

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 2020-002)	DECISION AND CONDITIONS
Marita's Vineyard)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on November 4, 2020, 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. This is an application to subdivide three (3) parcels that total 8.71 acres into 21 residential lots. The smallest lot size is approximately 12,000 square feet and the largest lot size is approximately 16,170 square feet. The project site is located in the Rural Recreational/Residential (RRR) zoning district. Access for the lots in the proposed development will be an internal roadway off of S. Lakeshore Road. Domestic water will be supplied by the Bear Mountain Water District and sanitation will be provided by an expansion of the existing Lake Chelan Sewer District sewer system. The project site is located within a potential Geologic Hazard area.
2. The Applicants/owners are Marita Properties, LLC, 190 Grandview Lane, Chelan, WA 98816. The agent/surveyor is Erlandsen & Associates, 259 Simon Street, East Wenatchee, WA 98802.
3. The subject property is located at 331 & 333 S. Lakeshore Road, Chelan, WA 98816.
4. The parcel numbers for the subject property is 27-22-17-110-800, 27-22-17-110-810, and 27-22-17-110-820.
5. The subject property is located outside of the Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Recreational/Residential (RRR).
7. The subject property is currently vacant, with some orchard, grasses and residential uses. The project site is generally flat on the northerly portion of the properties with rising slopes to the south/southwest portion of the properties. There are two residential structures and several outbuildings with an area of orchard.
8. Per the Chelan County Assessor's records, the three (3) parcels, total approximately 8.71 acres.
9. The property to the north is S. Lakeshore Road and developed residential lots zoned Rural Waterfront (RW)10.
10. The property to the south is US Hwy 97A and orchard and is zoned Rural Residential/Resource – 1 Dwelling Unit per 2.5 Acres (RR2.5).
11. The property to the east is undeveloped residential and is zoned Rural Recreational/Residential (RRR).
12. The property to the west is vineyard and is zoned Rural Recreational/Residential (RRR).

13. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped June 2, 2020. Pursuant to Chelan County Code Section 11.82.040, Chelan County has determined that the aquifer recharge measures do not apply.
14. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150625C, the project site does not contain identified 100 or 500-year flood plain or associated floodway. Therefore, Chelan County Code 11.84, Frequently Flooded Areas Overlay District does not apply.
15. According to the Chelan County GIS mapping, the project site contains potential geologic hazardous areas. The applicant submitted a Geological Site Assessment, date stamped July 6, 2020, prepared by Erlandsen and Associates, Inc. The report includes several recommendations for construction, which should be adhered to for the design and construction of the proposed subdivision. Pursuant to Chelan County Code (CCC) Chapter 11.86, a note on the final plat mylar should be required, identifying this subdivision as being located in a potential geologically hazardous area.
16. Pursuant to the National Wetlands Inventory Map, the site does not contain any known wetlands. Therefore, the provisions of CCC Chapter 11.80, do not apply.
17. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps and CCC Chapter 11.78 Fish and Wildlife Overlay District, the project site does not contain any known habitat conservation areas. Therefore, the provisions of CCC Chapter 11.78 do not apply.
18. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation and other agencies is required to ensure information regarding the possible impact of construction activities on the state's archaeological resources is maintained. Pursuant to a letter from the Washington Department of Archaeology and Historic Preservation, the proposed project area has high potential for archaeological resources. Therefore, a cultural resource survey is recommended prior to ground disturbing activities. A letter from the Confederated Tribes of the Colville Reservation, dated July 16, 2020, says their records on file show no archaeological sites were found at the nearby Bear Mountain Development. However, they support DAHP's recommendation for a cultural resource survey. Staff recommended a condition of approval stating a cultural resource survey shall be conducted unless documentation as provided by the DAHP relinquishes this requirement.
19. Permits and applications on record for the project site include:
 - 19.1 Pre-App 17-289 – Proposed 79 unit Planned Residential Development and included a public fire station.
 - 19.2 PL 18-051 – 81 Lot Residential Planned Development, approved by the Hearing Examiner on October 10, 2018, which was upheld in subsequent lawsuits.
 - 19.3 Pre-App 20-028 – Pre-application for 21 lot subdivision. This meeting was not held due to the Community Development office being closed at the time because of the Covid-19 requirements.
 - 19.4 On September 27, 2020, Marita Properties officially withdrew the approved planned development so that they could move forward with this 21-lot subdivision.
20. The Chelan County Public Works comment letter, dated July 28, 2020, states the primary access to the project site is via US Highway 971 (aka S. Lakeshore Road) and access to the new proposed lots would be provided by a new proposed internal private road. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed internal private road would be

required to be constructed to meet or exceed a Private Rural Local Access Road Class 2 (Standard Plan PW-20) with Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) for this subdivision. The applicant would be required to obtain a WSDOT Approach Permit and construct the new proposed access connections to US Hwy 971 (aka S. Lakeshore Road) to meet WSDOT Approach Design Details.

