

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SDP 2024-213; P 2024-212
Administering Agency Chelan County Planning Department
Type of Permit: Shoreline Substantial Development Permit
 Zoning Conditional Use Permit
 Variance Permit
Action: Approved Denied
Date of Action: September 27, 2024
Date Mailed to DOE/AG

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

**Corey Van Lith, Van Lith Developments
1250 N Wenatchee Ave., Suite H-407
Wenatchee, WA, 98801**

to undertake the following development: An application was submitted for the development of two adjacent properties with a combined size of approximately 12.0 acres into 9 lots for residential use. In addition, 5 river access trails are proposed as part of this development. The smallest lot proposed lot would be at 20,964 sq.ft. (0.48 acre) in size and the largest lot would be at 153,278 sq.ft. (3.51 acres) in size. The subject properties are located in the Rural Waterfront (RW) zoning district. Access to the proposed development would be off of US Hwy 2 onto a private internal roadway system. Domestic water is proposed via a proposed Group B water system using a permit-exempt well and sanitation would consist of individual on-site septic systems.

upon the following property: located at unassigned, Peshastin, Chelan County, Washington within the Wenatchee River 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 Shoreline Master Program is applicable to this development.

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

I.

CONDITIONS OF APPROVAL

1. All conditions imposed herein shall be binding on the Applicant. "Applicant" shall mean terms, which include the owner or owners of the property, heirs, assigns and successors.
2. Pursuant to RCW 58.17, the project shall conform to all applicable local, state, and federal regulations, statutes, rulings, and requirements. The proposal shall be subject to approval that may be required under permits licenses or approvals by any other local, state, or federal jurisdictional agency.

- 2.1. Pursuant to WAC 173-27-150 and RCW 90.58.130(2), prior to commencement of this development, the applicant shall obtain any necessary aquatic permits from agencies with jurisdiction which may include, but is not limited to, the Washington State Department of Fish and Wildlife, the Army Corps of Engineers, the Washington State Department of Ecology, Chelan County PUD, Chelan County Building Department and the Washington Department of Natural Resources.
- 2.2. The applicant shall provide copies of all permits to Chelan County prior to work within the Shoreline jurisdiction.
3. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record, date stamped May 16, 2024, on file with the Chelan County Department of Community Development, except as modified herein. No increase in density or number of lots shall occur without a re-submittal of a plat application.
4. Pursuant to CCC Section 12.24.015 and RCW 58.17.140, all requests for final Plat approval must be submitted within five (5) years from the date of preliminary approval, unless an extension is granted.
5. Pursuant to CCC Section 12.08.030 and 12.24.020(3) and CCC Chapter 15.30, all easement locations shall be shown on the final plat.
6. Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations serving or encumbering the project site are required to be shown on the final plat. Separate instruments recorded with the Chelan County Auditor shall be referenced on the final plat. The location of existing structures and utilities (i.e. power, sewer, and water lines, etc.) and utility and private access easements shall be depicted on the face of the final plat.
7. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required to be paid by the Chelan County Treasurer shall be paid prior to final plat recording.
8. Pursuant to CCSMP Section 7.9, the shoreline permit shall be valid for the activities described within the JARPA and shown on the site plan of record, date stamped May 16, 2024, except as modified by this decision or other jurisdictional agencies.
 - 8.1. Pursuant to CCSMP Section 4.2.C., the proposed mitigation plantings shall be completed in full compliance with the submitted HMMP, dated May 2024. Verification that the plantings were completed shall be provided to Chelan County Community Development prior to final approval of the plat unless the project is bonded in accordance with CCSMP Appendix B 6.5.6(2)(C).
 - 8.2. Upon installation of the approved plantings, monitoring reports shall be submitted to Chelan County Community Development at years one (1), three (3), and five (5) to ensure survival rates.
9. Pursuant to CCC Section 12.02.010(1), the following notes shall be placed on the final plat mylar:
 - 9.1. **“Chelan County is not responsible for notification or enforcement of covenants to deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant/owner assure all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”**
 - 9.2. **“Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.”**

10. Pursuant to WAC Chapter 173-340, the Department of Ecology requires that the soils of the subject property be sampled and analyzed for lead and arsenic pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the applicant shall be required to mitigate impacts using guidance and mitigation options provided in the Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington publication.
 - 10.1. Prior to final plat approval/recording, the applicant shall work with the Dept. of Ecology to prepare and implement a Soil Remedial Action Plan consistent with Ecology publication 21-09-006 Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington 2021.
 - 10.2. Prior to final plat approval/recording, the applicant shall record a Development Agreement Notice to Title that has been approved by the Dept. of Ecology and Chelan County Community Development regarding the soil remediation that has been completed on the property and informing future lot owners of their responsibility to complete the remaining soil remediation prior to receiving a Certificate of Occupancy for residential structures.
 - 10.3. During development of individual lots, the future lot owners shall be required to do the following:
 - 10.3.1. Prepare and submit a cleanup plan to the Dept. of Ecology for the remediation of arsenic and/or lead contaminated shallow surface soil on the Lot. The cleanup plan must conform to the guidelines issued in Ecology publication 21-09-006 Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington 2021, to be superseded by any updates or revisions to this publication as issued by Ecology at the time of the building permit application. Cleanup can include but is not limited to the construction of hard capping (buildings with foundations, concrete sidewalks, paved driveways) and soft capping (application of a non-degradable geotextile barrier fabric underneath a cap of uncontaminated soil) in lawn, landscaping and play areas over the entire Lot surface.
 - 10.3.2. Sign and record with the Auditor's Office the Residential Building Self-Certification Form (Development Agreement Notice to Title Exhibit G) which indicates that the cleanup has been applied to the entire Lot consistent with the requirements of Ecology publication 21-09-006. After approval from the Dept. of Ecology, the Residential Building Self-Certification Form shall be signed by the Property Owner and/or their contractor/homebuilder, notarized, and then recorded with the County Auditor's Office.
 - 10.3.3. The cleanup must be completed on the Lot and the Residential Building Self-Certification Form must be recorded with the Auditor's Office and a copy submitted to Chelan County Community Development prior to issuance of a Certificate of Occupancy.
11. Pursuant to CCC Chapter 11.78, the following note shall be placed on the final plat:
 - 11.1. **"The subject property is within identified wildlife habitats and shall be subject to the provisions of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conversation Areas Overlay District, as amended."**
12. Pursuant to Chelan County Code Chapter 11.82, due to the proposed development creating more than 3 lots that are under an acre in size and being adjacent to the Wenatchee River, the applicant shall submit an aquifer vulnerability evaluation at the time of blue line submittal.
13. Pursuant to CCC Chapter 11.84, the following note shall be placed on the final plat:

