

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)
)
PL 2022-179-A)
Sundance Estates)
)
)

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 a resubmittal of a previously approved plat (P 22-179 Sundance Estates) to correct Condition of Approval #3, which states *“Pursuant to Manson’s Urban Growth Area CCC Section 11.23.040, the proposal shall comply with the Manson’s Urban Residential 1 (UR1) Zoning District’s dimensions and/or development standards.”* Although the project is located within the UR1 zoning district, it is within the previously approved Zone Change (ZC)-523A overlay, which allows for smaller lot sizes. In addition, the applicant has also submitted an updated configuration of the original approved plat map, which includes phased development of 66 lots ranging in size from 2,716 sq.ft. to 7,050 sq.ft. with seven (7) open space tracts (as shown in Exhibit A - the revised site plan of record). The subject property is identified as 2171 SR 150, Manson, WA 98831 and is also known as parcel number 28-22-31-680-340.
2. Originally ZC-523 consisted of a mixed use planned development to allow a mixture of commercial and residential development on property adjacent to SR 150 in the Manson area and was approved by the Board of Chelan County Commissioners under Resolution 96-168. An amendment to ZC-523, ZC-523A, was approved by the Board of Chelan County Commissioners under Resolution 2012-39, which changed the residential density, housing type, setback, lot coverage and parking requirements. Pursuant to standards in ZC-523A, residential development shall have the following:
 - 2.1 Maximum Density: 91.3 units or 11.6 units per net development acre.
 - 2.2 Setbacks – front yard: 5’ setback, side yard: 3’ setback, and rear yard: 20’ setback.
 - 2.3 The applicant shall provide one (1) off-street parking space for each residential dwelling unit outside the require setback.
 - 2.4 Maximum lot coverage shall be 80%, which includes all impervious surfaces.
 - 2.5 The applicant shall identify open space at a minimum of 25% (104,544 sq.ft. total), which must be for occupant recreational use, but can be incorporated into the lots as “built open space” that would be considered green, landscaped space (i.e. the yards of individual lots).
 - 2.6 All other current zoning standards shall apply (UR1 zoning within Manson UGA)
3. Access to the proposed subdivision is to be off SR 150 onto a private internal roadway system proposed with the development. Domestic water and sewer would be provided by expansion of the Lake Chelan Reclamation District services.
4. The subject property is located at 2172 SR 150, Manson, WA 98831.

5. The parcel number for the subject properties is 28-22-31-680-340 and the legal description is Lot 91, of Low Line Division I.
6. The Applicant/Owner is Eastern Washington Construction, PO BOX J, Pasco, WA 99302 and the agent/surveyor is Krista Stewart, Pace Engineers, 104 E. Ninth St., Wenatchee, WA 98801.
7. The subject property is located within the Manson Urban Growth Area.
8. The Comprehensive Plan designation and zoning designation for the subject site is Urban Residential 1 (UR1).
9. The zoning is ZC 523A – Mixed use planned development to allow mixture of commercial and residential development.
10. The subject property is currently vacant of any structures.
11. The subject property was previously an orchard but currently is covered in native vegetation with a moderate uphill slope.
12. Property to the east is ZC 523A – Mixed use planned development to allow mixture of commercial and residential development. Property to the north and west is Urban Residential 1 (UR 1) and property to the south is Urban Residential 1 (UR 1) and SR 150.
13. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped April 29, 2022. Pursuant to Chelan County Code (CCC) Section 11.82.040, the aquifer recharge measure does not apply.
14. Pursuant to the Federal Emergency Management Agency, FIRM map panel 530010225A, 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.
15. 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 March 10, 2022 and conducted by Don Phelps, Water Resources Engineering, was submitted with the application. The property is compatible with residential development if geologic hazards are mitigated per the provided recommendations.
16. 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.
17. 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.
18. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation (DAHP) and other agencies is required to ensure information regarding the possible impact of construction activities on the state's archaeological resources is maintained. Correspondence from the Confederated Tribes of the Colville Reservation, dated May 5, 2022, requested a cultural resource survey. The Hearing Examiner sets as a Condition of Approval that a cultural resource survey shall be conducted prior to ground disturbing activities unless documentation as provided by the Confederated Tribes of the Colville Reservation relinquishes this requirement.
19. On February 24, 2022, a pre-application meeting was held to discuss the proposed major subdivision. After this meeting, it was confirmed that ZC 523A still applied to the subject property and so the applicant moved forward with Plat 22-179. A decision approving Plat 22-179 was issued on November 21, 2022.