21. The Chelan County Public Works comment letter, dated July 28, 2020, states: “A private storm water drainage system will be required for the proposed preliminary plat. Operation and maintenance of the private drainage system will require a Maintenance Agreement. The Maintenance Agreement must include operational and annual maintenance criteria. The Hearing Examiner finds that the Maintenance Agreement shall be submitted to the Public Works Department with the final plat blue-line review. A preliminary storm drainage report, prepared by Erlandsen & Associates was submitted with the file of record.
22. Written confirmation from the Bear Mountain Water District (BMWD), dated June 1, 2020, states that the BMWD can adequately supply the proposed development as long as the applicant successfully negotiates and executes a line extension agreement with the BMWD. The BMWD would provide an update on the applicant’s progress prior to final plat approval. The Chelan-Douglas Health District comment letter, date stamped July 30, 2020 states domestic water service would be by expansion of the BMWD public water system but the plans and specifications for this expansion must be reviewed and approved by the Chelan-Douglas Health District or the State Department of Health, and construction of the improvements certified as per State Board of Health Regulations prior to final plat approval.
23. On October 27, 2020, Richmond Petty of the Chelan-Douglas Health District provided an updated comment indicating that domestic water will be provided by the Bear Mountain Water District and sanitation would be provided by expansion Lake Chelan Sewer District sewer system.
24. The Washington State Department of Ecology comment letter, date stamped July 27, 2020 states, “Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides”. Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels, Ecology recommends that potential buyers be notified of their occurrence. The Hearing Examiner finds as a condition of approval that this statement be added as a note on the face of the final plat.
25. Written confirmation from the Lake Chelan Sewer District (LCSD), dated July 2, 2020, states that the project site is within the service area of the LCSD. It will be the responsibility of the property owner to obtain any easements needed to get access to the 10 inch sewer line located on the north side of SR 97A. The Chelan-Douglas Health District comment letter, date stamped July 30, 2020, states sanitary sewer service shall be by expansion of the LCSD public sewer system and that all sewer system improvements must be designed, constructed, and placed in accordance with the purveyor’s and the Dept. of Ecology’s standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final road development approval or future plat final approval.
26. The Chelan County PUD did not comment on this project. PUD power serves this area. The applicant should consult with the Chelan County PUD for further information. The Hearing Examiner finds as a condition of approval, pursuant to Chelan County Code Section 11.02.020, stating the applicant shall obtain a permit and any required easements from Chelan Public Utility District No 1, prior to any development of roads or utilities for the project site.

27. The Chelan County Fire Marshal comment letter date stamped July 29, 2020, 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. "Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant when serving lots less than 43,560 square feet (one acre) in size."
28. The application materials propose irrigation service to be private and provided by the Home Owner's Association (HOA). The project site does not benefit from public irrigation.
29. Noise impacts are addressed in CCC Chapter 7.35.
30. The Notice of Application was referred to agencies and departments on July 16, 2020 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due July 30, 2020. Agency comments are included, as appropriate, within this staff report and in the recommended Conditions of Approval. The following agencies and County departments were sent referral packets:

Agencies Notified	Response Date	Nature of Comment
Chelan County Assessor	July 16, 2020	The legal description appears to be correct and there are no delinquent taxes.
Chelan County Fire Marshal	July 16, 2020	The project site is located within Fire District #7. However, due to the distance from a fire hydrant, the subject properties do not have adequate fire flow; fire hydrants will be necessary to serve this project or alternative fire flow provisions will be necessary.
Chelan County Building Official	No Comment	
Chelan-Douglas Health District	July 30, 2020	Domestic water will be provided by Bear Mountain Water District and sanitation will be provided by an expansion of the existing Lake Chelan Sewer District sewer system. Recommend further approval of the project.
Chelan County Public Works	July 28, 2020	Recommended conditions of approval were provided for the proposed project.
Chelan County PUD	No Comment	
WA Dept. of Fish & Wildlife	No Comment	
Fire District #7	No Comment	
Lake Chelan School District	No Comment	
WA Dept. of Archaeology & Historic Preservation	July 22, 2020	DAHP recommends a cultural survey be performed and requests an inadvertent discovery plan be developed that includes a training for construction workers.
Yakama Nation	No Comment	

