

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
ZC 501-D)	AND DECISION
Vista Del Lago Homeowners)	
Association)	

THIS MATTER, an application for amendment of ZC 501, 501-A and 501-C, by the Vista Del Lago Homeowners Association, is decided upon this 14th day of June, 2011.

FINDINGS OF FACT

1. This application is submitted by the Vista Del Lago Homeowners Association requesting amendments to Zone Change 501, 501-A and 501-C to allow the following:
 - 1.1 Reduce the number of lots from the authorized 83 lots to 80 lots.
 - 1.2 Allow the existing 20 doublewide mobile/manufactured homes on-site as “cabins” pursuant to the 25% cabin/lodge allowance pursuant to Section 11.93.330 Chelan County Code (CCC).
 - 1.3 All existing and any proposed decks and carports would be allowed as accessory uses.
 - 1.4 Allow 900 square-foot park models onto to the park.
 - 1.5 “Chelan Rooms” to be considered accessory uses as long as they are not permanent and are built on temporary foundations with the combined square footage of park model and “Chelan Room” not to exceed 900 square feet.
 - 1.6 Setbacks shall be a minimum 5 feet from all property lines, except carports which are open on two sides and of non-combustible materials can be no less than 2.5 feet from any side property line.
 - 1.7 Stairways may encroach no closer than 2.5 feet from a side property line as long as the material is non-combustible.
 - 1.8 Joint use road maintenance agreement to be required.

- 1.9 Further, the applicant requests that assuming the Hearing Examiner approves these amendments, that anyone requiring a building permit would have 60 days after the filing of a binding site plan to apply for building permits with no penalties or “after-the-fact” fees. Also, at the time of submittal of the binding site plan, revised CC&Rs would be revised and recorded to correspond with the conditions of approval for the amended planned development.
2. The project location is 1000 SR150, Manson, WA.
3. The applicant is the Vista Del Lago Homeowners Association, 1000 SR150, Manson, WA.
4. The current zoning of the project is Planned Development Recreational Vehicle Resort (ZC 501, Resolution 93-117) with associated Binding Site Plan, BSP-23 (recorded December 17, 1996). The project is now within the Manson Urban Growth Area boundary and the underlying zoning is designated as Tourist Commercial (CT) zoning district.
5. At the time of the original planned development approval, the Lower Lake Chelan Basin Comprehensive Plan identified the site and surrounding areas as suitable for residential development. The 2009 Chelan County Comprehensive Plan identifies this use as suitable and is designated as Tourist Commercial.
6. As stated above, at the time of the original planned development approval on September 27, 1993, the project was located outside any designated Urban Growth Area boundary.
7. In December, 2009, the Manson Urban Growth Area was authorized by the Board of County Commissioners under Resolution 2009-612. Chapter 11.23, Manson Urban Growth Area District Use Chart identifies recreational vehicle parks (Major – over 50 units) as a permitted use within the Tourist Commercial (CT) zoning district.
8. Chapter 11.23 Manson Urban Growth Area, Section 11.23.050(5), does not permit planned developments in the CT zoning district.
9. While a recreational vehicle park is an outright permitted use under the present zoning, the rules and regulations of this planned development (ZC 501) govern the specifics of the recreational vehicle resort known as Vista Del Lago.
10. The planned development authorized by ZC 501 as amended by ZC 501A and ZC 501C is not a recreational vehicle park as defined within the Chelan County Code.
11. Private lot ownership is not consistent with a recreational vehicle park as defined within the Chelan County Code.
12. Permanent recreational homes are not consistent with a recreational vehicle park as defined within the Chelan County Code.
13. Recreational vehicle parks as defined by the Chelan County Code contemplates transient vacation rentals of days or weeks, but not years.

