

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
PLAT 2022-507	)	DECISION AND CONDITIONS
Joya Subdivision	)	OF APPROVAL
	)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on April 5, 2023, 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 to subdivide approximately 9.1 acres into (9) lots. The smallest lot is proposed at approximately 0.50 acres (21,875 sq ft) and the largest lot is proposed at approximately 3.46 acres (150,803 sq ft). The subject property is located in the Rural Village (RV) zoning district. Domestic water would be provided by a Group B water system and sanitation would be provided by on-site septic systems. Access to the development is off Webster Way and an internal roadway is proposed with this development.
2. The Applicants/owners are Rudy and Bethany Joya, 5900 Webster Way, Cashmere, WA 98815. The agent/surveyor is Northwest Geodimensions, Attn: Michelle Taylor, 15 N. Chelan Ave. Wenatchee, WA 98801.
3. The parcel number for the subject property is 24-19-31-940-005 and the abbreviated legal description is A portion of Lot 1, BLK 1, Re-Plat of West Mission. The project location is 5900 Webster Way, Cashmere, WA.
4. The subject property is not located within the Urban Growth Area.
5. The Comprehensive Plan designation and zoning designation for the subject site is Rural Village (RV).
6. There is an existing single-family residence and (2) detached garages built in 1910 per the assessor's records. BP 080646 – mechanical permit finalized on October 14, 2008 and BP 200418 – in ground fiberglass pool finalized on March 30, 2021.
7. Site Description: The subject property is approximately 9.1 acres.
8. Surrounding properties:  
North and West: Rural Residential/Resource 5 (RR5)  
East: Rural Village (RV)  
South: Cashmere UGA – Single Family Residential (SR) and Public (P).
9. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped December 23, 2023. Pursuant to Chelan County Code (CCC) Section 11.82.040, the aquifer recharge measure does not apply.
10. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150600A, 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.

11. 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 January 23, 2023 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.
12. Pursuant to the National Wetlands Inventory Map, the property does not contain any known wetlands; therefore, the provisions of CCC Chapter 11.80, do not apply.
13. 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.
14. On August 19, 2021, a pre-application meeting was held to discuss the proposed major subdivision.
15. The proposed subdivision fronts on Webster Way. Webster Way is a 30' right-of-way and is classified as a Rural Local Access Road in the county road system. Webster Way consists of single travel lanes for both directions with no curb, gutter or sidewalk. Webster Way has 23' pavement. A lot access and addressing plan pursuant to CCC Section 15.30.310 would be required to be submitted prior to final plat approval. The plan must demonstrate how all lots and any existing driveway easements would be constructed and how they meet county road approach standards.
16. The comment letter from Chelan County Public Works, dated February 6, 2023 states a private stormwater drainage system is required with an Operation and Maintenance Agreement of the drainage system and recorded with the final plat.
17. Domestic water would be served by a Group B water system.
18. Sanitation would be served by on-site septic system.
19. Power would be provided via an extension of the Chelan County PUD.
20. Noise impacts are addressed in Chelan County Code Chapter 7.35.
21. The applicant submitted an environmental checklist on December 23, 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 February 16, 2023. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
22. The Notice of Application was referred to agencies and departments on January 28, 2023 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due February 11, 2023. Agency comments are included, as appropriate, within the Conditions of Approval. The following agencies and County departments were sent referral packets

Agencies Notified	Response Date	Nature of Comment
Chelan County Assessor	No Comment	
Chelan County Fire Marshal	February 22, 2023	The subject property is located within Fire District 6. Recommended conditions of approval for fire flow



		provisions.
Chelan County Fire District # 6	No Comment	
Chelan County Building Official	No Comment	
Chelan-Douglas Health District	February 23, 2023	Recommended conditions of approval were provided regarding the domestic water and sewer.
Chelan County Public Works	February 6, 2023	Recommended conditions of approval were provided regarding lot access and stormwater requirements.
Chelan County PUD	February 6, 2023	Utility easements would need to acquire if they are not dedicated in the recorded plat.
WA Dept. of Fish and Wildlife	January 27, 2023	No issues with development
WA Dept. of Ecology	June 27, 2022	Remediation is required prior to final plat approval.
WA Dept. of Archaeology & Historic Preservation	February 10, 2023	Recommend a professional archaeological survey of the development area be conducted and a report be produced prior to ground disturbing activities. As well as recommend structures be evaluated for eligibility for listing in the National Register of Historic Places.
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	No Comment	

23. One public comment letter was received from Lindsay Leonhard dated April 4, 2023. Ms. Leonhard's concerns were with her driveway being used as an intersection and the width of Webster Way.
24. Application and Public Hearing Compliance:

Application Submitted:	December 23, 2022
Determination of Completeness issued:	January 25, 2023
Notice of Application:	January 28, 2023
SEPA DNS Issued:	February 16, 2023

Notice of Hearing:	March 25, 2023
Public Hearing:	April 5, 2023

25. Comprehensive Plan Review: The Comprehensive Plan has been reviewed for consistency with the goals and policies related to Rural Village (RV) designation, which is a Type 1 LAMIRD (Limited Areas of More Intensive Rural Developments) for higher densities development 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 purposed, uses and density intended for RV designation.
26. 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.
27. 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.
28. 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.
  - 28.1 Hearing Examiner Finding: The proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.
29. Chelan County Code 11.12.020 – Standards. Chelan County Code Chapter 11 Zoning:
  - 29.1 Minimum lot size is 12,000 sq. ft.
  - 29.2 Minimum lot width is 70 ft. at the front building line.
  - 29.3 Maximum building height is 35 ft.
  - 29.4 Maximum lot coverage is 35%.
  - 29.5 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.



