

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
PLAT 2021-299)	DECISION AND CONDITIONS
Hartwig Subdivision)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on March 16, 2022, 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 6.11 acres into 14 lots. The smallest lot is proposed at approximately 0.29 acres (12,503 sq. ft.) and the largest lot is proposed at approximately 0.41 acres (18,025 sq. ft.). The subject property is located in the Residential High (RH) zoning district within the Wenatchee Urban Growth Boundary. Domestic water would be provided by Chelan County PUD and all lots would utilize on-site septic systems.
2. The Applicants/owners are Eider Properties LLC and Flint Hartwig, PO Box 139, Orondo, WA 98843 and the agent/surveyor is Northwest Geodimensions, 15 N Chelan Ave, Wenatchee, WA 98801.
3. The subject property is located at 317 Easy Street, Wenatchee, WA and the legal description is Lot 4 of Highline No 3.
4. The parcel numbers for the subject property are 23-20-21-860-380, 23-20-21-860-340 and 23-20-21-860-336.
5. The subject property is located within the Wenatchee Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Residential High (RH).
7. The subject property had a log cabin and two sheds that have been recently removed. The subject property was previously an orchard but currently is covered in native vegetation.
8. The subject property is approximately 6.11 acres.
9. The property to the north, east and south is zoned Residential High (RH).
10. The property to the west is Neighborhood Commercial (CN).
11. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped July 9, 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 5300150625C, 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 July 31, 2021 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.

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 contain any known habitat conservation areas. Therefore, the provisions of CCC Chapter 11.78 do apply.
16. On December 3, 2020, a pre-application meeting was held to discuss the proposed major subdivision.
17. The proposed subdivision fronts on Easy Street. Easy Street is a 50'-160' right-of-way and is classified as an Urban Minor Arterial Road in the county road system. Easy street consists of single travel lanes for both directions with no curb, gutter or sidewalk. Easy Street has 38' of pavement. 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 November 2, 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.
19. Domestic water would be served by expansion of the Chelan County PUD, public water system.
20. Sanitation would be served by on-site septic systems.
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 July 9, 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 March 7, 2022. 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 October 12, 2021 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due October 26, 2021. Agency comments are included, as appropriate, within this decision and in the recommended Conditions of Approval. The following agencies and County departments were sent referral packets. No public comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Assessor	October 13, 2021	
Chelan County Fire Marshal	October 12, 2021	The subject property is located within Fire District 1. Recommended conditions of approval for fire flow

		provisions.
Chelan County Fire District # 1	No comment	
Chelan County Building Official	No comment	
Chelan-Douglas Health District	November 16, 2021	Recommended conditions of approval were provided regarding on-site septic.
Chelan County Public Works	November 2, 2021	Recommended conditions of approval were provided regarding lot access and stormwater requirements.
Chelan County PUD		Utility easements would need to be acquired if they are not dedicated in the recorded plat.
Wenatchee Reclamation Irrigation District	No Comment	
WA Dept. of Fish and Wildlife	No Comment	
WA Dept. of Ecology	October 22, 2021	The subject property is located on property that was occupied by orchard during the time period when lead arsenate was applied as a pesticide.
WA Dept. of Archaeology & Historic Preservation	October 14, 2021	Statewide predictive model indicates that there is a high probability of encountering cultural resources. Recommend a professional archaeological survey of the development area be conducted and a report be produced prior to ground disturbing activities.
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	December 13, 2021	
Wenatchee School District	No Comment	
City of Wenatchee	October 25, 2021	Public sewer extension of the city of Wenatchee's public sewer system shall be per County Code 4.08.

25. Application and Public Hearing Notice Compliance:

Application Submitted:	July 9, 2021
Determination of Completeness issued:	October 7, 2021
Notice of Application:	October 12, 2021
SEPA MDNS Issued:	March 7, 2022
Notice of Hearing:	March 4, 2022
Public Hearing:	March 16, 2022

26. The subject property is within the study area of the Wenatchee Comprehensive Plan and is designated as Wenatchee Urban Growth Area Residential High (RH). The following comprehensive plan sections, Wenatchee City Code and Chelan County Code have been considered for the review of this proposal:

Residential High (RH): The proposed subdivision is located in the Sunnyslope Urban Growth Area which has Comprehensive Plan adopted within the Chelan County Comprehensive Plan (reference Appendix K of the Sunnyslope Subarea Plan). The plan proposes residential dwellings for the subject site. The proposed development is consistent with the adopted Sunnyslope Long-Range Plan.

