

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 2020-003)	DECISION AND CONDITIONS
Robison Estate, LLC)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on April 7, 2021, 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 cluster subdivide approximately 129.87 acres into (39) residential lots with (3) dedicated open space tracts. The development is proposed to occur in (4) phases. The smallest lot is proposed at approximately 0.34 acres and the largest lot is proposed at approximately 0.64 acres. The dedicated open space tracts are to be privately owned and retained as agricultural production, totaling 110.75 acres.
2. The Applicants/owners are Robison Estate, LLC, Chelan, WA 98816. The agent/surveyor is Dan Beardslee, PLS, 325 32nd St. NW, East Wenatchee, WA 98802.
3. The subject property is located at NNA Navarre Coulee Road, Chelan WA 98816.
4. The parcel number for the subject property is 26-21-10-100-050.
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 Residential/Resource 5 (RR5).
7. The subject property is currently in agricultural use.
8. The subject property is approximately 129.87 acres.
9. The subject property is partially in apple orchard with a farmworker housing facility. The proposed building lots have portions of moderate slopes to steep slopes. The slopes generally slope up toward the north.
10. The property to the north is zoned Rural Residential/Resource 5 (RR5) and Rural Residential/Resource 20 (RR20).
11. The property to the south is Agricultural use and zoned Rural Residential/Resource 5 (RR5)
12. The property to the east and west is zoned Rural Residential/Resource 20 (RR20).
13. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped August 17, 2020. Pursuant to Chelan County Code (CCC) Section 11.82.040, the aquifer recharge measure does not apply.
14. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150250B, the subject property does not contain identified 100 or 500-year flood plain or associated floodway. Therefore, CCC Chapter 11.84, Frequently Flooded Areas Overlay District would not apply.

15. According to the Chelan County GIS mapping, the subject property does contain potential geologic hazardous areas. Therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay, would apply. A geological site assessment, dated July 29, 2020 and conducted by Anderson Geological Consulting, LLC, was submitted with application. The property is compatible with residential development if geologic hazards are mitigated per the provided recommendations.
16. Pursuant to the National Wetlands Inventory Map, the property does not contain any known wetlands. Therefore, therefore, the provisions of CCC Chapter 11.80, do not apply.
17. Based on the Washington State Department of Natural Resource FPARS stream typing map, several streams/drainages run through the subject property. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps and Chelan County Fish and Wildlife Overlay District, Chapter 11.78, the subject property does contain mule deer habitat. Therefore, the provisions of Chelan County Code Chapter 11.78 do apply.
18. On December 19, 2019, a pre-application meeting was held to discuss the proposed major cluster subdivision.
19. The proposed subdivision fronts on US Hwy 971 (Navarre Coulee Road). US Hwy 971 is a 60' right-of-way and is classified as a State Highway in the county road system. US Hwy 971 consists of single travel lanes for both directions with no curb, gutter or sidewalk. A lot access and addressing plan 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
20. The comment letter from Chelan County Public Works, dated October 2, 2020, states a private stormwater drainage system is required with an Operation and Maintenance Agreement of the drainage system and recorded with the final plat.
21. Domestic water would be served by a new privately owned and developed water system. The development would convert a portion of the existing irrigation water right to a domestic water right.
22. Based on site evaluations prepared by Blackstone Septic Design conducted on February 5, 2020, all lots meet or exceed the state minimum lot size based upon soil type and source of domestic water supply.
23. Power would be provided via an extension of the Chelan County PUD.
24. Noise impacts are addressed in Chelan County Code Chapter 7.35.
25. The applicant submitted an environmental checklist on August 17, 2020. Pursuant to WAC 197-11 and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed. A Mitigated Determination of Non-significance (MDNS) was issued on October 22, 2020. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
26. The Notice of Application was referred to agencies and departments on September 22, 2020 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due October 6, 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	September 23, 2020	The legal description appears to be correct and there are no delinquent taxes.
Chelan County Fire Marshal	October 6, 2020	The subject property is located within Fire District 8. Recommended conditions of approval for fire flow provisions.
Chelan County Building Official	No Comment	
Chelan-Douglas Health District	October 21, 2020	Recommended conditions of approval were provided for the proposed development regarding public water system and on-site septic systems.
Chelan County Public Works	October 2, 2020	Recommended conditions of approval were provided for the proposed development regarding lot access and stormwater requirements.
Chelan County PUD	No Comment	
WA Dept. of Natural Resources	No Comment	
WA Dept. of Ecology	October 2, 2020	Base on the historical use, the subject property may contain residual concentrations of pesticides; Ecology recommends that potential buyers be notified of their occurrence.
Fire District #8	No Comment	
Lake Chelan School District	No Comment	
WA Dept. of Archaeology & Historic Preservation	October 5, 2020	Based on comments received from WA Dept. of Archaeology & Historic Preservation, the subject property is located in an area as having a high potential for archaeological resources; a cultural resource survey is