Agencies Notified	Response Date	Nature of Comment
Confederated Tribes of the Colville Reservation	July 16, 2020	A letter from the Confederated Tribes of the Colville Reservation, dated July 16, 2020, says their records on file show no archaeological sites were found at the nearby Bear Mountain Development, however; they support DAHP's recommendation for a cultural resource survey.
Dept. of Ecology	July 27, 2020	Based on historical agricultural use of the project site, there is a possibility the soils contain residual concentrations of pesticides. Ecology recommends that potential buyers be notified of the potential contamination.

31. The following public comments were received:

Name	Date Received	Nature of Comments
Brad and Sharron Ward	July 28, 2020	Would like to see applicant required to implement traffic mitigation due to the significant traffic congestion at the SR 97A and S. Lakeshore Road intersection. Also concerned about surface water runoff from proposed development.
Brian Patterson	July 27, 2020	Concerned about the potential contamination of the project site with lead and arsenic above DOE cleanup standards. Also believes that the County has improperly used SEPA during the initial review process for the proposal.

32. The application materials were submitted on June 9, 2020, with additional information submitted through July 6, 2020.
33. A Determination of Completeness was issued on July 7, 2020.
34. The Notice of Application was provided on July 16, 2020.
35. The SEPA DNS Notice was issued on October 22, 2020.
36. The Notice of Public Hearing was provided on October 23, 2020.
37. The Comprehensive Plan has been reviewed. Specifically, the goals and policies related to the Rural Recreational/Residential (RRR) designation, which is a type of LAMIRD (Limited Areas of More Intensive Rural Developments) for higher densities developments and focused growth. LAMIRDs help focus development and support the preservation of rural lands in other areas of the County and provide for residential development when served by public water, sewer and other facilities. The Comprehensive Plan outlines the purpose, uses and density intended for RRR designation.

Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural recreational/residential areas for residential, recreational and tourist development consistent with the rural

character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Chelan County. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural recreational development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include intensification of existing development.

Density: May allow for less than 1 acre per dwelling unit, when consistent with Health District standards. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary.

- 37.1 The following Comprehensive Plan policies indicate support for the proposed development within a LAMIRD:
- 37.1.1 Policy LU 1.1: Promote improved neighborhood character and compatibility through unified design and site requirements for both site-built homes and manufactured and modular housing.
 - 37.1.2 Rationale: The placement should take into consideration compatibility with the character of existing and future residential areas.
- 37.2 Policy LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.
- 37.2.1 Rationale: Many parcels of land are available within existing residential developments that can accommodate further development. Infill within these areas will allow public facilities and services to be provided in a more efficient manner.”
- 37.3 Policy RE 6.2: Apply development standards in LAMIRDs to ensure the design of development or redevelopment is consistent with the character of the existing areas and the proposed use conforms to the intent of this Comprehensive Plan.
- 37.3.1 Rationale: Requiring new and/or redevelopment within LAMIRD designations to be consistent with the provisions of this element ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.
- 37.4 The Comprehensive Plan outlines the long-range goals and development patterns for the County. The proposed development is consistent with the intent of the Comprehensive Plan, which supports higher density uses and development in the zoning district where public facilities (such as water and sewer) are available. The Hearing Examiner finds the proposed development is consistent with the Chelan County Comprehensive Plan for LAMIRD development.

