

**CHELAN COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>  <b>PL25-257</b> <b>Sound Investments</b>	) ) ) )	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL</b>
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THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on February 2, 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. **Proposal:** An application for a Cluster Subdivision was submitted for the phased development of a parcel containing approximately 94.98 acres pursuant to the survey submitted with the application materials into 27 lots for residential use utilizing 11.12.020(1)(A) of the Chelan County Code. The lot is currently used as a commercial orchard. The smallest proposed lot would be approximately 29,301 sq. ft. (0.67 acres) in size and the largest lot would be approximately 45,167 sq. ft. (1.03 acres) in size. The subject properties are located in the Rural Residential/Resource 5 (RR5) zoning district, and holds a 'Rural' Shoreline Designation for the Columbia River with a 100' shoreline buffer as measured from the Ordinary High-Water Mark. Approximately 71.36 acres of open space is proposed, with a total of 67.79 acres located below the ordinary high-water mark. Three community-owned lots managed by the HOA are proposed and designated as C1, C2, and C3 on the site plan of record, and will contain infrastructure for the proposed development as outlined in the narrative and Open Space Plan. Access would be off of US Hwy 97A onto a private internal roadway system proposed with the development. Domestic water is proposed via a Group B water system and sanitation would consist of individual on-site septic systems. The applicant is proposing Orchard Removal and Soil Remediation on the subject parcel compliant with the Chelan County Shoreline Master Program. Other Construction activities include a community parking area, river access road, 500 sq. ft. access trail, stormwater management facility and a picnic shelter within Lot C1. Each riverfront residential lot will have an approximately 25-ft-wide access corridor located in the central portion of each lot. A mitigation and monitoring plan has been submitted with the proposed development.

2. **General Information:**

<b>Site Location:</b>	9299 US HWY 97A Entiat, WA 98822
<b>Parcel Number:</b>	24-21-07-100-050
<b>Legal Description:</b>	<p>THAT PORTION OF GOVERNMENTS LOTS 4 AND 5 AND OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 NORTH, RANGE 21, E.W.M., LYING EAST OF THE RELOCATED RIGHT OF WAY OF THE GREAT NORTHERN RAILWAY COMPANY, AND LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:</p> <p>BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE NORTH 88°55'00" EAST, ALONG THE NORTH LINE OF SAID SECTION 918.20 FEET TO THE CENTER LINE OF SAID RAILWAY RIGHT OF WAY; THENCE SOUTH 12°53' WEST, ALONG SAID CENTER LINE, 611.54 FEET; THENCE SOUTH</p>

	08°25'50" WEST, ALONG SAID CENTER LINE, 366.12 FEET; THENCE SOUTH 08°26'50" WEST, ALONG SAID CENTER LINE, 571.29 FEET; THENCE SOUTH 85°59'40" EAST, 50.15 FEET TO AN IRON PIPE ON THE EAST SIDE OF SAID RAILWAY RIGHT OF WAY, AND THE TRUE POINT OF BEGINNING OF THIS LINE; THENCE SOUTH 85°59'40" EAST, 408.41 FEET TO AN IRON PIPE, THENCE SOUTH 85°59'40" EAST, 1,540.00 FEET, MORE OR LESS, TO THE ORDINARY HIGH WATERLINE OF THE COLUMBIA RIVER (PRIOR TO 1958) AND THE POINT OF TERMINUS OF THIS LINE.
<b>Applicant/Owner:</b>	Sound Investments, LP 203 Brandi Ln. Wenatchee, WA 98801
<b>Agent/Surveyor:</b>	Ryan Walker Pacific Engineering & Design P.L.L.C 200 South Columbia St., Suite 300 Wenatchee, WA 98801
<b>Urban Growth Area:</b>	The subject property is located outside of an Urban Growth Area.
<b>Comprehensive Designation:</b>	Rural Residential/Resource 5 (RR5)
<b>Zoning:</b>	Rural Residential/Resource 5 (RR5)
<b>Existing Land Use:</b>	The subject property is currently agriculture classified under current use chapter 84.34 RCW.

### 3. Site Information & Neighborhood Characteristics:

<b>Site Description:</b>	The site is located on US Hwy 97A, east of the railroad tracks, and west of the Columbia River. The surrounding vicinity is a mix of rural properties with residential homes.
<b>Site Size:</b>	The subject property is approximately 94.98 acres per the surveyed site plan turned in with the application materials date stamped September 30, 2025. An additional 67.97 acres lies below the existing line of Ordinary High-Water Mark of the Columbia River. Per the legal description the property owner owns out to the ordinary high waterline of the Columbia River (prior to 1958).  Per the Chelan County Assessor's records, the subject property contains approximately 23 Acres.
<b>Property North:</b>	Residential; zoned Rural Residential/Resource 5 (RR5)
<b>Property South:</b>	Columbia River; zoned Rural Waterfront (RW) beyond that.
<b>Property West:</b>	US Hwy 97A; zoned Rural Residential/Resource 10(RR10) beyond that.
<b>Property East:</b>	Columbia River
<b>Phasing:</b>	Phase 1 – Lots 10-17, Tracts C1, C2, and C3 Phase 2- Lots 1-9, 22-27

