

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

PA 24-041

Davidson

) 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 March 20, 2024, 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 for a Plat Alteration to to realign an access/utility easement on Lot 2 of the Jim Urness Short Plat that burdens also Lots 1, 3, and 4 of the same short plat. The subject parcels are located off of S. Lakeshore Rd. in Chelan, WA and are zoned Rural Waterfront (RW).
2. The subject properties are located at 18575, 18605, 18635, and 18650 S. Lakeshore Rd., Chelan, WA 98816.
3. The applicant is Ron Davidson, 18803 Waverly Dr., Snohomish, WA 98290. The agent is Karen Peele, Complete Design, 353 Malaga-Alcoa Hwy, Unit 3, Wenatchee, WA 98801.
4. The subject properties are not located within an Urban Growth Area.
5. The Comprehensive Plan designation and zoning district is Rural Waterfront (RW).
7. The existing land use is residential.
8. The application was submitted on January 30, 2024.
9. The Determination of Completeness was issued on February 5, 2024.
10. The Notice of Hearing was issued on March 9, 2024.
11. The Notice of Application was referred to surrounding property owners within 300 ft. (excluding 60 ft. of right of way) of the project boundary, jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on February 8, 2024 with comments due February 22, 2024. Agency comments are considered by the Hearing Examiner and, when appropriate, associated Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	February 20, 2024	Additional notes that need to be added to the face of the short plat.

Chelan County Building Official	None	
Chelan Douglas Health District	None	
Chelan County Public Works	February 7, 2024	The applicant is required to obtain all signatures of properties that have a legal use of that easement and approving the relocation of the new easement.
Chelan County PUD	None	
Chelan County Assessor	None	
Chelan County Fire District No. 7	None	
WA Dept. of Archaeology & Historic Preservation	None	
WA Dept. of Fish & Wildlife	None	
Confederated Tribes of Colville	February 21, 2024	While a high probability area, the shoreline in the project vicinity has been surveyed on more than one occasion and nothing was found. Proceed with discovery plans in place.

12. Pursuant to WAC 197-11-800(6), the proposed application is exempt from SEPA review.
13. Chelan County Code Section 12.22.020: Plat Alteration provides:
 - 13.1 Except as provided herein for boundary line adjustments, the alteration of any subdivision, or portion thereof, shall proceed according to the provisions of this title for plat alterations.
 - 13.1.1 A site plan, date stamped January 30, 2024, was submitted along with the application materials. The submitted application was reviewed for completeness and was deemed complete on February 5, 2024.
 - 13.1.2 The proposed alteration was submitted in accordance with this title.
 - 13.2 The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered.

- 13.2.1 There are four properties affected by the proposed short plat amendment, which consists of realigning the existing easement on Lot 2 so that a future residence can be built. This existing easement is used by all four lots of the short plat. Therefore, all four property owners' signatures would be required. With the submitted application, signatures from owners of all affected properties were provided for the proposed amendment.
- 13.2.2 All of the affected owners have signed the application. Therefore, this provision is satisfied.
- 13.3 If the subdivision is subject to restrictive covenants, which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
- 13.3.1 SP 2476 does not have restrictive covenants other than the notes on the face of the plat.
- 13.3.2 Being as there are no applicable covenants, this provision would not apply.
- 13.4 The alteration of a subdivision is subject to RCW 64.04.175.
- 13.4.1 The proposed alteration is to realign the existing easement that is on Lot 2 of SP 2476 as shown on the site plan of record. All property owners affected by this alteration have signed the proposed plat amendment.
- 13.4.2 The proposed alteration meets the requirements of RCW 64.04.175.
- 13.5 If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.
- 13.5.1 The proposed plat alteration would only realign the existing easement as it goes across Lot 2 as shown on the site plan of record (Exhibit A). No known assessments are known to be levied against any of the properties involved in this short plat alteration.
- 13.5.2 Any assessments would need to be satisfied prior to the Chelan County Treasurer signing the plat alteration.
- 13.6 After approval of the alteration, the applicant shall submit to the county a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority shall be filed with the county auditor to become a lawful plat of the property.