- 29.6 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from the smallest lot at 0.50 acres (21,875 sq. ft.) to the largest lot at 3.46 acres (150,803 sq. ft.). Domestic water would be provided by a Group B water system and sanitation would be provided by on-site septic systems.
- 29.7 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
- 29.8 The Hearing Examiner finds that the proposed major subdivision, as conditioned, would be consistent with the provisions of CCC Section 11.22.020.
- 30. Chelan County Code 14.08.010 Pre-application meetings:
  - 30.1 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.
  - 30.2 Hearing Examiner Finding: The applicant participated in a pre-application meeting with Chelan County Community Development on August 19, 2021.
- 31. Chelan County Code, Title 12: Land Divisions - Chelan County Code 12.02.060 Concurrency of Public Infrastructure:
  - 31.1 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.
  - 31.2 No county facilities will be reduced be reduced below adopted levels of service as a result of the proposed land division.
  - 31.3 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.
- 32. Chelan County Code 12.08 – Defines the standards for all subdivisions:
  - 32.1 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.
  - 32.2 Hearing Examiner Finding: Review of the name would be required prior to final plat approval to determine that it does not match or is not similar to an existing plat name.
- 33. Chelan County Code 12.08.030 Easement:
  - 33.1 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:
    - 33.1.1 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.

- 33.1.2 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.
- 33.1.3 Hearing Examiner Finding: Electrical services are available from the Chelan County PUD No. 1. However, line extension would be required.
- 33.2 Private road easements shall be shown.
  - 33.2.1 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.
- 33.3 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.
  - 33.3.1 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.
- 33.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
  - 33.4.1 Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
- 34. 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.
  - 34.1 The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is within 2 miles 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.
- 35. 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.
  - 35.1 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 but submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.
- 36. 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.
  - 36.1 The property is not impacted by a watercourse.
- 37. Chelan County Code 12.08.080. Road Standards: All land divisions shall comply with Title 15.



38. 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.
  - 38.1 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.
39. Chelan County Code 12.08.100 Flood Protection:
  - 39.1 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.
  - 39.2 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.
  - 39.3 The subject property does not contain floodplains. Therefore, a Flood Plain Development Permit is not required.
40. 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.
  - 40.1 The applicant shall have five (5) years to final the plat from the date of preliminary approval.
41. Chelan County Code 11.20.020. 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.
  - 41.1 Hearing Examiner Finding: The proposed development is consistent with the applicable chapters of the zoning code for the Rural Village (RV) zoning districts, together with Chelan County Comprehensive Plan.
42. Chelan County Code - Critical areas. Chelan County Code 11.86 Geologically Hazardous Areas:
  - 42.1 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.
43. Chelan County Code - Stormwater. Stormwater would be required to meet the standards of Chelan County Code Title 13. Stormwater would be required for the entire subdivision and all required infrastructure improvements placed prior to final plat approval.
44. An open record public hearing after due legal notice was held on April 5, 2023.
45. Appearing and testifying on behalf of the Applicant was John Torrence. Mr. Torrence testified that he was an agent authorized to appear and speak on behalf of the Applicant and property owner. Mr. Torrence indicated that he had reviewed the staff report and had no objection with any of the representations contained therein. Mr. Torrence also stated that he had reviewed all of the proposed Conditions of Approval and that the Applicant had no objection to any of them.
46. Testifying from the public were the following individuals:
  - 46.1 Abraham Armstrong. Mr. Armstrong is the husband of Lindsey Leonhard, who provided written comment. Mr. Armstrong testified as to his concerns regarding the public road

access being across the road from their driveway by giving it the appearance of an intersection.

- 46.2 In response to Mr. Armstrong's testimony, Mr. Torrence stated that he believed that the access to the subdivision could be shifted and would be willing to meet with Mr. Armstrong on site to discuss what the Applicant would be able to do.
  - 46.3 Bailey Olin. Mr. Olin testified that the Webster Way/Sunset Highway intersection is not safe, and the danger will be increased to future travelers because of the increased traffic from this subdivision.
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 2022-507** 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 Chelan County Code Section 12.24.040, the final cluster plat shall be designed in substantial conformance with the preliminary cluster plat of record, date stamped December 21, 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, all requests for final Plat approval must be submitted within five (5) years from the date of preliminary approval, unless an extension is granted.
5. Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations are required to be shown on the final Plat. Separate instruments recorded with the Chelan County Auditor shall be referenced on the final Plat.
6. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required to be paid by the Chelan County Treasurer shall be paid prior to final Plat recording.
7. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:
  - 7.1 “All or part of this area may be located within a suspected or known geologically hazardous area. Subsequent development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended; and the Geological Site Assessment prepared by Nelson Geotechnical Associates, INC dated January 23, 2023 or with a site-specific geological site assessment.”
8. Pursuant to CCC Title 12, the following note shall be placed on the final Plat:
  - 8.1 “Chelan County is not responsible for notification or enforcement of covenants to deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant /owner assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”
  - 8.2 “Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.”
9. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final Plat:
  - 9.1 “Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”
  - 9.2 “If any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archaeology and Historic Preservation in conformance with RCW 27.53.020.
10. Pursuant to 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.
11. 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 February 22, 2023.
  - 11.1 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.