	Phase 3 – Lots 18-21
<b>Aquifer Recharge Area:</b>	The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped September 30, 2025. Pursuant to Chelan County Code (CCC) Section 11.82.040, Chelan County has determined that the aquifer recharge measures do apply.
<b>Floodplain:</b>	Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150400B, the subject property does not contain identified 100 or 500-year flood plain or associated floodway; Therefore, the provisions of CCC Chapter 11.84, do not apply.
<b>Geologically Hazardous Areas:</b>	Pursuant to the Chelan County GIS mapping, the subject property does not contain a potential geologic hazardous area. Therefore, the provisions of CCC Chapter 11.86, do not apply.  A Geological Hazard Assessment, dated April 11, 2024, was prepared by Alexander B. Rinaldi of Nelson Geotechnical associates, Inc. for the proposed Plat and was submitted with the application materials.
<b>Wetlands:</b>	Pursuant to the National Wetlands Inventory Map, the subject property does not contain any known wetlands. Therefore, the provisions of CCC Chapter 11.80, do not apply.
<b>Shoreline Program:</b> <b>Master</b>	A portion of the subject property is within the shoreline jurisdiction of the Columbia River, a shoreline of statewide significance. The shoreline designation for this portion of the Columbia River is “rural”, which requires a building setback of 100’ from the OHWM.  A Shoreline Development Permit (SDP) has been submitted for the portion of the proposed development and soil remediation that is occurring within the 200 ft. shoreline jurisdiction.  Any future development located within the 200 ft. shoreline jurisdiction will need to comply with the Chelan County Shoreline Master Program.
<b>Fish &amp; Wildlife Habitat Conservation Areas:</b>	Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps and Chelan County GIS mapping, the subject property contains a Biodiversity Area and Corridor. Therefore, the provisions of CCC Chapter 11.78, do apply.  A Habitat Management and Mitigation Plan was prepared for the proposed development and was submitted with the application materials. All subsequent development within the proposed development shall comply with the mitigation recommendations as cited in the Habitat Management and Mitigation Plan, prepared by Jessica Pavelka from Pacific Engineering dated September 29, 2025.  Pursuant to the Washington State Department of Natural Resources FPARs mapping, there is a fish bearing (Type-F) stream on the subject property. However, a subsequent stream typing of the property conducted by Larry Lehman of Grette Associates dated August 18, 2023, did not find any natural

	<p>features that met the requirements of a stream or a wetland, therefore, the riparian provisions of CCC Chapter 11.78 do not apply.</p> <p>Pursuant to CCC, Section 11.78, a note on the final plat mylar should be required, identifying this subdivision as being located within a Fish and Wildlife Habitat Conservation Area (FWHCA).</p>
<b>Cultural Resources:</b>	<p>Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation (DAHP) and other agencies is required to ensure information regarding the possible impact of construction activities on the state's archaeological resources is maintained.</p> <p>A Cultural Resource Assessment, dated July 31, 2023, was prepared by Ian Kretzler and Jessica Gardner for the proposed plat and was submitted with the application materials.</p> <p>Pursuant to comments received November 19, 2025 from the Confederated Tribes of the Colville Reservation state they concur with the findings and recommendations, and recommends project staff to follow the inadvertent discovery protocol described in Appendix D of the Cultural Resource Assessment. No comments were received from the Department of Archaeology and Historic Preservation.</p>

**4. Development / Design Information:**

<b>Site History:</b>	<p>According to the Chelan County Assessor's website, the parcel contains the following:</p> <p>550 sq. ft. Mobile Home</p> <p>Commercial Orchard</p>
<b>Traffic Circulation:</b>	<p>The applicant is proposing access to this development from West Access is proposed from US Hwy 97A. US Hwy 97A is a 60'+ right-of-way and is classified as a State Highway in the county road system. US Hwy 97A is a paved roadway, providing single lanes for traffic in each direction. There is no existing curb, gutter or sidewalk.</p> <p>Pursuant to the County Public Works letter date November 03, 2025 and Chelan County Code Title 15.30 the applicant will be required to demonstrate or obtain a Washington State Department of Transportation Approach Permit for the access onto US Hwy 97A for this subdivision. The applicant will also be required to demonstrate or provide legal and perpetual access from Cascade &amp; Columbia River Railroad for this subdivision.</p> <p>A lot access, addressing plan, and pursuant to CCC Section 15.30.310 would be required to be submitted prior to final plat approval. The plan must demonstrate how all lots and any existing driveway easements would be constructed and how they meet county road approach standards.</p> <p>A traffic Impact Analysis dated October 02, 2023 was submitted with the application materials.</p>

<b>Stormwater:</b>	Pursuant to the Chelan County Public Works comment letter, dated November 03, 2025, states a private stormwater drainage system would be required with an Operation and Maintenance Agreement of the drainage system to be recorded with the final plat.
<b>Water:</b>	Domestic water service shall be by a new public supply that has yet to be developed with individual services available to each lot. This system shall conform to Chelan-Douglas Health Districts letter dated November 07, 2025.
<b>Sanitation:</b>	Pursuant to the comment letter received from the Chelan-Douglas Health District, dated November 07, 2025, the subject properties are generally suitable for placement of individual on-site sewage disposal systems, subject to specific application approval and issuance of permits by the Health Officer. Test holes have been examined on the subject property by Tower Designs via a report dated June 03, 2025.
<b>Power:</b>	<p>Pursuant to the comment letter received from Chelan PUD, dated November 18, 2025, power supplied by the PUD would serve this area. The comment letter also states an Underground Utility Easement will be required if any PUD utilities are to be installed prior to the recording of the plat.</p> <p>Pursuant to a subsequent letter from the Chelan County PUD dated January 21, 2025 states power is available at the site as there is a distribution line running parallel to the property along the railroad. However, PUD distribution engineers need an application with specific details to fully evaluate the ability to serve the proposed development.</p> <p>Staff recommended a condition of approval, pursuant to CCC Section 11.02.020, stating the applicant shall adhere to the comments of the PUD comment letter dated November 18, 2025 and shall obtain all necessary permits, required easements from Chelan PUD to provide service to the proposed development prior to any development of roads or utilities for the project site.</p>
<b>Fire Marshal:</b>	Pursuant to the Chelan County Fire Marshal comment letter date stamped October 21, 2025, states the proposal shall conform to all applicable requirements of the International Fire Code and International Building Code administered by the Chelan County Fire Marshal.
<b>Irrigation:</b>	The subject property currently benefits from private irrigation.
<b>Noise:</b>	Noise impacts are addressed in CCC Chapter 7.35