14. The Vista Del Lago lots have the possibility of year-round residency by the owner of the property.
15. The size of the subject property is approximately 10 acres.
16. The size of all lots are approximately 40'x60' (2400 sq. feet).
17. The area surrounding the proposal contains a mix of low intensity uses. Property to the north across the highway is orchard with single family residences. Property to the west is a modular home residential development. A mini storage complex is located to the east. Property to the south is residential, a park and waterfront residences.
18. Zoning to the north is Residential, SR150 and UR-2 zoning. Property to the south is Residential, UR-1 zoning and a park zoned UP zoning. Property to the east is a mini storage complex within the CT zoning district. Property to the west are The Orchards modular home complex within a UR-1 zoning district.
19. The property is located within Fire District No. 5.
20. The following agencies were contacted and provided comment:
 - 20.1 Fire District No. 5, comment 1/19/2011.
 - 20.2 Washington State Department of Transportation, comment 1/19/2011.
 - 20.3 Chelan County PUD, comment 1/26/2011.
21. The following agencies were contacted and did not provide a response:
 - 21.1 Chelan County Public Works.
 - 21.2 Lake Chelan Reclamation District.
 - 21.3 Chelan-Douglas Health District.
 - 21.4 Manson Community Council.
 - 21.5 Chelan County Fire Marshal.
22. No public comments were submitted.
23. This application was submitted on January 4, 2011.
24. A Determination of Completeness was issued on January 26, 2011.
25. The Notice of Application was published and posted on-site and mailed to property owners/taxpayers within 300 feet of the property on February 3, 2011, with public comment period that ended February 17, 2011.
26. Notice of the public hearing was published and mailed to property owners/taxpayers within 300 feet of the property on May 20, 2011.
27. History of Project: This finding of fact summarizes the history of this project:
 - 27.1 The original planned development, ZC 501, was approved by the Chelan County Board of Commissioners on September 27, 1993, allowing the subject property to

be developed as a recreational vehicle resort known as Vista Del Lago, which would include a clubhouse, pool, putting green, covered boat and RV storage. The Chelan County Board of Commissioners specifically conditioned this project in several ways, including the following condition of approval: "With the exception of the clubhouse, showers and covered storage buildings, no permanent buildings or structures are to be placed on the lots." (Condition 11.C of Resolution 93-117).

- 27.2 Additionally, the original approval by the Chelan County Board of Commissioners for Vista Del Lago was for the leasing of lots to individual tenants for terms not less than two (2) years in duration. In other words, it was understood by Chelan County that the applicants did not intend to operate the facility as a typical transient RV park.
- 27.3 On April 9, 1996, the Chelan County Board of Commissioners adopted an amendment to the Chelan County Building Code under Resolution 96-44 stating in part that park model RVs were allowed for use in any designated recreational vehicle park approved in accordance with Chelan County Zoning Code, Chapter 11.
- 27.4 On July 15, 1996, the owner of the subject property submitted a request to amend the conditions of ZC 501 regarding landscaping, fencing and phasing of improvements. Additionally, by letter dated September 11, 1996, the owner of the subject property requested to amend ZC 501 to allow for placement of "park model homes on the subject property." The application was given file number ZC 501-A. The staff report for ZC 501-A recognized that all improvements within Vista Del Lago, including any approval for park model homes, has the understanding that all structures are to be removable and constructed with posts on blocks.
- 27.5 On October 8, 1996, the Chelan County Board of Commissioners approved ZC 501-A under Resolution 96-1019 amending the existing planned development (ZC 501) to revise the landscaping plan, permitting the phasing of improvements, permitting alternative installation of park model homes and changing covered boat and RV storage to open storage use. The conditions of approval specifically permitted "installation of occupancy units including options for park model recreational vehicles, other recreational vehicle types on Lots 1 through 20 and park model homes with square footage less than 900 square feet.
- 27.6 On December 17, 1996, the owner of the subject property recorded Binding Site Plan No. 23 under Auditor's File No. 9612170018 creating 83 lots with additional parcels identified as a detention pond, a clubhouse, putting green and pool, and both covered and open boat/RV storage areas. Apparently, individual lots were sold after the filing of this Binding Site Plan.
- 27.7 Note No. 4 of the above-referenced Binding Site Plan states: "[W]ith the exception of the clubhouse, showers and covered storage buildings, no permanent buildings or structures are to be placed on the lots."
- 27.8 On March 20, 2000, the owners of the subject property requested an amendment to their planned development (ZC 501 Resolution 93-117 and ZC 501-A Resolution 96-117) by amending the Binding Site Plan to remove the prohibition of permanent

