

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
PLAT 2023-272)	DECISION AND CONDITIONS
Adventure Farms)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on October 18, 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 submitted to subdivide approximately 3.19 acres into 6 lots. The smallest lot proposed would be approximately 0.46 acre in size and the largest lot would be approximately 0.59 acre in size. The subject property is located in the Rural Village (RV) zoning district. Access would be off of Strutzel Road onto a private internal roadway proposed with the development. Domestic water would be provided by Chelan County PUD with sanitation provided by individual on-site septic systems. Irrigation is available via Shotwell Irrigation.
2. The Applicants/owners are Adventure Farms LLC, C/O Ed Womak, 1490 Westpoint Pl., Wenatchee WA 98801. The agent/surveyor is John Torrence/Torrence Engineering LLC, 117 Viola Ln., Cashmere, WA 98815.
3. The parcel number for the subject property is 23-19-14-310-350 and the abbreviated legal description is A portion of the Northeast quarter of the Southwest quarter of Section 14, Township 23 North, Range 19 E.W.M., more particularly described in Statutory Warranty Deed AFN # 2492069. The project location is Unassigned, Monitor, WA 98836.
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. The subject property is a former orchard but is currently vacant. The parcel is fairly flat with a steep bank along the eastern property edge and an irrigation canal located on the southern property line.
7. The subject property is approximately 3.19 acres.
8. Surrounding properties:
North: The properties to the north are also zoned RV and were recently short-platted (2020).
East: Property to the east is zoned RV and is currently fruit warehouses and a junk yard.
South: Property to the south is zoned Commercial Agriculture (AC) and is currently an orchard.
West: Property to the west is zoned Rural Residential/Resource 2.5 (RR2.5) and currently is an orchard.
9. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped June 21, 2023. Based on the application materials submitted, Chelan County has determined that aquifer recharge protection measures do not apply pursuant to Chelan County Code (CCC) Section 11.82.040. The applicant submitted an environmental checklist on June 21, 2023. 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 September 13, 2023. The SEPA Checklist and DNS are included within the file of record and adopted by reference.

10. Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150625C, the subject property does not contain identified 100 or 500-year flood plain or associated floodway. Therefore, CCC Chapter 11.84, Frequently Flooded Areas Overlay District would not apply.
11. According to the Chelan County GIS mapping, the subject property does contain potential geologic hazardous areas along the eastern property edge. Therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay, would apply. A geological site assessment, dated June 21, 2023 and conducted by Bill Christman, PE was submitted with application; the property is compatible with residential development if the conclusions and recommendations within this report are followed when developing the lots.
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 contains historic winter mule deer habitat, possible Spotted Owl and Golden Eagle habitat. Therefore, the provisions of CCC Chapter 11.78 do apply. The subject property has historically been farmed as an orchard for many years and there is not suitable habitat currently available for the above-listed animals. A Habitat Mitigation and Management Plan was deemed unnecessary for this proposal.
14. The subject property is located on former orchard lands that were active during the time of lead and arsenic use. The soils have been tested and are above the levels allowed by the Department of Ecology. Cleanup of toxic soils using the Department of Ecology Model Remedies will be required.
15. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation and other agencies is required to ensure information regarding the possible impact of construction activities on the state's archaeological resources is maintained. The Colville Tribes requested an Inadvertent Discovery Plan be located on site and distributed to all contractors during excavation.
16. The proposed development is within an area that was farmed as an orchard for many decades, beginning prior to 1950. The site has been tested and contains high levels of legacy pesticides. Mitigation of toxic soils shall be a condition of approval.
17. The applicant is proposing for primary access to be off Strutzel Road, with a new internal private lane to be built with the development. The applicant has an approved Deviation Request for offsite improvements from the Public Works Department for road improvements along Strutzel Road. Strutzel Road is a 30' wide rural roadway and widening the right-of-way would require adjacent property owners to dedicate land. Instead of requiring this, the Public Works Department has agreed to allow the proposed deviation in which the applicant would install pull-offs every 500'; requiring 2 new pull-offs. Pursuant to comments issued by Chelan County Public Works on August 31, 2023, the construction of a new main internal private road will be required to be constructed to meet a Private Rural Emergency Vehicle Access Road. An Emergency Vehicle Turnaround is also required on any dead-end street longer than 150'. A Private Road Maintenance and Upgrading Agreement appurtenant to all property owners must be provided with the submission for final plat mylar.

