

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

PLAT 2022-208
Summerset Vista

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FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND CONDITIONS
OF APPROVAL

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on November 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 to subdivide approximately 5.35 acres into 14 lots. The smallest lot is proposed at approximately 10,184 sq.ft. (0.23 acre) in size and the largest lot is proposed at approximately 16,500 sq.ft. (0.38 acre) in size with a 27,660 sq.ft. (0.63 acre) stormwater tract. The subject property is located in the Urban Residential 1 (UR1) zoning district within the Manson Urban Growth Boundary. Access is to be off of Summerset Vista Road onto a private internal roadway proposed with the development. Domestic water and sewer would be provided by expansion of the Lake Chelan Reclamation District services.
2. The Applicants/owners are Antonio Nunez, 201 Summerset Boulevard, Manson, WA 98831. The agent/surveyor is Diana Jones, SCJ Alliance, 25 N Wenatchee Ave. #238, Wenatchee, WA 98801.
3. The subject property is located at Unassigned, Manson, WA 98831.
4. The parcel number for the subject property is 28-22-31-607-040 and the legal description is Lot 1, as delineated on Chelan County Short Plat No. 2005-112, Chelan County, Washington, according to the short plat thereof, recorded August 7, 2006, in Volume SP-20 of Short Plats, Pages 84 and 85.
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 1 (UR1).
7. The subject property is vacant.
8. The subject property is approximately 5.35 acres.
9. The subject property has a slight uphill slope to the north. It was previously an orchard, but the trees have been removed and the property is currently is vacant.
10. Properties to the north, east and west is Urban Residential 1 (UR1). The property to the south is Urban Residential 1 (UR1) and SR 150.
11. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped May 9, 2022. 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 530010225A, 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 November 18, 2021 and conducted by Nelson Geotechnical Associates, Inc., was submitted with the 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, subject parcel 27-23-31-518-165 does contain wetlands. A Critical Areas Report, which includes a wetland delineation, was prepared in December 2021 by Grette Associates as part of the application for a Shoreline Administrative Determination (SAD 21-596), which was approved on January 25, 2022 and allowed for the averaging of the wetland buffer in order to accommodate the proposed development consistent with Appendix B of the Chelan County Shoreline Master Program. Pursuant to CCC Chapter 11.80, a note on the final plat shall be required, identifying this subdivision as being located in an area that contains wetland habitats.
15. 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.
16. 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.
17. The Shoreline Master Program does not apply.
18. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation and other agencies is required to ensure information regarding the possible impact of construction activities on the state's archaeological resources is maintained. Pursuant to comments from the Washington Department of Archaeology and Historic Preservation (DAHP) and the Yakima Indian Nation, the proposed project area has high potential for archaeological resources; therefore, a cultural resource survey is recommended prior to ground disturbing activities. A cultural resource survey was performed prior to project submission. The applicant shall submit the results of this survey to DAHP and follow all recommendations of DAHP.
19. On April 15, 2021, a pre-application meeting was held to discuss the proposed major subdivision.
20. The applicant is proposing to access this subdivision off of the unopen portion of Summerset Vista Road which is a 60' right-of-way. The constructed portion of Summerset Vista Road is classified as an Urban Local Access Road in the county road system. The unopen portion of Summerset Vista Road consists of gravel and brush with no curb, gutter or sidewalk. Pursuant to CCC Chapter 15.30, the design and construction of the unopen portion of Summerset Vista Road shall be required to be constructed to meet an Urban Local Access Road Class 1B (Standard Detail PW-3). Pursuant to CCC Section 15.30.230(4), Connectivity shall be required when adjacent property is undeveloped and the internal road is designed to be a public road, the proposed project shall provide an access point to Parcel # 282231607045 to allow for future interconnectivity. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private roads shall be required to be constructed to meet, at a minimum, a Private Urban Emergency Vehicle Access Road (Standard Plan PW-18). The internal spur roads shall meet, at a minimum, a Shared Residential standard, depending on number of lots accessed.

An Urban Emergency Vehicle Access Turnaround (Standard Plan PW-23-A or B) is required on any dead-end street/road longer than one-hundred and fifty feet (150').