- 13.1. **“All or part of this area may be located within the 100-year floodplain of the Wenatchee River, and development proposals proposed within this area shall be subject to the requirements of Chapter 11.84: Frequently Flooded Areas Overlay District.”**
- 13.2. Flood Plain Development requirements and permits may be necessary as part of the permitting and plan review process.
14. Pursuant to CCC Chapter 11.86, the following notes shall be placed on the final plat:
 - 14.1. **“All or part of this area may be located within a suspected or known geologically hazardous area, and development proposals proposed within this area shall be subject to the requirements of Chapter 11.86: Geologically Hazardous Areas Overlay District (GHOD).**
 - 14.2. **“Subsequent development of these lots shall comply with the recommendations found in the Geological Site Assessment prepared by Anderson Geological Consulting, LLC, dated February 19, 2024, or with a site-specific geological site assessment.”**
15. Pursuant to the Chelan County Shoreline Master Program, the short plat is within 200-feet of a Shoreline of the State; therefore, the following note shall be placed on the final Short Plat.
 - 15.1. **“Any improvements or developments within 200 feet of the Ordinary High Water Mark of the Wenatchee River shall require review and approval by Chelan County Community Development prior to any ground disturbing activities.”**
16. Pursuant to CCC Title 12, the following notes shall be placed on the final plat:
 - 16.1. **“Chelan County is not responsible for notification or enforcement of covenants or deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect these properties. Applicant /owner assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”**
 - 16.2. **“Based on historical agricultural use of this land, there is possibility the soil contains residual concentrations of pesticides.”**
17. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final plat:
 - 17.1. **“Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”**
18. Pursuant to the comment letter received from Washington State Department of Archaeology and Historic Preservation (DAHP) and the Colville Tribes, prior to ground disturbing activities, a cultural resource survey shall be conducted and a report meeting DAHP’s Standards for Cultural Resource Reporting shall be submitted to DAHP unless documentation as provided by DAHP relinquishes this requirement.
 - 18.1. **“If any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archaeology and Historic Preservation in conformance with RCW 27.53.020. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan may be obtained from Chelan County Community Development.”**

CHELAN COUNTY PUBLIC WORKS DEPARTMENT

19. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department agency comment dated July 9th 2024.
 - 19.1. Pursuant to CCC Chapter 15.30, the applicant shall demonstrate or obtain a WSDOT approach permit for the proposed development.
 - 19.2. Pursuant to CCC Section 12.08.020(2), the applicant must demonstrate a Legal and Perpetual Access for the indicated access road for the proposed development.
 - 19.3. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private road shall be required to be constructed to meet a Private Rural Emergency Vehicle Access Road (Standard Plan PW-20). An Emergency Vehicle Access Turnaround (Standard Plan PW-23-A or B) is required on any dead-end street/road longer than one-hundred and fifty feet (150').
 - 19.4. Pursuant to CCC Chapter 15.30, the applicant shall be required to provide snow storage areas to place snow accumulated for the new private road.
 - 19.5. Pursuant to CCC Section 15.30.340, the applicant shall file a Private Road Maintenance and Upgrading Agreement appurtenant to all the property owners having a vested interest in the private shared/common access road and must contain wording of maintenance of the road sign within the development. Said agreement must be provided simultaneously with the Preliminary Mylar (blue-line) submission. Said agreement shall be recorded with the final plat.
 - 19.6. Pursuant to CCC Section 15.30.650, the following language shall be placed on the face of the plat: **"Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat."**
 - 19.7. Pursuant to CCC Section 15.30.310, the applicant shall submit a Lot Access Plan so that addresses can be determined for all existing and proposed lots. The Lot Access Plan shall show the driveways/access location for the proposed project. This requirement may be fulfilled on a separate submittal and shall be accomplished prior to the pre-Mylar submittal.
 - 19.8. Pursuant to CCC Section 15.30.360, all lots within this subdivision shall be required to access off the new proposed internal roadway system.
 - 19.9. Pursuant to CCC Section 10.20.200, a road naming shall be required for the shared driveway/access roads that serves three or more addressable parcels or structures. The applicant shall be required to notify all affected property owners that have legal access/use to the access being named or that owns property that abuts the access. A signature of the property owner or a certified mail receipt shall be required to prove such notification. That proof, a road naming application with 3 or more names and a road naming fee must be submitted to Chelan County Public Works for each of the shared accesses being named. Approval shall be up to emergency services. Once a road name has been approved, a road name sign shall be required to be installed by the applicant per Chelan County specs. Once the road name sign is installed; the applicant shall be required to contact Chelan County Public Works for an inspection.
 - 19.10. Pursuant to CCC Chapter 10.20 the applicant shall add the following note to the Final Mylar for addressing: **"Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s)".**

- 19.11. Pursuant to CCC Section 15.30.310, Construction Plans: the applicant shall submit construction plans and reports for all required improvements on Easy Street and the internal roads in accordance with Chapter 15.30.650: The Construction Plans shall include, but are not limited to:
 - 19.11.1. Drainage Report and Plan
 - 19.11.2. Roadway Improvement Plan (showing location of utilities and roadway curve data)
 - 19.11.3. Lot access plan (profiles, topography)
 - 19.11.4. Erosion and sedimentation control plan
 - 19.11.5. Signage Plan
 - 19.11.6. Topography Lines
 - 19.11.7. All Easements
- 19.12. Pursuant to CCC Section 15.30.650, a Pre-Construction Meeting is required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
- 19.13. Pursuant to CCC Section 15.30.660, As-Built Plans shall be submitted, reviewed and approved by the Public Works Department upon completion of all required improvements and prior to County Engineers signature on the Final Mylar.
- 19.14. Pursuant to CCC Section 15.30.820, the applicant shall not obstruct sight distance with a centralized mailbox or locate a centralized mailbox on a County road right-of-way that would hinder County Road Maintenance. Should a centralized mailbox be required, provide details on construction plans. Minimum information shall include location, installation details, and pull-out detail.
- 19.15. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 19.16. Pursuant to CCC Section 13.18.030(9) on the final plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 19.17. Preliminary Plat must comply with stormwater standards, CCC Chapter 13.12, 13.14, 13.16 and 13.18.
- 19.18. A private stormwater drainage system shall be required for the proposed preliminary plat. Operation and maintenance of the private drainage system would require a Maintenance Agreement. The Maintenance Agreement must include an operational and annual maintenance criterion. Said Maintenance Agreement shall be submitted to the Public Works Department with the Preliminary Mylar (bluelines) and shall be recorded with the final plat.
- 19.19. The following not shall be placed on the final plat mylar:

“The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties’ successors and assigns; that its contents are binding upon the parties’ successors in interest and runs with the land. The Drainage Plan for this development was prepared

by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.

