

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

PLAT 2022-286  
Smith

## 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 December 7, 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 3.42 acres into 5 lots. The smallest lot is proposed at approximately 21,344 sq.ft. (0.49 acre) in size and the largest lot is proposed at approximately 40,946 sq.ft. (0.94 acre) in size and contains an existing residence. The subject property is located in the Rural Village (RV) zoning district. Access is to be off of Lower Sunnyslope Road onto a private internal roadway proposed with the development. Domestic water would be provided for by a Group B water system using a permit exempt well with sanitation proposed as individual on-site septic systems.
2. The Applicants/owners are Brent and Rachel Smith, 515 Lower Sunnyslope Road, Wenatchee, WA 98801. The agent is 48 Degrees North, Erik Gahringer, 3409 Burch Mountain Road, Wenatchee, WA 98801.
3. The subject property is located at 515 Lower Sunnyslope Road, Wenatchee, WA 98801.
4. The parcel number for the subject property is 23-20-20-440-100 and the abbreviated legal description is T 23N R 20EWM S 20 SESE and is 3.24 ACRES pursuant to the Chelan County Assessor's records.
5. The subject property is located outside of an Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Village (RV).
7. The subject property is in residential uses with the eastern portion of the site being vacant undeveloped land that was previously an orchard.
8. The topography of the site slopes down to the south from Lower Sunnyslope Road. The western portion of the site contains an existing residence, a mobile home, and several accessory structures. The eastern portion of the site is vacant land that was previously orchard and is currently vegetated with opportunistic grasses and shrubs.
9. Per the Chelan County Assessor's records, the subject property contains approximately 3.42 acres.
10. Properties to the north is Lower Sunnyslope Road and residential and is zoned Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5). Property to the south is an irrigation canal and orchard and is zoned Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5). Property to the west is Residential and is zoned Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5). Property to the east is Lower Sunnyslope Road and residential and is zoned Rural Village (RV).

11. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped July 13, 2022. Pursuant to Chelan County Code Section 11.82.040, Chelan County has determined that the aquifer recharge measures do not apply.
12. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150625C, the project site does not contain identified 100 or 500-year flood plain or associated floodway. Therefore, Chelan County Code 11.84, Frequently Flooded Areas Overlay District does not apply.
13. According to the Chelan County GIS mapping, the project site contains potential geologic hazardous areas for erodible soils. The applicant submitted a Geological Site Assessment, dated May 22, 2022, prepared by Black Rock Geosciences. The report stated that the project site is suitable for the proposed development and is considered free of geologic hazard. Pursuant to Chelan County Code (CCC) Chapter 11.86, a note on the final plat mylar should be required, identifying this subdivision as being located in a potential geologically hazardous area.
14. Pursuant to the National Wetlands Inventory Map, the site 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 project site does contain Mule Deer habitat. Therefore, the provisions of CCC Chapter 11.78 do apply.
16. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation (DAHP) 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 a letter from DAHP, dated August 12, 2022, the proposed project area has high potential for archaeological resources due to the landform type as well as the proximity of the project site to the Wenatchee River. Therefore, a cultural resource survey is recommended prior to ground disturbing activities. Correspondence from the Confederated Tribes of the Colville Reservation, dated September 25, 2022, recommended a cultural resource survey as well. The Hearing Examiner sets as a condition of approval that a cultural resource survey shall be conducted unless documentation as provided by the DAHP relinquishes this requirement.
17. Permits and applications on record for the project site include:
  - 17.1 Pre-App 19-083 – Possible rezone from RR5 to RV for single family and multifamily use.
  - 17.2 CPA 20-004 – Comprehensive plan amendment that modified the comprehensive plan designation of the subject property from RR5 to RV.
  - 17.3 ZC 21-063 – Zone change that modified the zoning designation of the subject property from RR5 to RV.
  - 17.4 Pre-App 21-425 – Pre-application for 4 lot short plat.
18. The applicant is proposing access to this subdivision off of Lower Sunnyslope Road, which is a 60' right-of-way and is classified as an Urban Major Collector Road in the county road system. Lower Sunnyslope Road provides single lanes for traffic in both directions with no curb, gutter or sidewalk. Lower Sunnyslope Road has 28' of pavement. No road improvements are required to Lower Sunnyslope Road. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed internal private road would be required to be constructed to meet a Private Rural Emergency Access Road (Standard Plan PW-20) with Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) on any dead-end street/road longer than 150'. 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.

