

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 2021-293)	DECISION AND CONDITIONS
Axtman Subdivision)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on November 3, 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 was submitted to subdivide approximately 5.25 acres into (10) lots. The smallest lot is proposed at approximately 0.27 acres and the largest lot is proposed at approximately 0.89 acres. The subject property is located in the Urban Residential 2 (UR2) zoning district within the Manson Urban Growth Area (UGA). Domestic water and sewer would be provided by the Lake Chelan Reclamation District.
2. The Applicants/owner is Bruce Axtman, 1439 Park Rd., La Jolla, CA 920373.
3. The subject property is located at NNA Chase Ave, Manson, WA.
4. The parcel number for the subject property is 28-21-26-608-070.
5. The subject property is located within the Manson Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Urban Residential 2 (UR2).
7. The subject property is currently vacant.
8. The subject property is approximately 5.25 acres.
9. The subject property was previously an orchard but currently is covered in native vegetation.
10. The property to the north and west is Urban Residential 1 (UR1).
11. The property to the south is zoned Urban Residential 2 (UR2).
12. The property to the east is zoned Urban Residential 2 (UR2).
13. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped July 7, 2021. 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 2, 2021 and conducted by Don Phelps, PE, was submitted with the 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. 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.
18. On June 10, 2021, a pre-application meeting was held to discuss the proposed major subdivision.
19. The proposed subdivision fronts on Banks Avenue. Banks Avenue has a 45' right-of-way and is classified as a Rural Local Access Road in the county road system. Banks Avenue is a 20' paved roadway, providing singles lanes for traffic in both directions with no curb, gutter or sidewalk. Chase Avenue has a 40'-50' right-of-way and is classified as an Urban Local Access Road in the county road system. Chase Avenue is a 19' paved roadway, providing single lanes for traffic in each direction with no curb, gutter and 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 August 16, 2021 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 expansion of the Lake Chelan Reclamation District, public water system.
22. Sanitation would be served by expansion of the Lake Chelan Reclamation District, public sewer system.
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 July 7, 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 October 20, 2021. 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 August 7, 2021 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due August 21, 2021. 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	August 9, 2021	
Chelan County Fire Marshal	August 31, 2021	The subject property is located within Fire District 5. Recommended conditions of approval for fire flow provisions.
Chelan County Fire District # 5	August 13, 2021	Recommended conditions of approval.
Lake Chelan Reclamation District	August 9, 2021	Recommended conditions of approval were provided regarding the domestic water and sewer.
Chelan County Building Official	August 9, 2021	No concerns.
Chelan-Douglas Health District	August 20, 2021	Recommended conditions of approval were provided regarding the domestic water and sewer.
Chelan County Public Works	August 16, 2021	Recommended conditions of approval were provided regarding lot access and stormwater requirements.
Chelan County PUD		Utility easements would need to acquire if they are not dedicated in the recorded plat.
WA Dept. of Fish and Wildlife	No Comment	
WA Dept. of Ecology	No Comment	
WA Dept. of Archaeology & Historic Preservation	August 20, 2021	Recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities.
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	No Comment	