- 13.6.1 The applicant would be required to submit blueline drawings and final plat to the Chelan County Department of Community Development for review and approval prior to being filed with the Chelan County Auditor's Office.
- 13.6.2 The Hearing Examiner sets as a Condition of Approval that the applicant must meet the final platting standards outlined in Chelan County Code Chapter 12.24.
- 13.7 The revised plat shall be surveyed and prepared by a Washington State licensed land surveyor.
 - 13.7.1 As submitted with the application materials, the site plan was not prepared by a licensed surveyor.
 - 13.7.2 The Hearing Examiner sets as a Condition of Approval that the applicant meet the final platting standards outlined in Chelan County Code Chapter 12.24, which includes the submittal of a Record of Survey produced by a licensed surveyor.
14. The applicants are seeking to alter SP 2476 in order to realign the existing easement location on Lot 2. The intent of the proposed alteration is to allow for future development of Lot 2 and make it more buildable since the landowner cannot build across the easement, which limits placement of a future residence on the property. Realigning this easement would allow the property owner of Lot 2 to enjoy the same rights as those adjacent property owners that are part of SP 2476.
15. An open record public hearing after legal notice was provided was held on March 20, 2024 via Zoom videoconference
16. The File of Record, Chelan County Department of Community Development Staff Report, and exhibits were received, admitted into the record and considered by the Hearing Examiner.
17. Appearing and testifying for the Applicant was Karen Peele. Ms. Peele testified that she was the agent authorized to appear and speak on behalf of the Applicant and property owner. Ms. Peele stated the Applicant and property owners were in agreement with the proposed Conditions of Approval, and had no disagreement with any of the representations set forth in the staff report.
18. No member of the public testified at this hearing.
19. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
20. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. The proposed land division was processed consistent with Chelan County Code Section 12, Plat Alteration.
3. All requirements of Chelan County Code Section 12.22.020 have been met.
4. 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 of Law, PA 24-041 hereby **APPROVED**, subject to the 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.

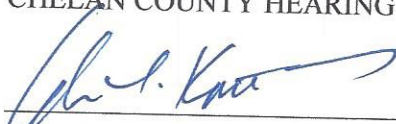
1. Pursuant to Chelan County Code Chapter 12.24 as amended, the applicant shall complete a final Plat Alteration using the procedures of Chelan County Chapter 12.24: Final Process.
 - 1.1 Pursuant to comment received from Chelan County Public Works on February 7, 2024, there will be a blueline review fee of \$125.00 due at the time of submittal.
 - 1.2 The Record of Survey shall be signed by a surveyor licensed in the State of Washington.
2. Pursuant to Chelan County Code Section 12.24.040 as amended, the final Short Plat Alteration shall be designed in substantial conformance with the January 30, 2024, on file with the Chelan County Department of Community Development, except as modified herein.
3. Pursuant to recorded SP 2476, this Short Plat Alteration is subject to all Conditions of Approval, except as changed by this decision together with the original short plat decision.
4. Pursuant to Chelan County Code Chapter 12.24 and RCW 58.17.215 as amended, the applicant shall provide a signature block for the affected property owners, referencing their lot number and parcel number, on the final plat alteration and secure all affected property owner's signatures prior to final Short Plat Alteration approval.
 - 4.1 Pursuant to RCW 84.56.345, all affected property owners must pay their yearly property taxes in full prior to recording of the plat alteration.
5. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal's agency comment response dated February 20, 2024.
 - 5.1 The proposal/project shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
 - 5.2 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 dwellings 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 International Fire Code, 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.
 - 5.3 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 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.”

- 5.4 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 ft. from a fire hydrant when serving lots less than 43,560 sq. ft. (one acre).
- 5.5 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.
- 5.6 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 Short Plat shall state: “All buildings that require a building permit within this short plat shall have Class A roofing materials.”
- 5.7 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.
- 5.8 A note on the face of the final mylar shall state that "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".

Dated this 22 day of March, 2024.

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.