20. The proposed subdivision access to the development by SR 150 and Summer Breeze Road through the parcel to the east. SR 150 is a 60' right-of-way and is classified as a State Highway in the county road system. SR 150 consists of single travel lanes for both directions with no curb, gutter or sidewalk along the frontage of the proposed development. SR 150 has a 46' of pavement (6' of shoulder included).
21. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private roads would be required to be constructed to meet a Private Urban Local Access Class 1B (Standard Plan PW-16). The internal spur roads shall meet the EVAR standard or Shared Residential standard, depending on number of lots accessed. An Urban 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').
22. 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.
23. The comment letter from Chelan County Public Works, dated November 2, 2021 states a private stormwater drainage system is required with an Operation and Maintenance Agreement of the drainage system and recorded with the final plat.
24. Domestic water would be served by expansion of the Lake Chelan Reclamation District, public water system. Written confirmation from the utility agreeing to provide individual service to each lot is required. All water system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements.
25. Sanitation would be served by Lake Chelan Reclamation District. Written confirmation from the utility agreeing to provide individual service to each lot is required. All sewer system improvements must be designed, constructed, and placed in accordance with the purveyor's requirements.
26. The Chelan County PUD power serves this area and the applicant should consult with the Chelan County PUD for further information. A comment received from the Chelan County PUD on May 11, 2022 states the following requirements:
 - 26.1 Electrical service is available at the subject property and will need to be built as a 3-phase system.
 - 26.2 A line extension will be necessary
 - 26.3 Easements will be required for all primary power sited on the parcel or secondary power that crosses one or more parcels to serve another parcel. If all utilities are to be placed within platted utility easement bounds, then the proposed 5' utility easement along the frontage of the lots will likely need to be increased based on where utilities are located relative to curbs, sidewalks, and/or planter strips. PUD requests up to a 10' utility easement setback based on as-built conditions
 - 26.4 Owner will need to apply for power with Chelan PUD.
 - 26.5 The Hearing Examiner sets as a Condition of Approval, pursuant to Chelan County Code Section 11.02.020, the applicant shall obtain a permit and any required easements from Chelan County PUD, prior to any development of roads or utilities for the project site.
27. The Chelan County Fire Marshal comment letter date stamped February 27, 2024, 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. A note on the face of the final 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.”

28. The project site currently benefits from public irrigation provided by the Lake Chelan Reclamation District and the current irrigation allotment shall be split between the lots.
29. Noise impacts are addressed in CCC Chapter 7.35.
30. The applicant submitted an environmental checklist on April 14, 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 November 1, 2022. The SEPA Checklist and DNS are included within the file of record and adopted by reference. The SEPA determination for Plat 22-179 has been adopted by reference for the proposed plat amendment (Plat 22-179A).
31. The Notice of Application for Plat 22-179 was referred to agencies and departments on May 5, 2022, and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due May 19, 2022. The concurrent Notice of Application and Notice of Hearing was issued for Plat 22-179A on February 29, 2024, with comments due March 14, 2024. Agency comments for both the plat and the plat amendment are included, as appropriate, in the Conditions of Approval. The following agencies and County departments were sent referral packets:

Agencies Notified	Response Date	Nature of Comment
Chelan County Assessor	October 13, 2021	
Chelan County Fire Marshal	June 10, 2022 and February 27, 2024	The subject property is located within Fire District 5. Recommended conditions of approval for fire flow provisions.
Chelan County Fire District # 5	May 16, 2022	
Chelan County Building Official	No comment	
Chelan-Douglas Health District	June 1, 2022	Recommended conditions of approval were provided.
Chelan County Public Works	May 19, 2022	Recommended conditions of approval were provided regarding lot access and stormwater requirements.
WSDOT	May 19, 2022	Recommended conditions of approval were provided.
Chelan County PUD	May 11, 2022	Utility easements would need to be acquired if they are not dedicated in the recorded plat.