This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system.”

- 19.20. The applicant shall submit lot closure calculations with the preliminary mylar (blue) submission.
- 19.21. Plat must identify all roads as public or private.
- 19.22. Show all easements that benefit or burden the project site.
- 19.23. Plat must identify easement widths, centerlines and right-of-way dimensions on any new proposed road and on US Hwy 2.
- 19.24. Applicant is required to submit Lot Closure Calculations with pre-final (blue).

CHELAN COUNTY FIRE MARSHAL

- 20. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal Agency Comment dated September 10, 2024.
 - 20.1. 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.
 - 20.2. The minimum fire flow and flow duration requirements for one and two-family dwellings having a fire area which does not exceed three thousand six hundred square feet shall be seven hundred fifty gallons per minute. Fire flow and flow duration for dwellings having a fire area in excess of three thousand six hundred square feet shall not be less than that specified in Table B105.1(1) of the International Fire Code, except that reduction in required fire flow of fifty percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.
 - 20.3. The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. Applicant is encouraged to contact this office to ascertain how the attached fire protection credits options apply to their project. A note on the face of the final Short Plat shall state: **“Without the installation of a fire hydrant capable of delivering the required fire flow and within the required distance to the lots in question, the applicant may choose one or any combination of alternatives using the installation of automatic fire sprinklers and/or fire protection credits as approved by the Fire Marshal.”**

- 20.4. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 ft. with no lot or parcel in excess of 300 ft. from a fire hydrant when serving lots less than 43,560 sq. ft. (one acre).
- 20.5. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 1,000 ft. with no lot or parcel in excess of 500 ft. from a fire hydrant when serving lots greater than 43,560 sq. ft. (one acre).
- 20.6. All fire hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of CCC Chapter 15.30, Road Standards, and meet the requirements of 3.04.080 International Fire Code amended, Section 507.5.7, Fire Hydrant Installation and maintenance requirements.
- 20.7. Class A roofing/noncombustible roof covering, as defined in the International Building Code, shall be used in all areas of Chelan County. A note on the face of the final Short Plat shall state: **"All buildings that require a building permit within this short plat shall have Class A roofing materials."**
- 20.8. A note on the face of the final mylar shall state that **"New homes shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property."** The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to installation.
- 20.9. A note on the face of the final mylar shall state that **"All buildings within this plat that require a building permit shall comply with the provisions of the Wildland-Urban Interface Code as adopted by Chelan County at the time the building permit is submitted"**.

CHELAN-DOUGLAS HEALTH DISTRICT

21. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan-Douglas Health District Agency Comment dated June 29, 2024
 - 21.1. Domestic water service shall be by a new public supply that has yet to be developed. Individual service shall be available to each lot. This system must be reviewed and approved by the Health District/State Department of Health, and construction of the system certified as per State Board of Health Regulations prior to final plat approval.
 - 21.2. Group A and B public water systems using a well point must show and describe the sanitary control area/radius around the well. All necessary easements and covenants for access and protection of the public water supply must be shown or described on the final plat drawing. A Restrictive Covenant is necessary for that part of the 100' sanitary control radius that falls outside the well owner's property and is recorded to the neighboring property owner's parcel(s). A Declaration of Covenant is necessary for that part of the 100' sanitary control radius that falls completely within the well owner's property and is owned in fee simple by the well owner. Some wells will have both protective covenants. The Health District recommends the plat developer consult an attorney about these covenants. Protective covenants for each public well point must be declared in the dedicatory language on the plat as follows:

"A Declaration of Covenant recorded as a notice to title with [name of county] as AFN: _____ establishes a sanitary control area with a 100' radius around the public well shown [as well tag #_____]. No source of contamination may be constructed, stored, disposed of, or applied within the

sanitary control area within the sanitary control area without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health.”

“The Declaration of Covenant and Restrictive Covenant(s) recorded as a notice to title with [name of county here] as AFN: _____ establishes a sanitary control area with a 100’ radius around the public well shown [as well tag # _____]. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health.”

21.3. The dedicatory language on the final short plat shall contain these notes:

“The Health District has not reviewed the legal availability of water to this short plat development.”

“The combined water use by all the wells in this development may not exceed 5,000 gallons per day or be used to irrigate more than ½ acre unless a ground water withdrawal permit is obtained from the Department of Ecology (RCW 90.44.050).”

21.4. Subject to specific application approval and issuance of permits by the Health Officer, the property is generally suitable for placement of individual on-site sewage disposal systems. Test holes have been examined on the subject property by Tower Designs via a report dated 1/5/2024.

21.5. The dedicatory language on the final short plat shall contain this statement:

“Site evaluations may be required at the time of application for individual septic system construction permits.”