27. Application and Public Hearing Notice Compliance:
 - 27.1 Application Submitted: July 7, 2021
 - 27.2 Determination of Completeness issued: August 3, 2021
 - 27.3 Notice of Application: August 7, 2021
 - 27.4 SEPA MDNS Issued: October 20, 2021
 - 27.5 Notice of Hearing: October 21, 2021
 - 27.6 Public Hearing: November 3, 2021
28. The following public comments were received:
 - 28.1 Linda Pittman dated August 19, 2021. Ms. Pittman would like to make it known that she currently farms, which includes spray, and will continue to farm on her property that is directly adjacent to the proposed development.
 - 28.2 Nancy Jennings dated August 10, 2021. Ms. Jennings is concerned about the amount additional traffic the new development would create.
 - 28.3 Brian Patterson dated August 16, 2021. Ms. Patterson was concerned about possible soil contamination.
 - 28.4 Bill and Joan McGovern dated August 16, 2021. Ms. McGovern is concerned about possible soil contamination.
29. The subject property is within the study area of the Chelan County Comprehensive Manson Subarea Plan and the Urban Residential 2 (UR2) designation, which contain the following goals and policies:
 - 29.1 Goal LU-1: Achieve an efficient use of land in and around the Manson Community, preserving existing Agriculturally-designated land, reducing urban sprawl and retaining Manson's natural-resource based rural and open-space character.
 - 29.2 Policy LU-1C Establish incentives to promote infill development within the existing UGA.
 - 29.3 Policy LU1-D Ensure that any development in the UGA is fully served by water, wastewater and other necessary public services.
 - 29.4 Goal LU-7: Plan, encourage, and work to integrate open spaces throughout Manson to help retain the community's rural character.
 - 29.5 Goal H-1: Provide sufficient housing in Manson to provide dwellings for all income levels and for all needs.
 - 29.6 Policy H-1-D Encourage diversity in housing types to accommodate an increasingly diverse population.
30. The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.
31. Chelan County Code Section 11.23.040: Standards:
 - 31.1 Minimum lot size shall be 6,000 sq. ft.
 - 31.2 Minimum lot width is 60 ft. at the front building line.
 - 31.3 Maximum building height is 35 ft.

- 31.4 Maximum lot coverage is 65%.
- 31.5 Minimum setback requirements shall be:(A) Front yard: 20 ft. from the front property line; (B) Rear yard: 20 ft. from the rear property line; (C) Side yard: 5 ft. from the side property line.
32. The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.27 acres (11,761 sq. ft.) to 0.89 acres (38,768 sq. ft.), with the average lot size of approximately 0.52 acres (22,883 sq. ft.). All lots would be served by Lake Chelan Reclamation District for domestic water, sewer and irrigation.
33. All proposed lots exceed the minimum lot width of 60 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 subdivision, as conditioned, would be consistent with the provisions of CCC Section 11.23.040.
35. Chelan County Code 14.08.010 - Pre-application meetings. 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.
- 35.1 Hearing Examiner Finding: The applicant participated in a pre-application meeting with Chelan County Community Development on June 10, 2021.
36. Chelan County Code 12.02.060 - Concurrency of public infrastructure:
- 36.1 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.
- 36.2 No county facilities will be reduced below adopted levels of service as a result of the proposed land division.
- 36.3 Hearing Examiner Finding: The subject property would be served by Lake Chelan Reclamation District for domestic water, sewer and irrigation. Extensions of the existing lines would be required for power.
37. Chelan County Code 12.08 defines the standards for all subdivisions:
- 37.1 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.
- 37.2 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.
38. Chelan County Code 12.08.030 Easement:
- 38.1 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:

- 38.1.1 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.
- 38.1.2 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.
- 38.1.3 Hearing Examiner Finding: Electrical service is available from the Chelan County PUD No. 1. However, line extension would be required.
- 38.2 Private road easements shall be shown.
 - 38.2.1 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.
- 38.3 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.
 - 38.3.1 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.
- 38.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.

Hearing Examiner Finding: Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
- 39. Chelan County Code 12.08.040 Fire protection standards:
 - 39.1 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.
 - 39.2 Hearing Examiner Finding: The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is within 1 mile 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.
- 40. Chelan County Code 12.08.050:
 - 40.1 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.
 - 40.2 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 but submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.

41. Chelan County Code 12.08.060:
 - 41.1 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.
 - 41.2 Hearing Examiner Finding: The property is not impacted by a watercourse.
42. Chelan County Code 12.08.080:
 - 42.1 Road Standards: All land divisions shall comply with CCC Title 15.
43. Chelan County Code 12.08.090:
 - 43.1 Permanent survey monuments shall be provided for all final land divisions as required in Section 15.30.825.
 - 43.2 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.
44. Chelan County Code 12.08.100:
 - 44.1 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.
 - 44.2 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.
 - 44.3 Hearing Examiner Finding: The subject property is not impacted with flood plain Therefore, a Flood Plain Development Permit is not required.
45. Chelan County Code 12.24.015 All final land division review and approval requirements:
 - 45.1 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.
 - 45.2 Hearing Examiner Finding: The applicant shall have five (5) years to final the plat from the date of preliminary approval.
46. Chelan County Code 11.20.020:
 - 46.1 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.
 - 46.2 Hearing Examiner Finding: Pursuant to the review within this Decision, the proposed development is consistent with the applicable chapters of the zoning code for the Urban Residential 2 (UR2) zoning districts, together with Chelan County Comprehensive Plan.
47. Chelan County Code 11.86 Geologically Hazardous Areas:

- 47.1 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.
48. Chelan County Code Stormwater: 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.
49. An open record public hearing, after due legal notice, was held using Zoom video conferencing on November 3, 2021.
50. At this hearing the entire Planning staff file was entered into the record.
51. Appearing and testifying was Bruce Axtman. Mr. Axtman testified that he is the Applicant and property owner. Mr. Axtman indicated that the proposed Conditions of Approval were acceptable. Mr. Axtman was in agreement with the staff report representations.
52. Testifying from the public were the following individuals:
- 52.1 Linda Pittman. Ms. Pittman owns property adjacent to the subject property. She requested that the soils be properly studied for lead and arsenic. She also indicated that she operates an orchard next to the subject property and that she will continue to operate this orchard through normal farming practices, including the spraying of various chemicals.
- 52.2 Kari Sorenson. Ms. Sorenson testified on behalf of the Manson Community Council. She testified that lead and arsenic within the soil is of great concern. She also expressed that this concern is enhanced because of the stability of the soils on the side of the hill.
53. 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, and Title 12 Land Divisions.
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, Plat 2021-293 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 July 7, 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 Don Phelps dated July 2, 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 comments received from the Department of Archaeology and Historic Preservation on August 20, 2021, the subject property is located within an area of high probability for containing cultural resources, and therefore a cultural resource survey is required.
11. 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.
12. 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 August 27, 2021.
 - 12.1. The proposal/project shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
 - 12.2. All land upon which building, or portions of buildings are hereafter constructed in or moved within Chelan County, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in CCC Section 15.40.040 and the current edition of the International Fire Code.
 - 12.3. The minimum fire flow and flow duration requirements for one and two-family dwellings having a fire area which does not exceed three thousand six hundred square feet shall be seven hundred fifty gallons per minute. Fire flow and flow duration for swelling 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.
 - 12.4. 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).
 - 12.5. All fire hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of CCC Chapter 15.30, Road Standards, and meet the requirements of CCC Chapter 15.40, Minimum Standard for Water Mains and Fire Hydrants.
 - 12.6. The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small

communities where the development of full fire-flow requirements is impractical. A note on the face of the final plat shall state: **“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.”**

- 12.7. Class A roofing/noncombustible roof covering, as defined in the International Building Code, shall be used in all areas of Chelan County. A note on the face of the final mylar shall state that: **“All buildings that require a building permit within this short plat shall have Class A roofing materials.”**
- 12.8. 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 that: **“All buildings that require a 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.”**
13. The subject property and final plat shall conform to the comments and conditions of approval as found in the Lake Chelan Reclamation District Agency Comment dated August 9, 2021.
 - 13.1. Domestic water mainline infrastructure upgrade/extension(s) would be required to serve this plat. Services to the individual lots would be available upon applicable fees and infrastructure upgrades.
 - 13.2. Sewer infrastructure upgrades/extensions would be required. Service to the individual lots would be available upon applicable fees and infrastructure upgrades.
 - 13.3. Irrigation is assessed and available for the subject property, easements and service line would need to be in place to service this development.
14. 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 August 20, 2021.
 - 14.1. Domestic water service shall be by expansion of the Lake Chelan Reclamation 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.
 - 14.2. Sanitary sewer service shall be by expansion of the Lake Chelan Reclamation 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 plat approval.
 - 14.3. The dedicatory language on the final plat shall carry these notes:
 - 14.3.1. **“The Health District has not reviewed the legal availability of water to this development.”**
15. 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 August 16, 2021.
 - 15.1. The applicant would be required to construct street improvements to Banks Avenue and

Washington Street. The applicant would be required to construct Banks Ave and Washington St to meet a modified Construction Detail of a Rural Local Access Class 2 Road (Standard Plan PW-9). The County would require the shoulders of Banks Ave and a portion of Washington St to be widened two feet (2') on each side. The depth of the gravel shoulders shall be twelve inches (12").