Lake Chelan Reclamation District	May 6, 2022 and February 27, 2024	Domestic water and sewer would be available with upgrades and extensions. The District has a lien on the property for past due utilities and the 2024 Irrigation Assessment needs to be paid. Water and Sewer Availability letters have all expired and need to be updated.
WA Dept. of Fish and Wildlife	No Comment	
WA Dept. of Ecology	May 17, 2022 and March 13, 2024	The subject property is located on property that was occupied by orchard during the time period when lead arsenate was applied as a pesticide. Soil sample testing results shall be sent to Ecology and if elevated levels of lead and/or arsenic are found, cleanup would be required prior to occupancy.
Yakama Nation	No Comment	
Confederated Tribes of the Colville Reservation	May 5, 2022	Would like a archaeological survey
Manson School District	No Comment	
Noxious Weeds Control Board	February 27, 2024	The land owner/developer is obligated to control weeds during all phases of development. Owners should consult RCW 17.10 to learn about the noxious weed control laws of Washington State that will apply to the subject property.

32. One public comment was received from Georgia Mashayekh dated March 14, 2024.

33. Application and Public Hearing Notice Compliance:

Application Submitted:	December 21, 2023
Determination of Completeness issued:	February 20, 2024
Notice of Application:	February 29, 2024

SEPA DNS Issued:	November 1, 2022 (adopted from P 22-179)
Notice of Hearing:	February 29, 2024
Public Hearing:	March 20, 2024

34. Comprehensive Plan Review. The subject property is within the study area of the Manson Comprehensive Plan and is designated as Manson Urban Growth Area Urban Residential 1 (UR1). The following Comprehensive Plan sections, Manson Urban Residential Area Code and Chelan County Code have been considered for the review of this proposal:

- 34.1 Urban Residential 1 (UR1) – Low Density Residential – The primary and preferred land use shall be single family housing at a density of up to four dwelling units per acre. Land south of Hyacinth Road, along Lake Chelan, a density of up to 2.7 units per acre or 16,000 square foot lots is appropriate to preserve the character of the area and reduce impacts of development to the lake.
- 34.2 The subject property is within the study area of the Chelan County Comprehensive Manson Subarea Plan and development with the Urban Residential 1 (UR1) designation though the following goals and policies:
- 34.3 Goal LU-1: Achieve an efficient use of land in and around the Manson Community, preserving existing Agriculturally-designated land, reducing urban sprawl and training Manson’s natural-resource based rural and open-space character.
- 34.4 Policy LU-1C Establish incentives to promote infill development within the existing UGA.
- 34.5 Policy LU1-D Ensure that any development in the UGA is fully served by water, wastewater and other necessary public services.
- 34.6 Goal LU-7: Plan, encourage and work to integrate open spaces throughout Manson to help retain the community’s rural character.
- 34.7 Policy LU-7-A In the case of clustered development, encourage remaining open spaces are arranged in a manner that protects agricultural, habitat and/or recreational functions.
- 34.8 Goal H-1: Provide sufficient housing in Manson to provide dwellings for all income levels and for all needs.
- 34.9 Policy H-1-D Encourage diversity in housing types to accommodate an increasingly diverse population.
- 34.10 The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.

35. Chelan County Code Section 11.23.040: Manson Urban Growth Area. Pursuant to standards in ZC-523A, residential development for the proposed development shall have the following:

- 35.1 Maximum Density: 91.3 units or 11.6 units per net development acre.
- 35.2 Setbacks – front yard: 5’ setback, side yard: 3’ setback, and rear yard: 20’ setback.
- 35.3 The applicant shall provide one (1) off-street parking space for each residential dwelling unit outside the require setback.
- 35.4 Maximum lot coverage shall be 80%, which includes all impervious surfaces.
- 35.5 The applicant shall identify open space at a minimum of 25% (104,544 sq.ft. total), which must be for occupant recreational use, but can be incorporated into the lots as “built open space” that would be considered green, landscaped space (i.e. the yards of individual lots).