38. Chelan County Code Section 11.04.020, District Use Chart, lists land divisions within the Rural Recreational/Residential (RRR) district as a permitted activity. Chelan County Code, Section 11.18.020: Standards:
- 38.1 Minimum lot size, which measures to include ten percent of the adjoining public rights-of-way, shall be in accordance with the Chelan-Douglas Health District standards for public or community water and sewage disposal. However, in no case shall lot sizes be less than 12,000 sq. ft. (approximately 0.28 acres).
 - 38.2 Minimum lot width is 70 ft. at the front building line for an interior lot; 80 ft. for a corner lot.
 - 38.3 Maximum building height is 35 ft.
 - 38.4 Maximum lot coverage is 35%.
 - 38.5 Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), riparian and shoreline areas, or as modified by the provisions of this title:(A) Front yard: 25 ft. from the front property line or 55 ft. from the street centerline, whichever is greater; (B) Rear yard: 20 ft. from the rear property line; (C) Side yard: 10 ft. from the side property line.
 - 38.6 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.28 to 0.42 acres. All proposed lots exceed the minimum lot width of 70 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application. The Hearing Examiner finds that the proposed major subdivision, as conditioned, is consistent with the provisions of Chelan County Code Section 11.18.020.
39. Chelan County Code 14.08.010 Pre-application meetings:
- 39.1 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.
 - 39.2 The applicant participated in a pre-application meeting with Chelan County Community Development on February 14, 2019.
40. Chelan County Code, Title 12: Land Divisions - Chelan County Code, Section 12.04.020: Suitability for Land Division
- 40.1 As submitted, the proposed major subdivision is consistent with the provisions of this section.
41. Chelan County Code 12.08 Standards:
- 41.1 The proposed subdivision is to be named Marita's Vineyard Subdivision, which does not appear to be similar to the name of any other subdivision in the county.
 - 41.2 The proposed lots were reviewed for consistency with the major subdivision standards and appear to be an adequate size to accommodate residential development within the dimensional standards of the RRR zoning district. Each lot will be provided access from the internal roadway that goes through the proposed plat.
 - 41.3 A Geologic Site Assessment prepared by Erlandsen & Associates, Inc. dated stamped July 2, 2020 was submitted with the application. Staff is recommending as a condition of approval that a note be placed on the face of the final plat, stating the subject properties

- are within an erosion hazard area and that all development shall be consistent with CCC Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended, as well as compliance with the recommendations of a site-specific geological site assessment.
- 41.4 Based on the site plan of record, dated June 2, 2020, the proposed subdivision would not result in barrier to the development of the adjacent lots.
 - 41.5 Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations are required to be shown on the final plat. Separate instruments recorded with the Chelan County Auditor should be referenced on the final plat. Easements will be reviewed with final plat blueline submittal.
 - 41.6 The project site is within Fire District 7. The proposed subdivision and all future building permits must conform to all applicable requirements of the International Fire Code and International Building Code administered by the Chelan County Fire Marshal.
 - 41.7 Comment letter from Chelan County Public Works, dated July 28, 2020, states that the proposed subdivision must comply with the stormwater standards per CCC Chapters 13.12; 13.14; 13.16; and 13.18.
42. An open record public hearing after due legal notice was held using Zoom video conferencing on November 4, 2020.
 43. At this hearing the entire Planning staff file was entered into the record.
 44. Appearing and testifying was Jeff Sutton. Mr. Sutton testified that he was an agent of the property owner and Applicant and has authorization to appear and speak on their behalf. Mr. Sutton indicated that the proposed conditions of approval were acceptable to the applicants, except for the following:
 - 44.1 Mr. Sutton requested that proposed Condition of Approval No. 2.1 be removed and replaced with a Condition of Approval not requiring an archeological survey, but instead allowing for only an inadvertent discovery plan.
 - 44.2 Further Mr. Sutton testified to revision of proposed Condition of Approval 2.2 regarding the public water system; and
 - 44.3 Revision to proposed Condition of Approval 2.3 regarding the storm water plan.
 - 44.4 Further, Mr. Sutton testified that all of the lots can be developed with a single family residence and accessory structures without the need for a variance.
 45. Also testifying at the hearing was Mark Babcock. Mr. Babcock testified that he was the property owner and Applicant. He indicated that the property had been farm land for the past 100 years and that if there was any inadvertent finding of archeological items, the project would be required to be stopped.
 46. No member of the public testified at this hearing.
 47. The Hearing Examiner has reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code, the Hearing Examiner provides the attached conditions of approval.
 48. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein 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 Chelan County Code Section 1.61.080 Duties and Powers.
2. The subject application demonstrates consistency with the development standards and procedural requirements of Chelan County Code Title 11 Zoning, Title 12 Land Divisions, Title 14 Development Permit Procedures and Administration, and Title 15 Development Standards.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Chelan County Comprehensive Plan.
4. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. The public interest will be served by the subdivision.
6. The application, as conditioned, is compatible with adjacent uses and will not harm or change the character of the surrounding area.
7. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

III. DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use P 2020-002 is hereby **APPROVED**, subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