II. FINDINGS OF FACT

1. Project Location: Unassigned, Peshastin, WA 98847
2. Parcel Number: 24-18-17-130-000 and 24-18-17-130-020
3. Legal Description: The legal description for parcel 24-18-17-130-000 is Lot B of BLA 2010-003 and the legal description for parcel 24-18-17-130-020 is Lot A of BLA 2010-003 pursuant to the Chelan County Assessor’s records.
4. Owner: David Pflugrath, 8802 Stage Road, Leavenworth, WA 98826
5. Agent: Corey Van Lith, Van Lith Developments, 1250 N. Wenatchee Ave, Suite H-407, Wenatchee, WA 98801
6. Agent: Ryan Walker, Pacific Engineering & Design, 200 S. Columbia St., Suite 300, Wenatchee, WA 98801
7. Urban Growth Area: The project site is located outside of an Urban Growth Area.
8. Comprehensive Plan Designation: Rural Waterfront (RW)

9. Zoning: Rural Waterfront (RW)
10. Existing Land Use: Both of the subject properties have recently had their orchards removed and are now currently vacant.
11. **State Environmental Policy Act:** The applicant submitted an environmental checklist on May 16, 2024. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and a Mitigated Determination of Non-significance (MDNS) was issued on August 23, 2024. The SEPA Checklist and MDNS are included within the file of record and adopted by reference.
12. **Comments:** The Notice of Application was referred to agencies and departments on June 20, 2024 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due July 18, 2024. Agency comments are included, as appropriate, within this staff report and in the recommended Conditions of Approval. The following agencies and County departments were sent referral packets:

Agencies Notified	Response Date	Nature of Comment
Chelan County Assessor	July 16, 2024	The legal description appears to be correct and there are no delinquent taxes.
Chelan County Fire Marshal	September 10, 2024	The project site is located within Fire District #6. The subject property does not have adequate fire flow; either additional fire hydrants would be necessary to serve this project or alternative fire flow provisions would be necessary.
Chelan County Building Official	No Comment	
Chelan-Douglas Health District	June 29, 2024	Domestic water would be provided for through the development of a Group B water system and sanitation would be provided by onsite septic systems.
Chelan County Public Works	July 9, 2024	Recommended conditions of approval were provided for the proposed project.
Chelan County PUD	July 19, 2024	
WA Dept. of Fish & Wildlife	August 16, 2024	No comments regarding SEPA and code. Verified that the proposed trails in the riparian zone would not affect local fisheries. Agreement on signage to be placed at the proposed trail entrances.
Fire District #6	No Comment	
Cascade School District	No Comment	
WA Dept. of Archaeology & Historic Preservation	July 2, 2024	DAHP recommends a cultural survey be performed and a report produced prior to ground disturbing activities.
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	June 25, 2024	Recommends a cultural resource survey.
Dept. of Ecology	July 16, 2024	The subject property is located on property that was occupied by orchard during the time period when lead arsenate was applied as a pesticide, so sampling is required. If sampling indicates elevated levels of contaminants, then cleanup would be required utilizing Model Remedies to ensure MTCA minimum

Agencies Notified	Response Date	Nature of Comment
		standards are met. A NPDES Construction Stormwater Permit may be required if there is potential for stormwater discharge from the site prior to any ground-breaking activities.
Washington Dept. of Transportation	June 24, 2024	No comments at this time.

13. Public Comments:

Name	Date Received	Nature of Comments
Kevin Winters	July 17, 2024	Concerned with traffic safety in regards to access into the development, the proposed locations of septic drainfields in proximity to the Wenatchee River, development of the proposed Group B water system, and the legacy soils issue.

14. Application & Public Hearing Notice Compliance:

Application Submitted:	May 16, 2024
Determination of Completeness issued:	June 13, 2024
Notice of Application:	June 20, 2024
SEPA MDNS Issued:	August 23, 2024
Notice of Hearing:	September 7, 2024
Public Hearing:	September 18, 2024

15. Comprehensive Plan Review: The Comprehensive Plan has been reviewed; specifically, the goals and policies related to the Rural Waterfront (RW) designation, which is a Type 1 of LAMIRD (Limited Areas of More Intensive Rural Developments) for higher densities developments and focused growth. LAMIRDs help focus development and support the preservation of rural lands in other areas of the County and provide for residential development when served by public water, sewer and other facilities. The Comprehensive Plan outlines the purpose, uses and density intended for RW designation.

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

15.2. Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small-scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

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

encourage low density sprawl or urban type development outside of the designation boundary. Existing urban governmental services in some areas, may allow for higher densities than those with rural governmental services.

16. The following Comprehensive Plan policies indicate support for the proposed development within a LAMIRD.

16.1. Policy LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.

16.1.1. Rationale: Many parcels of land are available within existing residential developments that can accommodate further development. Infill within these areas will allow public facilities and services to be provided in a more efficient manner

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

16.2.1.1. Rationale: Requiring new and/or redevelopment within LAMIRD designations to be consistent with the provisions of this element ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.

16.3. The Comprehensive Plan outlines the long-range goals and development patterns for the County. The proposed development is consistent with the intent of the Comprehensive Plan, which supports higher density uses and development in the zoning district where public facilities (such as water and sewer) are available.

16.3.1. Hearing Examiner Finding: The proposed development is consistent with the Chelan County Comprehensive Plan for LAMIRD development.

17. Chelan County Code, Title 11: Zoning

17.1. Chelan County Code Section 11.04.020, District Use Chart, lists land divisions within the Rural Waterfront (RW) zoning district as a permitted activity.

17.2. Chelan County Code 11.16.020 – Standards

17.2.1. Minimum lot size, which measures to include ten percent of the adjoining public rights-of-way, shall be in accordance with the Chelan-Douglas Health District standards for public or community water and sewage disposal; however, in no case shall lot sizes be less than 12,000 sq. ft. (approximately 0.28 acres).

17.2.2. Minimum lot width is 70 ft. at the front building line for an interior lot; 80 ft. for a corner lot.

17.2.3. Maximum building height is 35 ft.

17.2.4. Maximum lot coverage is 35%.

17.2.5. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), riparian and shoreline areas, or as modified by the provisions of this title:(A) Front yard: 25 ft. from the front property line or 55 ft. from the

street centerline, whichever is greater; (B) Rear yard: 20 ft. from the rear property line; (C) Side yard: 5 ft. from the side property line.

17.3. The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 20,964 sq.ft. (0.48 acres) to 153,278 sq.ft. (3.51 acres). All proposed lots exceed the minimum lot width of 70 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.

17.3.1. Hearing Examiner Finding: The site plan of record, date stamped May 16, 2024 indicates that all minimum dimensional standards have been met. Staff finds that the proposed development, as conditioned, is consistent with the provisions of Chelan County Code Section 11.16.020.

18. Chelan County Code 14.08.010 - Pre-application meetings

18.1. Prior to the filing of a preliminary plat, the sub-divider shall submit to the administrator plans and other information sufficient to describe essential features of the property and the proposed or contemplated uses and development for the purposes of scheduling a formal pre-application meeting in accordance with CCC 14.08.010.