- 35.6 The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.06 acres (2,716 sq.ft.) to 0.16 acres (7,050 sq. ft.) and is below the maximum density allowed. All lots would be served by Lake Chelan Reclamation District for domestic water and sewer. All proposed lots exceed the minimum lot width of 75 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.
- 35.7 The Hearing Examiner finds that the proposed major subdivision, as conditioned, would be consistent with the standards of ZC-523A.
36. Chelan County Code 12.02.060 Concurrency of Public Infrastructure. No land division under this title shall be approved without a written finding that:
- 36.1 After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the proposed land division have been given adequate notice to provide comment regarding adequate capacity or arrangements for adequate services for the development, concurrently with the demand for such services and facilities.
- 36.2 No county facilities will be reduced below adopted levels of service as a result of the proposed land division.
- 36.3 Based on comment letter from Chelan County PUD, the subject property has power available for the proposed development. Extensions of the existing lines would be required for power. Domestic water and sewer are available from Lake Chelan Reclamation District, mainline infrastructure upgrades are required to serve the proposed development.
37. Chelan County Code 12.08 defines the standards for all subdivisions:
- 37.1 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.
- 37.2 Review of the name would be required prior to final plat approval to determine that it does not match or is not similar to an existing plat name.
38. Chelan County Code 12.08.020 Lot Standards:
- 38.1 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.
- 38.1.1 Hearing Examiner Finding: As conditioned, the proposed development would be consistent with the required dimensional standards.
- 38.2 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.
- 38.2.1 Hearing Examiner Finding: Access to the proposed development would be via a private internal road network off of SR 150, a public roadway in the county road system. Private Urban Local Access Class 1B (Standard Plan PW-16). The

internal spur roads shall meet the EVAR standard or Shared Residential standard, depending on number of lots accessed. An Urban 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'). As conditioned, the proposed development would be consistent with the required access requirements.

38.3 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.

38.3.1 Not applicable

38.4 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.

38.4.1 Hearing Examiner Finding: The subject property does not contain steep slopes.

38.5 The administrator may require a map showing the building envelope of each lot and related critical areas and associated buffers.

38.5.1 Hearing Examiner Finding: The project is not located in an area identified as a potential geologic hazard.

38.6 Where the land division may result in barriers to development of adjacent lots, the administrator may require that the location of lot lines provide for future land division of surrounding property.

38.6.1 Hearing Examiner Finding: Pursuant to CCC Section 15.30.230(4), the applicant would be required to provide the connection with the parcel to the East (Summer Breeze Rd.). As conditioned, the proposed development would be consistent with the required connectivity requirements.

39. Chelan County Code 12.08.030 Easement:

39.1 Utilities, whenever feasible, shall be located outside the established road prism, as defined in Title 15, but within the right-of-way. When location within the public right-of-way is not feasible or practical, as determined by the county or local utility purveyor, the following provisions shall be adhered to:

39.1.1 Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the county or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.

39.1.2 The widths of the easements shall be the minimum necessary as determined by the utility purveyor, unless the administrator determines a small or larger width is appropriate based on-site conditions. Whenever possible, public utilities shall be combined with driveways, pedestrian access ways and other utility easements.

39.1.3 The Chelan County PUD No. 1 comment letter, dated May 11, 2022, states that electrical services is available. However, line extensions would be required.

39.2 Private road easements shall be shown.

39.2.1 The applicant is proposing access by a private road and private driveways. Private road standards, as detailed in Title 15, apply to this development and require an approved maintenance agreement.

39.3 Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final land division or separate instrument.