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

1. Pursuant to RCW 58.17, the 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. Based on comment letter received from Washington State Department of Archaeology and Historic Preservation (DAHP), the project site is located in an area with high potential for archaeological resources. Prior to ground disturbing activities and the finalization of the plat, consultation with DAHP shall be required; a cultural resource survey shall be conducted unless DAHP relinquishes this requirement.
3. If determined necessary by Public Works based on the materials submitted for the construction plan review, the Applicant shall obtain a NPDES Construction Storm Water General Permit from the Washington State Department of Ecology (Erosion Sediment Control Plan). Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction. A copy of this permit must be submitted to Chelan County Public Works prior to any clearing, grading or construction.

4. Domestic water service shall be by expansion of the Bear Mountain Water District public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements, designed, constructed and placed in accordance with the purveyor's requirements. Completion of the improvements, including necessary easement, must be accepted, in writing, from the utility prior to final plat approval. The dedicatory language on the final plat shall carry this note "*The Health District has not removed the legal availability of water to this development.*"
5. The project may require coverage under the Department of Ecology Construction Stormwater Permit. The owner/developer(s) shall evaluate this requirement and if coverage is required, a copy of this permit is required by the Department of Ecology, a copy of this permit shall be submitted to Chelan County Public Works before initiating any clearing, grading or construction activities.
6. The owner/developer/contractor(s) shall comply with all conditions of approval as listed in the Chelan County Public Works Memorandum dated July 28, 2020.
7. Sanitary sewer service shall be by expansion of the Lake Chelan Sewer District public sewer system. All sewer system improvements must be designed, constructed and placed in accordance with the purveyor's and the Department of Ecology's standards and requirements. Completion of the improvements, including the necessary easements, must be accepted in writing from the utility prior to final plat approval.
8. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record, date stamped June 2, 2020, 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.
9. 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.
10. Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations serving or encumbering the project site are required to be shown on the final plat. Separate instruments recorded with the Chelan County Auditor shall be referenced on the final plat. The location of existing structures and utilities (i.e. power, sewer, and water lines, etc.) and utility and private access easements shall be depicted on the face of the final plat.
11. 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.
12. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:
 - 12.1 "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, or with a site-specific geological site assessment."
13. Pursuant to CCC Title 12, the following notes shall be placed on the final plat:
 - 13.1 "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.”
- 13.2 “Based on historical agricultural use of this land, there is possibility the soils contain residual concentrations of pesticides. The WA State Dept. of Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the WA State Dept. of Ecology recommends that the potential buyers be notified of their occurrence.”
14. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final plat:
- 14.1 “Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”
- 14.2 “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. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan may be obtained from Chelan County Community Development.”
15. Pursuant to CCC Section 12.08.030, the applicant shall provide any necessary line extensions and any associated easements pursuant to the standards of Chelan County PUD No. 1. All easements shall be denoted on the final plat.

CHELAN COUNTY PUBLIC WORKS DEPARTMENT

16. Pursuant to CCC Section 15.30.360 all lots within this subdivision shall be required to access off the new proposed internal roadway system.
17. The applicant shall be required to obtain a WSDOT Approach Permit and construct the new proposed access connections to US Hwy 971 (aka S. Lakeshore Road) to meet WSDOT Approach Design Details.
18. Pursuant to CCC Section 12.08.020, the applicant must demonstrate a Legal and Perpetual Access for the proposed development. This includes access permit to the State Highway and easements to the lots.
19. Pursuant the CCC Chapter 15.30, the design and construction of the new proposed internal private road shall be required to be constructed to meet or exceed a Private Rural Local Access Road Class 2 (Standard Plan PW-20) with Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) for this subdivision.
20. Pursuant to CCC Section 15.60.070, road design specifications and features shall be required to meet Chapter 15.30, WSDOT, AASHTO, MUTCD, and all other referenced design guidelines and publications in this section.
21. Pursuant to CCC Section 15.30.240, the applicant shall be required to provide snow storage areas for the proposed new private road.