## 5. State Environmental Policy Act:

- 5.1. The applicant submitted an environmental checklist on September 30, 2025. 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 January 20, 2025. The SEPA Checklist and MDNS are included within exhibit B.

**6. Comments:**

6.1. The Notice of Application was referred to agencies and departments on October 22, 2025 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due November 23, 2025. 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:

<b>Agencies Notified</b>	<b>Response Date</b>	<b>Nature of Comment</b>
Chelan County Assessor	October 27, 2025	Regarding Acreage
Chelan County Fire Marshal	October 21, 2025	Proposal must conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
Chelan County Building Official	No Comment	
Chelan-Douglas Health District	November 07, 2025	Domestic water would be provided by a newly developed Group A or Group B water system and sanitation would be provided by onsite septic systems.
Chelan County Public Works	November 03, 2025	Recommended conditions of approval were provided for the proposed development.
Chelan County PUD	November 18, 2025	Electrical Facilities in the area. Development to be served will be influenced by information provided in the electrical service application
WA Dept. of Fish & Wildlife	November 21, 2025	Open Space Concerns & PHS Waterfowl Concentrations
Fire District #8	No Comment	
Entiat School District	No Comment	
WA Dept. of Archaeology & Historic Preservation	No Comment	
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	November 19, 2025	Concur with Cultural Resource Assessment
Dept. of Ecology	November 21, 2025	Toxic Cleanup Program
WSDOT	October 29, 2025	Access Permit Required
Link Transit	No Comment	

**7. Public Comments:**

7.1. A public comment was received from Pamela Talbot on November 11, 2025

**8. Application & Public Hearing Notice Compliance:**

<b>Application Submitted:</b>	September 30, 2025
<b>Determination of Completeness issued:</b>	October 16, 2025
<b>Notice of Application:</b>	October 23, 2025
<b>SEPA MDNS Issued:</b>	January 20, 2025
<b>Notice of Hearing:</b>	January 24, 2025
<b>Public Hearing:</b>	February 04, 2025

**9. Comprehensive Plan Review:**

9.1. The comprehensive Plan outlines the long-range goals and development Patterns for the County. The Comprehensive Plan has been reviewed; specifically the following:

9.2. II. Rural Element Intent

9.2.1. It is the intent of this Rural Element to preserve the rural character and way of life in the rural area, and to protect private property rights while considering impacts to the environment of Chelan County.

9.3. III. Goals and Policies – Rural Designations

9.3.1. Goal RE 1: Maintain a balance between human uses and the natural environment in rural areas of the county

9.3.2. Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.

9.3.3. Goal RE 3: Develop at densities such that demands will not be created for urban levels of public services and facilities in rural areas.

9.3.4. Goal RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth management Act.

9.3.5. Goal Re 5: Support RCW 17.10 purpose to limit economic loss and adverse effects to Washington's agriculture, natural, and human resources due at the presence and spread of noxious weeds all terrestrial and aquatic areas in the State.

9.4. IV(C) Designation Sitting Criteria - Rural Residential/Resource 5 (RR5) designation (Exhibit D):

9.4.1. Purpose: Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development. Uses appropriate for these areas include: 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: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale 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 or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; an

9.4.2. Density: One (1) dwelling unit per five (5) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical

areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering

- 9.5. **Hearing Examiner Finding:** The Comprehensive Plan outlines the long-range goals and development patterns for the County. The Hearing Examiner finds that the goals and policies as outlined in the Section III of this Comprehensive Plan Review that aligns closest to the proposed development is RE 3. The Hearing Examiner specifically finds that the proposed development is consistent with Goals and Policies of RE 1, RE 2 and RE 3. The Hearing Examiner finds that Goal RE 5 is not applicable. Overall, the Hearing Examiner finds that the proposed development is consistent with the other intents, goals, and policies of the Rural Element, which is intended to preserve the rural character and way of life in the rural area.
- 9.6. The project is consistent with Goal RE 1 because the lot sizes are a minimum of over one half acre and there is a large open space area. The Hearing Examiner recognizes that the open space area is primarily submerged due to the elevations of the Columbia River. However, there is no requirement within the Chelan County Code that the open space tracts be useable space. Additionally, cluster subdivisions are an innovative technique to allow rural growth with smaller lot sizes but retain the same density of the zoning area.
- 9.7. The project is consistent with Chelan County Comprehensive Goal RE 3 because the project will not require urban levels of service. The project is in an area where the extension of urban utilities and services would not be expected to expand in the future. Nevertheless, if they did, this cluster subdivision would certainly allow orderly expansion of these services. As described in the application materials, which have been admitted into the record. The project is consistent with the remaining policies within Goal RE 3.
- 9.8. The Hearing Examiner believes that it would be up to the County Legislative Authority to prohibit cluster subdivisions in rural areas if the Chelan County Legislative Authority believed that cluster subdivisions were not consistent with the Rural Element of the Comprehensive Plan.

