

**CHELAN COUNTY  
LAND USE HEARING EXAMINER**

**IN THE MATTER OF**

**PA 2024-158  
Kelly Short Plat**

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
DECISION**

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on July 3, 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 to relocate an access/utility easement on Lot 1 of the Kelly Short Plat (also known as SP #655) that also burdens Lots 2 and 3 of the same short plat onto an adjacent property that is located at 12591 Prowell Street (which is owned by the applicant who owns Lot 1).
2. Project Location(s): The subject properties are located at 12553, 12555, 12573, and 12591 Prowell Street, Leavenworth, WA 98826
3. Legal Description(s): Chelan County Short Subdivision 655 (also known as the Kelly Short Plat) recorded June 23, 1980, under AFN: 813976
4. Applicant: Gregory and Brenda Hollon, 7867 56th PI NE, Seattle, WA 98115
5. Agent: Brian Hinthorne, Eagle Creek Consulting, P.O. Box 503, Leavenworth, WA 98826
6. Urban Growth Area: The subject properties are not located within an Urban Growth Area.
7. Comprehensive Plan Designation: Rural Residential/Resource 10 (RR10)
8. Zoning District: Rural Residential/Resource 10 (RR10)
9. Existing Land Use: Residential
10. Application & Public Hearing Notice Compliance
11. Application Submitted: April 12, 2024
12. Determination of Completeness issued: April 22, 2024
13. Notice of Hearing: June 22, 2024
14. Public Hearing: July 3, 2024

15. Hearing Examiner Decision: The Hearing Examiner will issue a decision within 10 working days from the close of the hearing. This decision has a 30 days appeal period.

16. Noticing & Comments

16.1. 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 April 25, 2024 with comments due May 9, 2024. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. No public comments were received; 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	April 25, 2024	Four required plat notes by the Fire Marshal.
Chelan County Building Official	No comments received	
Chelan Douglas Health District	May 10, 2024	No objections to further project approval.
Chelan County Public Works	May 1, 2024	<ul style="list-style-type: none"> <li>• The design and construction of the proposed internal main road shall be required to meet a Shared Residential Driveway.</li> <li>• 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').</li> <li>• The applicant shall submit construction plans and reports for all required improvements on the new proposed access easement:</li> <li>• The applicant shall provide a Joint Access Easement Maintenance and Upgrading Agreement appurtenant to all the proposed lots having a vested interest in the shared/common access easement.</li> </ul>

Agencies Notified	Response Date	Nature of Comment
Chelan County PUD	May 8, 2024 and June 24, 2024	The District has underground primary electric facilities and fiber currently in the existing easement. The applicants shall grant a new access/utility easement to Chelan County PUD in Chelan County PUD's standard form and then shall complete the relocation of the existing utilities into this new easement per the requirements of the Chelan County PUD prior to final plat approval.
Department of Ecology	May 6, 2024	If direct or indirect wetland impacts are proposed, a permit with Ecology may be required.
Chelan County Fire District No. 3	No comments received	
Department of Fish and Wildlife	No comments received	
WA Dept. of Archaeology & Historic Preservation	No comments received	
Yakama Nation	No comments received	
Confederated Tribes of Colville	No comments received	

17. State Environmental Policy Act (SEPA) Environmental Review

17.1. The applicant submitted an environmental checklist on April 12, 2024. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and a Determination of Non-significance (DNS) was issued on May 15, 2024. The SEPA Checklist and DNS are included within the file of record and adopted by reference.

18. Chelan County Code Section 12.22.020: Plat Alteration

18.1. 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.

18.1.1. Fact: A site plan, date stamped April 12, 2024, was submitted along with the application materials (Exhibit A). The submitted application was reviewed for completeness and was deemed complete on April 22, 2024.

18.1.2. Conclusion: The proposed alteration was submitted in accordance with this title.

18.2. 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.

18.2.1. Fact: There are four properties affected by the proposed short plat amendment, which consists of realigning the existing easement on Lots 1, 2, and 3 of Chelan County Short

Subdivision No. 655 (also known as the Kelly Short Plat) so that a new residence can be built on Lot 1. This existing easement is used by all three lots of the short plat. Therefore, all three property owners' signatures would be required.

18.2.2. With the submitted application, signatures from owners of all affected properties were provided for the proposed amendment (Exhibit B).

18.2.3. Conclusion: All of the affected owners have signed the application; therefore, this provision is satisfied.

18.3. 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.

18.3.1. Fact: Chelan County Short Subdivision No. 655 (also known as the Kelly Short Plat) does not have restrictive covenants other than the notes on the face of the plat.