19. The Chelan County Public Works comment letter, dated August 25, 2022, states a private stormwater drainage system would be required with an Operation and Maintenance Agreement of the drainage system to be recorded with the final plat.
20. Domestic water shall be provided by expansion of the existing well to a Group B public water system. Individual service would be needed to be available to each lot. The new public water supply shall be reviewed and approved by the Chelan-Douglas Health District/State Department of Health.
21. The Washington State Department of Ecology comment letter, dated August 23, 2022, states that "based on historical aerial photos indicate the development is located on property that was/is occupied by orchard during the time period when lead arsenate was applied as a pesticide". Prior to development, the applicant is required to conduct soil sampling under the Model Toxics Control Act. If sampling indicates elevated levels of contaminants, then cleanup would be required utilizing Model Remedies to ensure MTCA minimum standards are met.
22. Pursuant to the comment letter received from the Chelan-Douglas Health District, dated August 22, 2022, site and soil evaluation reports must be completed by a state licensed designer or professional engineer, per WAC 246-272A. In addition, onsite sewage systems meeting at least Treatment Level B, as described by WAC 246-272A, will likely be required for new or repaired septic systems.
23. The Chelan County PUD did not comment on this project. PUD power serves this area. The applicant should consult with the Chelan County PUD for further information. The Hearing Examiner sets as a condition of approval, pursuant to Chelan County Code Section 11.02.020, the applicant shall obtain a permit and any required easements from Chelan Public Utility District No 1, prior to any development of roads or utilities for the project site.
24. The Chelan County Fire Marshal comment letter dated November 29, 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. The project site currently benefits from public irrigation by the Wenatchee Reclamation District. Additional shares would need to be acquired or the current irrigation allotment split between the lots.
26. Noise impacts are addressed in CCC Chapter 7.35.
27. The applicant submitted an environmental checklist on July 13, 2022. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and 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 herein by this reference.
28. The Notice of Application was referred to agencies and departments on August 11, 2022 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due August 25, 2022. 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	July 18, 2022	The legal description appears to be correct and there are no delinquent taxes.
Chelan County Fire Marshal	November 29, 2022	The project site is located within Fire District #1. The closest fire hydrant is located on Lower Sunnyslope Road approximately 2,800 feet away, so the subject property does not have adequate fire flow; either additional fire hydrants would be necessary to serve this project or alternative fire flow provisions would be necessary.
Chelan County Building Official	No Comment	
Chelan-Douglas Health District	August 22, 2022	Domestic water would be provided by expansion of the existing well to a Group B water system and sanitation would be provided by onsite septic systems.
Chelan County Public Works	August 25, 2022	Recommended conditions of approval were provided for the proposed project.
Chelan County PUD	No Comment	
WA Dept. of Fish & Wildlife	No Comment	
Fire District #1	No Comment	
Wenatchee School District	No Comment	
WA Dept. of Archaeology & Historic Preservation	August 12, 2022	DAHP recommends a cultural survey be performed and a report produced prior to ground disturbing activities.
Yakama Nation	No Comment	



Agencies Notified	Response Date	Nature of Comment
Confederated Tribes of the Colville Reservation	September 25, 2022	Recommends a cultural resource survey.
Dept. of Ecology	August 24, 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>

29. One public comment was received from Jack Crowe on August 17, 2022 who was concerned with storm water runoff onto and from Lower Sunnyslope Road, as well as the placement of septic drainfields in relation to the wellhead.

30. Application and Public Hearing Notice Compliance:

Application Submitted:	July 13, 2022
Determination of Completeness issued:	August 5, 2022
Notice of Application:	August 11, 2022
SEPA MDNS Issued:	October 12, 2022
Notice of Hearing:	November 26, 2022
Public Hearing:	December 7, 2022

31. The Comprehensive Plan was reviewed. Specifically, the goals and policies related to the Rural Village (RV) designation, which is a type of LAMIRD (Limited Areas of More Intensive Rural Developments) for higher densities developments and focused growth. LAMIRDs help focus development and support the preservation of rural lands in other areas of the County and provide

for residential development when served by public water, sewer and other facilities. The Comprehensive Plan outlines the purpose, uses and density intended for RV designation.

