

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

PLAT 2022-223
Howson Subdivision

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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 January 4, 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 2.06 acres into (6) lots. The smallest lot is proposed at approximately 0.27 acres (11,869 sq ft) and the largest lot is proposed at approximately 0.36 acres (15,832 sq ft). The subject property is located in the Urban Residential 2 (UR2) zoning district within the Manson Urban Growth Boundary. Domestic water and sewer would be provided by the Lake Chelan Reclamation District.
2. The Applicants/owners are Howson Development, LLC, Seth and Casey Hardin, and Mark and Susan Braseth, PO Box 651, Manson, WA 98831. The agent/surveyor is Pinnacle Surveying, c/o Tim Hollingsworth, PO Box 1107, Chelan, WA 98816.
3. The parcel numbers for the subject property are 28-21-13-569-483 and 28-21-13-569-486, and the abbreviated legal description is Lot 23 and Lot 24 of City of Manson.
4. Parcel No. 28-21-13-569-483 is located 528 Boetzkes Ave, Manson, WA. Parcel No. 28-21-13-569-486 has no address.
5. The subject property is located within the Manson Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Urban Residential 2 (UR2).
7. The existing land use for parcel number 28-21-13-569-483 is various accessory buildings, and parcel number 28-21-13-569-486 is vacant.
8. The subject property is approximately 2.06 acres.
9. Per the Chelan County Assessor's records, the subject property contains approximately 3.42 acres.
10. Properties to the north, south and west is Urban Residential 2 (UR2) and the property to the east is Urban Residential 2 and Urban Residential 3 (UR2 and UR3).
11. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped May 19, 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 5300150225A, the subject property does not contain identified 100 or 500-year flood plain or associated floodway; therefore, CCC Chapter 11.84, Frequently Flooded Areas Overlay District would not apply.

13. According to the Chelan County GIS mapping, the subject property does contain potential geologic hazardous areas; therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay, would apply. A geological site assessment, dated April 14, 2022 and conducted by Nelson Geotechnical Associates, INC., was submitted with application. The property is compatible with residential development if geologic hazards are mitigated per the provided recommendations.
14. Pursuant to the National Wetlands Inventory Map, the 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 development does not contain any known habitat conservation areas. Therefore, the provisions of CCC Chapter 11.78 do not apply.
16. On January 6, 2022, a pre-application meeting was held to discuss the proposed major subdivision.
17. The proposed subdivision fronts on Boetzkes Avenue. Boetzkes Avenue is a 50' right-of-way and is classified as an Urban Local access Road in the county road system. Boetzkes Avenue consists of single travel lanes for both directions with no curb, gutter or sidewalk. Boetzkes Avenue has a 20' asphalt roadway surface width. A lot access and addressing plan pursuant to CCC Section 15.30.310 would be required to be submitted prior to final plat approval. The plan must demonstrate how all lots and any existing driveway easements would be constructed and how they meet county road approach standards.
18. The comment letter from Chelan County Public Works, dated November 30, 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.
19. Domestic water would be served by expansion of the Lake Chelan Reclamation District, public water system.
20. Sanitation would be served by expansion of the Lake Chelan Reclamation District, public sewer system.
21. Power would be provided via an extension of the Chelan County PUD.
22. Noise impacts are addressed in Chelan County Code Chapter 7.35.
23. The applicant submitted an environmental checklist on May 19, 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 Determination of Non-Significance (DNS) was issued on December 2, 2022. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
24. The Notice of Application was referred to agencies and departments on June 15, 2022 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due June 29, 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 6, 2022	