18. The comment letter from Chelan County Public Works, dated August 31, 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.
19. Domestic water would be served by Chelan County PUD. Power would be provided via an extension of the Chelan County PUD. Irrigation would be provided by the Jones Shotwell Irrigation District.
20. The Chelan-Douglas Health District comment letter, dated August 26, 2023, states that all lots meet or exceed the state minimum lot size based upon soil type and source of domestic water supply. However, prior to placement of septic systems on Lots 4, 5 and 6 the Jones-Shotwell Ditch shall be piped or properly lined along the entire southern boundary lot line. The Hearing Examiner has also allowed the Applicant to implement other actions as approved by the Health District.
21. The Chelan County Fire Marshal comment letter dated September 14, 2023, 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. All required notes listed within the comment letter shall be placed on the face of the final plat.
22. The Notice of Application was referred to agencies and departments on August 15, 2023 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due September 1, 2023. 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	August 31, 2023	Taxes paid, legal appears correct.
Chelan County Fire Marshal	September 14, 2023	The Chelan County Fire Marshal's review includes measures for fire protection, including construction materials, fire hydrants, wildland urban interface, and addressing.
Chelan County Fire District # 6	No comment received	N/A
Chelan County Building Official	No comment received	N/A
Chelan-Douglas Health District	August 26, 2023	The development of Lots 4-6 will require the Jones-Shotwell Ditch along the southern boundary to be lined or piped.
Chelan County Public Works	August 31, 2023	Recommended conditions of approval were provided regarding Strutzel Road improvements, the internal circulation plan, and stormwater requirements.
Chelan County PUD	August 29, 2023	No comments to provide. No issues.
WA Dept. of Ecology	August 29, 2023	Site is located within known soil

		former orchard. Ecology requires soil to be cleaned up using Model Remedies for Cleanup of Former Orchard Properties in Central Washington.
Department of Archaeology and Historic Preservation (DAHP)	No comment received	N/A
WA Department of Fish & Wildlife	No comment received	N/A
Yakama Nation	No comment received	N/A
Confederated Tribes of the Colville Reservation	August 15, 2023	An Inadvertent Discovery Plan needs to be onsite and shared with all contractors involved.
Shotwell Irrigation District	No comment received	N/A
Cashmere School District	No comment received	N/A
Noxious Weed Control Board	No comment received	N/A

23. No public comments were received.

24. Application and Public Hearing Compliance:

Application Submitted:	June 21, 2023
Determination of Completeness issued:	August 8, 2023
Notice of Application:	August 17, 2023
SEPA DNS Issued:	September 13, 2023
Notice of Hearing:	October 4, 2023
Public Hearing:	October 18, 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 is located within the Rural Village designation. The development plan proposes residential dwellings for the subject site. The proposed development is consistent with the adopted Chelan County Comprehensive Plan policies.
29. Chelan County Code 11.12.020 – Standards. Chelan County Code Chapter 11 Zoning. The Chelan County Code and Zoning Map identifies the subject property within the Rural Village zoning district. Chelan County Code Section 11.04.020, District Use Chart, lists land divisions and single-family dwellings within the Rural Village (RV) zoning district as a permitted activity:
- 29.1 Minimum lot size 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 size be less than 12,000 sq. ft. for single-family.
- 29.2 Minimum lot width is 70 ft. at the front building line for an interior lot, 80 feet for a corner lot.
- 29.3 Maximum building height is 35 ft.
- 29.4 Maximum lot coverage is 35%.
- 29.5 The minimum front yard setback is twenty-five feet (25') from front property line or fifty-five feet (55') from the street centerline, whichever is greater. The rear yard setback is twenty feet (20') from the rear property line. The side yard setback is five feet (5') from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.
- 29.6 The property abuts Commercial Agricultural land to the south. There is a 100' setback from Commercial Agricultural (AC) zoned property. The applicant has submitted a signed and notarized Agricultural Waiver of Setback for the subdivision.
- 29.7 The Hearing Examiner finds that the proposed lots would be for residential use and range in size from 0.46 acres to .59 acres in size. The lots meet the minimum lot size for the septic system placement for single family homes. Duplexes and Multi-Family units

would not be allowed because of the lack of adequate space for larger septic systems. The Jones Shotwell Irrigation Ditch that runs along the southern property line would need to be either properly lined or piped prior to final plat approval. An Agricultural Waiver of Setback would be necessary in order for Lots 4, 5 and 6 to be buildable. The applicant has provided a signed and notarized waiver of setback. Maximum building height and setback requirements would be addressed at the time of building permit issuance. The total lot coverage shall not exceed 35% of the lot area.