buildings or structures on the lots and to allow the construction of 900 square foot permanent structures (recreational residence) on the lots within Vista Del Lago resort. This application was given file number ZC 501-B.

27.9 On May 22, 2000, the Chelan County Planning Commission recommended to the Chelan County Board of Commissioners denial of the proposed amendments to ZC 501-B.

27.10 On June 6, 2000, the Chelan County Board of Commissioners took action to deny ZC 501-B in its entirety based upon the following conclusions:

- “1) The proposed amendment to Vista Del Lago recreational vehicle resort is not consistent with the scope and intent of the approved planned development and recreational vehicle resort binding site plan. The planned development and binding site plan was designed and approved as a resort for recreational vehicles.
- 2) If the prohibition on construction of permanent buildings and structures is stricken as a condition of planned development and binding site plan approval, the construction of recreational residences would be allowed in the resort resulting in the de facto conversion of the RV park to a recreational residential condominium development and/or subdivision which is not in conformance with the scope and intent of the approved planned development and binding site plan and which does not conform with the County subdivision requirements for residential development.
- 3) The proposal does not appear to be consistent with the Chelan County 2000 Comprehensive Plan.”

27.11 On May 24, 2001, the owners of the subject property filed an application (referenced as ZC 501-C) to amend the planned development zone change 501 and 501-A to provide exceptions to the “no permanent buildings or structures” restrictions for:

- 1) The clubhouse and covered storage buildings;
- 2) Site built rooms, attached to park model RVs not exceeding 400 square feet;
- 3) Park model homes not exceeding 900 square feet installed in accordance with applicable state and local requirements, with permits for setup as required by Chelan County;
- 4) Detached modular metal single carports open on all four sides with carports set on concrete slabs with minimum side yard setbacks of 2.5 feet; and
- 5) To specify that applicable minimum design standards for setback and spacing are those contained in the RV park ordinance in effect (CCC 11.56.222B); and
- 6) To allow the two park model homes that are on-site to remain with the attached and covered porches subject to the condition that no additional park model homes exceeding 900 square feet will be placed on any lot in Vista Del Lago.