#### 10. Chelan County Code, Title 11: Zoning

- 10.1. Chelan County Code Section 11.04.020, District Use Chart, lists cluster subdivision within the Rural Residential Resource 5 (RR5) zoning district as a permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards.

#### 11. Chelan County Code 14.08.010 - Pre-application meetings

- 11.1. 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.
- 11.2. **Hearing Examiner Finding:** The applicant participated in a pre-application meeting with Chelan County Community Development on January 19, 2023

#### 12. Chelan County Code, Title 12: Land Divisions

##### 12.1. Chelan County Code 12.02.060 - Concurrency of public infrastructure

- 12.1.1. 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.

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

12.2. **Hearing Examiner Finding:** Comment Letters were received from Chelan-Douglas Health District, Chelan County PUD, Chelan County Public Works, Washington State Department of Transportation, and the Chelan County Fire Marshal. As conditioned, the proposal is consistent with CCC 12.02.060.

12.3. **Chelan County Code 12.04.020 - Suitability for Land Division**

12.3.1. As conditioned, the proposed development is consistent with the provisions of this section.

12.4. **Chelan County Code 12.08.010 - Land division names**

12.4.1. No land division shall be approved which bears a name using a work 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.

12.5. **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.

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

13.1. Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended, meeting the dimensional standards of the Chelan County Code or shoreline master plan, including but not limited to required buffers, setbacks or protection zones. Cluster lots, planned unit developments and binding site plan may vary from the dimensional standards of the applicable zoning district as provided for in this title. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.

13.1.1. **Hearing Examiner Finding:** As conditioned, the proposed development would be consistent with the required dimensional standards.

13.2. Every lot shall be provided with access. If access is provided by a road, residential driveway or shared residential driveway, access shall meet the requirements of Title 15.

13.2.1. **Hearing Examiner Finding:** Access to the proposed development would be via a private internal roadway off of US Hwy 97A which is classified as a State Highway in the county road system. This proposed internal road would need to meet a Private Rural Access Class 2 Road (Standard Plan PW-20) of Title 15. As conditioned, the proposed development would be consistent with the required access requirements.

13.3. Forest service roads and roads designated as "primitive" by Chelan County are not suitable access for land division, except as provided in Section 12.04.020.

13.3.1. **Hearing Examiner Finding:** Not applicable

13.4. Proposed lots must include a building footprint where the slope does not exceed forty percent, unless a geological or engineer report can demonstrate building area, except as provided in Section 12.04.020.

13.4.1. **Hearing Examiner Finding:** The subject property does not contain steep slopes.

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

13.5.1. **Hearing Examiner Finding:** The proposed development contains critical areas that could affect the building envelope of the proposed lots.

13.6. Where the land division may result in barriers to development of adjacent lots, the administrator may require that the location of lot lines provide for future land division of surrounding property.

13.6.1. **Hearing Examiner Finding:** As conditioned, the proposed development would be consistent with the required connectivity requirements.

#### 14. Chelan County Code 12.08.030 - Easements

14.1. 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:

14.1.1. 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.

14.1.2. 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.

14.1.3. **Hearing Examiner Finding:** Electrical services are available from the Chelan County PUD No. 1; how the development is served will be influenced by the PUD. The subject parcel is also encumbered with an Easement granted to the PUD that allows them to flood to the elevation outline in the Warranty Easement recorded under Auditor's File No. 531057. As conditioned, the proposal is consistent with CCC 12.018.030.

14.2. Private road easements shall be shown.

14.2.1. **Hearing Examiner Finding:** The applicant is proposing access off of an existing county road and by private internal roads and driveways. Private road standards, as detailed in CCC Title 15, would apply to this development and require an approved maintenance agreement.

14.3. 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.

14.3.1. **Hearing Examiner Finding:** All easement locations are required to be shown on the final plat, 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.

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

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

#### 15. Chelan County Code 12.08.040 - Fire protection standards

15.1. 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.

15.1.1. **Hearing Examiner Finding:** The subject property is located within the Chelan County Fire District 8. The Chelan County Fire Marshal requires conformance with the International Fire Code. Pursuant to CCC 3.04.010, State Building Code, all building permits require compliance with the International Fire Code(s), as adopted or amended by Chelan County.

**16. Chelan County Code 12.08.050 - Storm drainage**

16.1. All land division creating new impervious surfaces shall meet the following requirements: (1) Storm drainage shall be provided in accordance with the adopted standards. (2) All infrastructure within the right-of-way shall become the property of, maintained and operated by, Chelan County.

16.1.1. **Hearing Examiner Finding:** A private stormwater drainage report was submitted with the application materials. 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.

**17. Chelan County Code 12.08.060 - Watercourses**

17.1. 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.

17.1.1. **Hearing Examiner Finding:** There is a mapped stream located on the southern portion of the subject property. However, pursuant to a stream typing conducted by Larry Lehman of Grette Associates dated August 18, 2023, the report did not find any natural features that met the requirements of a stream or a wetland. The subject property is also traversed by the Columbia River a shoreline of state wide significance. As conditioned, the proposed development meets CCC 12.08.060.

**18. Chelan County Code 12.08.080 - Road standards**

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

**19. Chelan County Code 12.08.090 - Monuments**

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

19.1.1. **Hearing Examiner Finding:** Per Title 15 of the CCC, monumentation would be required prior to submittal of the final plat or as approved by Chelan County Public Works Department. Compliance with CCC 15.30.825 shall be a condition of approval.

**20. Chelan County Code 12.08.100 - Flood protection**

20.1. 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.

20.2. 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.