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 26, 2022.
31. Chelan County Code, Title 12: Land Divisions - Chelan County Code 12.02.060 Concurrency of Public Infrastructure - no land division under this title shall be approved without a written finding that:
 - 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 below adopted levels of service as a result of the proposed land division.
 - 31.3 The subject property would be served by Chelan County PUD for both power and water and would utilize on-site septic systems. No comments were received from school or fire districts for the proposal.
32. Chelan County Code 12.08 – Defines the standards for all subdivisions - Chelan County Code Section 12.08.010 - Land division names:
 - 32.1 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.
 - 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. “Adventure Farms” does not appear on the Chelan County Auditors site for subdivision names.
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. 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 subject property is located in Fire District 6. The Chelan County Fire Marshal requires conformance with the International Fire Code. Pursuant to CCC 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 or floodways.
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 12.08.020 – Lot Standards:
- 41.1 Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended, meeting the dimensional standards of the Chelan County Code or shoreline master plan, including but not limited to required buffers, setbacks or protection zones. Cluster lots, planned unit developments and binding site plan may vary from the dimensional standards of the applicable zoning district as provided for in this title. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.
- 41.1.1 The proposed lots meet the dimensional requirements of CCC Section 11.20.020.
- 41.2 Every lot shall be provided with access. If access is provided by a road, residential driveway or shared residential driveway, access shall meet the requirements of Title 15.
- 41.2.1 Access to the proposed subdivision is to be off a new private road, with connection to Strutzel Road (public). The proposed subdivision is consistent with the required access requirements.
- 41.3 Forest service roads and roads designated as “primitive” by Chelan County are not suitable access for land division, except as provided in Section 12.04.020.
- 41.3.1 Not applicable
- 41.4 Proposed lots must include a building footprint where the slope does not exceed forty percent, unless a geological or engineer report can demonstrate building area, except as provided in Section 12.04.020.

- 41.4.1 The subject property is mostly flat and does not contain slopes steeper than forty percent.
- 41.5 The administrator may require a map showing the building envelope of each lot and related critical areas and associated buffers.
 - 41.5.1 Building envelopes would be required on Lots 4, 5, and 6 in order to satisfy the ag waiver setback that would be required in order to create buildable lots.
- 42. Pursuant to Section 12.08.070 – Water and sewer standards.
 - 42.1 All water and sewer facilities shall be designed and constructed in compliance with Chelan-Douglas Health District, the county’s construction specifications, all applicable purveyors and all state and federal regulations.
 - 42.1.1 The Chelan-Douglas Health District comment letter, dated August 26, 2023, states that domestic water service shall be provided by the expansion of the Chelan County PUD public water system. As conditioned, all lots meet or exceed the state minimum lot size for on-site septic systems, based upon soil type and source of domestic water. The Jones Shotwell Ditch shall be upgraded prior to final plat approval.
 - 42.1.2 As conditioned, the proposed development would meet the requirements for domestic water supply and on-site septic systems. On-site septic system and domestic water supply systems are reviewed and approved by the Chelan-Douglas Health District. The Jones Shotwell Ditch shall be piped or properly lined prior to final plat approval.
- 43. An open record public hearing after due legal notice was held on October 18, 2023.
- 44. Admitted into the record were the following exhibits:
 - 44.1 Ex. A Preliminary plat map;
 - 44.2 Ex. B Inadvertent Discovery Plan;
 - 44.3 Ex. C Signed Commercial Agriculture Waiver as to setback;
 - 44.4 Ex. D Agency comments;
 - 44.5 Ex. E Staff report;
 - 44.6 Ex. F Remainder of planning staff file.
- 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. However, he did suggest that proposed Condition of Approval 15.4 be modified to allow other actions as may be approved by the Health District.
- 46. No member of the public testified at the hearing.
- 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 2023-272** 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 12.08.030 and 12.24.020(3) and CCC Chapter 15.30, all easement locations are required to be shown on final plats.
4. Pursuant to CCC Section 12.02.010(1), the following note shall be placed on the final plat mylar:
 - 4.1. "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."
5. Pursuant to RCW 27.53.020, the applicant shall stop work and contact Community Development and the Department of Archaeology and Historic Preservation and other agencies as required, regarding the possible impact of construction activities on the state's archaeological resources.
6. Pursuant to CCC Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record, date stamped June 21, 2023, on file with the Chelan County Community Development Department, except as modified herein. No increase in density or number of lots shall occur without a re-submittal of a plat application.