*Purpose: This designation recognizes the existence of intensely developed rural residential developments and communities, with densities less than 2.5 acres per dwelling unit, which typically will not have sewer service. This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural residential areas for residential and other rural development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural residential development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development. Uses appropriate for these areas include: developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

*Density: May allow for less than 2.5 acres per dwelling unit. The establishment of densities shall consider pre-existing development patterns, Health District standards, proximity to resource lands, existence of critical areas and the availability of necessary public facilities and services. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary*

32. The following Comprehensive Plan policies indicate support for the proposed development within a LAMIRD.
- 32.1 Policy LU 1.1: Promote improved neighborhood character and compatibility through unified design and site requirements for both site-built homes and manufactured and modular housing.
    - 32.1.1 Rationale: The placement should take into consideration compatibility with the character of existing and future residential areas.
  - 32.2 Policy LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.
    - 32.2.1 Rationale: Many parcels of land are available within existing residential developments that can accommodate further development. Infill within these areas will allow public facilities and services to be provided in a more efficient manner.
  - 32.3 Policy RE 6.2: Apply development standards in LAMIRDs to ensure the design of development or redevelopment is consistent with the character of the existing areas and the proposed use conforms to the intent of this Comprehensive Plan.
    - 32.3.1 Rationale: Requiring new and/or redevelopment within LAMIRD designations to be consistent with the provisions of this element ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.
  - 32.4 The Comprehensive Plan outlines the long-range goals and development patterns for the County. The proposed development is consistent with the intent of the Comprehensive



Plan, which supports higher density uses and development in the zoning district where public facilities (such as water and sewer) are available.

32.4.1 Hearing Examiner Finding: The proposed development is consistent with the Chelan County Comprehensive Plan for LAMIRD development.

33. Chelan County Code, Title 11: Zoning - Chelan County Code Section 11.04.020, District Use Chart, lists land divisions within the Rural Village (RV) zoning district as a permitted activity. Chelan County Code 11.20.020 – Standards:
- 33.1 Minimum lot size, which measures to include ten percent of the adjoining public rights-of-way, shall be in accordance with the Chelan-Douglas Health District standards for public or community water and sewage disposal; however, in no case shall lot sizes be less than 12,000 sq. ft. (approximately 0.28 acres).
  - 33.2 Minimum lot width is 70 ft. at the front building line for an interior lot; 80 ft. for a corner lot.
  - 33.3 Maximum building height is 35 ft.
  - 33.4 Maximum lot coverage is 35%.
  - 33.5 Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), riparian and shoreline areas, or as modified by the provisions of this title: (A) Front yard: 25 ft. from the front property line or 55 ft. from the street centerline, whichever is greater; (B) Rear yard: 20 ft. from the rear property line; (C) Side yard: 5 ft. from the side property line.
  - 33.6 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.49 to 0.94 acres. All proposed lots exceed the minimum lot width of 70 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.
  - 33.7 The site plan of record, date stamped July 13, 2022, indicates that all minimum dimensional standards have been met. The Hearing Examiner finds that the proposed major subdivision, as conditioned, is consistent with the provisions of Chelan County Code Section 11.20.020.
34. Chelan County Code 11.86 - Geologically Hazardous Areas:
- 34.1 Pursuant to the Chelan County Geologically Hazardous Areas map data and submitted Geological Site Assessment, dated May 22, 2022, the subject property does contain potential geologically hazardous areas. Therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay District do apply.
35. Chelan County Code 14.08.010 - Pre-application meetings:
- 35.1 Prior to the filing of a preliminary plat, the sub-divider shall submit to the administrator plans and other information sufficient to describe essential features of the property and the proposed or contemplated uses and development for the purposes of scheduling a formal pre-application meeting in accordance with CCC 14.08.010.
  - 35.2 The applicant participated in a pre-application meeting with Chelan County Community Development on September 30, 2021.
36. Chelan County Code, Title 12: Land Divisions - 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 The subject property would be served by a Group B well and would utilize on-site septic systems. Extensions of the existing lines would be required for power.
- 37. Chelan County Code 12.04.020 - Suitability for Land Division:
  - 37.1 As submitted, the proposed major subdivision is consistent with the provisions of this section.
- 38. Chelan County Code 12.08 - Land division names:
  - 38.1 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.
  - 38.2 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.
- 39. Chelan County Code 12.08.030 Easement:
  - 39.1 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:
    - 39.1.1 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.
    - 39.1.2 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.
    - 39.1.3 Electrical services are available from the Chelan County PUD No. 1. However, line extension would be required.
  - 39.2 Private road easements shall be shown.
    - 39.2.1 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.
  - 39.3 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.
    - 39.3.1 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.