- 11.2 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 dwelling 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.
- 11.3 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. Applicant is encouraged to contact this office to ascertain how the attached fire protection credits options apply to their development. A note on the face of the final short plat shall state: **‘Without the installation of a fire hydrant capable 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 alternatives using the installation of automatic fire sprinklers and/or fire protection credits as approved by the Fire Marshal.’**
- 11.4 Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant when serving lots less than 43,560 square feet (one acre).
- 11.5 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).
- 11.6 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.
- 11.7 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.”**
- 11.8 A note on the face of the final mylar shall state that: **‘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.
12. 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 February 23, 2023.
  - 12.1 A water system must be constructed and approved by the Chelan-Douglas Health District prior to final plat approval.
  - 12.2 A Sanitary Control Area showing a radius of 100 ft surrounding a public well point must be shown on the final plat mylar, included plat note below:
    - 12.2.1. **“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.”**



- 12.3 The dedicatory language on the final plat shall carry these notes:
  - 12.3.1 **“The Health District has not reviewed the legal availability of water to this development.”**
  - 12.3.2 **“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.”**
  - 12.3.3 **“Site evaluations may be required at the time of application for individual onsite septic system construction permits.”**
13. 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 February 6, 2023.
  - 13.1 No county road improvements required to Webster Way for the proposed plat.
  - 13.2 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 Webster Way 30’ from centerline.
  - 13.3 Pursuant to CCC Section 12.08.020(2), the applicant must demonstrate a legal and perpetual access for the indicated access road for the indicated access road for the proposed plat.
  - 13.4 Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private road would be required to be constructed to meet 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’).
  - 13.5 The applicant would be required to provide snow storage areas to place snow accumulated for the new private road.
  - 13.6 The applicant must demonstrate safe ingress/egress. The applicant must provide a sight distance analysis in accordance with CCC Title 15 for all existing and proposed access points.
  - 13.7 Pursuant to CCC Section 15.30.340, the applicant shall file a Private Road Maintenance and Upgrading Agreement appurtenant to all the property owners having a vested interest in the private shared/common 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.
  - 13.8 Pursuant to CCC Section 15.30.650, requires the following language on the face of the plat: **‘Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.’**
  - 13.9 Pursuant to CCC Section 15.30.310, the shall submit a Lot Access Plan so that addresses can be determined for all existing and proposed lots. The Lot Access Plan must show the driveways/access location for the proposed development. This requirement may be fulfilled on a separate submittal and must be accomplished prior to the pre-Mylar submittal.
  - 13.10 Pursuant to CCC Section 10.20.200, a road naming would be required for shared driveway/access roads that serve 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 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 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.

- 13.11 Pursuant to CCC Title 13, the applicant shall add the following note 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).'**
- 13.12 Construction Plans: The applicant shall submit construction plans and report for all required improvements on the internal road in accordance with CCC Section 15.30.650, The Construction plans shall include, but are not limited to:
  - 13.12.1 Drainage Report & Plan
  - 13.12.2 Roadway improvement Plan (showing location of utilities and roadway curve data)
  - 13.12.3 Lot Access Plan (Profiles, Topography)
  - 13.12.4 Erosion and Sedimentation Control Plan
  - 13.12.5 Signage Plan
  - 13.12.6 Topography Lines
  - 13.12.7 All easements
- 13.13 Pre-Construction Meeting is required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
- 13.14 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.
- 13.15 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.
- 13.16 The final plat shall include any easements necessary to provide and maintain all utilities t and within the proposed preliminary plat.
- 13.17 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.
- 13.18 The preliminary plat must comply with stormwater standards, CCC Chapter 13.16.
- 13.19 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 be submitted to the Chelan County Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with final plat. The following note shall be placed on the final plat:



13.19.1 "The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties' successors 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."

- 13.20 The applicant shall submit Lot Closure calculations with the Preliminary Mylar (blue line) submission.
- 13.21 The plat must identify all roads as public or private.
- 13.22 Show all easements that benefit or burden the development property.
- 13.23 The plat must identify easement widths, centerlines and right-of-way dimensions on any new proposed road and on Webster Way.
- 13.24 The applicant is required to submit Lot Closure Calculations with Pre-Final (blue line).
- 13.25 Pursuant to CCC Section 15.30.825, monumentation would be required to be placed on all adjacent public roads if not already monumented.

Dated this 7<sup>th</sup> day of April, 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.