Chelan County Fire Marshal	November 29, 2022	The subject property is located within Fire District 5. Recommended conditions of approval for fire flow provisions.
Chelan County Fire District # 5	June 24, 2022	Recommended conditions of approval.
Lake Chelan Reclamation District	June 16, 2022	Recommended conditions of approval were provided regarding the domestic water and sewer.
Chelan County Building Official	No Comment	
Chelan-Douglas Health District	July 18, 2022	Recommended conditions of approval were provided regarding the domestic water and sewer.
Chelan County Public Works	November 30, 2022	Recommended conditions of approval were provided regarding lot access and stormwater requirements.
Chelan County PUD		Utility easements would need to acquire if they are not dedicated in the recorded plat.
WA Dept. of Fish and Wildlife	No Comment	
WA Dept. of Ecology	June 27, 2022	Remediation is required prior to final plat approval.
WA Dept. of Archaeology & Historic Preservation	June 29, 2022	Recommend a professional archaeological survey of the development area be conducted and a report be produced prior to ground disturbing activities.
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	July 11, 2022	Request a cultural resources survey with subsurface testing.

25. Public comments were received from the following individuals:

25.1 Brian Patterson, June 26, 2022. Mr. Patterson was concerned about possible soil contamination.

25.2 Kathy Blum, June 27, 2022. Ms. Blum would like to see the development approved, although there should be lead and arsenic testing and consideration for neighbors during construction regarding dust management.

26. Application and Public Hearing Notice Compliance:

Application Submitted:	May 19, 2022
Determination of Completeness issued:	June 8, 2022
Notice of Application:	June 15, 2022
SEPA DNS Issued:	December, 2022
Notice of Hearing:	December 22, 2022
Public Hearing:	January 4, 2023

27. The subject property is within the study area of the Chelan County Comprehensive Manson Subarea Plan and the Urban Residential 2 (UR2) designation, which contain the following goals and policies:

- 27.1 Goal LU-1: Achieve an efficient use of land in and around the Manson Community, preserving existing Agriculturally-designated land, reducing urban sprawl and retaining Manson's natural-resource based rural and open-space character.
- 27.2 Policy LU-1C Establish incentives to promote infill development within the existing UGA.
- 27.3 Policy LU1-D Ensure that any development in the UGA is fully served by water, wastewater and other necessary public services.
- 27.4 Goal LU-7: Plan, encourage and work to integrate open spaces throughout Manson to help retain the community's rural character
- 27.5 Goal H-1: Provide sufficient housing in Manson to provide dwellings for all income levels and for all needs.
- 27.6 Policy H-1-D Encourage diversity in housing types to accommodate an increasingly diverse population
- 27.7 The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.

28. Chelan County Code, Title 11: Zoning -Chelan County Code Section 11.23.040: Standards:

- 28.1 Minimum lot size shall be 6,000 sq. ft.
- 28.2 Minimum lot width is 70 ft. at the front building line for an interior lot; 80 ft. for a corner lot. Minimum lot width is 60 ft. at the front building line.
- 28.3 Maximum building height is 35 ft.
- 28.4 Maximum lot coverage is 65%.

- 28.5 Minimum setback requirements shall be: (A) Front yard: 20 ft. from the front property line; (B) Rear yard: 20 ft. from the rear property line; (C) Side yard: 5 ft. from the side property line.
- 28.6 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from the smallest lot at 0.27 acres (11,761 sq. ft.) to the largest lot at 0.36 acres (15,681 sq. ft.). All lots would be served by Lake Chelan Reclamation District for domestic water and sewer.
- 28.7 All proposed lots exceed the minimum lot width of 60 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.
- 28.8 The Hearing Examiner finds that the proposed major subdivision, as conditioned, would be consistent with the provisions of CCC Section 11.23.040.
29. Chelan County Code 14.08.010 Pre-application meetings:
- 29.1 Prior to the filing of a preliminary plat, the sub-divider shall submit to the administrator plans and other information sufficient to describe essential features of the property and the proposed or contemplated uses and development for the purposes of scheduling a formal pre-application meeting in accordance with CCC 14.08.010.
- 29.2 Hearing Examiner Finding: The applicant participated in a pre-application meeting with Chelan County Community Development on January 6, 2022.
30. Chelan County Code, Title 12: Land Divisions - Chelan County Code 12.02.060 Concurrency of Public Infrastructure:
- 30.1 After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the proposed land division have been given adequate notice to provide comment regarding adequate capacity or arrangements for adequate services for the development, concurrently with the demand for such services and facilities.
- 30.2 No county facilities will be reduced below adopted levels of service as a result of the proposed land division.
- 30.3 The subject property would be served by Lake Chelan Reclamation District for domestic water and sewer. Extensions of the existing lines would be required for power.
31. Chelan County Code 12.08 – Defines the standards for all subdivisions:
- 31.1 No land division shall be approved which bears a name using a work which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words which contain the following “town,” “county,” “place,” “court,” “addition,” “acres,” “heights,” “villa,” or similar words, unless the land so divided is contiguous to the land division bearing the same name.
- 31.2 Review of the name would be required prior to final plat approval to determine that it does not match or is not similar to an existing plat name.
32. Chelan County Code 12.08.030 Easement:
- 32.1 Utilities, whenever feasible, shall be located outside the established road prism, as defined in Title 15, but within the right-of-way. When location within the public right-of-way is not feasible or practical, as determined by the county or local utility purveyor, the following provisions shall be adhered to:

- 32.1.1 Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the county or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.
- 32.1.2 The widths of the easements shall be the minimum necessary as determined by the utility purveyor, unless the administrator determines a small or larger width is appropriate based on-site conditions. Whenever possible, public utilities shall be combined with driveways, pedestrian access ways and other utility easements.
- 32.1.3 Hearing Examiner Finding: Electrical services are available from the Chelan County PUD No. 1. However, line extension would be required.
- 32.2 Private road easements shall be shown.
 - 32.2.1 The applicant is proposing access by a private internal road and private driveways. Private road standards, as detailed in Title 15, apply to this development and require an approved maintenance agreement.
- 32.3 Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final land division or separate instrument.
 - 32.3.1 All easement locations are required to be shown on the final plats, pursuant to CCC 12.08.030. Separate instruments recorded with the Chelan County Auditor should be referenced on the face of the final plat. Required easements, shall be reviewed with the blue line submittal.
- 32.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
 - 32.4.1 Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
- 33. Chelan County Code 12.08.040 Fire protection standards: The fire protection standards contained in Title 15 and adopted International Fire Code are required in all divisions of land. Modifications are allowed though the adopted fire credit options when approved by the Chelan County Fire Marshal.
 - 33.1 The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is within 1 mile of the subject property. Pursuant to CCC Section 3.04.010, State Building Code, all building permits require compliance with the International Fire Code(s), as adopted or amended by Chelan County.
- 34. 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.
 - 34.1 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 an operational and annual maintenance criteria. Said Maintenance Agreement shall but submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.
- 35. 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.

- 35.1 The property is not impacted by a watercourse.
36. Chelan County Code 12.08.080. Road Standards: All land divisions shall comply with Title 15.
37. 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.
- 37.1 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.
38. Chelan County Code 12.08.100 Flood Protection:
- 38.1 No land division shall be approved if related improvements such as levees, fills, roads, or other features will individually or collectively significantly increase flood flows, heights, or velocities.
- 38.2 If a determination is made that part of a proposed land division lies within the one-hundred-year flood plain or the floodway, the requirements of the Chelan County flood hazard development resolution shall apply.
- 38.3 The subject property is not impacted with flood plain. Therefore, a Flood Plain Development Permit is not required.
39. Chelan County Code 12.24.015. All final land division review and approval requirements: The approval given to a preliminary plat shall expire pursuant to Revised Code of Washington (RCW) 58.17.140 unless, within the allowed timeframe, a proposed final plat in proper form is filed with the administrator.
- 39.1 The applicant shall have five (5) years to final the plat from the date of preliminary approval.
40. Chelan County Code 11.20.020:
- 40.1 All subdivisions shall conform to the design standards of this title, in addition to the comprehensive plan, and all zoning regulations in effect at the time any preliminary subdivision of a subdivision is submitted for approval. Lots shall be of sufficient area and width to satisfy zoning requirements.
- 40.2 Hearing Examiner Finding: Pursuant to the review within this Decision, the proposed development is consistent with the applicable chapters of the zoning code for the Urban Residential 2 (UR2) zoning districts, together with Chelan County Comprehensive Plan.
41. Chelan County Code Critical Areas:
- 41.1 Chelan County Code 11.86 Geologically Hazardous Areas:
- 41.1.1 Hearing Examiner Finding: Pursuant to the Chelan County Geologically Hazardous Areas map data, the subject property does contain potential geologically hazardous areas. Therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay District do apply.
42. Chelan County Code Stormwater:
- 42.1 Stormwater would be required to meet the standards of Chelan County Code Title 13. Stormwater would be required for the entire subdivision and all required infrastructure improvements placed prior to final plat approval.
43. An open record public hearing after due legal notice was held using Zoom video conferencing on January 4, 2023.