21. The comment letter from Chelan County Public Works, dated July 6, 2022 states a private stormwater drainage system is required with an Operation and Maintenance Agreement of the drainage system and recorded with the final plat.
22. Domestic water would be provided by an expansion of the Lake Chelan Reclamation District, public water system.
23. Power would be provided via an extension of the Chelan County PUD electrical system.
24. The Chelan County Fire Marshal comment letter date stamped November 4, 2022, states the proposal shall conform to all applicable requirements of the International Fire Code and International Building Code administered by the Chelan County Fire Marshal. "Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant when serving lots less than 43,560 square feet (one acre) in size."
25. Irrigation would be provided by the Lake Chelan Reclamation District.
26. Noise impacts are addressed in CCC Chapter 7.35 and WAC 173-60.
27. The applicant submitted an environmental checklist on May 9, 2022. 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 Mitigated Determination of Non-Significance (MDNS) was issued on October 12, 2022. The SEPA Checklist and MDNS are included within the file of record and adopted by reference. The MDNS was not appealed.
28. The Notice of Application was referred to agencies and departments on June 21, 2022 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due July 5, 2022. Agency comments are included, as appropriate, within this decision and 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	July 5, 2022	Legal description appears to be correct and no delinquent taxes
Chelan County Fire Marshal	November 4, 2022	The subject property is located within Fire District 5. Recommended conditions of approval for fire flow provisions include adding new fire hydrants at 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 one acre in size.
Chelan County Fire District # 5	June 29, 2022	With a line extension, fire flow would be adequate to serve project. Additional fire hydrants would be necessary. There should be a main access road off of Swartout Road since the pan handle between the development and

		Swartout is too narrow for a County Road.
Chelan County Building Official	No comment	
Chelan-Douglas Health District	July 19, 2022	Recommended conditions of approval were provided.
Chelan County Public Works	July 5, 2022	Recommended conditions of approval were provided regarding frontage/off-site improvements, the internal circulation plan, and stormwater requirements.
Chelan County PUD	June 22, 2022	Electrical service is available along Swartout Road and a line extension would be necessary. Easements shall be required for all primary power sited on the parcel or secondary power that crosses one or more parcels to serve another parcel.
Lake Chelan Reclamation District	June 22, 2022	A water main extension and booster pump station would be required on this project. A sewer main extension would also be required. Irrigation is available if a distribution system is installed. Lots 13 and 14 are encumbered by a 40-foot Federal Irrigation easement that cannot be encroached upon with improvements or structures.
WA Dept. of Fish and Wildlife	No Comment	
WA Dept. of Ecology	May 17, 2022	<p>The subject property is located on property that was occupied by orchard during the time period when lead arsenate was applied as a pesticide, so sampling is required. If sampling indicates elevated levels of contaminants, then cleanup would be required utilizing Model Remedies to ensure MTCA minimum standards are met.</p> <p>A NPDES Construction Stormwater Permit may be required if there is potential for stormwater discharge from the site prior to any ground-breaking activities.</p>
Department of Archaeology and Historic Preservation (DAHP)	June 22, 2022	DAHP's statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. A professional archaeological survey of the project area shall be conducted and a report

		be produced prior to ground disturbing activities.
Yakama Nation	July 5, 2022	Requests an archaeological survey since the project is located in a high probability area with known cultural resources in the proximity.
Confederated Tribes of the Colville Reservation	July 11, 2022	Implement standard conditions and an IDP for cultural resources.
Manson School District	No Comment	

29. A public comment was received from Brian Patterson dated July 2, 2022 expressing concern with pesticide issues and requirement to meet MTCA standards.

30. Application and Public Hearing Compliance:

Application Submitted:	May 9, 2022
Determination of Completeness issued:	June 17, 2022
Notice of Application:	June 21, 2022
SEPA MDNS Issued:	October 12, 2022
Notice of Hearing:	November 5, 2022
Public Hearing:	November 16, 2022

31. Comprehensive Plan Review. The subject property is within the study area of the Manson Comprehensive Plan and is designated as Manson Urban Growth Area Urban Residential 1 (UR1). The following Comprehensive Plan sections, Manson Urban Residential Area Code and Chelan County Code have been considered for the review of this proposal:
- 31.1 Urban Residential 1 (UR1) – Low Density Residential – The primary and preferred land use shall be single family housing at a density of up to four dwelling units per acre. Land south of Hyacinth Road, along Lake Chelan, a density of up to 2.7 units per acre or 16,000 square foot lots is appropriate to preserve the character of the area and reduce impacts of development to the lake.
- 31.2 The subject property is within the study area of the Chelan County Comprehensive Manson Subarea Plan and development with the Urban Residential 1 (UR1) designation though the following goals and policies:

- 31.3 Goal LU-1: Achieve an efficient use of land in and around the Manson Community, preserving existing Agriculturally-designated land, reducing urban sprawl and training Manson's natural-resource based rural and open-space character.
- 31.4 Policy LU-1C Establish incentives to promote infill development within the existing UGA.
- 31.5 Policy LU1-D Ensure that any development in the UGA is fully served by water, wastewater and other necessary public services.
- 31.6 Goal H-1: Provide sufficient housing in Manson to provide dwellings for all income levels and for all needs.
- 31.9 Policy H-1-D Encourage diversity in housing types to accommodate an increasingly diverse population.
- 31.10 The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.
- 32. Chelan County Code Section 11.23.040: Manson Urban Growth Area Zoning Standards.
 - 32.1 Minimum lot size dimensions: 10,000 sq.ft.
 - 32.2 Minimum lot width is 75 ft. at the front lot line.
 - 32.3 Maximum lot coverage: 50%.
 - 32.4 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.23 acres (10,184 sq. ft.) to 0.38 acres (16,500 sq. ft.). All lots would be served by Lake Chelan Reclamation District for domestic water and sewer.
 - 32.5 All proposed lots exceed the minimum lot width of 75 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application
 - 32.6 The Hearing Examiner finds that the site plan of record, date stamped May 9, 2022, indicates that all minimum dimensional standards have been met. The Hearing Examiner finds that the proposed major subdivision, as conditioned, would be consistent with the provisions of CCC Section 11.23.040.
- 33. 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.
 - 33.1 The applicant participated in a pre-application meeting with Chelan County Community Development on April 15, 2021.
- 34. Chelan County Code 12.02.060 Concurrency of Public Infrastructure: No land division under this title shall be approved without a written finding that:
 - 34.1 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.
 - 34.2 No county facilities will be reduced below adopted levels of service as a result of the proposed land division.
 - 34.3 Pursuant to the comment letter from the Lake Chelan Reclamation District, domestic water and sewer would be available to serve the proposed development with mainline

infrastructure upgrades. Pursuant to the comment letter from Chelan County PUD, the subject property would have power available for the proposed development through extensions of the existing lines.

35. Chelan County Code 12.08.010 Land division names:
 - 35.1 No land division shall be approved which bears a name using a word 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.
 - 35.2 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.
36. Chelan County Code 12.08.030 Easement:
 - 36.1 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:
 - 36.1.1 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.
 - 36.1.2 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.
 - 36.1.3 Electrical services are available from the Chelan County PUD. However, line extension would be required.
 - 36.2 Private road easements shall be shown.
 - 36.2.1 The applicant is proposing access through expansion of an existing county road and by private internal roads and driveways. Private road standards, as detailed in CCC Title 15, apply to this development and require an approved maintenance agreement.
 - 36.3 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.
 - 36.3.1 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.
 - 36.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
 - 36.4.1 Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
37. Chelan County Code 12.08.040 Fire protection standards: 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.

- 37.1 The subject property is located in Fire District 5. The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is 1.4 miles from 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.
38. Chelan County Code 12.08.050 Storm Drainage: 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.
- 38.1 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, which shall include operational and annual maintenance criteria. Said Maintenance Agreement shall be submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.
39. Chelan County Code 12.08.060 Watercourses. 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.
- 39.1 The property is not impacted by a watercourse.
40. Chelan County Code 12.08.080. Road Standards: All land divisions shall comply with Title 15.
41. Chelan County Code 12.08.090. Monuments: Permanent survey monuments shall be provided for all final land divisions as required in Section 15.30.825.
- 41.1 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 15.30.825 shall be a condition of approval.
42. Chelan County Code 12.08.100 Flood Protection:
- 42.1 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.
- 42.2 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.
- 42.3 The subject property is not impacted with flood plain or flood way.
43. Chelan County Code 12.24.015. All final land division review and approval requirements: 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.
- 43.1 The applicant shall have five (5) years to final the plat from the date of preliminary approval.