		requested.
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	September 22, 2020	Recommend an archaeological reconnaissance.
WSDOT	October 8, 2020	An access connection permit would be required for the change of land use.

27. Application and Public Hearing Notice Compliance:

Application Submitted:	August 17, 2020
Determination of Completeness issued:	September 16, 2020
Notice of Application:	September 22, 2020
SEPA MDNS Issued:	October 22, 2020
Notice of Hearing:	March 27, 2021
Public Hearing:	April 7, 2021

28. No public comments were received.

29. The Comprehensive Plan has been reviewed for consistency with the goals and policies related to Rural Designations including the specific criteria for the Rural Residential/Resource 5 (RR5) zoning designation as it relates to rural residential development. Pursuant to the Chelan County Comprehensive Plan, page 8-9 of the Rural Element, states the purpose of the RR5 designation is to:

“Provide 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... 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: intensification of existing development.”

30. The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.

31. Chelan County Code Section 11.12.020: Standards:

31.1 Minimum lot size shall be 5 acres unless modified one time for: (A) cluster subdivisions or planned developments; (B) Fractional lots within a minor or major subdivision; (C) Fractional boundary line adjustment; or (D) Lot size reduction for an existing dwelling.

31.2 Minimum lot width is 100 ft. at the front building line.

31.3 Maximum building height is 35 ft.

- 31.4 Maximum lot coverage is 35%.
- 31.5 Minimum setback requirements shall be:(A) Front yard: 25 ft. from the front property line or 55 ft. from the street centerline, whichever is greater; (B) Rear yard: 20 ft. from the rear property line; (C) Side yard: 5 ft. from the side property line. Setback requirements may be modified if abutting commercial agricultural lands (AC), riparian and/or shoreline areas.
32. The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.34 acres to 0.64 acres with the average lot size of approximately 0.41 acres. Comments from Chelan Douglas Health District, dated October 21, 2020 states, based on the soil evaluations, all proposed lots meet or exceed the state minimum lot size based upon soil type and source of domestic water supply.
33. All proposed lots exceed the minimum lot width of 100 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.
34. The Hearing Examiner finds that the proposed major cluster subdivision, as conditioned, would be consistent with the provisions of CCC Section 11.12.020.
35. Chelan County Code Section 12.04.020: Suitability for Land Division:
- 35.1 As conditioned, the proposed major cluster subdivision would be consistent with the provisions of this section.
36. Chelan County Code Chapter 12.08: Standards:
- 36.1 The proposed subdivision is to be named Robison Estate LLC Cluster Subdivision, which does not appear to be similar to the name of any other subdivision in the county. The proposed lots were reviewed for consistency with the cluster subdivision standards and appear that they are of an adequate size to accommodate residential development within the dimensional standards of the RR5 zoning district as well as outside the required critical area setbacks. The proposed lots are to access off of US Hwy 971 (Navarre Coulee Road), a county road not identified to be primitive. Private access easements/Private Road may be needed and/or required to access all proposed lots; said easements shall be shown on the face of the final plat.
- 36.2 Based on the site plan of record, dated August 17, 2020, the proposed subdivision would not result in barriers to the development of the adjacent lots.
- 36.3 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 would be reviewed with blueline submittal.
- 36.4 The subject property is within Fire District 8. Based on comments received from Chelan County Fire Marshal on October 6, 2020, there is no fire hydrant located on or near the subject property; therefore, alternative fire flow provisions are necessary. 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.
- 36.5 Comment letter from Chelan County Public Works, dated October 2, 2020, states that the proposed subdivision must comply with the stormwater standards per Chelan County Code Chapters 13.12; 13.14; 13.16; and 13.18.

