

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

|                      |   |                         |
|----------------------|---|-------------------------|
| IN THE MATTER OF     | ) | FINDINGS OF FACT,       |
|                      | ) | CONCLUSIONS OF LAW,     |
| P 2021-224           | ) | DECISION AND CONDITIONS |
| Pottorff Subdivision | ) | OF APPROVAL             |
|                      | ) |                         |

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on October 6, 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 submitted to subdivide approximately 2.66 acres into seven (7) lots. The smallest lot is proposed at approximately 12,795 sq. ft. and the largest lot is proposed at approximately 28,013 sq. ft. The subject property is located in the Rural Village (RV) zoning district. Access is to be off Bainard Road and Sweetheart Lane onto a private internal roadway proposed with the development. Domestic water would be provided by Malaga Water District with sanitation proposed as individual on-site systems.
2. The Applicants/owner is Michael Pottorff, P.O. Box 1602, Wenatchee, WA 98807. The agent/surveyor is Dan Beardslee, PLS, 325 32<sup>nd</sup> St. NW, East Wenatchee, WA 98802.
3. The subject property is located at 3580 Bainard Rd., Malaga, WA.
4. The parcel number for the subject property is 22-21-28-440-180.
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 Village (RV).
7. The subject property is currently in agricultural and residential use.
8. The subject property has an existing mobile home and outbuilding. Both will be demolished upon approval of this plat. The remainder of the property is pasture.
9. The property to the north, east, and south is Rural Village (RV).
10. The property to the west is Rural Village (RV) and Commercial Agricultural Lands (AC).
11. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped May 28, 2021. Pursuant to Chelan County Code (CCC) Section 11.82.040, the aquifer recharge measure does not apply.
12. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150450B, 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.)
13. 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 April 4, 2021 and conducted by Heath Geotechnical Services, was submitted with application. The property is

compatible with residential development if geologic hazards are mitigated pursuant to the provided recommendations.

14. Pursuant to the National Wetlands Inventory Map, the property does not contain any known wetlands. Therefore, the provisions of CCC Chapter 11.80, do not apply.
15. 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 development does not contain any known habitat conservation areas. Therefore, the provisions of CCC Chapter 11.78 do not apply.
16. On February 18, 2021, a pre-application meeting was held to discuss the proposed major subdivision.
17. The proposed subdivision fronts on Bainard Road. Bainard Road is a minimum 60' right-of-way and is classified as a Rural Local Access Road in the county road system. Bainard Road provides single lane for traffic in 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.
18. The comment letter from Chelan County Public Works, dated June 14, 2021 states a private stormwater drainage system is required with an Operation and Maintenance Agreement of the drainage system to be recorded with the final plat.
19. Domestic water would be served by expansion of the Malaga Water District, public water system.
20. Based on site evaluations prepared by Tower Design, Inc conducted on February 8, 2021, all lots meet or exceed the state minimum lot size based upon soil type and source of domestic water supply.
21. Power would be provided via an extension of the Chelan County PUD.
22. Noise impacts are addressed in Chelan County Code Chapter 7.35.
23. The applicant submitted an environmental checklist on May 23, 2021. 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 by Chelan County. A Determination of Non-Significance (DNS) was issued on September 21, 2021. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
24. The Notice of Application was referred to agencies and departments on June 3, 2021 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due June 17, 2021. Agency comments are included, as appropriate, in the Conditions of Approval. The following agencies and County departments were sent referral packets:

| Agencies Notified          | Response Date | Nature of Comment  |
|----------------------------|---------------|--|
| Chelan County Assessor     | No Comment    |  |
| Chelan County Fire Marshal | June 16, 2021 | The subject property is located within Fire District 1. Recommended conditions of approval for fire flow provisions. |