- 39.3.1 All easement locations are required to be shown on the final plats, pursuant to CCC 12.08.030. Separate instruments recorded with the Chelan County Auditor should be referenced on the face of the final plat. Required easements shall be reviewed with the blue line submittal.
- 39.4 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
- 39.4.1 Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
40. Chelan County Code 12.08.040 Fire protection standards: The fire protection standards contained in Title 15 and adopted International Fire Code are required in all divisions of land. Modifications are allowed though the adopted fire credit options when approved by the Chelan County Fire Marshal.
- 40.1 The subject property is located in Fire District 5. The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is 2 miles from the subject property. Pursuant to CCC Section 3.04.010, State Building Code, all building permits require compliance with the International Fire Code(s), as adopted or amended by Chelan County.
41. Chelan County Code 12.08.050 Storm Drainage: All land division creating new impervious surfaces shall meet the following requirements: (1) Storm drainage shall be provided in accordance with the adopted standards. (2) All infrastructure within the right-of-way shall become the property of, maintained and operated by, Chelan County.
- 41.1 Chelan County Public Works comments state that the stormwater review is required prior to blue line review. Pursuant to CCC Chapter 13.16, a stormwater plan be prepared and implemented based on comments from Chelan County Public Works.
42. Chelan County Code 12.08.060 Watercourses. Where a division of land is traversed by a watercourse, a drainage easement adequate for the purpose and conforming to the line of such watercourse, drainage way, waste-way, channel or stream and of such width for construction, maintenance and protection as determined by the decision body shall be provided.
- 42.1 The property is not impacted by a watercourse.
43. Chelan County Code 12.08.080. Road Standards: All land divisions shall comply with Title 15.
44. Chelan County Code 12.08.090. Monuments: Permanent survey monuments shall be provided for all final land divisions as required in Section 15.30.825.
- 44.1 Per Title 15 of the CCC, monuments should be required prior to submittal of the final plat or as approved by Chelan County Public Works Department. Compliance with CCC 15.30.825 shall be a condition of approval.
45. Chelan County Code 12.08.100 Flood Protection:
- 45.1 No land division shall be approved if related improvements such as levees, fills, roads, or other features will individually or collectively significantly increase flood flows, heights, or velocities.
- 45.2 If a determination is made that part of a proposed land division lies within the one-hundred-year flood plain or the floodway, the requirements of the Chelan County flood hazard development resolution shall apply.
- 45.3 The subject property is not impacted with flood plain or flood way.

46. Chelan County Code 12.24.015. All final land division review and approval requirements: The approval given to a preliminary plat shall expire pursuant to Revised Code of Washington (RCW) 58.17.140 unless, within the allowed timeframe, a proposed final plat in proper form is filed with the administrator.
 - 46.1 The applicant shall have five (5) years to final the plat from the date of preliminary approval.
47. Chelan County Code Section 14.08.010 Pre-application meetings. 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 Section 14.08.010.
 - 47.1 The applicant participated in a pre-application meeting with Chelan County Community Development on February 25, 2022.
48. An open record public hearing after due legal notice was held using Zoom video conferencing on March 20, 2024.
49. At this hearing the entire Planning staff file was entered into the record.
50. Appearing and testifying on behalf of the Applicant was Ken Del Duca. Mr. Del Duca testified that he was the project manager, was agent for the Applicant and property owner and was authorized to appear and speak on their behalf. He stated that the Applicant had no objection to any of the proposed Conditions of Approval and that they would comply with all requirements from the Department of Ecology regarding testing and remediation of soils.
51. No member of the public testified at this hearing.
52. 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, Title 15 Development Standards, and the Chelan County Shoreline Master Program.
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. This project is in compliance with Chelan County Resolution 96-168, ZC 523, and ZC 523A.
8. This project is not required to comply with the specific requirements of CCC 11.23.050.
9. 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 2022-179** 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 development shall conform to all applicable local, state, and federal regulations, statutes, rulings, and requirements. The proposal shall be subject to approval that may be required under permits licenses or approvals by any other local, state, or federal jurisdictional agency.
2. All conditions imposed herein shall be binding on the Applicant. "Applicant" shall mean terms, which include the owner or owners of the property, heirs, assigns and successors.
 - 2.1 Pursuant to comments received from the Colville Confederated Tribe on May 5, 2022, the subject property is located within an area of high probability for containing cultural resources Therefore, a cultural resource survey is required. Prior to ground disturbing activities, a cultural resource survey shall be conducted and a report meeting DAHP's Standards for Cultural Resource Reporting shall be submitted to DAHP unless documentation as provided by Colville Confederated Tribe relinquishes this requirement.
3. The proposed development shall comply with the development standards of ZC-523A.
4. Pursuant to CCC Section 12.08.030 and 12.24.020(3) and CCC Chapter 15.30, all easement locations are required to be shown on final plats.
5. Pursuant to CCC Section 12.02.010(1), the following note shall be placed on the final plat mylar:
 - 5.1. "Chelan County is not responsible for notification or enforcement of covenants to deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant/owner assure all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations."
 - 5.2. "Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."
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 February 15, 2024, 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.
7. 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.
8. Pursuant to RCW 58.17.255 and WAC 332-130-040, all easement locations serving or encumbering the project site are required to be shown on the final plat. Separate instruments