27. The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.
28. Wenatchee City Code, Title 10: Zoning - Wenatchee City Code, Section 10.46.020:
- 28.1 Minimum lot dimensions is 4,000 sq.ft.
- 28.2 Lot width is 20 ft. at the front lot line and 45 ft. at the building line.
- 28.3 Lot depth is 70 ft.
- 28.4 Maximum lot coverage is 55%.
29. The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.29 acres (12,503 sq. ft.) to 0.41 acres (18,025 sq. ft.) with the average lot size of approximately 0.32 acres (13,939 sq. ft.). All lots would be served by Chelan County PUD for water and would utilize on-site septic systems.
30. All proposed lots exceed the minimum lot width of 45 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.
- 30.1 The Hearing Examiner finds that the proposed major subdivision, as conditioned, would be consistent with the provisions of WCC 10.46.020.
31. Wenatchee City Code (WCC), Title 11: Subdivisions - Wenatchee City Code, Chapter 11.04: General Provisions:
- 31.1 Standards adopted by Chelan County apply to the proposed subdivision and any infrastructure. The applicant, City and County work together to ensure compatibility and concurrency standards are met.
- 31.2 The Hearing Examiner finds as conditioned, the proposed subdivision would be consistent with the provisions of this chapter.

32. Wenatchee City Code, Chapter 11.16: Major Subdivisions:
- 32.1 The applicant participated in a pre-application meeting with Chelan County Community Development December 3, 2020.
 - 32.2 The proposed subdivision provides an extension of the City of Wenatchee sewer system for sanitation purposes to each lot as well as domestic water via the Chelan PUD. Additionally, a stormwater facility, as identified as Tract A and Tract C on the site plan of record addresses potential stormwater and/or drainage way concerns.
 - 32.3 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.
 - 32.4 The subject property is within Fire District No. 1. 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.
 - 32.5 Pursuant to WCC 11.16.190 and 11.16.210(20), restrictive covenants to be imposed upon the land within the subdivision shall be submitted at time of final plat review, a Homeowner's Association is necessary in order to provide maintenance of the stormwater facility, internal road, and required landscaping.
 - 32.6 The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the provisions of this chapter.
33. Wenatchee City Code, Chapter 11.20: Subdivision Design Standards:
- 33.1 Pursuant to the review within this staff report, the proposed development is consistent with the applicable chapters of the zoning code for the Residential High (RH) zoning district. The proposed lots were reviewed for consistency with the subdivision standards and appear that they are of an adequate size to accommodate the dimensional standards of the RH zoning district and the lot design provisions of WCC 11.20.050.
 - 33.2 The proposed subdivision has been reviewed by the City of Wenatchee and Chelan County Public Works Departments. Final plat review and approval by the County Engineer and Fire Marshall would ensure that circulation is completed consistent with the adopted plans and codes.
 - 33.3 The main internal road proposed is designed to a Residential Parking Standard 2 of the Wenatchee City Code. The internal road is designed to be a public road. The proposed development shall provide an access point to parcel number 23-20-21-860-302 to allow for future interconnectivity.
 - 33.4 The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the provisions of this chapter.
34. Chelan County Code Title 11, Critical Areas:
- 34.1 The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped July 9, 2021. Pursuant to CCC 11.82.040, Chelan County has determined that the aquifer recharge measures do not apply.
 - 34.2 According to the Chelan County GIS mapping, the property contains potential geologic hazardous areas. The applicant submitted a geological hazard assessment performed by Anderson Geological Consulting, LLC on July 31, 2021. Pursuant to CCC 11.86, a note

on the final plat mylar shall be required, identifying this subdivision as being located in a potential geologically hazardous area.