- 36.6 Site evaluations were provided by Blackstone Designs, which determined based on the test holes that the property is suitable for subdivision utilizing on-site sewage disposal system. The Chelan Douglas Health District provided comment stating the property is generally suitable for placement of individual on-site sewage disposal system. Additionally, domestic water is proposed to be served by a public group water system yet to be developed. The proposed system must be reviewed and approved by the WA Dept. of Health as well as have the construction of the system certified by the State Board of Health Regulations prior to final plat approval.
- 36.7 Title 15 requires the Addressing/Lot Access Plan to demonstrate how all lots and any existing driveway easements would be constructed and how they meet the county road approach standards. Prior to final plat review, the proposal should be reviewed by Chelan County Department of Public Works for compliance with Title 15.
- 36.8 As conditioned, the proposed major cluster subdivision would be consistent with the provisions of this section.
37. Chelan County Code Chapter 12.12: Subdivisions:
- 37.1 Cluster subdivisions may occur within the RR5 zoning district. To calculate the overall number of allowable lots, the base density of the parent parcel (129.87 acres) is divided by the minimum lot size (5 acres) of the zoning district. Once you get that result (25.97 lots), the applied density bonus shall be one hundred fifty percent (150%), which is the total number of lots (38.95 lots rounding up to 39 lots) for this development. [(129.87 total acres / 5 acres) = 25.97 x 150% = 38.95, rounds to 39 lots].
- 37.2 The applicant is proposing (39) lots and (3) open space tracts on approximately 129.87 acres.
- 37.3 The proposed open space tract would continue in agricultural production with ancillary facilities consistent with CCC Section 12.12.050(4)(B). Currently on the proposed open space tract is an existing workers housing. The property owners would like to build additional worker housing adjacent to the existing worker housing structure. Uses would be agriculturally related.
- 37.4 Per CCC Section 12.12.050(C), open space of at least seventy percent shall be provided. The proposed open space tracts would total approximately 110.75 acres, which is 85 percent of the 129.87 acres of the subject property. The density allowed by the cluster subdivision provisions for the subject property is 39 buildable lots based on the following calculations.
38. An open record public hearing after due legal notice was held using Zoom video conferencing on April 7, 2021.
39. At this hearing the entire Planning staff file was entered into the record.
40. Appearing and testifying was Dan Beardslee. Mr. Beardslee testified that he was an agent authorized to appear and speak on behalf of the Applicant and property owner. Mr. Beardslee indicated that the proposed conditions of approval were acceptable. Mr. Beardslee confirmed that the open space would remain in agricultural use. Mr. Beardslee requested that proposed Conditional of Approval No. 7 be stricken because the cultural resource survey had been completed.
41. No member of the public testified at this hearing.

42. 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 would be served by the subdivision.
6. The application, as conditioned, is compatible with adjacent uses and would not harm or change the character of the surrounding area.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based upon the above noted Findings and Fact and Conclusions, P 2020-003 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. 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 plat of record, date stamped August 17, 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.