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|---|---------------|---|
| Chelan County Building Official                 | No Comment    |   |
| Chelan-Douglas Health District                  | June 16, 2021 | Recommended conditions of approval were provided for the proposed development regarding public water system and on-site septic systems. |
| Chelan County Public Works                      | June 14, 2021 | Recommended conditions of approval were provided for the proposed development regarding lot access and stormwater requirements.         |
| Chelan County PUD                               | June 10, 2021 | Utility easements would need to acquire if they are not dedicated in the recorded plat.   |
| WA Dept. of Fish and Wildlife                   | June 9, 2021  | WDFW does not feel necessary at this time.  |
| Chelan County Building Official                 | June 8, 2021  | A geo assessment would be required for any building permit.   |
| WA Dept. of Ecology                             | No Comment    |   |
| Malaga Colockum Community Council               | June 10, 2021 | Domestic water lines shall be added to the Malaga Water District on the extension of Sweetheart lane.                                   |
| WA Dept. of Archaeology & Historic Preservation | No Comment    |   |
| Yakama Nation                                   | No Comment    |   |
| Confederated Tribes of the Colville Reservation | No Comment    |   |

25. Public Comments:

25.1 Shawn and Holly Jellison, June 16, 2021. The Jellisons are concerned about traffic in front of their house and the extension of Sweetheart Lane.

26. Application and Public Hearing Notice Compliance:

|                                       |              |
|---------------------------------------|--------------|
| Application Submitted:                | May 23, 2021 |
| Determination of Completeness issued: | May 28, 2021 |

|                        |                    |
|------------------------|--------------------|
| Notice of Application: | June 3, 2021       |
| SEPA MDNS Issued:      | October 22, 2020   |
| Notice of Hearing:     | September 23, 2021 |
| Public Hearing:        | October 6, 2021    |

27. The Comprehensive Plan has been reviewed for consistency with the goals and policies related to Rural Village (RV) designation, which is a Type 1 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 RV designation.

*“Purpose: This designation recognizes the existence of intensely developed rural residential development and communities, with densities less than 2.5 acres per dwelling unit, which typically will not have sewer service. This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural residential areas for residential and other rural development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. 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 residential 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: 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 small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

*Density: May allow for less than 2.5 acres per dwelling unit. The establishment of densities shall consider pre-existing development patterns, Health District standards, proximity to resource lands, existence of critical areas and the availability of necessary public facilities and services. 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.”*

- 27.1 The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.
28. Chelan County Code, Title 11: Zoning. Chelan County Code Section 11.20.020: Standards:
- 28.1 Minimum lot size shall be 12,000 sq. ft.
  - 28.2 Minimum lot width is 70 ft. at the front building line.
  - 28.3 Maximum building height is 35 ft.
  - 28.4 Maximum lot coverage is 35%.

- 28.5 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.
- 28.6 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 12,795 sq. ft. to 28,013 sq. ft. with the average lot size of approximately 15,193 sq. ft. Comments from Chelan Douglas Health District, dated June 16, 2021, state that 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.
- 28.7 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.
- 28.8 The Hearing Examiner finds that the proposed major subdivision, as conditioned, would be consistent with the provisions of CCC Section 11.20.020.
29. Chelan County Code 14.08.010 Pre-application meetings:
- 29.1 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.
- 29.2 The Hearing Examiner finds that the applicant participated in a pre-application meeting with Chelan County Community Development on February 18, 2021.
30. Chelan County Code, Title 12: Land Divisions - Chelan County Code, Section 12.04.060: Concurrency of public infrastructure:
- 30.1 After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the proposed land division have been given adequate notice to provide comment regarding adequate capacity or arrangements for adequate services for the development, concurrently with the demand for such services and facilities.
- 30.2 No county facilities will be reduced be reduced below adopted levels of service as a result of the proposed land division.
- 30.3 Hearing Examiner Finding: The subject property would be served by a Malaga Water District and would utilize on-site septic systems. Extensions of the existing lines would be required for power.
31. Chelan County Code 12.08 Standards for all subdivisions:
- 31.1 No land division shall be approved which bears a name using a work which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words which contain the following "town," "county," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the land division bearing the same name.
- 31.2 Hearing Examiner Finding: Review of the name would be required prior to final plat approval to determine that it does not match or is not similar to an existing plat name.
32. Chelan County Code 12.08.030 Easement:
- 32.1 Utilities, whenever feasible, shall be located outside the established road prism, as defined in Title 15, but within the right-of-way. When location within the public right-of-

way is not feasible or practical, as determined by the county or local utility purveyor, the following provisions shall be adhered to:

- 32.1.1 Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the county or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.
- 32.1.2 The widths of the easements shall be the minimum necessary as determined by the utility purveyor, unless the administrator determines a small or larger width is appropriate based on-site conditions. Whenever possible, public utilities shall be combined with driveways, pedestrian access ways and other utility easements.
- 32.1.3 Hearing Examiner Finding: Electrical services is available from the Chelan County PUD No. 1; however, line extension would be required.
- 32.2 Private road easements shall be shown.
  - 32.2.1 Hearing Examiner Finding: The applicant is proposing access by a private internal road and private driveways. Private road standards, as detailed in Title 15, apply to this development and require an approved maintenance agreement.
- 32.3 Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final land division or separate instrument.
  - 32.3.1 Hearing Examiner Finding: All easement locations are required to be shown on the final plats, pursuant to CCC 12.08.030. Separate instruments recorded with the Chelan County Auditor should be referenced on the face of the final plat. Required easements, shall be reviewed with the blue line submittal.
- 32.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
  - 32.4.1 Hearing Examiner Finding: Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
- 33. Chelan County Code 12.08.040 Fire protection standards:
  - 33.1 The fire protection standards contained in Title 15 and adopted International Fire Code are required in all divisions of land. Modifications are allowed though the adopted fire credit options when approved by the Chelan County fire marshal.
  - 33.2 Hearing Examiner Finding: The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is within 1 miles of the subject property. Pursuant to CCC Section 3.04.010, State Building Code, all building permits require compliance with the International Fire Code(s), as adopted or amended by Chelan County.
- 34. Chelan County Code 12.08.050:
  - 34.1 All land division creating new impervious surfaces shall meet the following requirements: (1) Storm drainage shall be provided in accordance with the adopted standards. (2) All infrastructure within the right-of-way shall become the property of, maintained and operated by, Chelan County.
  - 34.2 Hearing Examiner Finding: 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 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.

35. Chelan County Code 12.08.060:
  - 35.1 Where a division of land is traversed by a watercourse, a drainage easement adequate for the purpose and conforming to the line of such watercourse, drainage way, waste-way, channel or stream and of such width for construction, maintenance and protection as determined by the decision body shall be provided.
  - 35.2 Hearing Examiner Finding: The property is not impacted by a watercourse.
36. Chelan County Code 12.08.080:
  - 36.1 Road Standards: All land divisions shall comply with CCC Title 15.
37. Chelan County Code 12.08.090:
  - 37.1 Permanent survey monuments shall be provided for all final land divisions as required in Section 15.30.825.
  - 37.2 Hearing Examiner Finding: Per Title 15 of the CCC, monuments should be required prior to submittal of the final plat or as approved by Chelan County Public Works Department. Compliance with CCC Section 15.30.825 shall be a condition of approval.
38. Chelan County Code 12.08.100:
  - 38.1 No land division shall be approved if related improvements such as levees, fills, roads, or other features will individually or collectively significantly increase flood flows, heights, or velocities.
  - 38.2 If a determination is made that part of a proposed land division lies within the one-hundred-year flood plain or the floodway, the requirements of the Chelan County flood hazard development resolution shall apply.
  - 38.3 Hearing Examiner Finding: The subject property is not impacted with flood plain; therefore, a Flood Plain Development Permit is not required.
39. Chelan County Code 12.24.015 - All final land division review and approval requirements:
  - 39.1 The approval given to a preliminary plat shall expire pursuant to Revised Code of Washington (RCW) 58.17.140 unless, within the allowed timeframe, a proposed final plat in proper form is filed with the administrator.
  - 39.2 Hearing Examiner Finding: The applicant shall have five (5) years to final the plat from the date of preliminary approval.
40. Chelan County Code 11.20.020:
  - 40.1 All subdivisions shall conform to the design standards of this title, in addition to the comprehensive plan, and all zoning regulations in effect at the time any preliminary subdivision of a subdivision is submitted for approval. Lots shall be of sufficient area and width to satisfy zoning requirements.
  - 40.2 Hearing Examiner Finding: Pursuant to the review within this staff report, the proposed development is consistent with the applicable chapters of the zoning code for the Rural Village (RV) zoning districts, together with Chelan County Comprehensive Plan.
41. Chelan County CODE Critical areas - Chelan County Code 11.86 Geologically Hazardous Areas:

- 41.1 Hearing Examiner Finding: Pursuant to the Chelan County Geologically Hazardous Areas map data, the subject property does contain potential geologically hazardous areas; therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay District do apply.
42. Chelan County CODE stormwater:
  - 42.1 Stormwater would be required to meet the standards of Chelan County Code Title 13. Stormwater would be required for the entire subdivision and all required infrastructure improvements placed prior to final plat approval.
43. An open record public hearing after due legal notice was held using Zoom video conferencing on October 6, 2021.
44. At this hearing the entire Planning staff file was entered into the record.
45. Appearing and testifying was Dan Beardslee. Mr. Beardslee testified that he was an agent of the property owner and Applicant and had authorization to appear and speak on their behalf. Mr. Beardslee agreed that the October 1, 2021 letter from Chelan-Douglas Health District would now control proposed Condition of Approval No. 12, specifically, eliminating proposed Condition of Approval No. 12.3.
46. Mr. Beardslee also took issue with proposed Condition of Approval No. 13.14 because this project area is not near WSDOT properties.
47. No member of the public testified at this hearing.
48. 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.
49. 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 2021-224 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 May 23, 2021, 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. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:
  - 7.1. **"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 Heath Geotechnical Services dated April 4, 2021 or with a site-specific geological site assessment."**
8. Pursuant to CCC Title 12, the following note shall be placed on the final Plat:
  - 8.1. **"Chelan County is not responsible for notification or enforcement of covenants to deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant /owner assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations."**
  - 8.2. **"Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."**

9. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final Plat:
  - 9.1. **“Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”**
  - 9.2. **“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.**
  
10. 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.
  
11. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal Agency Comment dated June 16, 2021.
  - 11.1. 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.
  - 11.2. 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.
  - 11.3. 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).
  - 11.4. 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.
  - 11.5. 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.
  - 11.6. 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. (one acre).
  - 11.7. 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.
  - 11.8. 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.
  - 11.9. 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:

- 11.9.1. **“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.”**
- 11.10. 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:
- 11.10.1. **“All buildings that require a building permit within this plat shall have Class A roofing materials.”**
- 11.11. New construction permitted after February 1, 2021 is subject to WAC 51-54A-8200 International Wildland-Urban Interface Code. These include possible defensible space (Firewise) requirements for the property landscape and possible construction requirements for new buildings. A note on the final mylar shall state:
- 11.11.1. **“All buildings that require building permit within this plat shall comply with the portions of the International Wildland-Urban Interface Code adopted by the State of Washington and Chelan County.”**
12. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan-Douglas Health District Agency Comment dated October 1, 2021.
- 12.1. Domestic water service shall be by expansion of the Malaga Water District public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be designed, constructed, and placed in accordance with the purveyor’s requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
- 12.2. Subject to specific application approval and issuance of permits by the Health Officer, the property is generally suitable for placement of individual on-site sewage disposal systems. Test holes have been examined on the subject property by Tower Designs via a report date February 8, 2021.
- 12.3. The dedicatory language on the final plat shall carry these notes:
- 12.3.1. **“The Health District has not reviewed the legal availability of water to this development.”**
- 12.3.2. **“The areas designated for drainfields must be protected from cover by the structures or impervious surfaces, surface drainage, soil compaction, grade alteration, excavation and any other activity that may adversely affect the performance of the sewage system.”**
- 12.3.3. **“Onsite sewage systems meeting at least Treatment Level B, as described by WAC 246-272A, will likely be required for new or repaired septic systems.”**
- 12.3.4. **“Drainfield size reductions for use of gravelless distribution products may not be authorized for onsite sewage systems on these lots.”**
13. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department agency comment dated June 14, 2021.
- 13.1. No road improvements to Bainard Road required.
- 13.2. Pursuant to CCC Section 12.20.020, the applicant must demonstrate a legal and perpetual access for the proposed lots on the subdivision.
- 13.3. Pursuant to the CCC Chapter 15.30, the design and construction of the new proposed internal private roads would be required to be constructed to meet the Shared Residential Driveway standard (per CCC Section 15.30.340(3)), with Emergency Vehicle