20.2.1. **Hearing Examiner Finding:** Pursuant to a comment letter from Chelan County PUD dated November 18, 2025 no development is allowed below the contour elevation of 712 feet (K-Line) according to the terms of the Warranty Easement recorded under Auditor's File No. 531057.

## 21. Chelan County Code 12.12.050 – Required featured for cluster subdivisions

21.1. The following features are required for all cluster subdivisions:

21.1.1. Lot design shall group building lots in a manner to maximize open space, preserve natural habitat and protect critical areas. A checker board, or alternating of open space and buildable lots, type of layout is incompatible with clustering.

21.1.2. Open space of at least seventy percent shall be provided.

21.2. Density within a Cluster Subdivision. The use of clustering supersedes the individual lot size and density requirements found in the Chelan County zoning regulations. The density allowed for the project shall be determined as follows:

21.2.1. Buildable Lots:  $(\text{Min. Acres} / \text{Zoning Density}) \times 150\% = (94.98/5) \times 150\% = 28.49$  which rounds to 29 buildable lots.

21.2.2. Required 70% open space:  $(\text{Acres} \times 70\%) = 94.98 \times 70\% = 66.48$  acres required open space.

21.2.3. Open space shall not include any developed areas, including right-of-way (built or un-built), but may include development open space features and snow easements.

21.3. Dimensional Standards

21.3.1. Minimum lot size, for individual lots, approved cluster subdivision shall be the minimum required by the Chelan-Douglas health district to meet provisions for domestic water and sewer, accommodate minimum setback requirements, and building envelopes.

21.3.2. Minimum Setback Distances

21.3.2.1. Setbacks for the portion of the development that is on the perimeter of the project site shall be the setbacks required by the underlying zone.

21.3.2.2. Setback for structures internal to the development may be altered to the extent allowed by the International Building/Fire Codes (IBC)/(IFC), Chelan County shoreline master program, and Title 11, Zoning.

21.3.2.3. All buffer requirements, such as shoreline buffers, must be identified and protected.

21.3.3. Maximum Lot Coverage. For individual lots or parcels, the maximum lot coverage shall not exceed the requirements of the underlying zone.

21.4. Types of Open Space

21.4.1. Open Space Exemption. The applicant may choose to use the open space as a buildable lot, provided the following requirements are met:

21.4.1.1. Individual ownership within the open space lot is clearly defined, including private yard and buildable areas, and is maintained as a separate space.

21.4.1.2. An open space lot management plan shall be submitted and approved, by the administrator or hearing examiner, with the preliminary application. The plan shall identify permitted uses and management of the reserve lot so that it maintains its designated functions and provides for the protection of all critical areas. The management plan shall identify who is responsible for maintaining the open space lot. The plan shall clearly identify the building area (current and future) including the yard along with any associated buffers or setbacks. This area shall not be calculated as open space. The building area shall not be expanded, unless by plat alteration or future land division. The plan shall also include a description of any construction activities (trails, fencing, recreation, buildings or similar improvements) and vegetation clearing that may occur on site. All subsequent activities must be conducted in conformance with the approved management plan. Management plans may be modified pursuant to Section 14.10.020.

21.4.2. **Hearing Examiner Finding:** All lots exceed the minimum lot size required for onsite septic, as determined by the Chelan-Douglas Health District. Setbacks and lot coverage for future structures will be reviewed at time of building permit submittal and will conform to the underlying zone. An open space lot management plan was submitted with the application materials. Staff finds that the proposed development as conditioned is consistent with the provisions of Chelan County Code Section 12.12.050

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

22.1. 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.

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

23. A preliminary plat application was submitted to Chelan County on September 30, 2025 for a 27-lot subdivision.
24. The subject property is 94.98 acres in size and is located at 9299 US HWY 97A Entiat, WA; and further identified by Assessor's Parcel No. 24-21-07-100-050.
25. 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 and is scheduled to occur on February 04, 2025.
26. The owner is Sound Investments.
27. The agent is Ryan Walker, Pacific Engineering & Design, PLLC.
28. The application materials were accepted as complete by Chelan County on October 16, 2025.
29. The subject property is located in the Rural Residential/Resource 5 (RR5) zoning district.
30. The Chelan County Comprehensive Plan Land Use designation is Rural Residential/Resource 5 (RR5).
31. 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.

32. Referral comments received from agencies have been considered in the review of this application.
33. A public comment was received from Pamela Talbot was received on November 11, 2025.
34. The proposed lots are located within the footprint of a former orchard that was active during the era when lead arsenate was used as a pesticide. Soil sampling results of the subject property indicate lead and/or arsenic contamination are above Washington State cleanup standards and cleanup shall be required.
35. The property is located on the Columbia River which is a shoreline of state wide significance.
36. A Shoreline Development Permit was also submitted for all development that is occurring within the 200 ft. shoreline jurisdiction.
37. All development is subject to compliance with the Chelan County Zoning Code, including development, design, and mitigation standards.
38. Purveyors have indicated that adequate utilities/services are available to serve this development as conditioned.
39. The proposed development is not exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(6). An MDNS was issued on January 21, 2026.
40. An open record public hearing was held, after legal notice, on February 2, 2026.
41. Appearing and testifying on behalf of the applicant was Dan Beardslee. Mr. Beardslee testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. He indicated that he had reviewed the proposed conditions of approval and agreed with all the representations contained therein.
42. Also 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. He also indicated that he had reviewed the proposed conditions of approval, and had no objection to any of them. He generally discussed the environmental enhancements that will be part of this project. He also testified as to how the project was consistent with the Rural Element of the Chelan County Comprehensive Plan. He indicated that there is no exclusion for cluster developments, that the lots sizes allowed in the Comprehensive Plan, Rural Element, go down to 12,000 sq ft. and that the applicant is meeting all of the code requirements for cluster subdivisions.
43. No member of the public testified at the hearing.
44. The following exhibits were admitted into the record:
  - 44.1. Ex. A Site Plan of record, date stamped September 30, 2025
  - 44.2. Ex. B SEPA MDNS issued January 21, 2025
  - 44.3. Ex. C Public & Agency Comments
  - 44.4. Ex. D Rural Element of the Chelan County Comprehensive Plan
  - 44.5. Ex. E Application Materials
  - 44.6. Ex. F Revised Staff Report;
  - 44.7. Ex. G Remainder of Planning Staff File.
45. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