- 39.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
- 39.4.1 Easement locations and purpose(s) should be indicated on the final plat.  
Easements shall be reviewed with blue line submittal.
40. 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.
- 40.1 The subject property is located in Fire District 1. The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is 1.5 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.
41. 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.
- 41.1 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. The Maintenance Agreement must 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.
42. 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.
- 42.1 The property is not impacted by a watercourse.
43. Chelan County Code 12.08.080. Road Standards: All land divisions shall comply with Title 15.
44. 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.
- 44.1 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.
45. Chelan County Code 12.08.100 Flood Protection:
- 45.1 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.
- 45.2 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.
- 45.3 The subject property is not impacted with flood plain or flood way.
46. 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.

46.1 The applicant shall have five (5) years to final the plat from the date of preliminary approval.

47. An open record public hearing after due legal notice was held using Zoom video conferencing on December 7, 2022.
48. At this hearing the entire Planning staff file was entered into the record.
49. Appearing and testifying on behalf of the Applicant was Brent Smith. Mr. Smith testified that he was the Applicant and property owner. Mr. Smith stated that he had no objection to any of the proposed Conditions of Approval and agreed with all representations in the staff report.
50. No member of the public testified at this hearing.
51. 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, and Title 15 Development Standards.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Chelan County Comprehensive Plan.
4. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. The public interest would be served by the subdivision.
6. The application, as conditioned, is compatible with adjacent uses and would not harm or change the character of the surrounding area.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

## **III. DECISION**

Based upon the above noted Findings and Fact and Conclusions, **PLAT 2022-286** 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 project 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.

- 2.1 Pursuant to the comment letter received from Washington State Department of Archaeology and Historic Preservation (DAHP), a prehistoric archaeological site is located within the proposed project area. Prehistoric sites are protected under Washington State law. Therefore, the applicant shall obtain the necessary permit from DAHP in order to work within the site boundary.

- 2.2 Prior to ground disturbing activities, an updated cultural resource survey shall be conducted and a report meeting DAHP's Standards for Cultural Resource Reporting shall be submitted to DAHP unless written documentation as provided by DAHP relinquishes this requirement.

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 13, 2022, 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 12.08.030 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 58.17.255 and WAC 332-130-040, all easement locations serving or encumbering the project site are required to be shown on the final plat. Separate instruments recorded with the Chelan County Auditor shall be referenced on the final plat. The location of existing structures and utilities (i.e. power, sewer, and water lines, etc.) and utility and private access easements shall be depicted on the face of 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 12.02.010(1), the following notes shall be placed on the final plat mylar:

- 7.1 "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."

- 7.2 "Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."

8. 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.

9. 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.

- 9.1 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).

- 9.2 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.
  - 9.3 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.
10. Pursuant to CCC Chapter 11.78, the following note shall be placed on the final plat:
- 10.1 "The subject property is within identified wildlife habitats and shall be subject to the provisions of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conversation Areas Overlay District, as amended."
11. Pursuant to CCC Chapter 11.86, the following note shall be placed on the final plat:
- 11.1 "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 Geologic Site Assessment prepared by Black Rock Geosciences dated May 22, 2022 or with a site-specific geological site assessment.
12. Pursuant to CCC Title 12, the following notes shall be placed on the final plat:
- 12.1 "Chelan County is not responsible for notification or enforcement of covenants or 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 these properties. Applicant /owner assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations."
  - 12.2 "Based on historical agricultural use of this land, there is possibility the soils contains residual concentrations of pesticides. The WA State Dept. of Ecology recommends that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the WA State Dept. of Ecology recommends that the potential buyers be notified of their occurrence."
13. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final plat:
- 13.1 "Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended."
  - 13.2 "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. 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."