28. The Hearing Examiner entered the following selected Findings of Fact in his August 8, 2001, Decision:

- 28.1 “[T]he two subject park model homes on the site do not currently comply with size requirements established by the planned development but may be modified to meet the applicable requirements.” (Finding of Fact 17)
- 28.2 “[T]he applicant has not fully complied with previously set conditions of approval.” (Finding of Fact 18).
- 28.3 “[I]t is very clear from the entire record that this planned development was and is intended to have visitors to the Lake Chelan Valley on a temporary/transient basis and not on a permanent basis.” (Finding of Fact 23).
- 28.4 “[T]he intent of the applicant in applying for the original planned development, and the understanding of Chelan County in approving the original planned development was the creation of a development to serve adults 55 years of age or older who intend to spend the summers in the Lake Chelan Valley and to spend winters elsewhere. The intent and understanding of Chelan County and the applicant was not to create a housing development for permanent residents.” (Finding of Fact 27).
- 28.5 “[T]he first two amendments currently proposed by the applicant would allow permanent structures, inconsistent with the original planned development and the first amendment, and the decision of the Board of Commissioners last year to deny a request to remove the permanent structure prohibition.” (Finding of Fact 28).
- 28.6 “[N]o finding of fact is being rendered as to whether site-built rooms (a.k.a. Chelan Rooms) are permanent structures.” (Finding of Fact 29).
- 28.7 “[T]he applicant suggests that this is simply a request to clarify the current regulations that apply to the property. The Hearing Examiner finds that the proposed amendments are attempts to expand the permitted uses and development previously authorized by ZC 501 and ZC 501-A.” (Finding of Fact 30).
29. In the Hearing Examiner’s Decision of August 8, 2001, the Hearing Examiner denied proposed amendments set forth in Findings of Fact 1.A and 1.B and approved the request set forth in Finding of Fact 1.C subject to conditions of approval.
30. Those conditions included that the two park model homes that are on the site with attached and covered porches would be allowed to remain so long as they are recreational vehicles as defined by Chapter 11.04 and that their installation fully complies with all regulations set forth in Chapter 11.93.320 of the current Chelan County Zoning Code as well as those conditions contained in ZC 501-A.
31. The Hearing Examiner set other conditions of approval in his August 8, 2001, Decision.
32. Requests for amendment of ZC 501 to allow for permanent residential structures has been consistently denied by the Chelan County Board of Commissioners and the Chelan County Hearing Examiner.

33. At this time, lots within Vista Del Lago are in private ownership. In other words, lots are no longer leased but are owned outright by individuals, who then become members of the Vista Del Lago Homeowners Association. This was apparently done after the filing of the Binding Site Plan. The Hearing Examiner is unable to find any amendment to the Vista Del Lago planned development that directly authorized the sale of the lots.
34. Sometime prior to the Vista Del Lago Homeowners Association submitting the application now known as ZC 501-D, mobile/manufactured homes have been placed on lots within Vista Del Lago.
35. At the open record public hearing on June 1, 2011, the applicant's representative and Chelan County Planning Staff agreed that the mobile/manufactured homes currently on-site are permanent structures according to the Chelan County Code.
36. The applicant is once again requesting that permanent structures be allowed within the Vista Del Lago planned development. The difference between this application and prior applications is that now members of the Homeowners Association have already placed permanent residential structures within this planned development and are now seeking "after-the-fact" approval, attempting to characterize these mobile homes as "cabins" that would be allowed pursuant to 11.93.330, Chelan County Code.
37. A "cabin" is defined within the Chelan County Code as ". . . [A] permanent structure which provides basic accommodation for temporary use." CCC 14.98.020.
38. CCC 11.93.330 is the code provision regulating recreational vehicle parks/campgrounds. Vista Del Lago is not an "RV park/campground" created as a conditional use under CCC 11.93.330 but is instead a planned development.
39. The applicant's current argument is that permanent structures should now be allowed on this planned development because they are also allowed in permitted recreational vehicle parks/campgrounds.
40. The Hearing Examiner finds that the mobile/manufactured homes at Vista Del Lago were placed in direct violation of the conditions set forth in ZC 501, ZC 501-A and ZC 501-C.
41. The applicant has allowed the placement of permanent residential structures within the planned development and attempts to excuse this behavior by claiming that the permanent residential structures were allowed to be placed on lots because of some sort of misunderstanding involving the prior owner of Vista Del Lago properties.
42. The applicant is now requesting that the planned development be amended to formally allow permanent residential structures within the planned development. The applicant would agree to limit the number of these permanent residential structures to either 25% of the total lots or the current 17 mobile homes.
43. An open record public hearing was held on this application on June 1, 2011.
44. The entire planning staff file of record for ZC 501, ZC 501-A, ZC 501-B, ZC 501-C and ZC 501-D were admitted into the record.