recorded with the Chelan County Auditor shall be referenced on the final plat. The location of existing structures and utilities (i.e. power, sewer, and water lines, etc.) and utility and private access easements shall be depicted on the face of the final plat.

9. 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.
10. 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.
11. The Washington State Department of Ecology requires that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the Washington State Department of Ecology recommends that the potential buyers be notified of their occurrence.
 - 11.1. Historical aerial photos indicate that the subject property is located on property that was occupied by orchard during the time period when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. Before proceeding, the development is required to conduct soil sampling under the Model Toxics Control Act (Chapter 173-340 WAC).
 - 11.2. If sampling indicates elevated levels of lead and arsenic, cleanup would be required. The Department of Ecology plans to use Model Remedies for lead and arsenic pesticide contamination in historical orchards of Central Washington.
 - 11.3. Compliance with a Model Remedy ensures the development meets the minimum standards of the Model Toxics Control Act, and if implemented as described, the property would be successfully cleaned up to Washington Standards.
12. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements, and building or upgrading roads. The permitting process requires going through placements, and building or upgrading roads.
13. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final plat:
 - 13.1. "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 Don Phelps, PE dated March 10, 2022 or with a site-specific geological site assessment."
14. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final Plat:
 - 14.1. "Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended."
 - 14.2. "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.
 - 14.3. "Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."

15. Pursuant to comments received from the Colville Confederated Tribe on May 5, 2022, the subject property is located within an area of high probability for containing cultural resources, and; therefore, a cultural resource survey is required.
16. Domestic water, sewer, and irrigation services would be available with anticipated developer upgrades and extensions of the Lake Chelan Reclamation District once the lien on the property is lifted.

CHELAN COUNTY FIRE MARSHAL

17. 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 June 10, 2022 and February 27, 2024.
 - 17.1. 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.
 - 17.2. 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.
 - 17.3. The Fire Marshal May modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. A note on the face of the final plat shall state:
 - 17.3.1. "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."
 - 17.4. 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).
 - 17.5. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 1000 ft. with no lot or parcel in excess of 500 feet from a fire hydrant when serving lots greater than 43,560 sq. ft. (one acre).
 - 17.6. 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 3.04.080 International Fire Code as amended, Section 507.5.7, Fire Hydrant Installation and maintenance requirements.
 - 17.7. 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:
 - 17.7.1. "All buildings that require a building permit within this plat shall have Class A roofing materials."
 - 17.8. 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.

17.9. A note on the face of the final mylar shall state:

17.9.1. "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

18. 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 June 1, 2022.

18.1. The dedicatory language on the plat shall carry this note:

18.1.1. "The Health District has not reviewed the legal availability of water to this development."

18.2. A written water and sewer availability statement is required from each utility, confirming water is available and sewer service to serve the proposed lots.