44. At this hearing the entire Planning staff file was entered into the record.
45. Appearing and testifying on behalf of the Applicant was John Torrence. Mr. Torrence testified that he was the Applicant and property owner. Mr. Torrence stated that he had no objection to any of the proposed Conditions of Approval and agreed with all representations in the staff report. However, he did have the following clarifications:
- 45.1 Clarification of the parcel addresses – one parcel does not have an address.
 - 45.2 Questions about the date of Mr. Patterson’s comment.
 - 45.3 In proposed Condition of Approval No. 4, that the plat must be recorded and not just submitted, within 5 years.
 - 45.4 Regarding proposed Condition of Approval No. 9, that the term “clean-up” be replaced with “mitigation”.
 - 45.5 Regarding proposed Condition of Approval No. 12, that an inadvertent discovery plan be required instead of a full cultural resource study. The Hearing Examiner noted that in the Applicant’s SEPA checklist, the Applicant indicated that they had not done any investigation as to the existence of cultural resources, and therefore, presented no evidence that there were likely no cultural resources on the site. The Applicant testified at the hearing that the site had been used as an orchard for many years. Staff suggested, and the Applicant agreed, that if the Applicant can convince DAHP to allow only an inadvertent discovery plan and waive in writing the requirement for a cultural resource survey, the County would agree to the modification of this condition.
 - 45.6 In proposed Condition of Approval No. 14.2, there is a typo. The word “swelling” should be “dwelling”.
 - 45.7 Regarding proposed Conditions of Approval Nos. 16.1 and 16.2, the Applicant indicated that the information required in 16.1 had already been submitted and the information in 16.2 would be submitted, although the phrasing of the condition was somewhat confusing.
 - 45.8 Regarding proposed Condition of Approval No. 17.3, the last sentence does not specifically apply to this project. Staff clarified that in the future, development agreements were not going to be allowed by Chelan County Public Works and, therefore, there is a requirement that if the Applicant is going to request one, it must be done with the application materials.
 - 45.9 Regarding proposed Condition of Approval No. 17.14, he indicated that the shared driveway access road requirements are not applicable to this project.
 - 45.10 Regarding proposed Condition of Approval No. 17.25, he suggested taking out the word “preliminary” and just have it “final plat” or just “plat”.
 - 45.11 Regarding proposed Condition of Approval No. 17.26, again the Applicant requested taking out the word “preliminary” and replacing it with “final”.
46. The following members of the public testified at the hearing:
- 46.1 Brad Bradley. Mr. Bradley owns property adjacent and to the west of the Applicant’s property. He had concerns regarding stormwater drainage onto his property and whether or not there would be any silt fences to protect run-off onto his property.
 - 46.2 In response, Mr. Torrence testified that the slope of the property generally flows to the southeast, which would be away from Mr. Bradley’s property, and it is not likely that the stormwater would flow uphill. In any event, all stormwater would be contained onsite, not only during construction, but with the stormwater plan that will be in place after completion of the construction.
47. 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 2022-223** 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.
3. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record, date stamped May 19, 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 12.24.015 and RCW 58.17.140, final Plat approval must be recorded within five (5) years from the date of preliminary approval, unless an extension is granted.
5. Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations are required to be shown on the final Plat. Separate instruments recorded with the Chelan County Auditor shall be referenced on the final Plat.

6. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required to be paid by the Chelan County Treasurer shall be paid prior to final Plat recording.
7. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:
 - 7.1 “All or part of this area may be located within a suspected or known geologically hazardous area. Subsequent development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended; and the Geological Site Assessment prepared by Nelson Geotechnical Associates, INC dated April 14, 2022 or with a site-specific geological site assessment.”
8. Pursuant to CCC Title 12, the following note shall be placed on the final Plat:
 - 8.1 “Chelan County is not responsible for notification or enforcement of covenants to deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant /owner assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”
 - 8.2 “Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.”
9. 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 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 Toxic Control Act (Chapter 173-340 WAC).
 - 9.2. Since sampling indicates elevated levels of lead and arsenic, mitigation is 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. 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.
11. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final Plat:
 - 11.1 “Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”
 - 11.2 “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.

12. Pursuant to comments received from the Department of Archaeology and Historic Preservation on June 29, 2022, the subject property is located within an area of high probability for containing cultural resources. Therefore, a cultural resource survey is required unless DAHP states in writing that a cultural resource survey is not required. Whether a survey is, or is not, ultimately required by DAHP, the Applicant shall enter into an inadvertent discovery plan approved by the County.
13. Pursuant to CCC Section 12.08.030, the applicant shall provide any necessary line extensions and any associated easements pursuant to the standards of Chelan County PUD No. 1. All easements shall be denoted on the final plat.
14. 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.
 - 14.1 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.
 - 14.2 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 square feet shall be seven hundred fifty gallons per minute. Fire flow and flow duration for swelling having a fire area in excess of three thousand six hundred square feet shall not be less than that specified in Table B105.1(1) of the IFC, except that reduction in required fire flow of fifty percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.
 - 14.3 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).
 - 14.4 Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 1,000 feet with no lot or parcel in excess of 500 feet from a fire hydrant when serving lots greater than 43,560 square feet (one acre).
 - 14.5 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.
 - 14.6 The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. A note on the face of the final plat shall state: "Without the installation of a fire hydrant that has the capabilities of delivering the required fire flow and within the required distance to the lots in question, the applicant may choose one or any combination of the fire protection credits to satisfy 100% Fire Protection Credits needed."
 - 14.7 Class A roofing/noncombustible roof covering, as defined in the International Building Code, shall be used in all areas of Chelan County. A note on the face of the final mylar shall state that: "All buildings that require a building permit within this short plat shall have Class A roofing materials."
 - 14.8 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.

- 14.9 All buildings within this plat that require a building permit shall comply with the provisions of the Wildland-Urban Interface adopted by Chelan County at the time the building permit is submitted.
15. The subject property and final plat shall conform to the comments and conditions of approval as found in the Lake Chelan Reclamation District Agency Comment dated June 16, 2022.
- 15.1 Domestic water mainline infrastructure upgrade/extension(s) would be required to serve this plat. Services to the individual lots would be available upon applicable fees and infrastructure upgrades.
- 15.2 Sewer infrastructure upgrades/extensions would be required. Service to the individual lots would be available upon applicable fees and infrastructure upgrades.
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 18, 2022.
- 16.1 If not already provided, a written water and sewer availability statement is required from each utility, confirming water is available AND sewer service to serve the proposed lots.
- 16.2 The Applicant shall provide statements from the utility purveyor that includes a description of any water system and/or sewer system improvements needed or easements to service the lots. Improvements must be completed prior to final plat, or indicate if it includes performance bonding.
- 16.3 The dedicatory language on the final plat shall carry these notes:
- 16.3.1 “The Health District has not reviewed the legal availability of water to this development.”
17. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department agency comment dated November 30, 2022.
- 17.1 Pursuant to CCC Section 11.88.070(3); and Chapter 4, Section 6.14 of the Chelan County Transportation Element, the applicant is required to dedicate additional right-of-way on Boetzkes Avenue 30’ from centerline.
- 17.2 Frontage road improvements would be required to Boetzkes Avenue. The applicant would be required to construct 1/2- street road widening with curb, gutter and sidewalk along the entire of the project per CCC Chapter 15.30.
- 17.3 The applicant may enter into a ‘Development Agreement’ for the road/frontage improvements to Boetzkes Avenue. The applicant and Chelan County Public Works can meet to discuss a deferred payment agreement option that may be allowed for the required improvement. In the future, this agreement shall be executed prior to submittal of project application.
- 17.4 If the applicant chooses to do the road improvements, pursuant to CCC Section 15.30.610, the applicant shall submit construction plans and reports for all required improvements in accordance with CCC Section 15.30.610: ‘The construction Plans shall include, but are not limited:
- 17.4.1 Drainage Report & Plan
- 17.4.2 Curb, Gutter and Sidewalk Improvement Plans (showing location of utilities).
- 17.4.3 Lot Access Plan
- 17.4.4 Erosion and Sedimentation Control Plan