4. Pursuant to CCC Section 12.24.015 and RCW 58.17.140, all requests for final Plat approval must be submitted within five (5) years from the date of preliminary approval, unless an extension is granted.
5. Pursuant to 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 shall be referenced on 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. The owner/developer/contractor(s) shall obtain NPDES Construction Storm Water General Permit from 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 the Chelan County Community Development, prior to any clearing, grading or construction.
8. Pursuant to CCC Section 11.12.020(1), the minimum lot size may be modified one time for a cluster subdivision. The following note shall be placed on the final Plat:
 - 8.1. **“The lots associated with this plat shall not be further subdivided utilizing the provisions of CCC Section 11.12.020(1)(A-D), as amended.”**
9. Pursuant to CCC Section 11.78.240, the following note shall be placed on the final plat:
 - 9.1. **“The subject property is within identified mule deer habitat and the requirements of the Chelan County Code Chapter 11.78, Fish and Wildlife Habitat Conservation Areas apply, as amended.”**
10. Pursuant to CCC Section 11.86.080, the following note 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 Anderson Geological Consulting, LLC dated July 26, 2020 or with a site-specific geological site assessment.”**
11. Pursuant to CCC Section 11.12.020(1), the minimum lot size may be modified one time for a cluster subdivision. The following note shall be placed on the final plat:
 - 11.1. **“The lots associated with this plat shall not be further subdivided utilizing the cluster subdivision criteria.”**
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 agricultural use 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 agricultural purposes may allow improvements that are associated with the agricultural operations, such as barns, outbuildings, storage facilities and other related facilities provided they are incidental and do not take up more than ten (10) percent of the open space. Commercial operation associated with agricultural activities shall be prohibited. 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 Title 12, the following note shall be placed on the final Plat:
 - 13.1. **“This property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.”**
 - 13.2. **“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 assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”**
 - 13.3. **“Based on historical agricultural use of this land, there is possibility the soils contains 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.**
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.
16. Pursuant to CCC Section 12.08.040 and the Chelan County Fire Marshal, the following shall be required:
 - 16.1. 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.
 - 16.2. Plans for fire apparatus access roads, designed in accordance with CCC Chapter 15.30, road standards, shall be submitted to the Chelan County Public Works for review and approval prior to development approval.
 - 16.3. All land upon which buildings or portions of building are hereafter constructed in or moved within Chelan County, or improved, shall be served by water supply designed to meet the required fire flow for fire protection as set out in CCC Section 15.40.040 of the

Chelan County Code and the current edition of the International Fire Code (IFC).

- 16.4. The minimum fire flow and flow duration requirements for the one and two-family dwellings having a fire area which does not exceed three thousand six hundred square feet shall be seven hundred fifty gallons per minute. Fire flow and flow duration for dwellings having a fire area in excess of three thousand six hundred square feet shall not be less than that specified in Table B105.1(1) of the IFC, except that reduction in required fire flow of fifty percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.

16.4.1. Establish a water system with fire hydrants and a water reservoir with a minimum supply of 45,00 gallons. This would provide the required fire flow for homes less than 3,600 sq. ft. of fire flow calculation area (IFC B104.1 and CCC Section 15.40.040(2)(A)). Homes larger than 3,600 sq. ft. may be required to install fire sprinkler system to meet fire flow requirements.

- 16.5. New homes shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to installation.
- 16.6. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 ft. with no lot or parcel in excess of 300 ft. from a fire hydrant when serving lots less than 43,560 sq. ft.
- 16.7. 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.
- 16.8. All fire hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of CCC Chapter 15.40, Minimum Standard for water Mains and Fire Hydrants.
- 16.9. The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a ground of building in rural areas or small communities where the development of full fire-flow requirements is impractical. Applicant is encouraged to contact this office to ascertain how the attached fire protection credits options apply to their development. A note on the face of the final plat shall state:
- 16.9.1. **“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.”**
- 16.10. 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:

16.10.1. “All buildings that require a building permit within this plat shall have Class A roofing materials.”

17. Pursuant to CCC Section 12.08.060 and the Chelan Douglas Health District, the following shall be required:

- 17.1. Domestic water service shall be by a new public supply that has yet to be developed. Individual service shall be available to each lot. This system must be reviewed and approved by the Health District/State Department of Health, and construction of the system certified as per State Board of Health Regulations prior to final plat approval.

- 17.2. Group A and B public water systems using a well point must show and describe the sanitary control area/radius around the well. All necessary easements and covenants for access and protection of the public water supply must be shown or described on the final plat drawing. The Washington State Dept. of Health has more information and examples of the following protective covenants (DOH publication 331-048b). A Restrictive Covenant is necessary for that part of the 100 ft. sanitary control radius that falls outside the well owner's property and is recorded to the neighboring property owner's parcel(s). A Declaration of Covenant is necessary for that part of the 100 ft. sanitary control radius that falls completely within the well owner's property and is owned in fee simple by the well owner. Some wells would have both protective covenants. The Health District recommends the plat developer consult an attorney about these covenants.
- 17.3. Protective covenants for each public well point must be declared in the dedicatory language on the plat as follows:
- 17.3.1. **"A Declaration of Covenant recorded as a notice to title with Chelan 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 without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health."**
- 17.3.2. **"The Declaration of Covenant and Restrictive Covenant(s) recorded as a notice to title with Chelan 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 without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health."**
- 17.4. The dedicatory language on the final plat shall carry these notes:
- 17.4.1. **"The Health District has not reviewed the legal availability of water to this development."**
- 17.4.2. **"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)."**
- 17.4.3. **"Site evaluations may be required at the time of application for individual septic system construction permits."**
- 17.5. 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 Blackstone Designs via a report dated 2/5/20.
18. Pursuant to the Washington State Department of Transportation, the following shall be required:
- 18.1. The current connection to US 971 is grandfathered unpermitted access legal only for orchard access. An access connection permit would be required for this change in land use. Under Class 2 managed access laws pertaining to access permitting, only one access would be allowed for this parcel.