44. The Hearing Examiner has reviewed the application and submitted materials. The information in the application, as proposed, complies with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code.41.
45. An open record public hearing after due legal notice was held using Zoom video conferencing on November 16, 2022.
46. At this hearing the entire Planning staff file was entered into the record.
47. Appearing and testifying on behalf of the Applicant was Diana Jones. Ms. Jones testified that she was an agent authorized to appear and testify on behalf of the Applicant and property owner. Ms. Jones stated that she agreed with all representations in the staff report and that she had no objection to any Conditions of Approval. She also stated that no variances would be required in order to develop each lot with a single family residence and normal accessory structures.
48. No members of the public testified at this hearing.
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 CCC Title 11 Zoning, Title 12 Land Divisions, Title 14 Development Permit Procedures and Administration, Title 15 Development Standards, and the Chelan County Shoreline Master Program.
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 2022-208** 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 Manson's Urban Growth Area CCC Section 11.23.040, the proposal shall comply with the Manson's Urban Residential 1 (UR1) Zoning District's dimension and/or development standards.
4. Pursuant to CCC Section 12.08.030 and 12.24.020(3) and CCC Chapter 15.30, all easement locations are required to be shown on final plats.
5. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required by the Chelan County Treasurer are to be paid prior to final Plat recording.
6. Pursuant to CCC Section 12.02.010(1), the following note shall be placed on the final plat mylar:
 - 6.1. **"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."**
7. Pursuant to RCW 27.53.020, the applicant shall stop work and contact Community Development and the Department of Archaeology and Historic Preservation and other agencies as required, regarding the possible impact of construction activities on the state's archaeological resources.
8. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record, date stamped May 9, 2022, on file with the Chelan County Community Development Department, except as modified herein. No increase in density or number of lots shall occur without a re-submittal of a plat application.
9. Pursuant to CCC Section 12.24.015 and RCW 58.17.140, all requests for final Plat approval must be submitted within five (5) years from the date of preliminary approval, unless an extension is granted.
10. Pursuant to RCW 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.
11. 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.
 - 11.1. 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).
 - 11.2. 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.

- 11.3. 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.
12. 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.
13. Pursuant to CCC Section 11.86.080, the following notes shall be placed on the final plat:
 - 13.1. **"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 Nelson Geotechnical Associates, Inc. dated November 18, 2021 or with a site-specific geological site assessment."**
14. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final Plat:
 - 14.1. **"Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended."**
 - 14.2. **"If any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archaeology and Historic Preservation in conformance with RCW 27.53.020."**
 - 14.2.1. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan may be obtained from Chelan County Community Development.
 - 14.3. **"Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."**
 - 14.4. **"Based on historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides."**
15. Pursuant to comments received from DAHP on June 22, 2022 and the Yakima Nation on July 5, 2022, the subject property is located within an area of high probability for containing cultural resources, and; therefore, a cultural resource survey is required. Staff notes that a Cultural Resource Survey has been completed as of April 8, 2022 and shall be submitted to DAHP to fulfill this requirement if not done so already.

CHELAN COUNTY FIRE MARSHAL

16. 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 November 4, 2022.
 - 16.1. The proposal/development shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
 - 16.2. 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.

- 16.3. 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.
- 16.4. 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 feet from a fire hydrant when serving lots less than 43,560 sq. ft. (one acre).
- 16.5. 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.
- 16.6. Provide fire hydrants for the lots within the required distance of the parcels.
- 16.7. 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:
 - 16.7.1. **“Without the installation of a fire hydrant that has the capabilities of delivering the required fire flow and within the required distance to the lots in question, the applicant may choose one or any combination of the fire protection credits to satisfy 100% Fire Protection Credits needed.”**
- 16.8. Class A Roofing/noncombustible roof covering, as defined in the International Building Code, shall be used in all areas of Chelan County. A note on the face of the final mylar shall state:
 - 16.8.1. **“All buildings that require a building permit within this plat shall have Class A roofing materials.”**
- 16.9. A note on the final mylar shall state:
 - 16.9.1. **“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.”**

CHELAN-DOUGLAS HEALTH DISTRICT

17. 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 July 19, 2022.
 - 17.1. The dedicatory language on the plat shall carry this note:
 - 17.1.1. **“The Health District has not reviewed the legal availability of water to this development.”**
 - 17.2. A written water and sewer availability statement is required from each utility, confirming water is available and sewer service to serve the proposed lots.
 - 17.3. Statements from the utility must include description of any water system and/or sewer system improvements needed or easements to service the lots. System improvements must be completed prior to plat approval, or indicate if includes performance bonding.