46. 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 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, 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 consistent with the Chelan County Zoning Code and Comprehensive Plan.
7. 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, PL25-257 is hereby **APPROVED** subject to the following Conditions of Approval.

## IV. CONDITIONS OF APPROVAL

1. Pursuant to RCW 58.17, the proposed development 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. 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.
3. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary cluster plat of record, date stamped September 30, 2025, 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 12.08.030 and 12.24.020(3) and CCC Chapter 15.30, all easement locations are required to be shown on final plats.
5. Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations serving or encumbering the subject property 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.

6. 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.
7. Pursuant to CCC 11.02.020 the applicant shall obtain all necessary permits and any required easements from Chelan PUD prior to any development of roads or utilities for the project site.
8. Pursuant to RCW 27.53, 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.
9. Pursuant to CCC Chapter 11.78, the following note shall be placed on the final plat.
  - 9.1. "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."
10. Pursuant to CCC Section 11.86.080, the following notes shall be placed on the final plat:
  - 10.1. "All or part of this area may be located within a suspected or known geologically hazardous area. Subsequent development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended; and the Geological Site Assessment prepared by Nelson Geotechnical Associates, Inc. dated April 11, 2025 or with a site-specific geological site assessment."
11. Pursuant to CCC Section 12.02.010(1), the following notes shall be placed on the final plat mylar:
  - 11.1. "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."
  - 11.2. "Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."
12. Pursuant to CCC Section 12.12.050, the open space accumulated shall be clearly labeled and numbered as a tract with an approved open space management plan; the following language shall be inserted on the final plat filed for record under this chapter:
  - 12.1. "This tract is held in reserve as open space designated for recreational use in accordance with CCC 12.12.050(4)(a)(ii) on which a variety of activities may occur that are not compatible with residential development for certain periods of limited duration. Open space set aside for recreational purposes may allow improvements that are associated with the recreational operations, such as construction of trails, outbuildings, and other related facilities provided they are incidental and do not take up more than ten (10) percent of the open space. This tract is held in reserve as open space with provision for building consistent with the approved open space management plan AFN: \_\_\_\_\_, or as legally amended."
13. 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 pursuant to CCC 12.24.015(1).
14. Pursuant to CCC Title 12, the following notes shall be placed on the final plat:
  - 14.1. "Chelan County is not responsible for notification or enforcement of covenants 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.”

15. Pursuant to the Chelan County Shoreline Master Program, the Plat is within 200-feet of a Shoreline of the State. Therefore, the following note shall be placed on the final plat.

15.1. Any improvements or developments within 200 feet of the Ordinary High-Water Mark of the Columbia River shall require review and approval by Chelan County Community Development prior to any ground disturbing activities.”

16. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final plat:

16.1. “Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140. as amended.”

16.2. “If any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archaeology and Historic Preservation in conformance with RCW 27.53.020. Pursuant to RCW 68.50.645, if human remains or grave goods are found, all work must stop immediately and local law enforcement and the County Coroner/Medical Examiner must be notified immediately.”

#### **CHELAN COUNTY PUBLIC WORKS DEPARTMENT**

17. 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 November 03, 2025 (Exhibit C)

17.1. Frontage road improvements maybe required to US Hwy 97A per Washington State Department of Transportation. The applicant is advised to contact W.S.D.O.T for these requirements.

17.2. Pursuant to Chelan County Code Title 15.30, the applicant will be required to demonstrate or obtain a Washington State Department of Transportation Approach Permit for the access onto US Hwy 97A for this subdivision.

17.3. Pursuant to Chelan County Code Title 15.30, the applicant is required to demonstrate or provide legal and perpetual access from Cascade & Columbia River Railroad for this subdivision. The railroad crossing shall match the width of the internal new proposed access road standard.

17.4. Pursuant to Chelan County Code Title 12.08.020(2) the applicant must demonstrate a Legal and Perpetual Access for the indicated access road for the proposed plat.

17.5. Pursuant to CCC Section 15.30.360, all lots within this subdivision shall be required to access from the internal roadway system.

17.6. The design and construction of the proposed internal main road shall be required to meet a Private Rural Access Class 2 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 ft.).

17.7. Pursuant to Chelan County Code Chapter 15.30.360, the applicant will be required to provide snow storage areas to place snow accumulated for the new private road.

17.8. Pursuant to CCC Title 15.30.240, 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) submission. Said agreement shall be recorded with the final plat.