19. Pursuant to CCC Section 12.08.080 and Chelan County Public Works, the following shall be required:
 - 19.1. Pursuant to CCC Section 15.30.360 all lots within this subdivision would be required to access off the new proposed internal roadway system.
 - 19.2. The applicant would be required to obtain a WSDOT Approach Permit and construct the new proposed access connections to US Hwy 971 (aka Navarre Coulee Road) to meet WSDOT Approach Design Details.
 - 19.3. Frontage/road improvements may be required on Navarre Coulee Road per Washington State Department of Transportation for this development.
 - 19.4. 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.
 - 19.5. Pursuant the 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.
 - 19.6. Pursuant to CCC Section 15.60.070 road specifications and features would be required to meet Title 15.30, WSDOT, AASHTO, MUTCD, and all other referenced design guidelines and publications in this section.
 - 19.7. Pursuant to CCC Section 15.30.240 the applicant would be require to provide snow storage areas for the proposed new private roads.
 - 19.8. 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 working of maintenance of the road sign within the development. Said agreement must be provided simultaneously with the Preliminary Mylar (blue line) submission. Said agreement shall be recorded with the final plat.
 - 19.9. Pursuant to CCC Section 15.30.650 requires the following language on the face of the plat:
 - 19.9.1. **“Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.”**
 - 19.10. 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 would 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.
 - 19.11. Pursuant to CCC Chapter 10.20 the applicant shall add the following note to the Final Mylar for addressing:
 - 19.11.1. **“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).”**
 - 19.12. Pursuant to CCC Chapter 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 would be required to have Construction plans approved by Chelan County Public Works Department prior to construction. The Construction Plans shall include, but are not limited to:

20.12.1 Drainage Report and Plan

20.12.2 Roadway Improvement Plan (showing location of utilities and roadway curve data)

20.12.3 Lot Access Plan (Profiles, Topography)

20.12.4 Erosion and Sedimentation Control Plan

20.12.5 Signage Plan

- 19.13. 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.
- 19.14. Pursuant to CCC Section 15.30.660, As-Built Plans shall be submitted, reviewed and approved by the Pubic Works Department upon completion of all required improvements and prior to County Engineers signature on the Final Mylar.
- 19.15. Pursuant to CCC Section 15.30.820 the applicant shall not obstruct sight distance with a centralized mailbox or locate a centralized mailbox that would hinder Road Maintenance. Should a centralized mailbox be required, provide details on construction plans. Minimum information shall include location, installation detains, and pull-out detail.
- 19.16. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 19.17. On the Final Plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 19.18. The applicant shall submit lot closure calculations with the preliminary blue line submission.
- 19.19. The final plat shall demonstrate the following:
 - 19.19.1. Plat must identify all roads as public or privates.
 - 19.19.2. Plat must identify centerlines and right-of-way dimensions on US Hwy 971 (aka Navarre Coulee Road)
 - 19.19.3. Pursuant to Title 15.30.825 monumentation would be required to be placed on the new private internal road.
 - 19.19.4. Show all easements that benefit or burden the subject property. Submit lot closure calculations must be submitted with the Pre-Final (blue line)
- 19.20. Preliminary plat must comply with stormwater standards, CCC Chapter 13.12; 13.14; 13.16; and 13.18.
- 19.21. A private stormwater drainage system would 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 (blue lines) and shall be recorded

with the final plat. The following not shall be placed on the final plat:

19.21.1. "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. 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."

Stormwater Maintenance & Operation Agreement AFN _____.

Dated this 8 day of April, 2021.

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.