- 6.1. The proposal shall comply with the Rural Village Zoning District.
7. 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.
8. 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.
9. 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 the building or upgrading of roads.
10. Pursuant to CCC Section 11.86.080, the following notes shall be placed on the final plat:
 - 10.1. "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 Bill Christman, PE dated January 29, 2022 or with a site-specific geological site assessment."
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."
 - 11.2.1. An inadvertent discovery plan shall be submitted with the building permit applications and kept onsite during all land disturbing activities. A sample of this plan may be obtained from Chelan County Community Development.
 - 11.3. "Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."
 - 11.4. "Notice to Title Commercial Agriculture Waiver of Setback AFN_____"
 - 11.4.1. Building footprints showing the Ag Waiver setback shall be placed on the face of the plat for Lots 4, 5 and 6.

DEPARTMENT OF ECOLOGY

12. Pursuant to Department of Ecology letter dated August 29, 2023, the subject property is located on former orchard lands that contain contaminated soils. The Department of Ecology requires cleanup of lead and arsenic pesticide contamination. The applicant shall comply with DOE Model Remedy to ensure the project meets the minimum standards of the Model Toxics Control Act. The Model Remedy document is an excellent source of guidance, and is available at <https://apps.ecology.wa.gov/publications/SummaryPages/2109007.html>.

13. The applicant shall provide an approved agreement with the Department of Ecology for proper clean up of the lots prior to final plat approval.

CHELAN COUNTY FIRE MARSHAL

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 September 14, 2023.
 - 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 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.
 - 14.3. 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 project. A note on the face of the final plat shall state:
 - 14.3.1. **“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.”**
 - 14.4. 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).
 - 14.5. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 1000 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).
 - 14.6. All fire hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of Chapter 15.30, Road Standards, and meet the requirements of 3.04.080 International Fire Code amended, Section 507.5.7, Fire Hydrant Installation and maintenance requirements.
 - 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:
 - 14.7.1. “All buildings that require a building permit within this plat shall have Class A roofing materials.”
 - 14.8. A note on the face of the final mylar shall state:
 - 14.8.1. “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.”
 - 14.8.1.1.1 The design of the proposed sign shall be submitted to the Fire District

and/or Fire Marshal for approval prior to installation.

- 14.9. A note on the final mylar shall state:
- 14.9.1. "All buildings within this plat that require a building permit shall comply with the provisions of the Wildland-Urban Interface Code as adopted by Chelan County at the time the building permit is submitted."

CHELAN-DOUGLAS HEALTH DISTRICT

15. 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 August 26, 2023.
- 15.1. Domestic water service shall be by expansion of the **Chelan County PUD's** public water system. Written confirmation from the utility agreeing to provide individual service to this plat was received on January 1, 2023. All water system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements. Completion of the improvements, including necessary easements, must be accepted in writing from the utility prior to final plat approval.
- 15.2. The dedicatory language on the plat shall carry this note:
- 15.2.1. "The Health District has not reviewed the legal availability of water to this development."
- 15.3. Subject to specific application approval and issuance of permits by the Health Officer, the property is generally suitable for placement of individual on-site sewage disposal systems for Lots 1, 2, and 3. Test holes have been examined on the subject property by Tower Designs via a report dated July 24, 2023.
- 15.4. The Jones Shotwell Ditch runs along the southern property line and impacts the placement of septic systems on Lots 4, 5 and 6. Prior to final plat approval, the applicant shall either line the ditch, or contain the ditch into a pipe for the entire southern boundary, or take other actions as approved by the Health District. A note on the face of the final plat shall state:
- 15.4.1. "Site evaluations may be required at the time of application for individual septic system construction permits."

