehensive Plan.
3. 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, PA 26-190 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. Pursuant to Chelan County Code Chapter 12.24 as amended, the applicant shall complete a final Plat Alteration using the procedures of Chelan County Chapter 12.24: Final Process.
 - 1.1. The Record of Survey shall be signed by a surveyor licensed in the State of Washington.
2. Pursuant to Chelan County Code Section 12.24.040 as amended, the final Plat Alteration shall be designed in substantial conformance with the application materials that were received on July 16, 2026, on file with the Chelan County Department of Community Development, except as modified herein.

- 2.1. The applicant shall be required to record the new trail easement and reflect the auditor filing number on the final plat map prior to the recording of the final plat.
3. This Plat Alteration is subject to all Conditions of Approval of Plat 2004-005, except as changed by this decision together with the original plat decision.
4. Pursuant to Chelan County Code Chapter 12.24 and RCW 58.17.215 as amended, the applicant shall provide a signature block for the affected property owners, referencing their lot number and parcel number, on the final plat alteration and secure all affected property owner's signatures prior to final Short Plat Alteration approval.
- 4.1. Pursuant to RCW 84.56.345, all affected property owners must pay their yearly property taxes in full prior to recording of the plat alteration.

Dated this 7 day of October, 2026

CHELAN COUNTY HEARING EXAMINER



Andrew Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as "(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available" or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.