45. Appearing and providing argument on behalf of the applicant was Michelle Green, attorney at law.
46. Providing testimony on behalf of the applicant was Randy Zelinski. Mr. Zelinski testified that the current application is an attempt to bring Vista Del Lago into compliance with the Chelan County Code because the development is admittedly not within the Chelan County Code at this time.
47. Mr. Zelinski stated that the owners incorrectly looked to the CC&Rs to determine what development was appropriate instead of the conditions of approval of the previous planned development and amendments.
48. The Hearing Examiner finds that the excuse provided by Mr. Zelinski is inadequate to excuse the violation of clearly stated conditions of approval set forth in ZC 501, ZC 501-A, and ZC 501-C as well as BSP 23. Additionally, the Chelan County Board of Commissioners' June 6, 2000, denial of amendment application ZC 501-B, requesting permanent structures, is further evidence that the owners of lots within Vista Del Lago knew that permanent residential structures are simply not permitted.
49. The Hearing Examiner finds that the intent of the approval of the original planned development, along with all decisions set forth in the various requests to amend this planned development, are that no permanent residential structures are to be placed on the site.
50. The applicant's blatant disregard of prior conditions of approval prohibiting permanent residential structures within the planned development, and allowing permanent residential structures to exist within the development is not a justification to amend this planned development to now allow the existing permanent residential structures to remain.
51. The applicant has failed to demonstrate any public benefit to be associated with allowing permanent residential structures on these very small lots within the Vista Del Lago planned development.
52. The Chelan County Board of Commissioners had previously approved the installation of park model homes on the subject property. Park model homes are different from mobile homes and manufactured homes.
53. Park model homes are temporary residential structures while mobile homes and manufactured homes are permanent residential structures.
54. The applicant of ZC 501-A requested an amendment allowing the installation of park model homes on the subject property.
55. The Board of County Commissioners approved this request but mistakenly referred to "mobile" homes rather than park model homes. The Hearing Examiner finds, based upon his review of the entire record, that ZC 501-A was intended to approve the installation of park model homes and did not allow permanent mobile homes and/or manufactured homes.

56. The Hearing Examiner agrees with the Chelan County Board of Commissioners' finding in their decision denying ZC 501-B, that allowing the sale of lots as well as the allowance of permanent structures on these lots would essentially transform this recreational vehicle park into a subdivision. From the time of creation of Vista Del Lago through every decision made by the Chelan County Board of Commissioners and the Chelan County Hearing Examiner, it is clear that this project is to remain a unique planned development with the intent of providing for transient albeit long term, (i.e. 6 months) occupancy of temporary residential structures installed on the subject property.
57. Permanent residential structures have not ever been approved for this planned development. Permanent residential structures are not allowed within this planned development.
58. "Chelan rooms" may be accessory uses so long as these rooms are not permanent, are built on temporary foundations and that the combined square footage of the "Chelan room" and its associated temporary residential structure do not exceed a total of 900 square feet.
59. Existing and proposed decks and carports may be allowed as accessory uses so long as all decks and/or carports meet all setback requirements, are not attached to any of the installed temporary residential structures and are not constructed so as to be determined to be "permanent" pursuant to the Chelan County Code.
60. Stairways may encroach no closer than 2.5 feet from a side property line so long as the material is non-combustible and that the stairways are not attached to any temporary residential structure.
61. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. Allowing permanent residential structures within the Vista Del Lago recreational vehicle resort is not consistent with the scope and intent of the approved planned development and recreational vehicle resort Binding Site Plan.
3. Allowing permanent residential structures within this planned development is not consistent with the Chelan County Comprehensive Plan or ZC 501 as amended.
4. The request for permanent residential structures within this planned development is a substantial change to the character of the planned development. The applicant has failed to demonstrate any public benefit for this substantial change.
5. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

DECISION

Based upon the above Findings and Fact and Conclusions of Law, the Hearing Examiner hereby makes the following decisions on the various requests for amendment as follows:

1. Regarding the request to reduce the number of lots from the authorized 83 to 80 lots, this request is **GRANTED**.
2. Regarding the request to allow the existing 20 doublewide mobile/manufactured homes on-site as "cabins" pursuant to 11.93.330, this request is **DENIED**.
3. Regarding the request that all existing and any proposed decks and carports allowed as accessory uses, this request is **GRANTED** so long as the decks and/or carports meet all setback requirements, are not attached to any of the installed temporary residential structures and are not constructed so as to be determined to be "permanent" pursuant to the Chelan County Code.
4. Regarding the request to allow 900 square foot park model homes into the park, this request is **GRANTED**, so long as said park model homes only require an installation permit as opposed to a building permit. Any residential structure that requires a building permit because it is a permanent structure, is not allowed within this planned development.
5. Regarding the request to allow "Chelan Rooms" to be considered accessory uses, this request is **GRANTED** so long as these rooms are not permanent, are built on temporary foundations and that the combined square footage of the "Chelan Room" and its associated temporary residential structure do not exceed a total of 900 square feet.
6. Regarding the request that setbacks shall be a minimum of 5 feet from all property lines, except carports which are open on two sides and are constructed of non-combustible materials that can be no less than 2.5 feet from any side property line is hereby **GRANTED**.
7. The requested stairways that may encroach no closer than 2.5 feet from a side property line as long as the material is non-combustible is hereby **GRANTED**, provided further that said stairways are not to be attached to any temporary residential structure.
8. The request for a joint use road maintenance agreement is hereby **GRANTED**.
9. Regarding the request for after-the-fact building permits and/or waiving of penalties and after-the-fact fees is hereby **DENIED**.
10. All prior conditions of approval of ZC 501, ZC 501-A, ZC 501-C and BSP 23 as consistent with this Decision are hereby **REAFFIRMED**.
11. Any permanent residential structures on site, in violation of ZC 501, ZC 501-A, ZC 501-C and this Decision shall be removed.
12. Any Chelan rooms, stairways, carports and/or decks that do not meet the requirements of the setbacks and square footage or any other aspect of this Decision shall be removed or modified to conform with this Decision.

ADDITIONAL CONDITIONS OF APPROVAL

In addition to those conditions set forth in Paragraphs 1 through 12 of the "Decision" the following conditions of approval shall apply:

1. All conditions of the original resolutions (ZC 501, 501-A and 501-C) are in full force and effect for the life of the project.
2. Condition I.C. of the Board of Chelan County Commissioner's approval on October 8, 1996 shall be completed within the current (year 2011) growing season as follows: "Site obscuring vegetation shall be placed and maintained along the southern property boundary to be placed at three (3) feet on centers and to reach six feet in height at maturity or as approved by the Community Development Director. These plants shall be a minimum of three (3) feet in height at time of planting."
3. All recreational vehicles as defined by RCW 43.22.335 (7), as amended, are permitted within the resort.
4. Park models as defined by RCW 46.04.622, as amended, that are no larger than 400 square feet are permitted within the resort.
5. "Chelan Rooms" may be added to park models as long as the gross floor area of the park model and the "Chelan Room" combined does not exceed a maximum of 900 square feet in floor area. (*Note: Depending on how they are attached, the Fire Marshal may have fire wall separation requirements.*)
6. Authorization of no more than one, year around resident as caretaker to the recreational park resort, pursuant to CCC, Section 11.93.330 (17), as amended, is permitted.
7. Binding site plan #23 shall be amended as follows:

The owners of the RV park resort have one year from the date of the decision of this amendment to amend and record binding site plan amendment #BSP-23A.

At the time of submittal of binding site plan, a revised copy of CC & R's are required to accompany the application materials.

Amend the existing binding site plan to reflect the reduction of 3 lots (from the present 83 lots shown on the current binding site plan mylar to 80 lots) in the vicinity of the clubhouse; delineate the bus stop; as well as depict the required screening at the southern end of the development with types of landscaping and location.

The binding site plan mylar shall be signed by an authorized agent of the Vista Del Lago Homeowners Association, pursuant to the resort's recorded CCR's.