CHELAN COUNTY PUBLIC WORKS

18. 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 July 6, 2022.
 - 18.1. Pursuant to CCC Chapter 15.30, the design and construction of the unopen portion of Summerset Vista Road shall be required to be constructed to meet a Urban Local Access Road Class 1B (Standard Detail PW-3).
 - 18.2. Pursuant to CCC Section 15.30.230(4), Connectivity shall be required when adjacent property is undeveloped and the internal road is designed to be a public road, the proposed project shall provide an access point to Parcel # 282231607045 to allow for future interconnectivity. The location of the proposed access to surrounding property shall be logical, with the burden of proof for the chosen location on the applicant.
 - 18.3. The applicant shall demonstrate a Legal and Perpetual Access for the proposed subdivision per Title 12.08.020.
 - 18.4. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private roads shall be required to be constructed to meet, at a minimum, a Private Urban Emergency Vehicle Access Road (Standard Plan PW-18). The internal spur roads shall meet, at a minimum, a Shared Residential standard, depending on number of lots accessed. An Urban Emergency Vehicle Access Turnaround (Standard Plan PW-23-A or B) is required on any dead-end street/road longer than one-hundred and fifty feet (150').
 - 18.5. 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 access road and must contain wording of maintenance of the road sign within the development. Said agreement must be provided simultaneously with the Preliminary Mylar (blue-line) submission. Said agreement shall be recorded with the final plat.
 - 18.6. Pursuant to CCC Section 15.30.650, the following language shall be placed on the face of the plat: **"Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat."**
 - 18.7. Pursuant to CCC Section 15.60.070, road design specifications and features shall be required to meet Chapter 15.30, WSDOT, AASHTO, MUTCD, and all other referenced design guidelines and publications in this section which may include but limited to ADA ramps, curb, gutter and sidewalks.
 - 18.8. Pursuant to CCC Section 15.30.360, all lots within this subdivision shall be required to access off the new proposed internal roadway system.
 - 18.9. Pursuant to CCC Section 15.30.240, the applicant shall be required to provide snow storage areas.
 - 18.10. Pursuant to CCC Section 15.30.330 the applicant shall submit a sight distance analysis for all existing access and proposed access points. This includes all driveways and road intersections.
 - 18.11. Pursuant to CCC Section 10.20.200, a road naming shall be required for the shared driveway/access roads that serves three or more addressable parcels or structures. The applicant shall be required to notify all affected property owners that have legal access/use to the access being named or that owns property that abuts the access. A signature of the property owner or a certified mail receipt shall be required to prove such notification. That proof, a road naming application with 3 or more names and a road naming fee must be submitted to Chelan County Public Works for each of the shared accesses being named. Approval shall be up to

emergency services. Once a road name has been approved, a road name sign shall be required to be installed by the applicant per Chelan County specs. Once the road name sign is installed; the applicant shall be required to contact Chelan County Public Works for an inspection.

- 18.12. Pursuant to CCC Chapter 10.20 the applicant shall add the following note to the Final Mylar for addressing: **“Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s)”**.
- 18.13. Pursuant to CCC Section 15.30.310, the applicant shall cause a note to be placed on the face of the plat stating **“All new driveways accessing County Roads shall require an access permit from Chelan County Public Works, prior to the issuance of a building permit.”**
- 18.14. 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 and Striping Plan
 - F. ADA ramp detail
 - G. Curb, gutter and sidewalk details
- 18.15. 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.
- 18.16. 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.
- 18.17. 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.
- 18.18. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 18.19. 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.
- 18.20. Preliminary Plat must comply with stormwater standards, CCC Chapter 13.12, 13.14, 13.16 and 13.18.
- 18.21. 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).
- 18.22. 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 (blueprints) and shall be recorded with the final plat.

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

18.23.1. "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 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."

18.24. The applicant shall submit lot closure calculations with the preliminary mylar (blueprint) submission.

18.25. Plat must identify all roads as public or private.

18.26. Plat must identify centerlines, easements and right-of-way dimensions on Summerset Vista Road and on any new proposed roads.

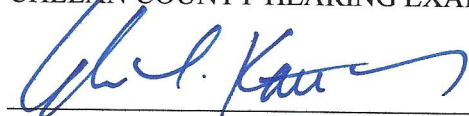
18.27. Applicant is required to submit Lot Closure Calculations with pre-final (blueprint).

18.28. Pursuant to CCC Section 15.30.825, monumentation shall be required to be placed on all public roads if not already monumented.

18.29. Show all easements that benefit or burden the project site.

Dated this 21st day of November, 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.