18.1.1. Hearing Examiner Finding: The applicant participated in a pre-application meeting with Chelan County Community Development on December 14, 2023.

19. Chelan County Code, Title 12: Land Divisions

19.1. Chelan County Code 12.02.060 - Concurrency of public infrastructure

19.1.1. After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the proposed land division have been given adequate notice to provide comment regarding adequate capacity or arrangements for adequate services for the development, concurrently with the demand for such services and facilities.

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

19.1.3. Hearing Examiner Finding: The subject property would be served by a proposed Group B well and would utilize on-site septic systems. Extensions of existing PUD lines would be required for power.

19.2. Chelan County Code 12.04.020 - Suitability for Land Division

19.2.1. Hearing Examiner Finding: The proposed lots were reviewed above for consistency with subdivision standards and appear that they are of an adequate size to accommodate the dimensional standards of the RW zoning district. Each lot is provided access by an access easement off of US Hwy 2 that is dedicated through the proposed plat.

20. Chelan County Code 12.08 – Subdivision Standards

20.1. Chelan County Code 12.08.010 - Land division names

20.1.1. No land division shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words which contain the following “town,” “county,” “place,” “court,”

“addition,” “acres,” “heights,” “villa,” or similar words, unless the land so divided is contiguous to the land division bearing the same name.

20.1.2. Hearing Examiner Finding: Review of the name would be required prior to final plat approval to determine that it does not match or is not similar to an existing plat name.

20.2. **Chelan County Code 12.08.020 – Lot Standards**

20.2.1. Hearing Examiner Finding: The proposed lots were reviewed above for consistency with subdivision standards and appear that they are of an adequate size to accommodate the dimensional standards of the RW zoning district. Each lot is provided access by an access easement off of US Hwy 2 that is dedicated through the proposed plat.

20.3. **Chelan County Code 12.08.030 – Easement**

20.3.1. Utilities, whenever feasible, shall be located outside the established road prism, as defined in Title 15, but within the right-of-way. When location within the public right-of-way is not feasible or practical, as determined by the county or local utility purveyor, the following provisions shall be adhered to:

20.3.1.1. Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the county or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.

20.3.1.2. The widths of the easements shall be the minimum necessary as determined by the utility purveyor, unless the administrator determines a small or larger width is appropriate based on-site conditions. Whenever possible, public utilities shall be combined with driveways, pedestrian access ways and other utility easements.

20.3.2. Hearing Examiner Finding: Electrical services is available from Chelan PUD. However, line extension and associated easements would be required.

20.3.3. Private road easements shall be shown.

20.3.4. Hearing Examiner Finding: The applicant is proposing access by a private internal road and private driveways. Private road standards, as detailed in Title 15, apply to this development and require an approved maintenance agreement.

20.3.5. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final land division or separate instrument.

20.3.6. Hearing Examiner Finding: All easement locations are required to be shown on the final plats, pursuant to CCC 12.08.030. Separate instruments recorded with the Chelan County Auditor should be referenced on the face of the final plat. Required easements, shall be reviewed with the blue line submittal.

20.3.7. Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.

20.3.8. Hearing Examiner Finding: Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.

20.4. **Chelan County Code 12.08.040 Fire protection standards**

- 20.4.1. 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.
- 20.4.2. Hearing Examiner Finding: The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is located approximately 1.2 miles from the subject properties in Peshastin proper. Pursuant to CCC Section 3.04.010, State Building Code, all building permits require compliance with the International Fire Code(s), as adopted or amended by Chelan County. The Hearing Examiner Set a Condition of Approval that the Chelan County Fire Marshall's conditions of approval from the comment letter issued on September 10, 2024 are incorporated as conditions of approval for the preliminary plat.
- 20.5. **Chelan County Code 12.08.050 Storm Drainage**
- 20.5.1. All land division creating new impervious surfaces shall meet the following requirements:
- 20.5.1.1. Storm drainage shall be provided in accordance with the adopted standards.
- 20.5.1.2. All infrastructure within the right-of-way shall become the property of, maintained and operated by, Chelan County.
- 20.5.2. The Hearing Examiner: A private stormwater drainage system is required for the proposed preliminary plat. Operation and maintenance of the private drainage system would require a Maintenance Agreement. The Maintenance Agreement must include operational and annual maintenance criteria. Said Maintenance Agreement shall but submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.
- 20.6. **Chelan County Code 12.08.060 – Watercourses**
- 20.6.1. Where a division of land is traversed by a watercourse, a drainage easement adequate for the purpose and conforming to the line of such watercourse, drainage way, waste-way, channel or stream and of such width for construction, maintenance and protection as determined by the decision body shall be provided.
- 20.6.2. Hearing Examiner Finding: The Wenatchee River flows along the eastern borders of the subject properties and is under jurisdiction of the Chelan County Shoreline Master Program (CCSMP). Per the CCSMP, the subject properties are within the 'Rural' shoreline jurisdiction, and as a result, development has a 100' buffer from the OHWM.
- 20.6.3. The Hearing Examiner sets as a Condition of Approval that a note on the face of the plat is provided stating the subject property is within the shoreline jurisdiction. Therefore, the proposed development shall meet the requirements of the CCSMP apply, as amended.
- 20.7. **Chelan County Code 12.08.070 Water and Sewer Standards**
- 20.7.1. All water and sewer facilities shall be designed and constructed in compliance with Chelan-Douglas health district, the county's construction specifications, all applicable purveyors and all state and federal regulations.
- 20.7.2. Hearing Examiner Finding: The Chelan-Douglas Health District provided comment that water would be provided by the development of a Group B water system. Additionally, the evaluation provided by the report by Tower Designs demonstrates the proposed lots meet or exceed the minimum lot size for on-site septic systems. Individual lots would be required to obtain septic system permits prior to installation/ at the time of building permit submittal.

Staff is recommending as a condition of approval that any notes and easements required by the Chelan Douglas Health District are shown on the face of the plat.

20.8. Chelan County Code 12.08.080 - Road standards

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

20.9. Chelan County Code 12.08.090 – Monuments

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

20.9.2. Hearing Examiner Finding: Per Title 15 of the CCC, monuments should be required prior to submittal of the final plat or as approved by Chelan County Public Works Department. Compliance with CCC Section 15.30.825 is a Condition of Approval.