- 34.3 Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps and Chelan County Fish and Wildlife Overlay District, CCC 11.78, the subject property does contain mule deer habitat. Therefore, the provisions of CCC 11.78 do apply.
35. An open record public hearing after due legal notice was held using Zoom video conferencing on March 16, 2022.
36. At this hearing the entire Planning staff file was entered into the record.
37. Appearing and testifying on behalf of the Applicant was Ed Zontek. Mr. Zontek testified regarding the site plan. The Hearing Examiner was not able to locate a revised site plan that had been sent to him. Mr. Zontek sent the revised site plan to the Hearing Examiner in an email dated March 16, 2022. This email also conveyed requested changes to proposed Conditions of Approval. Mr. Zontek indicated that both the County and the City had agreed to these changes. Mr. Zontek indicated that all proposed Conditions of Approval, except those referenced in his testimony, were acceptable.
38. Also testifying on behalf of the Applicant was Michelle Taylor. Ms. Taylor testified regarding an alternative to an archeological survey.
39. Also testifying on behalf of the Applicant was Flint Hartwig. Mr. Hartwig testified that he was the property owner. He testified regarding the location of the sewer stubs and indicated that they knew they had to work with the City.
40. No member of the public testified at this hearing.
41. 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 Wenatchee City Code Title 10 Zoning, and Title 11 Subdivisions.
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 the goals and policies as set forth in the Chelan County Code Title 11.
5. 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.
6. The public interest would be served by the subdivision.

7. The application, as conditioned, is compatible with adjacent uses and would not harm or change the character of the surrounding area.
8. 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 2021-299** 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 WCC 10.04.040, the final plat shall be designed in substantial conformance with the preliminary plat of record, date stamped July 9, 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 or a major subdivision application.
4. Pursuant to WCC 11.16.140 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 WCC 10.46.020, the proposal shall comply with the City of Wenatchee's Residential High (RH) Zoning District's dimensional and/or development standards, except as amended herein.
8. Pursuant to WCC 10.62.100, prior to final plat approval the applicant shall submit a landscaping plan for review, approval and implementation that is in conformance with the requirements of the Residential High (RH) zoning district.
9. Pursuant to WCC 11.04.050, the applicant shall ensure that all public facilities and utilities shall be fully operational concurrent with the use and occupancy of the development.
10. Pursuant to WCC 11.04.060, the applicant shall ensure that all installations or improvements shall be installed in conformance with applicable codes.

11. Pursuant to WCC 11.16.160, the stormwater tracts with an operation and maintenance agreement shall be dedicated and completed with the development.
12. Pursuant to WCC 11.16.170 all dedications shall be clearly indicated on the face of the plat.
13. Pursuant to WCC 11.16.180, the applicant shall provide a copy of the Covenants, Conditions and Restrictions for the West Hamlet Subdivision for review and approval with the final plat submittal.
 - 13.1. **“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 assure all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”**
14. Pursuant to WCC 11.16.200-290, the applicant shall submit the final plat and documents consistent with this decision and the adopted City of Wenatchee Subdivision Code.
15. Pursuant to WCC 11.20.060, the applicant shall provide written verification from all utility providers documenting compliance with development standards, prior to final plat.
16. Pursuant to WCC 11.20.060, the applicant shall provide electrical line extensions and upgrades, with easements, for the proposed development, prior to the final plat approval. All improvements shall be approved and verified in writing by the PUD.
17. Pursuant to WCC 11.20.060, the applicant shall provide water extension and upgrades, with easements, for the proposed development, prior the final plat approval. All plans for water services shall be submitted to the District in accordance with rules, regulations and standards in effect on the date of completed application and reviewed and approved by the District.
18. The Washington State Department of Ecology requires 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 Washington State Department of Ecology recommends that the potential buyers be notified of their occurrence.
 - 18.1. Historical aerial photos indicate that the subject property is located on property that was occupied by orchard during the time period when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. Before proceeding, the development is required to conduct soil sampling under the Model Toxics Control Act (Chapter 173-340 WAC).
 - 18.2. If sampling indicates elevated levels of lead and arsenic, cleanup would be required. The Department of Ecology plans to use Model Remedies for lead and arsenic pesticide contamination in historical orchards of Central Washington.
 - 18.3. Compliance with a Model Remedy ensures the development meets the minimum standards of the Model Toxics Control Act, and if implemented as described, the property would be successfully cleaned up to Washington Standards.
19. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements, and building or upgrading roads. The permitting process requires going through placements, and building or upgrading roads.
20. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:

- 20.1. **“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 31, 2021 or with a site-specific geological site assessment.”**
21. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final Plat:
 - 21.1. **“Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”**
 - 21.2. **“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.**
 - 21.3. **“Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.”**
22. Pursuant to comments received from the Department of Archaeology and Historic Preservation on October 14, 2021, the subject property is located within an area of high probability for containing cultural resources. Therefore, a cultural resource survey or an inadvertent discovery plan, as approved by the Department of Archeology and Historic Preservation, is required.
23. 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 October 12, 2021.
 - 23.1. 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.
 - 23.2. All land upon which buildings 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.
 - 23.3. 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 sq. ft. 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 sq. ft. 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 provided with an approved automatic sprinkler system.
 - 23.4. Fire hydrants serving single family or duplex dwelling shall have a maximum lateral spacing of 1000 ft. with no lot or parcel in excess of 500 ft. from a fire hydrant when serving lots greater than 43,560 sq. ft. (one acre).
 - 23.5. The Fire Chief is authorized to increase the number or reduce the spacing of fire hydrants where conditions indicate.
 - 23.6. 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 15.40, Minimum Standard for Water Mains and Fire Hydrants.

- 23.7. Property location signs shall be posted at the entrance to the property showing the location and address of each residence on the parcel. The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to installation.
- 23.8. 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:
- 23.8.1. **“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.”**
- 23.9. 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:
- 23.9.1. **“All buildings that require a building permit within this plat shall have Class A roofing materials.”**
- 23.10. 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:
- 23.10.1. **“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.”**
24. 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 November 16, 2021.
- 24.1. Domestic water service shall be expansion of the Chelan PUD public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be signed, 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.
- 24.2. The dedicatory language on the plat shall carry this note:
- 24.2.1. **“The Health District has not reviewed the legal availability of water to this development.”**
- 24.3. A soil/site evaluation for placement of onsite sewage systems is still needed for each proposed lot as per previous development comments. This requirement can be found in WAC 246-272A-0320 subsection (2)(c). This evaluation can be completed by the Chelan-Douglas Health District or a state licensed septic system designer or professional engineer. Soil information gleaned from a Geotechnical Report is not acceptable.
- 24.4. The dedicatory language on the final plat shall contain this statement:
- 24.4.1. **“Site evaluations may be required at the time of application for individual septic system construction permits.”**

25. 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 November 2, 2021.
- 25.1. Pursuant to CCC Section 12.08.020(2), the applicant must demonstrate a legal and perpetual access for the proposed lots on the plat.
- 25.2. The design and construction of the new public internal road A-Line is required to meet a "Residential Parking Standard 2" and the new private internal road B-Line on Tract D is required to meet a "Residential Lane Standard" per the City of Wenatchee Road Standard as defined in WCC 11.20.020(8).
- 25.3. Pursuant to WCC Development Standards and CCC Section 15.60.070, road design specifications and features would be required to meet WSDOT AASHTO, MUTCD, and all other referenced design guidelines and publications in this section which may include but limited to ADA ramps, curb, gutter and sidewalks.
- 25.4. Pursuant to WCC Development standards, the applicant would be required to install illumination at the intersection of Easy Street and the new proposed internal public road. Illumination intensity and uniformity shall conform to the City of Wenatchee Development Standards.
- 25.5. Pursuant to CCC Section 15.30.240, the applicant would be to provide snow storage areas to place snow accumulated from the new proposed road.
- 25.6. Pursuant to CCC Section 15.30.230(4), all lots within this subdivision would be required to access off the new internal roadway system.
- 25.7. Pursuant to CCC Section 15.30.310, the applicant is required to submit a sight distance analysis per Title 15 for all existing access and proposed access points. This includes all driveways and road intersections.
- 25.8. Pursuant to CCC Section 15.30.310, submit with the Preliminary Mylar (blue-lines), a Lot Access/Addressing Plan. The Lot Access/Addressing Plan shall demonstrate how all lots and any existing driveway easement would be constructed and how they driveway easements would be constructed and how they meet City of Wenatchee road approach standards. **Submit three proposed road names to be approved by the Public Works Department and by Rivercom for the proposed new road in accordance with Chapter 10.20.**
- 25.9. Pursuant to CCC Chapter 10.20, the applicant shall add the following note for addressing:
- 25.9.1. **"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)."**
- 25.10. Pursuant to CCC Section 15.30.310, the applicant shall cause a note to be placed on the face of the plat stating:
- 25.10.1. **"All new driveways accessing County Roads shall require an access permit from Chelan Roads shall require an access permit from Chelan County Public Works, prior to the issuance of a building permit."**
- 25.11. Pursuant to CCC Section 15.30.610, Construction Plans: the applicant shall submit construction plans and reports for all required improvements on Easy Street and the internal roads in accordance with Chapter 15.30: The Construction Plans shall include, but are not limited to:

- A. Drainage Report and Plan
 - B. Roadway Improvement Plan (showing location of utilities and roadway curve data)
 - C. Lot access plan (profiles, topography)
 - D. Erosion and sedimentation control plan
 - E. Signage plan
 - F. Illumination detail
 - G. ADA ramp detail
 - H. Curb, gutter and sidewalk details
 - I. Topography lines
 - J. All easements
- 25.12. Pursuant to CCC Section 15.30.650, a Pre-Construction Meeting is required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
- 25.13. Pursuant to CCC Section 15.30.660, As-Built Plans shall be submitted, reviewed and approved by the Public Works Department upon completion of all required improvements and prior to County Engineers signature on the Final Mylar.
- 25.14. Pursuant to CCC Section 15.30.820, the applicant shall not obstruct sight distance with a centralized mailbox or locate a centralized mailbox on a County road right-of-way that would hinder County Road Maintenance. Should a centralized mailbox be required, provide details on construction plans. Minimum information shall include location, installation details, and pull-out detail.
- 25.15. Pursuant to CCC Section 13.18.030(9) on the final plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 25.16. Preliminary Plat must comply with stormwater standards, CCC Chapter 13.12, 13.14, 13.16 and 13.18.
- 25.17. The Chelan County Engineer is currently investigating whether this proposed development is located in a drainage problem area, whereby the design storm of this development may be raised accordingly per CCC Section 13.18.040(6)(D)(v).
- 25.18. 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 (blueines) and shall be recorded with the final plat.
- 25.19. The following not shall be placed on the final plat mylar:
- 25.19.1. **“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 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."

- 25.20. The applicant shall submit lot closure calculations with the preliminary mylar (blue) submission.
- 25.21. Plat must identify all roads as public or private.
- 25.22. Show all easements that benefit or burden the development property.
- 25.23. Pursuant to CCC Section 15.30.825, monumentation would be required on Easy Street and the new internal road if not already monumented.
- 25.24. Plat must identify easement widths, centerlines and right-of-way dimensions on Easy Street and on any new proposed road.
- 25.25. Applicant is required to submit Lot Closure Calculations with pre-final (blue).
- 26. The subject property and final plat shall conform to the comments and conditions of approval as found in the City of Wenatchee Public Works Agency Comment dated October 26, 2021.
 - 26.1. A public 'dry-sewer' extension for future service is required per CCC Section 4.08.050 and 4.08.060. In addition, per WCC subdivision 11.24.140 and RCW 35.91.020, the development shall extend the public dry-sewer system through the subdivision and to the adjoining properties and along the Easy Street frontage. A preliminary sewer design, approved by the City of Wenatchee should be included in the Preliminary Plat application. Note: the applicant should meet with the City to determine the required alignment and location of the dry-sewer.
 - 26.2. All sewer design shall meet City of Wenatchee codes including all adopted City of Wenatchee Pre-approved plans and Policies including a plan and profile of the sewer design. Note: The public sewer alignment should generally be centered within the public rights-of-way.
 - 26.3. Any portion of the sewer extension not within a public right-of-way shall be encompassed in a 20 ft. minimum City of Wenatchee Sewer Easement and shall be recorded at Chelan County and referenced on the face of the final plat (as an example, the sewer easement across any tract or lot is to be shown and referenced on plat). In addition, the sewer easement should be centered on the sewer line and should be exclusive of other utilities not owned by the City of Wenatchee.
 - 26.4. Approval of the development's design by the City of Wenatchee for the public sewer extension shall occur prior to any excavation for installation of any of the components of the sewer system.
 - 26.5. Prior to final plat approval, complete the contract for construction of the public sewer, acknowledged by City of Wenatchee Public Works.

- 26.6. A note shall be added to the face of the plat that reads as follows:
- 26.6.1. **“Connections to the City of Wenatchee Public Sewer shall be in compliance with the Wenatchee Municipal Code.”**
- 26.7. Construction within Chelan County right-of-way, such as Easy Street, would require excavation permits to be in place according to the City’s Franchise agreement. This permit must be obtained prior to approval of sewer construction within that corridor. The permit shall include limits of restoration.
- 26.8. Vehicular access must be provided for a vector truck to facilitate cleaning activities of the entire new sewer. The engineering plans shall include a pavement cross section access outside the public right-of-way.
- 26.9. The public sewer main shall not be located under stormwater pond facilities.

Dated this 18th day of March, 2022.

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.