18.3.2. Conclusion: Being as there are no covenants, this provision would not apply.

18.4. The alteration of a subdivision is subject to RCW 64.04.175.

18.4.1. Fact: The proposed alteration is to relocate the existing access and utility easement that currently goes across Lot 1 of SP 655 onto the adjacent property located at 12591 Prowell Street (not part of a plat). The signatures of all 3 property owners affected by this alteration were obtained for the proposed amendment, meeting the requirements of RCW 64.04.175 (Exhibit B).

18.4.2. Conclusion: The proposed plat alteration is compliant with RCW 64.04.175. Staff recommends as a condition of approval that the applicant shall record a new utility easement alignment and then relocate the existing utilities per Chelan County PUD requirements prior to final plat approval.

18.5. 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.

18.5.1. Fact: The proposed plat alteration would only realign the existing easement as it goes across Lot 1 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.

18.5.2. Conclusion: Any assessments would need to be satisfied prior to the Chelan County Treasurer signing the plat alteration.

18.6. 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.

- 18.6.1. Fact: 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.
- 18.6.2. Conclusion: Staff is recommending a Condition of Approval that the applicant must meet the final platting standards outlined in Chelan County Code Chapter 12.24.
- 18.7. The revised plat shall be surveyed and prepared by a Washington State licensed land surveyor.
  - 18.7.1. Finding: As submitted with the application materials (Exhibit A), the site plan was prepared by a licensed surveyor.
  - 18.7.2. Conclusion: Staff is recommending 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.
19. Development Analysis
  - 19.1. The applicant is seeking to revise Chelan County Short Subdivision No. 655 (also known as the Kelly Short Plat) in order to extinguish and relocate an existing 20-foot access and utility easement on Lot 1. Since the access and utility easement that is shown on Chelan County Short Subdivision No. 655 serves all three lots, all of the lot owners of the short plat have signed the application per RCW 64.04.175. Per Chelan County PUD requirements, the applicant shall record a new utility easement and then complete the relocation of the existing utilities.
20. An open record hearing after due legal notice was held on July 3, 2024.
21. Appearing and testifying on behalf of the applicant was Greg Hollon. Mr. Hollon testified that he owns the property where the new easement will be located and is therefore the property owner and applicant. Mr. Hollon testified that he agreed with all the representations set forth within the staff report and had no objection to any of the proposed Conditions of Approval other than proposed Condition of Approval 9.3 he indicated that the modified hammer head as designated on the document entitled "Hollon PA Markup" agreed to by the Fire Marshall.
22. Staff indicated that they agreed with the representations by Mr. Hollon regarding proposed Conditions of Approval 9.3 and requested that the Hearing Examiner keep the language as is as proposed Condition of Approval does cover the agreed hammer head set forth in the "Hollon PA Markup"
23. No member of the public testified at this hearing.
24. The following exhibits were admitted into the record:
  - 24.1. Ex. A Site Plan for the short plat alteration, date stamped April 12, 2024
  - 24.2. Ex. B Signed application by the owners of all lots encumbered by the access easement.
  - 24.3. Ex. C Staff Report

25. 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 been granted the authority to render this decision.
2. As conditioned, this application is consistent with the Chelan County Code and Chelan County Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

## III. DECISION

Based on the above Findings of Fact and Conclusions of Law, PA2024-158 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 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.
2. Pursuant to Chelan County Code Section 12.24.040 as amended, the final Plat Alteration shall be designed in substantial conformance with the Preliminary Plat Alteration of record, date stamped April 12, 2024, on file with the Chelan County Department of Community Development, except as modified herein.
3. Pursuant to Chelan County Decision for Chelan County Short Subdivision No. 655 (also known as the Kelly Short Plat), this 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 majority of 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 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. Pursuant to Chelan County Code Chapter 11.84, the following note shall be placed on the final Plat:
  - 5.1. **“All or part of this area may be located within the 100-year floodplain, and development proposals proposed within this area would be subject to the requirements of Chapter 11.84: Frequently Flooded Areas Overlay District, as amended.”**
6. Pursuant to Chelan County Code Chapter 11.80, the following note shall be placed on the final Plat:

- 6.1. “The subject site is located within or near a categorized wetland and its associated buffer. Subsequent development shall be consistent with and be subject to the requirements of Chapter 11.80: Wetland Areas Overlay District, as amended and per the requirements of the approved Wetland Compensatory Mitigation Plan for Greg Hollon that was prepared by Grette Associates in June 2024”.**
7. Pursuant to the Chelan County Shoreline Master Program, the short plat is within 200-feet of a Shoreline of the State; therefore, the following note shall be placed on the final Plat.
- 7.1. “Any improvements or developments within 200 feet of the Ordinary High-Water Mark of Iccle Creek would require review and approval by Chelan County Community Development prior to any ground disturbing activities.”**
8. The applicants shall grant a new access/utility easement to Chelan County PUD in Chelan County PUD’s standard form and then shall complete the relocation of the existing utilities into this new easement per the requirements of the Chelan County PUD prior to final plat approval.
9. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Work’s agency comment response dated May 1, 2024.
- 9.1. Pursuant to CCC Chapter 15.30, no frontage road improvements are required on Prowell Street.
- 9.2. Pursuant to CCC Section 12.08.020, the applicant shall be required to demonstrate legal and perpetual access for the proposed lots on the short plat.
- 9.3. Pursuant to CCC Chapter 15.30, the design and construction of the proposed internal main road shall be required to meet a Shared Residential Driveway per Chelan County Code Title 15.30). 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’). The hammer head shall be as designated on the “Hollon PA Markup” referenced in the hearing.
- 9.4. Pursuant to CCC Section 15.30.610, the applicant shall submit construction plans and reports for all required improvements on the new proposed access easement: The Construction Plans shall include, but are not limited to:
- 9.4.1. Drainage Report and Plan
- 9.4.2. Roadway Improvements Plan (showing location of utilities and roadway curve data)
- 9.4.3. Lot Access Plan (profiles, topography)
- 9.4.4. Erosion and Sedimentation Control Plan
- 9.5. Pursuant to CCC Section 15.30.610, a Pre-Construction Meeting with the owner/contractor and the Chelan County Public Works Department shall be required prior to commencement of construction in accordance with CCC Section 15.30.650(8)(F)2.
- 9.6. Pursuant to CCC Section 15.30.610 the applicant shall be required to submit signed As-built Construction Plans by the applicant’s engineer prior to the County Engineer signing the Final Mylar.

- 9.7. Pursuant to CCC Section 15.30.220, the applicant shall provide a Joint Access Easement Maintenance and Upgrading Agreement appurtenant to all the proposed lots having a vested interest in the shared/common access easement. The Maintenance and Upgrading Agreement must be submitted with the Pre-Final (blue line) and recorded with the Final Plat.
- 9.8. The applicant shall state on the face of the plat **“Chelan County has no responsibility to build, improve, maintain, or otherwise service any private easements for this subdivision plat”** per Title 15.
- 9.9. Pursuant to CCC Section 15.30.310, the applicant shall submit an Addressing/Lot Access Plan. A scaled address plan must show the driveway locations for all existing and proposed lots. This requirement may be fulfilled on a separate submittal and must be accomplished on the pre-Mylar submittal.
- 9.10. Pursuant to CCC Section 10.20.200, road naming shall be required for shared driveway/access roads that serve three or more addressable parcels or structures. The applicant shall 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 will be up to emergency services. Once a road name has been approved, a road name sign shall be installed by the applicant per Chelan County specs. Once the road name sign is installed; the applicant shall Chelan County Public Works for an inspection.
- 9.11. Pursuant to CCC Chapter 10.20, the applicant shall cause a note to be placed on the face of the plat stating **“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).”**
- 9.12. Pursuant to CCC Section 15.30.310, the applicant shall cause a note to be placed on the face of the plat stating **“All new driveways accessing County Roads shall require an access permit from Chelan County Public Works, prior to the issuance of a building permit.”**
- 9.13. The applicant shall not obstruct sight distance or impact County Clear Zone with a centralized mailbox or locate a centralized mailbox on a County right-of-way that will hinder the County Clear Zone or County Road Maintenance per Title 15
- 9.14. A Stormwater analysis is required if the build-out of the proposed short plat meets or exceeds the applicability requirements detailed in CCC Section 13.16.010(2).
- 9.15. The applicant shall place a note on the Final Mylar that reads:
- 9.15.1. “Individual lot owners will need to contact the Chelan County Public Works Department, prior to the issuance of a building permit, to check on the potential need for a drainage plan approval”.**
- 9.16. Applicant shall show on the final short plat the centerline and right-of-way width on Prowell Street.



- 9.17. Applicant shall identify all roads as public or private on the final short plat.
- 9.18. Applicant shall show all easements that benefit or burden the subject site on the final short plat.
- 9.19. Applicant shall submit Lot Closure Calculations with Pre-Final (blue-line).
- 9.20. Monumentation as described in Title 15.30.825 shall be placed on Prowell Street if not already monumented.
10. 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 April 25, 2024.
  - 10.1. 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.
  - 10.2. 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.
  - 10.3. 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."**
  - 10.4. Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 1,000 ft. with no lot or parcel in excess of 500 ft. from a fire hydrant when serving lots greater than 43,560 sq. ft. (one acre).
  - 10.5. 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 3.04.080 International Fire Code amended, Section 507 5.7 Fire Hydrant Installation and maintenance requirements.
  - 10.6. 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."**
  - 10.7. 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.

- 10.8. 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 16 day of July, 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.