20.10. Chelan County Code 12.08.100 - Flood protection

20.10.1. No land division shall be approved if related improvements such as levees, fills, roads, or other features will individually or collectively significantly increase flood flows, heights, or velocities.

20.10.2. If a determination is made that part of a proposed land division lies within the one-hundred-year flood plain or the floodway, the requirements of the Chelan County flood hazard development resolution shall apply.

20.10.3. Hearing Examiner Finding: Pursuant to FEMA FIRM mapping, the subject properties are within the floodplain of the Wenatchee River. Therefore, a Flood Plain Development Permit may be required at the time of future building permit submittal.

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

20.11.1. The approval given to a preliminary plat shall expire pursuant to Revised Code of Washington (RCW) 58.17.140 unless, within the allowed timeframe, a proposed final plat in proper form is filed with the administrator.

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

21. Chelan County Code, Title 13: Environment

21.1. Chelan County Code 13.12 – Stormwater Management

21.1.1. Hearing Examiner Finding: Stormwater would be required to meet the standards of Chelan County Code Title 13. Stormwater would be required for the entire proposed development and all required infrastructure improvements placed prior to final plat approval.

22. Chelan County Shoreline Master Program (CCSMP)

22.1. Included in the proposed development is a shoreline substantial development permit (SDP) requirement that has multiple components, including the removal of a commercial orchard, the construction of five (5) residential shoreline access trails to the Wenatchee River, and the remediation of contaminated historical orchard soils within the 100 ft. Rural shoreline buffer of the

Wenatchee River. The applicant would also apply for a Floodplain Development Permit to remediate soils within the FEMA mapped 100-year floodplain of the Wenatchee River.

22.2. CCSMP Section 2: Goals and Objectives

22.2.1. CCSMP 2.5 Shoreline Use Element

22.2.2. **Goal UE-1.** Assure an appropriate pattern of sound development in suitable locations without diminishing the quality of the environment along shorelines.

22.2.3. **Objective UE-1.1.** Give preference along the shoreline to water-oriented and single-family residential uses, consistent with the control of pollution and prevention of damage to the shoreline environment. Followed by preference to water-dependent uses, then water-related uses and finally water- enjoyment uses.

22.3. CCSMP 2.9 Private Property Rights Element

22.3.1. **Goal PRIVATE-1.** Recognize and protect private property rights in shoreline uses and developments.

22.3.2. **Objective PRIVATE-1.2.** Planning policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations on the regulation of private property

22.4. Hearing Examiner Finding: As conditioned, the proposed development is consistent with goals and objectives of the CCSMP.

22.5. CCSMP Section 3: Shoreline Jurisdiction & Environment Designations

22.6. CCSMP 3.2: Shoreline Environment Designations

22.6.1. CCSMP 3.2.3 The subject properties are located within the 'Rural' shoreline environment designation of the Wenatchee River.

22.6.1.1. The proposed development would be consistent with the purpose of the 'Rural' shoreline environment designation.

22.6.1.2. The proposed development would be consistent with the density and intensity of uses within the 'Rural' shoreline environment designation.

22.6.1.3. The proposed development would be consistent with the management policies of the 'Rural' shoreline environment designation.

22.7. CCSMP 3.4: Shorelines of the State and Statewide Significance

22.7.1.1. CCSMP 3.4.1 The proposed development would be located within the shoreline jurisdiction of the Wenatchee River, which is a shoreline of statewide significance.

22.7.1.2. CCSMP 3.4.2 The proposed development would be consistent with the statewide interests in such shorelines as outlined in Use Preferences for Shorelines of Statewide Significance

22.8. CCSMP 3.6: Shoreline Use Matrix

- 22.8.1. A Shoreline Substantial Development Permit (SDP) is required in order to develop the subject properties and therefore must comply with the requirements of the CCSMP. The shoreline designation of the subject property is 'Rural' and single-family residences along with their appurtenances such as access trails as well as Fill and Excavation upland outside of the CMZ are allowed uses in the Rural shoreline designation pending the approval of an SDP per CCSMP Table 3.6-a.
- 22.9. Hearing Examiner Finding: As conditioned, the components of the proposed development within the shoreline jurisdiction are uses that are consistent with the environment designations of the CCSMP.
- 22.10. **CCSMP Section 4: General Regulations**
- 22.11. **CCSMP 4.2: Ecological Protection and Critical Area Regulations:**
- 22.12. **CCSMP 4.2(A): Applicability**
- 22.12.1. Appendix B Section 6.1 Wetlands: According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject property does not contain mapped wetlands; therefore, the provisions of this section would not apply.
- 22.12.2. Appendix B Section 6.2 Critical Aquifer Recharge Areas: According to the Chelan County GIS mapping, the subject properties are not located within a critical aquifer recharge area; therefore, the provisions of this section would not apply.
- 22.12.3. Appendix B Section 6.3 Frequently Flooded Areas: According to the Federal Emergency Management Agency, FIRM Panel No. 5300150800A, portions of the subject properties are located within a mapped floodplain; therefore, the provisions of this section would apply.
- 22.12.4. Appendix B Section 6.4 Geologically Hazardous Areas: According to the Chelan County GIS mapping, the shoreline components of the proposed development are located within an identified geologically hazardous area containing erosive soils; therefore, the provisions of this section would apply.
- 22.12.5. Appendix B Section 6.5 Fish and Wildlife Habitat Conservation Areas: According to Washington Department of Fish and Wildlife Habitat Conservation data, the subject properties are not located within known wildlife habitat areas, but the Wenatchee River does have listed fisheries; therefore, provisions of this section would apply.
- 22.13. **CCSMP 4.2(B): Mitigation sequencing**
- 22.13.1. Mitigation sequencing has been applied to avoid and minimize impacts to the shoreline environment to the greatest extent possible. Any impacts which cannot be avoided and minimized would be mitigated for appropriately at a 1:1 ratio.
- 22.14. **CCSMP 4.2(C): Mitigation required for impact**
- 22.14.1. Approximately 1,210 sq.ft. of unavoidable impacts to existing riparian shrubs and weedy herbaceous species would result from the construction of residential access trails for the proposed development. To mitigate for these impacts, approximately 1,210 sq.ft. of native woody vegetation would be installed per the habitat management and mitigation plan (HMMP) that was prepared for the proposed development; therefore, meeting the 1:1 mitigation requirement of the CCSMP. No mature trees would be affected by access trail

construction. Implementation of the HMMP would result in no-net loss of ecological value or function at the site.