22. Pursuant to CCC Section 15.30.340, the applicant shall file a Private Road Maintenance and Upgrading Agreement appurtenant to all the property owners having a vested interest in the private shared/common private road and must pertain wording of maintenance of the road sign within the development. Said agreement must be provided simultaneously with the Preliminary Mylar (blue-line) submission. Said agreement shall be recorded with the final plat.
23. Pursuant to CCC Section 15.30.650, the following language shall be placed on the face of the plat: "Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat."
24. Pursuant to CCC Section 15.30.310, the applicant is required to submit a Lot Access/Addressing Plan. The Lot Access/Addressing Plan shall demonstrate how all lots and any existing driveway easements will be constructed and how they meet county road approach standards. Submit three (3) or more names for the New Proposed Internal Roads to the Public Works Department for approval by Rivercom pursuant to CCC Chapter 10.20.
25. Pursuant to CCC Chapter 10.20, the applicant shall add the following note to the Final Mylar for addressing: "Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s)".
26. Pursuant to CCC Section 15.30.610, Construction Plans, the applicant shall submit construction plans and reports for all required improvements on the internal road and if any, required frontage improvements shall be approved by WSDOT. The applicant will be required to have the Construction Plans approved by Chelan County Public Works Department prior to construction. The Construction Plans shall include, but are not limited to:
 - 26.1 Drainage Report and Plan.
 - 26.2 Roadway Improvement Plan (showing location of utilities and roadway curve data).
 - 26.3 Lot Access Plan (Profiles, Topography).
 - 26.4 Erosion and Sedimentation Control Plan.
 - 26.5 Signage Plan.
 - 26.6 ADA Ramps, Curb, Gutter and Sidewalks.
27. Pursuant to CCC Section 15.30.650, a Pre-Construction Meeting is required with the owner, contractor, the Chelan County Public Works Department and WSDOT prior to commencing any construction.
28. 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 Engineer's signature on the Final Mylar.
29. Pursuant to CCC Section 15.30.820, the applicant shall not obstruct sight distance with a centralized mailbox or locate a centralized mailbox that will hinder Road Maintenance. Should a centralized mailbox be required, provide details on construction plans. Minimum information shall include location, installation details, and pull-out detail.
30. A private stormwater drainage system will be required for the proposed preliminary plat. Operation and maintenance of the private drainage system will require a Maintenance Agreement. The Maintenance Agreement must include operational and annual maintenance criteria. Said Maintenance Agreement shall be submitted to the Public Works Department with the Preliminary Mylar (blue-lines) and shall be recorded with the final plat.

31. The following note shall be placed on the final plat mylar:

“The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties’ successors and assigns; that its contents are binding upon the parties’ successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner’s expense.

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

32. The final plat must identify all roads as public or private.
33. The final plat must identify centerlines and right-of-way dimensions on US Hwy 971 (aka S. Lakeshore Road) and on any new proposed roads.
34. Pursuant to CCC Section 15.30.825, monumentation will be required to be placed on the new private internal road.
35. The final plat shall show all easements that benefit or burden the project site.
36. Submit lot closure calculations must be submitted with Pre-Final (blue-lines).

CHELAN COUNTY BUILDING AND FIRE SAFETY

37. The proposal/project shall conform to all applicable requirements of the International Fire Code and International Building Code administered by the Chelan County Fire Marshal.
38. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant when serving lots less than 43,560 square feet (one acre).
39. The Fire Chief is authorized to increase the number or reduce the spacing of fire hydrants where conditions indicate and unusual susceptibility to group fires or conflagrations.
40. All fire hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of Chapter 15.30, Road Standards and meet the requirements of chapter 15.40, Minimum Standard for Water Mains and Fire Hydrants.

41. The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. Applicant is encouraged to contact this office to ascertain how fire protection credits options apply to their project. A note on the face of the final short plat shall state: "Without the installation of a fire hydrant that has the capabilities 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 the fire protection credits to satisfy 100% Fire Protection Credits needed."
42. 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 that "All buildings that require a building permit within this short plat shall have Class A roofing materials."

CHELAN-DOUGLAS HEALTH DISTRICT

43. Domestic water service shall be by expansion of the Bear Mountain Water district public water system. Individual service shall be provided to each lot. Plans and specifications for this expansion must be reviewed and approved by the Health District/State Department of Health, and construction of the improvements certified as per State Board of Health Regulations, prior to final plat approval.
44. The dedicatory language on the final plat shall carry this note: "The Health District has not reviewed the legal availability of water to this development".
45. Sanitary sewer service shall be by expansion of the Lake Chelan Sewer District public sewer system. All sewer system improvements must be designed, constructed and placed in accordance with the purveyor's and the Department of Ecology's standards and requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final road development approval or future plat final approval.

Dated this 6 day of November, 2020.

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.