- 17.5 A Pre-Construction Meeting with the owner/contractor and the Chelan County Public Works Department would be required prior to commencement of construction in accordance with CCC Section 15.30.650(8)(F)(2).
- 17.6 The applicant would be required to submit signed As-built Construction Plans by the applicant's engineer prior to the County Engineer signing the Final Mylar.
- 17.7 Pursuant to CCC Section 12.08.020, the applicant must demonstrate a Legal and Perpetual Access for the proposed subdivision.
- 17.8 Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private roads would be required to be constructed to meet a Private Urban Emergency Vehicle Access Road (Standard Plan PW-18). 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').
- 17.9 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.
- 17.10 Pursuant to CCC Section 15.30.650, requires the following language on the face of the plat:
- 17.10.1 'Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.'
- 17.11 Pursuant to CCC Section 15.30.360, all lots within this subdivision would be required to access off the new proposed internal roadway system.
- 17.12 Pursuant to CCC Section 15.30.240, the applicant would be required to provide snow storage areas.
- 17.13 Pursuant to CCC Section 15.30.330, the applicant is required to submit a sight distance analysis for all existing access and proposed access points. This includes all driveways and road intersections.
- 17.14 Pursuant to CCC Section 10.20.200, and if applicable, road naming would be required for the shared driveway/access road that serves three or more addressable parcels or structures. The applicant would 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 would be required to prove such notification. That proof, a road naming applicant 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 would be up to emergency services. Once a road name has been approved a road name sign would be required to be installed by the applicant per Chelan County specs. Once the road name sign is installed. The applicant would be required to contact Chelan County Public Works for an inspection.
- 17.15 Pursuant to CCC Chapter 10.20, the applicant shall add the following note to the final Mylar for addressing:
- 17.15.1 'Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s).'

- 17.16 Pursuant to CCC Section 15.30.310, the applicant shall place a note on the face of the plat stating:
- 17.16.1 ‘All new driveways accessing County Roads shall require an access permit from Chelan County Public Works, prior to the issuance of a building permit.’
- 17.17 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.
- 17.18 The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 17.19 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.
- 17.20 The applicant shall submit lot closure calculations with the Preliminary Mylar (blue) submission.
- 17.21 The plat must identify all roads as public or private.
- 17.22 The plat must identify centerlines, easements and right-of-way dimensions on Boetzkes Avenue and on any new proposed roads.
- 17.23 Pursuant to CCC Section 15.30.825, monumentation would be required to be placed on all adjacent public roads if not already monumented.
- 17.24 Show all easements that benefit or burden the development site.
- 17.25 The final plat must comply with stormwater standards, CCC Chapter 13.12; 13.14; 13.16; and 13.18.
- 17.26 A private stormwater drainage system would be required for the final 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 (blue) and shall be recorded with the final plat. The following shall be placed on the final plat:
- 17.26.1 “The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties’ successors and assigns; that its contents are binding upon the parties’ successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner’s expense.

This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system.”

Stormwater Maintenance & Operation Agreement AFN _____.

Dated this 5 day of January, 2023.

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.