22.15. CCSMP 4.2(H): Location of Mitigation.

22.15.1. The proposed 1,210 sq.ft. of native woody plantings would be installed within the shoreline buffer in areas that were in orchard or mowed orchard grass as further described in the HMMP. In addition, the applicant proposes to top-seed disturbed areas resulting from soil remediation with a grass seed blend to quickly stabilize soils and avoid erosion. Installation of the mitigation plantings immediately adjacent to existing native vegetation would increase the width of the vegetated buffer present between the upland and the OHWM.

22.16. CCSMP 4.3: Flood Hazard Reduction Regulations

22.16.1. The proposed development has been designed to avoid and minimize impacts to the 100-year floodplain of the Wenatchee River and would result in no change to the capacity of the floodplain to moderate flood waters. Construction of the five (5) residential access trails through the vegetated portion of the buffer would also be partially located in the floodplain, and as a result, the applicant shall apply for a Floodplain Development Permit prior to construction pursuant to CCC Section 3.20.130. Through the implementation of the submitted HMMP, all vegetation impacts for trail construction would be mitigated for at a 1:1 ratio and the proposed development would not result in an increase in flood hazard from existing conditions.

22.17. CCSMP 4.4: Public Access Regulations

22.17.1. The subject properties are located outside of the public gap area identified in the Shoreline Public Access Plan in the CCSMP.

22.18. CCSMP 4.5: Vegetation Conservation and Shoreline Buffer Regulations

22.18.1. The proposed development would conserve the existing shoreline vegetation to the greatest extent possible. Impacts to existing vegetation would be mitigated for through the implementation of the HMMP. All plantings would consist of native species chosen from plant lists maintained by Chelan County, the Washington Native Plant Society, and WDFW. Installation of the mitigation plantings would ensure that the proposed development results in no-net loss of shoreline ecological value or function.

22.19. CCSMP 4.6: Water Quality, Stormwater, & Nonpoint Pollution Regulations

22.19.1. TESC measures and BMPs such as straw wattles and silt fencing would be utilized during the construction of the proposed development. Immediately following construction, any disturbed areas would be replanted with a native grass seed blend in order to limit the potential for erosion at the site.

22.19.2. Hearing Examiner Finding: As conditioned, all components of the proposed development within the shoreline jurisdiction are uses that are consistent with the general regulations of the CCSMP.

22.20. CCSMP Section 5: Shoreline Modifications and Uses

22.21. CCSMP 5.1: General Upland Shoreline Modification and Use Regulations

22.21.1. CCSMP 5.1(B): Minimize changes to topography

22.21.1.1. There would be no significant change to the existing topography as a result of the proposed development. The access trails would use existing topography to the greatest extent possible and have been located to avoid the steepest slopes on the riverbank. These trails have also been located to minimize vegetation impacts and avoid removal of mature trees.

22.21.2.CCSMP 5.1(C): Building Heights

22.21.2.1. Future single-family residences would not exceed 35 ft in height, which is the maximum allowed within the Rural shoreline environment.

22.21.3.CCSMP 5.1(E): Lighting

22.21.3.1. Any exterior lighting would be designed and operated to avoid illuminating nearby properties or critical areas; as required.

22.21.4.CCSMP 5.1(H): Mitigation

22.21.4.1. Following the installation of the proposed mitigation planting as described in the submitted HMMP, the proposed development would result in no-net-loss of ecological value or function.

22.22. **CCSMP 5.9: Fill and Excavation Regulations**

22.22.1.CCSMP 5.9(C): Upland Fill and Excavation

22.22.1.1. Excavation for the installation of the proposed access trails would be the minimum necessary to afford safe passage between the upland and the shoreline of the river. The installation of the proposed trails is consistent with the guidelines and standards of the CCSMP. Impacts to native vegetation would be mitigated for at a 1:1 ratio as described in the submitted HMMP. No fill or excavation would occur waterward of the OHWM of the Wenatchee River.

22.22.2.CCSMP 5.9(E): Physical and Visual Consistency

22.22.2.1. The components of the proposed development within shoreline jurisdiction have been designed to blend in with the existing topography to the greatest extent possible. All disturbed areas would be top-seeded with a grass seed blend to quickly stabilize and vegetate exposed soils. Materials used in the construction of the on-grade steps would be natural stone or wood. The proposed development is not expected to cause an adverse visual impact on the surrounding area.

22.22.3.CCSMP 5.9(F): Maximum Slopes

22.22.3.1. No cut and fill slopes are associated with the proposed development. Excavation and fill for all project elements would be limited to the minimum necessary.

22.22.4.CCSMP 5.9(G): Erosion Control

22.22.4.1. TESC measures and BMPs would be utilized during construction in order to limit the potential for erosion at the site. Any disturbed areas would be top-seeded with a native grass blend immediately after construction is completed in order to stabilize soils at the site and limit the potential for erosion.

22.22.5. Hearing Examiner Finding: As conditioned, the proposed development is consistent with the shoreline modifications and uses of the CCSMP.

22.23. CCSMP Chapter 5.16(A) Residential Regulations for Subdivisions and Plats

22.23.1. Comply with all applicable subdivision, critical area, zoning regulations and the CCSMP.

22.23.1.1. Hearing Examiner Finding: As conditioned, the proposed development is consistent with the applicable subdivision, critical areas, and zoning regulations of the Chelan County Code as well as the applicable regulations of these components of the CCSMP.

22.23.2. Be designed to preclude the need for new hard or soft shoreline stabilization

22.23.2.1. Hearing Examiner Finding: The proposed development does not include any shoreline stabilization measures. Per the site plan of record, the proposed building envelopes for each lot are outside of the shoreline buffer; therefore, no shoreline stabilization measures would be required for construction of single-family residences.

22.23.3. Be required to cluster residential units and structures where necessary to avoid critical areas and to preserve natural features

22.23.3.1. Hearing Examiner Finding: The proposed development is not clustered, but the lot configuration has been designed to avoid critical areas, conform to shoreline setbacks, and preserve natural features.