- 15.2. Pursuant to CCC Section 11.88.070(3): and Title 4, Section 6.14 of the Chelan County Transportation Element, the applicant is required to dedicate additional right-of-way to make the right-of-way on Chase Avenue 30' from centerline.
- 15.3. Pursuant to CCC Section 12.20.020, the applicant must demonstrate a legal and perpetual access for the proposed lots on the subdivision.
- 15.4. Pursuant to the CCC Chapter 15.30, the design and construction of the new proposed internal private road accessing Banks Ave shall be constructed to meet an Urban Emergency Vehicle Access Road (Standard Plan PW-18) starting at Banks Ave and ending at the north lot line of proposed Lot 1 for this subdivision.
- 15.5. Pursuant to CCC Section 15.30, the design and construction of the new internal private driveways accessing proposed Lots 1-4 and proposed Lots 7-10 shall be constructed to meet the Shared Residential Driveway standard with Emergency Vehicle Turnarounds (Standard Plan PW-23 A or B). The driveways shall begin at the northwestern corner of proposed Lot 1 (intersecting with the new Emergency Vehicle Access Road) and extend to the furthest lot being served (Lots 4 and 7).
- 15.6. Pursuant to CCC Section 15.30.340(2), the driveway accessing proposed Lots 5 and 6 (from Chase Avenue) shall be a Residential Driveway. The access from Chase Avenue shall only serve two lots (proposed lots 5 and 6).
- 15.7. 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.
- 15.8. 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.
- 15.9. Pursuant to CCC Section 15.30.650 requires the following language on the face of the plat:
 - 15.9.1. **“Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.”**
- 15.10. 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.
- 15.11. 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.

- 15.12. Pursuant to CCC Chapter 10.20 the applicant shall add the following note to the Final Mylar for addressing:
 - 15.12.1. **“Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s).”**
- 15.13. 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:
 - 15.13.1. Drainage Report and Plan
 - 15.13.2. Roadway Improvement Plan (showing location of utilities and roadway curve data)
 - 15.13.3. Lot Access Plan (Profiles, Topography)
 - 15.13.4. Erosion and Sedimentation Control Plan
 - 15.13.5. Signage Plan
- 15.14. 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.
- 15.15. 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.
- 15.16. 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.
- 15.17. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 15.18. On the Final Plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 15.19. The applicant shall submit lot closure calculations with the preliminary blue-line submission.
- 15.20. The final plat shall demonstrate the following:
 - 15.20.1. Plat must identify all roads as public or privates.
 - 15.20.2. Plat must identify centerlines and easement dimensions on any new proposed roads.
 - 15.20.3. Shall all easements that benefit or burden the development.
 - 15.20.4. Lot closure calculations must be submitted with Pre-Final (blue-lines).
- 15.21. Preliminary plat must comply with stormwater standards, CCC Chapter 13.12; 13.14;

13.16; and 13.18.

- 15.22. 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:

15.22.1. **“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_____.

16. Pursuant to the August 23, 2021 comment from the Chelan-Douglas Health District, because the site may contain area wide or localized contaminated soils from lead arsenate and other pesticides and/or petroleum, and because the presence of these contaminants may affect the health of on-site construction workers and neighbors when the soil is disturbed by either equipment or weather, dust control must be maintained during any earth disturbing activities during construction and/or installation. Dust control includes, but is not limited to, mulching, hydroseeding, gravel, sod, and/or other ground cover for any bare earth left after construction including landscaped areas, paths, unpaved parking lots and roads.
17. Based on the Chelan-Douglas Health District Comment, the Applicant shall comply with all requirements of the Washington State Department of Ecology, regarding soil sampling and cleaning up, as the Department of Ecology may require for this particular site.
18. Because of the Chelan-Douglas Health District comments, the following notes shall be placed on the final plat:
- 18.1 “Based on historical agricultural use of land, there is a possibility the soils contain residual concentration of pesticides. Pursuant to Washington State Department of Ecology recommendations, the soils on the site are to be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found**

at concentrations above the MTCA clean-up levels, the Washington State Department of Ecology recommends that the potential buyers be notified of their occurrence.”

Dated this 4th day of November, 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.