- Turnarounds (Standard Plan PW-23 A or B) at each terminus. The two Shared Residential Drives shall be constructed and serve the designated lots per the site plan, dated May 14, 2021, submitted by Torrence Engineering with the application.
- 13.4. Pursuant to CCC Section 15.60.070, Road design specifications and features would be required to meet WSDOT, AASHTO, MUTCD and all other referenced designed guidelines and publications in this section which may include but not limited to guardrails, ADA ramps and engineered retaining walls.
  - 13.5. Pursuant to CCC Section 15.30.230, the applicant is required to provide **Connectivity**. The applicant shall dedicate right-of-way along the entire southern property of thirty feet (30') to connect with Sweetheart Lane to the west and future connection to the west.
  - 13.6. The applicant shall construct the extension of Sweetheart Lane to match the existing road profile along the southern portion of the development.
  - 13.7. Pursuant to CCC Section 15.30.230 all proposed lots would be required to access off of the new internal roadways/driveways.
  - 13.8. 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.
  - 13.9. Pursuant to CCC Chapter 15.30, the applicant would be required to provide snow storage areas to place snow accumulated from the new internal private road.
  - 13.10. Pursuant to CCC Section 15.30.650 requires the following language on the face of the plat:
    - 13.10.1. **“Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.”**
  - 13.11. 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.
  - 13.12. Pursuant to CCC Chapter 10.20, Submit with the Preliminary Mylar (blue-line), a Lot Access/Addressing Plan. The Lot Access/Addresses Plan shall demonstrate how all lots and any existing driveway easements would be constructed and how they meet Chelan County road approach standards. Each shared Residential Driveway shall require its own road name. **The applicant shall submit (3) proposed private road names to be approved by the Public Works Department and by Rivercom for the proposed new internal road in accordance with Chapter 10.20.**
  - 13.13. Pursuant to CCC Chapter 10.20 the applicant shall add the following note to the Final Mylar for addressing:
    - 13.13.1. **“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).”**
  - 13.14. 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, if required 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:
    - 13.14.1. Drainage Report and Plan

- 13.14.2. Roadway Improvement Plan (showing location of utilities and roadway curve data)
- 13.14.3. Lot Access Plan (Profiles, Topography)
- 13.14.4. Erosion and Sedimentation Control Plan
- 13.14.5. Signage Plan
- 13.15. 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.
- 13.16. 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.
- 13.17. 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.
- 13.18. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 13.19. On the Final Plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 13.20. The applicant shall submit lot closure calculations with the preliminary blueline submission.
- 13.21. The final plat shall demonstrate the following:
  - 13.21.1. Plat must identify all roads as public or privates.
  - 13.21.2. Plat must identify right-of-way widths, centerlines and easement dimensions on any new proposed roads.
  - 13.21.3. Shall all easements that benefit or burden the development.
  - 13.21.4. Lot closure calculations must be submitted with Pre-Final (blue-lines).
  - 13.21.5. Pursuant to CCC Section 15.30.825(D) monumentation would be required on all public roads that are adjacent to any plat that are not already monumented.
- 13.22. Preliminary plat must comply with stormwater standards, CCC Chapter 13.12; 13.14; 13.16; and 13.18.
- 13.23. 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 (bluelines) and shall be recorded with the final plat. The following not shall be placed on the final plat:
  - 13.23.1. **“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 11th day of October, 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.