22.23.4. Identify locations for public or community access when consistent with Section 4.4 Public Access

22.23.4.1. Hearing Examiner Finding: No public or community access is proposed.

22.23.5. Lot configurations shall plan for building sites behind the required shoreline buffer. Shoreline buffer modification, defined in Section 3.8.2 Shoreline Buffers, shall be determined at the time of residential development; not at the time of subdivision

22.23.5.1. Hearing Examiner Finding: Any further shoreline buffer modification would be approved at time of building permit submittal.

22.23.6. Land subdivisions shall be designed to assure that future development of the created lots will not require shoreline stabilization.

22.23.6.1. Hearing Examiner Finding: The proposed development has been designed so that all buildable areas are outside of the shoreline buffer; therefore, no shoreline stabilization measures are required.

22.23.7. Designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full buildout of all lots.

22.23.7.1. Hearing Examiner Finding: As conditioned, the proposed subdivision has been designed, configured, and developed in a manner that results in no net loss of ecological functions.

22.23.8. Hearing Examiner Finding: As conditioned, the proposed development are uses that are consistent with the shoreline modifications and uses of the CCSMP.

22.24. **CCSMP Section 7: Shoreline Permits, Procedures and Administration**

22.25. **CCSMP 7.5: Shoreline Substantial Development Permits**

22.26. **CCSMP Section 7.5.2, Shoreline Substantial Development Permits: Review Criteria**

22.26.1. In order for the permit to be approved, the decision maker must find that the proposal is affirmatively consistent with the following: (A) How is the proposal consistent with the policies and procedures of the Act (RCW 90.58)? (B) How is the proposal consistent with the provisions of Chapter 173-27 WAC, Shoreline Management Permit and Enforcement Procedures? (C) How is the proposal with this SMP?

22.26.2. Hearing Examiner Finding: The appropriate CCSMP requirements have been addressed in the application materials. The provisions of the SMA and WAC have been met through the adoption of the CCSMP.

22.26.3. According to JARPA, question 6(g), the fair market value of the project is \$100,000. The project is not exempt from the substantial development permit requirement.

22.26.4. Hearing Examiner Finding: As conditioned, the proposed development is consistent with the provisions of the SMA, WAC and CCSMP.

23. A preliminary plat application was submitted to Chelan County on May 16, 2024 for a 9-lot subdivision.
24. The subject properties are approximately 12.0 combined acres in size.
25. The project site is located at Unassigned, Peshastin, WA 98847; and identified by Assessor's Parcel Nos.: 24-18-17-130-000 and 24-18-17-130-020.
26. The application has been processed as a quasi-judicial review for major subdivisions pursuant to CCC Section 14.10.040; a public hearing is required for the application – to occur September 18, 2024.
27. The owner of the subject properties is David Pflugrath.
28. The agents for the proposed development are Corey Van Lith of Van Lith Developments and Ryan Walker of Pacific Engineering and Design.
29. The application materials were accepted as complete by Chelan County on June 13, 2024.
30. The project site is located in the Rural Waterfront (RW) zoning district.
31. The Chelan County Comprehensive Plan Land Use designation is Rural Waterfront (RW).
32. The project site is located within an identified erosion hazard area.
33. Appropriate notice of application and public hearing was referred to appropriate local agencies, mailed to property owners within 300 ft. of the subject property (excluding 60 ft. of street rights of way), posted on site, and published in the newspaper in accordance with Chelan County Code Title 14 Development Permit Procedures and Administration.
34. Referral comments received from agencies have been considered in the review of this application.
35. Public comments from concerned citizens had been received prior to the issuance of the staff report.

36. Purveyors who responded to the project have indicated that adequate utilities/services are, or can serve this project.
37. The proposed is not exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(6). An MDNS was issued on August 23, 2024.
38. An open record public hearing after due legal notice was held on September 18, 2024.
39. The following exhibits were admitted into the record:
 - 39.1. Ex. A Site Plan;
 - 39.2. Ex. B Habitat Mitigation and Management Plan;
 - 39.3. Ex. C Inadvertent Discoveries Plan;
 - 39.4. Ex. D Staff Report
 - 39.5. Ex. E Kevin Winters Comment
 - 39.6. Ex. F Alex White September 18, 2024 Email to the Hearing Examiner;
 - 39.7. Ex. G Draft Development Agreement;
 - 39.8. Ex. H Proposed Revised Condition 10.1, 10.2 and 10.3;
 - 39.9. Ex. I Remainder of Staff Report.
40. Appearing and testifying 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 indicated that the Applicant agreed with all the representations within the Staff Report. Mr. Walker indicated that the Applicant agreed to all of the proposed Conditions of Approval, including those revisions to proposed Condition of Approval 10 as set forth in Exhibit H.
41. Also testifying for the Applicant was Corey Van Lith. Mr. Van Lith stated that he is the applicant. He stated that they will comply with all agency requirements. He disputed all representations that were made about him in the public comments.
42. No member of the public testified at the hearing.
43. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

III. CONCLUSIONS OF LAW

1. The Chelan County Hearing Examiner has been granted the authority to render this decision pursuant to CCC Section 1.61.080 Duties and Powers.
2. The subject application demonstrates consistency with the development standards and procedural requirements of CCC Title 11 Zoning, Title 12 Land Divisions, Title 14 Development Permit Procedures and Administration, and Title 15 Development Standards.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Chelan County Comprehensive Plan.

4. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. The public interest would be served by the proposed development.
6. The application, as conditioned, is compatible with adjacent uses and would not harm or change the character of the surrounding area.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

**IV.
DECISION**

Based upon the above Findings of Fact and Conclusions of Law, and as conditioned, SDP24-213 and P24-212 are hereby **APPROVED**.

Dated this 27 day of September, 2024

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This permit is granted pursuant to the Shoreline Master Program of Chelan County, 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 173-14-190, 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.

Anyone aggrieved by this decision has twenty-one (21) days from the “date of receipt” as defined by Washington Law to file a petition for review with the Shorelines Hearings Board (for the Shoreline Conditional Use Permit) as provided for in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board.

Anyone aggrieved by this decision has twenty-one (21) days from the “date of receipt” as defined by Washington Law to file a land use petition in superior court (for the Conditional Use Permit) as provided for in RCW 36.70C.040.

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