18.3. Statements from the utility must include description of any water system and/or sewer system improvements needed or easements to service the lots. System improvements must be completed prior to plat approval, or indicate if includes performance bonding.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

19. The subject property and final plat shall conform to the comments and conditions of approval as found in the Washington State Department of Transportation agency comment dated May 19, 2022:

19.1. The proposed development fronts a Managed Access Class 3 segment of SR150. According to our records the subject property currently does not have an access connection permit to access SR 150 at this location for the desired use.

19.2. WAC 468-52-040 outlines WSDOT policy regarding private access to Class 1 facilities. Further information on WSDOT's design guidelines for Managed Access facilities, including spacing, corner clearance, sight distance and driveway geometry et al, can be found in our design manual. This would be a private road.

19.3. In Order to obtain legal access to SR 150, the applicant must apply for access connection permit, and demonstrate that an access connection at the proposed location is consistent with WSDOT's design guidelines and with the policy laid out in WAC 468-52-040.

19.4. WSDOT requests that the TIA be revised to address the following:

19.4.1. The applicant's site plan shows Summer Breeze Road connected to Sundance Estates' proposed SR 150 access. Therefore, traffic volumes generated by the Summer Breeze connection should be added to the new intersection with SR 150 in the Traffic Impact Analysis.

19.4.2. The application materials should provide intersection sight distance.

19.4.3. The TIA gives a 3.5-year crash history. This should be expanded to the standard of 5 years.

19.4.4. Our Traffic office would like to know how adding leg to the intersection affects the predicted crash frequency.

CHELAN COUNTY PUBLIC WORKS

20. 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 May 19, 2022.
 - 20.1. Pursuant to CCC Section 15.30.920, the applicant was required to submit a Traffic Impact Study (TIS/TIA). The Chelan County Public Works Department believes the proposed subdivision would generate additional traffic which would impact existing roadway infrastructure.
 - 20.2. A TIS was received on April 14, 2022. After review by Chelan County Public Works and WSDOT, the TIS shall be resubmitted to address the following:
 - 20.2.1. The application's site plan shows Summer Breeze Road connected to Sundance Estates' proposed SR 150 access. Therefore, traffic volumes generated by the Summer Breeze connection should be added to the new intersection with SR 150 in the TIS.
 - 20.2.2. The application materials should provide intersection sight distance.
 - 20.2.3. The TIS gives a 3.5-year crash history. This should be expanded to the standard of 5 years.
 - 20.2.4. WSDOT Traffic office would like to know how adding a leg to the intersection affects the predicted crash frequency.
 - 20.3. Frontage and intersection improvements would be determined after the County and WSDOT review the revised TIS.
 - 20.4. The application must demonstrate a Legal and Perpetual Access for the proposed subdivision per CCC Section 12.08.020.
 - 20.5. Pursuant to CCC Chapter 15.30, the design and construction of the new proposed main internal private roads would be required to be constructed to meet a Private Urban Local Access Class 1B (Standard Plan PW-16). The internal spur roads shall meet the EVAR standard or Shared Residential standard, depending on number of lots accessed. An Urban 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').
 - 20.6. The applicant would be required to provide the connection with the parcel to the East (currently parcel #28-22-31-680-330) per the original and modified ZC/PDA/P/CUP.
 - 20.7. 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.
 - 20.8. Pursuant to CCC Section 15.30.650 requires the following language on the face of the plat:
 - 20.8.1. 'Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.'
 - 20.9. The applicant would be required to obtain a WSDOT Approach Permit and construct the new proposed access connections to SR 150 to meet WSDOT Approach Design Details.
 - 20.10. Pursuant to CCC Section 15.60.070, road design specifications and features would be required to meet CCC Chapter 15.30, WSDOT, AASHTO, MUTCD, and all other

referenced design guidelines and publications in this section which may include but limited to ADA ramps, curb, gutter and sidewalks.