Notes on the binding site plan shall include:

1. **“This is a seasonal, transient recreational vehicle resort and is not a permanent, year-around facility. Pursuant to Tile 14, Chapter 14.98, temporary, seasonal is defined as being established for a period of one hundred eighty (180) day or less.”**
2. **One permanent year-around caretaker dwelling facility within this resort is permitted.**
3. **“Parcel “A” is not a building lot and Chelan County will not maintain, upgrade or accept the private road as part of the County road system.”**
4. **“Lots 40, 41 and 42 are “unbuildable” lots pursuant to the deed restrictions of record.”**
5. **“All roads and easements within this binding site plan are private and shall not become part of the County road system.”**
6. **“Private roads within this binding site plan will not be maintained by Chelan County.”**
7. **“A private road and joint use and maintenance agreement was recorded with the Chelan County Auditor’s Office under AFN _____.”**
8. **“This binding site plan has covenants, as amended, recorded under AFN _____ filed for recording on _____.”**
9. **“No permanent residences or manufactured/mobile homes as defined pursuant to CCC, Title 14, Definitions, as amended, are allowed to be placed within this binding site plan. The two park model homes located on Lots 59 and 66 are over the allowed 900 square foot limitation. A notice to title has been recorded under AFN _____ for (Lot 59) and AFN _____ (Lot 66). At such time as this park model home is removed, any new structure shall be required to conform to all rules and regulations of ZC 501, 501-A, 501-C and ZC 501-D and requirements as noted on the face of this mylar.”**
10. **“There are 11 park models and Chelan Rooms located on lots 11, 14, 33 (500 square feet), 43, 64 (408 square feet), 67, 69, 70, 72, 77 and 79 (both at 500 square feet). “**
11. **“A notice to title has been recorded under AFN _____ for (Lots 11, 14, 33, 43, 64, 67, 69, 70, 72, 77 and 79). At such time as this park model/Chelan room is removed, any new structure shall be required to conform to all rules and regulations of ZC 501, 501-A, 501-C and ZC 501-D and requirements as noted on the face of this mylar.”**
12. **“All park models and “Chelan Rooms” within this binding site plan require a “placement permit” from Chelan County Community Development.”**
13. **“All proposed decks, pergolas, retaining walls over 4 feet in height (measured from bottom of the footing to the top of the wall) and carports within this binding site plan are considered accessory uses (pursuant to Section 11.04.020, CCC) to the nature of this recreational vehicle park resort and as such require a building permit from Chelan County Community Development. Exceptions are one story, detached accessory structures used as tool and storage sheds (playhouses & similar uses) provided the floor area does not exceed 200 square feet, pursuant to IRC 105.2 as amended, or as interpreted by the Building Official. Retaining walls are exempt provided they are less than 4 feet in height measured from bottom of footing to top of wall.”**
14. **“All setbacks within this binding site plan shall adhere to a minimum setback from all property lines of 5 feet. A reduced front yard setback may be authorized if a written waiver is obtained from the appropriate utility purveyor. Carports which are open on at least two (2) sides and are constructed of non-combustible material are allowed to be no less than 2 ½ feet from any side and rear property line(s). Stairways may encroach up to 2 ½ feet from any side and rear property line(s) as long as they are constructed of non-combustible material.”**
15. **Structures that do not trigger building permits are still required to maintain a minimum 5 foot setback from all property lines unless otherwise authorized by the Chelan County Building Official.”**

16. "All lots have a 5 foot utility easement along the front property line, represented by --- --- ---"
17. "Parcels "A" "B" "E" and walkways have an easement for Lake Chelan Reclamation facilities."

Approved this 15th day of June, 2011.

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 three "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.

Requests for Reconsideration and to re-open the hearing must be timely filed and are governed by Chelan County Code 1.61.130 and 1.61.070 and Chelan County Hearing Examiner Rules of Procedure 1.24.