- 17.9. Pursuant to CCC Section 15.30.650, the following language shall be placed on the face of the plat:
  - 17.9.1. "Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat."
- 17.10. 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 must show the driveways/access location for the proposed development. This requirement shall be submitted with the construction plans.
- 17.11. 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.
- 17.12. Pursuant to CCC Title 13 the applicant shall add the following note to the Final Mylar for addressing:
  - 17.12.1. "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)".
- 17.13. The applicant shall submit construction plans and reports for all required improvements on the internal roads in accordance with Chapter 15.30.650: The Construction Plans shall include, but are not limited to:
  - 17.13.1. Drainage Report and Plan
  - 17.13.2. Roadway Improvement Plan (showing location of utilities and roadway curve data)
  - 17.13.3. Lot access plan (profiles, topography)
  - 17.13.4. Erosion and sedimentation control plan
  - 17.13.5. Signage Plan
  - 17.13.6. Topography Lines
  - 17.13.7. All Easements
- 17.14. 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.
- 17.15. 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.

- 17.16. 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.
- 17.17. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 17.18. 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.
- 17.19. Preliminary Plat must comply with stormwater standards, CCC Chapter 13.16.
- 17.20. 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.
- 17.21. The following not shall be placed on the final plat mylar:
- 17.21.1. "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. 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.
- 17.21.2. 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."
- 17.22. The applicant shall submit lot closure calculations with the preliminary mylar (blueline) submission.
- 17.23. Plat must identify all roads as public or private.
- 17.24. Show all easements that benefit or burden the subject property.
- 17.25. Plat must identify centerlines, easements and right-of-way dimensions on any new proposed road and adjacent public roads
- 17.26. Pursuant to CCC Section 15.30.825, monumentation shall be required to be placed on all public roads if not already monumented.

**CHELAN COUNTY FIRE MARSHAL**

18. 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 October 21, 2025. (Exhibit C)

- 18.1. The proposal/development shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
- 18.2. 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 sq. ft. 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 sq. ft. shall not be less than that specified in Table B105.1(1) of the IFC, except that reduction in required fire flow of fifty percent, as approved, is allowed when the building provided with an approved automatic sprinkler system.
- 18.3. 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. A note on the face of the final plat shall state:
- 18.3.1. "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."
- 18.4. 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 feet from a fire hydrant when serving lots less than 43,560 sq. ft. (one acre).
- 18.5. 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 feet from a fire hydrant when serving lots less than 43,560 sq. ft. (one acre).
- 18.6. 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 as amended, Section 507.5.7, Fire Hydrant Installation and maintenance requirements.
- 18.7. 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 mylar shall state:
- 18.7.1. "All buildings that require a building permit within this plat shall have Class A roofing materials."
- 18.8. A note on the face of the final mylar shall state that
- 18.8.1. "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."
- 18.9. The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to installation.
- 18.10. A note on the face of the final mylar shall state:
- 18.10.1. "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**

19. 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 November 07, 2025. (Exhibit C)

19.1. Domestic water service shall be by a new public supply that has yet to be developed. Individual service shall be available to each lot.

19.2. 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. For a well-site inspection contact the health district. For a Group A water System approval contact Sheri Miller at 509-4077160 or [sheri.miller@doh.wa.gov](mailto:sheri.miller@doh.wa.gov).

19.3. 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. The Washington State Dept. of Health has more information and examples of the following protective covenants (DOH publication 331-048b)

19.4. 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).

19.5. 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:

19.5.1. "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."

19.5.2. "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."

19.6. The dedicatory language on the plat shall carry these notes:

19.6.1. "The Health District has not reviewed the legal availability of water to this development."

19.6.2. "The combined water use by all the wells in this development may not exceed 5000 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)"

19.7. A Ground Water Withdrawal Permit from the Department of Ecology will be required to serve as many as 27 lots.

19.8. 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 06/03/2025.

- 19.9. Lots C1, C2, and C3 were not reviewed for domestic water and sewer as these lots (open space tracts) can be exempt under Chelan County Cod Title 12.04.020(1)(E).
- 19.10. The dedicatory language on the plat shall carry these notes:
- 19.10.1. "Site evaluations may be required at the time of application for individual septic system construction permits"
- 19.10.2. "Lots C1, C2, and C3 were not evaluated for the feasibility of sewage disposal and/or for an adequate source of domestic water. As such, these lot(s) may not be suitable for development"

**Washington State Department of Transportation (WSDOT)**

20. The subject property and final plat shall conform to the comments and conditions of approval as found in the WSDOT Agency comment letter dated October 29, 2025. (Exhibit C)
- 20.1. The developer needs to use WSDOT Form 224-694 to apply for an access permit with WSDOT and submit the form to WSDOT NCR Development Services. A TIA and a detailed drawing of the proposed SR-97A intersection, with the railroad crossing.

**Chelan County Public Utility District NO. 1 of Chelan County (Chelan County PUD)**

21. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County PUD Agency comment letter dated November 18, 2025. (Exhibit C)
- 21.1. No development is allowed below the contour elevation of 712 feet (K-Line) according to the terms of the Warranty Easement record under Auditor's File No. 531057.
- 21.2. The Rocky Reach Hydroelectric Project Boundary is currently defined by the Exhibit G maps (G-Line) which isn't being depicted on the proposed plat map.
- 21.3. Proposed soil remediation must not change the contour line that defines the project boundary (G-Line)
- 21.4. An underground Utility Easement will be required if any PUD utilities are to be installed prior to the recording of the plat.
- 21.5. Need an application with additional information:
- 21.5.1. Buildable space indicated on the map.
- 21.5.2. Septic locations indicated on the map.
- 21.5.3. Driveways indicated on the map.
- 21.5.4. Gated entrance to area? If so, will it need power?
- 21.5.5. Any other areas needing power?
- 21.5.6. Will the 2 wells be serving each lot for domestic and/or irrigation water?
- 21.6. The transmission line is shown on the plat. However, the poles are not. We can't assess impacts without the poles shown.
- 21.7. The construction plans appear to show pole locations with proposed landscaping near the poles. The proponent acknowledges that vegetation and other improvements may need to be modified or removed when structure maintenance is required.
- 21.8. Minor grading, cuts and fills are depicted. Please provide the grading plan in an electronic geolocated dxf file for power line clearance verification.