- 20.11. Pursuant to CCC Section 15.30.360, all lots within this subdivision would be required to access off the new proposed internal roadway system.
- 20.12. Pursuant to CCC Section 15.30.240, the applicant would be required to provide snow storage areas.
- 20.13. Pursuant to CCC Section 15.30.330, the applicant is required to submit sight distance analysis for all existing access and proposed access points. This includes all driveways and road intersections.
- 20.14. Pursuant to CCC Section 15.30.310, the applicant is required to submit a Lot Access/Addressing Plan. The Lot Access/Addressing Plan shall demonstrate how all lots and any existing driveway easements would be constructed and how they meet county road approach standards. Submit three (3) or more names for the new proposed public roads to the Public Works Department for approval by Rivercom pursuant to CCC Chapter 10.20.
- 20.15. Pursuant to CCC Section 10.20.200, a road naming would be required for the shared driveway/access roads that serves three or more addressable parcels or structures. The applicant would be required to notify all affected property owners that have legal access/use to the access being named or that owns property that abuts the access. A signature of the property owner or a certified mail receipt would be required to prove such notification. That proof, a road naming 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.
- 20.16. Pursuant to CCC Chapter 10.20, the applicant shall add the following note to the Final Mylar for addressing:
 - 20.16.1. 'Addresses are assigned to each lot based on given driveway location. 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).'
- 20.17. Pursuant to CCC Section 15.30.310, the applicant shall cause a note to be placed on the face of the plat stating:
 - 20.17.1. 'All new driveways accessing County Roads shall require an access permit from Chelan County Public Works, prior to the issuance of a building permit.'
- 20.18. Pursuant to CCC Section 15.30.610, Construction Plans: The applicant shall submit construction plans and reports for all required improvements on the internal roads and any required frontage or off-site improvements. The applicant would be required to have the Construction Plans approved by Chelan County Public Works Department prior to construction. 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 and Striping Plan

F. ADA Ramp Detail

G. Curb, Gutter and Sidewalk Details

- 20.19. Pursuant to CCC Section 15.30.650, a Pre-Construction Meeting is required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
- 20.20. Pursuant to CCC Section 15.30.660, As-Built Plans shall be submitted, reviewed and approved by the Public Works Department upon completion of all required improvements and prior to County Engineers signature on the Final Mylar.
- 20.21. Pursuant to CCC Section 15.30.820, the applicant shall not obstruction 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.
- 20.22. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 20.23. Pursuant to CCC Section 13.10.030(9), on the final plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 20.24. Preliminary Plat must comply with stormwater standards, CCC Chapters: 13.12, 13.14, 13.16 and 13.18.
- 20.25. 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 Public Works Department with the Preliminary Mylar (blue line) and shall be recorded with the final plat.
- 20.26. The following note shall be placed on the final plat Mylar:
- 20.26.1. **'The area within this plat contains a private stormwater drainage system designed to control stormwater 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 and assigns; that its contents are binding upon the parties' successors in interest and runs with the land. The Drainage Plan for this development as 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 a right of access to the property for purpose of inspection of 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.

- 20.27. The applicant shall submit Lot Closure calculations with the Preliminary Mylar (blue line) submission.
- 20.28. The plat must identify all roads as public or private.
- 20.29. The plat must identify centerlines and right-of-way dimensions on SR 150 and on any new proposed roads.
- 20.30. The applicant is required to submit Lot Closure Calculations with Pre-Final (blue line).
- 20.31. Pursuant to CCC Section 15.30.825, monumentation would be required to be placed on all public roads if not already monumented.
- 20.32. Show all easements that benefit or burden the development site.

CHELAN COUNTY PUD

- 21. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County PUD Agency Comment dated May 11, 2022.
 - 21.1. Electrical service is available at the subject property and would need to be built as a 3-phase system.
 - 21.2. A line extension would be necessary.
 - 21.3. Easements would be required for all primary power sited on the parcel or secondary power that crosses one or more parcels to serve another parcel, If all utilities are to be placed within platted utility easement bounds, then the proposed 5' utility easement along the frontage of the lots would likely need to be increased based on where utilities are located relative to curbs, sidewalks and/or planter strips. PUD requests up to a 10' utility easement setback based on as-built conditions.
 - 21.4. Owner would need to apply for power with Chelan County PUD.

Dated this 21 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.