## CHELAN COUNTY PUBLIC WORKS DEPARTMENT

14. 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 25, 2022.
- 14.1 Pursuant to CCC Section 12.08.020, the applicant must demonstrate a Legal and Perpetual Access for the proposed subdivision.
- 14.2 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 Rural Emergency Vehicle Access Road (Standard Plan PW-20). An 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').
- 14.3 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.
- 14.4 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."**
- 14.5 Pursuant to CCC Section 15.30.360, all lots within this subdivision shall be required to access off the new proposed internal roadway system.
- 14.6 Pursuant to CCC Section 15.30.240, the applicant shall be required to provide snow storage areas.
- 14.7 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.
- 14.8 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.
- 14.9 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)".**
- 14.10 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."**

- 14.11 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
- 14.12 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.
- 14.13 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.
- 14.14 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.
- 14.15 The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 14.16 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.
- 14.17 Preliminary Plat must comply with stormwater standards, CCC Chapter 13.12, 13.14, 13.16 and 13.18.
- 14.18 A private stormwater drainage system shall 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.
- 14.19 The following not shall be placed on the final plat mylar:
- "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."

- 14.20 The applicant shall submit lot closure calculations with the preliminary mylar (blue) submission.
- 14.21 Plat must identify all roads as public or private.
- 14.22 Plat must identify centerlines, easements and right-of-way dimensions on Lower Sunnyslope Road and on any new proposed roads.
- 14.23 Applicant is required to submit Lot Closure Calculations with pre-final (blue).
- 14.24 Pursuant to CCC Section 15.30.825, monumentation shall be required to be placed on all public roads if not already monumented.
- 14.25 Show all easements that benefit or burden the project site.

#### **CHELAN COUNTY FIRE MARSHAL**

- 15. 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 29, 2022.
  - 15.1 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.
  - 15.2 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.
  - 15.3 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:
    - 15.3.1 "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."
  - 15.4 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).
  - 15.5 Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 1000 ft. with no lot or parcel in excess of 500 feet from a fire hydrant when serving lots greater than 43,560 sq. ft. (one acre).

- 15.6 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 CCC Chapter 15.40, Minimum Standard for Water Mains and Fire Hydrants.
- 15.7 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:
  - 15.7.1 "All buildings that require a building permit within this plat shall have Class A roofing materials."
- 15.8 New homes shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to installation.
- 15.9 All buildings that require a building permit within this plat shall comply with the provisions of the International Wildland-Urban Interface Code adopted by Chelan County at the time the building permit is submitted.

#### **CHELAN-DOUGLAS HEALTH DISTRICT**

16. 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.
  - 16.1 The dedicatory language on the plat shall carry these notes:
    - 16.1.1 "The Health District has not reviewed the legal availability of water to this development."
    - 16.1.2 "The combined water use by all the wells in this development may not exceed 5,000 gallons per day or be used to irrigate more than ½ acre unless a ground water withdrawal permit is obtained from the Department of Ecology."
    - 16.1.3 "Site evaluations may be required at the time of application for individual onsite septic system construction permits."
  - 16.2 For public wells (three or more connections to a well), a Sanitary Control Area showing a radius of 100 feet surrounding a public well point must be shown on the final plat mylar, included plat note below:
    - 16.2.1 "A Declaration of Covenant recorded as a notice to title with Chelan County as AFN: \_\_\_\_\_ establishes a Sanitary Control Area with a \_\_\_\_\_ radius around the domestic well shown (as well tag # \_\_\_\_\_). No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area."
  - 16.3 Group B public water systems serve from 3 to 14 residential connections, and are reviewed by Chelan Douglas Health District.
  - 16.4 Completion of a Site and Soil Evaluation report is required for each proposed lot. Site and soil evaluation reports must be completed by a state licensed designer or professional engineer, per WAC 246-272A.
  - 16.5 Developments using Method II Lot Sizing (WAC 246-272A) and Onsite Septic Systems shall include the following dedicatory notes on the final plat



- 16.5.1 The areas designated for drainfields must be protected from cover by structures or impervious surfaces, surface drainage, soil compaction, grade alteration, excavation and any other activity that may adversely affect the performance of the sewage system.”
- 16.5.2 “Onsite sewage systems meeting at least Treatment Level B, as described by WAC 246-272A, will likely be required for new or repaired septic systems.”

Dated this 12<sup>th</sup> day of December, 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.