- 21.9. Any improvements that may impact District access for line maintenance such as fences, retaining walls, drainfields, or other structures must receive prior District approval. Fences may require approved gets to allow District access to infrastructure.
- 21.10. Excavation is prohibited within 50 feet of any utility pole or 20 feet of any guy anchor without explicit written approval from the district. Grading must not alter the bury depth of poles or anchors without authorization.
- 21.11. A District- approved access route sufficient for equipment and maintenance operations is required. All access routes must accommodate full-sized transmission line trucks, including adequate turning radii. Specifications are available upon request.
- 21.12. Drainfields and associated tanks near transmission lines must be clearly marked with a permanent, immovable barrier (e.g., fence or boulders), subject to District approval. This prevents inadvertent damage during maintenance.
- 21.13. No stockpiling, mounding, grading, or placement of fill materials is permitted beneath transmission lines—temporarily or permanently—without prior District authorization.
- 21.14. Snow storage is prohibited near District-owned poles, guys, anchors, or related infrastructure.
- 21.15. Extreme caution is required when working near power lines. Refer to the attached guidance document. A preconstruction meeting with the District is strongly recommended.
- 21.16. All structures must comply with NESC, WAC, and other applicable codes regarding proximity to 115kV transmission lines.
- 21.17. Owners must be informed that maintenance may require removal or modification of landscaping, fencing, or irrigation systems.
- 21.18. These guidelines do not alter or supersede any conditions or rights established in the existing easement agreement.

**State of Washington Department of Ecology**

- 22. The subject property and final plat shall conform to the comments and conditions of approval as found in the Department of Ecology Agency comment letter dated November 21, 2025. (Exhibit C)
- 22.1. Soil sampling results for your property indicate lead and/or arsenic are above Washington State cleanup standards and cleanup is required prior to occupancy under the Model Toxics Control Act (Chapter 173-340 WAC). The Department of Ecology has pre-approved cleanup methods, or model remedies, for lead and arsenic soil contamination on former orchard sites across Central Washington. Compliance with a Model Remedy ensures your project meets the minimum standards of the Model Toxics Control Act, and if implemented as described, your property will be successfully cleaned up to Washington State standards.

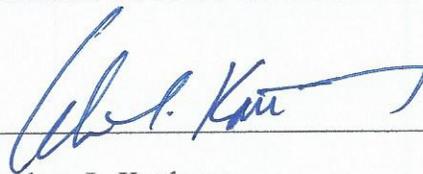
**Confederated Tribes of the Colville Reservation**

- 23. The subject property and final plat shall conform to the comments and conditions of approval as found in the Confederated Tribes of the Colville Reservation Agency comment letter dated November 19, 2025.
- 23.1. 17.1 Conclusions and findings from the report that we concur with are: "First, CRC recommends the site forms completed for 2204N-S1 and 2204N-S2 (Appendix C) be submitted to and reviewed by DAHP. If DAHP concurs with CRC's recommendation that the sites are not eligible for listing on the NRHP, no additional cultural resources investigation or mitigation at the sites will be necessary. Second, CRC recommends that project ground disturbance extending

to less than 61 cm (two feet) below surface, the average depth of shovel test probes excavated during field investigation, proceed without additional cultural resources investigation. Third, CRC recommends that a deep testing plan and/or archaeological monitoring plan be developed should project ground disturbance exceed 61 cm (two feet) below surface. This recommendation stems from the fact that the project is situated on an alluvial fan, which is an archaeologically sensitive landform type that has long supported settlements and activities by local Native peoples. The archaeological sensitivity of fans is supported by project comments provided by staff from the CTCR (Appendix A), the results of the DAHP Statewide Predictive Model (see Section 3), and previous cultural resources surveys in the Lake Entiat vicinity (see Section 2.8.2). The results of field investigation suggest that precontact archaeological deposits are not present at the project location to 61 cm (two feet) below surface. Below this depth, the alluvial fan may contain cultural strata preserved within ephemeral stream deposits (as at 45DO407). This is particularly true at the distal end of the fan, which is less likely to have been impacted by debris flow. However, even the proximal end of the fan may contain deeply buried archaeological deposits if cultural material was buried under alluvial or eolian sediments between instances of debris flow. Debris flow deposits are unlikely to contain archaeological deposits due to their rapid, high-energy nature of deposition. Therefore, the presence or absence of archaeological sites below a depth of 61 cm (two feet) cannot be determined at this time. If future ground disturbance is likely to exceed this depth, additional cultural resources investigation or monitoring may result in more detailed recommendations about whether archaeological sites are likely to be encountered during project activities. For example, archaeological monitoring during geotechnical monitoring, if planned, may provide more information about the thickness and distribution of debris flow versus stream deposits across the project location. Alternatively, if ground disturbance is likely to exceed 61 cm (two feet) in only specific areas, a deep testing plan consisting of archaeologically monitored, mechanically excavated test pits may provide necessary information about subsurface deposits to refine cultural resources recommendations. Finally, if non-monitored ground disturbance at any depth results in the discovery of archaeological materials or human skeletal remains, CRC recommends

Dated this 10 day of February, 2026

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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

**Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of**

**the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.**

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