CHELAN COUNTY PUBLIC WORKS

16. 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 31, 2023.
- 16.1. Pursuant to Chelan County Code Chapter 15.30, offsite road improvements shall be required to Strutzel Road. The applicant submitted a Deviation Request on March 6, 2023, for offsite road improvements to Strutzel Road. On March 6, 2023, the County Engineer approved the deviation request. The applicant shall be required to create two pull-offs along the existing Strutzel Road to provide a safe driving environment while maintaining the rural character of the area.
- 16.2. Pursuant to CCC Chapter 11.88.070(3) and Chapter 4 of the Chelan County Transportation Element, the applicant is required to dedicate additional right-of-way to make the right-of-way on Strutzel Road 30' from centerline.
- 16.3. The applicant shall demonstrate a Legal and Perpetual Access for the proposed subdivision per CCC Chapter 12.08.020.
- 16.4. Pursuant to CCC Chapter 15.30, The applicant shall be required to construct the main internal private access road to meet a Private Rural Emergency Vehicle Access Road

Design (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’).

- 16.5. The applicant shall be required to provide snow storage areas to place snow accumulated for the new private road.
- 16.6. The applicant shall demonstrate safe ingress/egress. The applicant shall provide sight distance analysis in accordance with Title 15 for all existing and proposed access points.
- 16.7. Pursuant to CCC Chapter 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 (blueprint) submission. Said agreement shall be recorded with the final plat.
- 16.8. 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.”
- 16.9. Pursuant to CCC Chapter 15.30.360, all lots within this subdivision shall be required to access off the new proposed internal roadway system.
- 16.10. The applicant shall demonstrate safe ingress/egress. The applicant shall provide a sight distance analysis in accordance with CCC Chapter 15 for all existing and proposed access points.
- 16.11. Pursuant to CCC Chapter 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. More details, the road naming application and the road sign spec can be found online at <https://www.co.chelan.wa.us/public-works/page/addressing-and-road-naming>.
- 16.12. Pursuant to CCC Chapter 10.20 the applicant shall add the following note to the Final Mylar for addressing: **“Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s)”**.
- 16.13. Pursuant to CCC Chapter 15.30.310, the applicant 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 project. This requirement may be fulfilled on a separate submittal and must be accomplished prior to the pre-Mylar submittal.
- 16.14. Pursuant to Chelan County Code Chapter 15.30.310, Construction Plans: The applicant shall submit construction plans and reports for all required road improvements in accordance with Chapter 15.30.650: The Construction Plans shall include, but are not limited to:

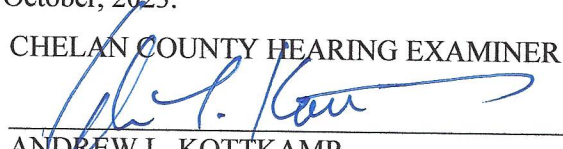
- A. Drainage Report and Plan.
 - B. Roadway Improvement Plan (showing location of utilities and roadway curve data).
 - C. Lot Access Plan (Profiles, Topography).
 - D. Erosion and Sedimentation Control Plan.
 - E. Signage Plan.
 - F. Topography Lines.
 - G. All Easements.
- 16.15. Pursuant to CCC Chapter 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.
- 16.16. Pursuant to CCC Chapter 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.
- 16.17. Pursuant to CCC Chapter 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.
- 16.18. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 16.19. Pursuant to CCC Chapter 13.18.030(9) on the final plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 16.20. Preliminary Plat must comply with stormwater standards, CCC Chapter 13.12, 13.14, 13.16 and 13.18.
- 16.21. A private stormwater drainage system shall be required for the proposed preliminary plat. Operation and maintenance of the private drainage system shall require a Maintenance Agreement. The Maintenance Agreement shall 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.
- 16.22. The following not shall be placed on the final plat mylar:
- 16.22.1. "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 run 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.”

- 16.23. The applicant shall submit lot closure calculations with the preliminary mylar (blue) submission.
- 16.24. Plat must identify all roads as public or private.
- 16.25. Plat must identify centerlines, easements and right-of-way dimensions on Strutzel Road and on any new proposed roads.
- 16.26. Pursuant to CCC Chapter 15.30.825, monumentation shall be required to be placed on all public roads if not already monumented.
- 16.27. Show all easements that benefit or burden the project site.

Dated this 19 day of October, 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.