

**CHELAN COUNTY  
LAND USE HEARING EXAMINER**

|                            |   |                                |
|----------------------------|---|--------------------------------|
| <b>IN THE MATTER OF</b>    | ) | <b>FINDINGS OF FACT,</b>       |
|                            | ) | <b>CONCLUSIONS OF LAW, AND</b> |
| <b>Plat 24-228</b>         | ) | <b>DECISION AND</b>            |
| <b>Sunny Slope Meadows</b> | ) | <b>CONDITIONS OF APPROVAL</b>  |

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on November 6, 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. Project Location: NNA Knowles Road, Wenatchee, WA 98801
2. Parcel Number: 23-20-17-845-700
3. Legal Description: The abbreviated legal description is Sunnyslope Meadows Phase II, Tract B, as recorded under Auditor's File Number: 2389641.
4. Applicant/Owner: Sunnyslope Meadows, LLC (Del Jennings)
5. 4127 Crestview Road
6. Wenatchee, WA 98801
7. Agent/Surveyor: Zontek Engineering, Ed Zontek, PE, PO Box 4802, Wenatchee, WA 98807
8. Urban Growth Area: The project site is located within the City of Wenatchee Urban Growth Area.
9. Comprehensive Plan Designation: Residential Single-Family (RS)
10. Zoning: Residential Single-Family (RS)
11. Existing Land Use: The project site is vacant undeveloped land that was previously orchard.
12. Site Information & Neighborhood Characteristics:
  - 12.1. Site Description: The topography of the site slopes down from north to south. The site is vacant land that was previously orchard and is currently vegetated with opportunistic grasses and shrubs.
  - 12.2. Site Size: Per the Chelan County Assessor's records, the subject property contains 5.41 acres.
  - 12.3. Property North: Residential and is zoned Rural Village (RV).
  - 12.4. Property South: Residential and is zoned Residential Single-Family (RS).
  - 12.5. Property West: Residential and is zoned Residential Single-Family (RS).
  - 12.6. Property East: Knowles Road and residential and is zoned Residential Single-Family (RS).

- 12.7. Aquifer Recharge Area: The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped July 01, 2024. Pursuant to Chelan County Code Section 11.82.040, Chelan County has determined that the aquifer recharge measures would not apply.
- 12.8. Floodplain: Pursuant to the Federal Emergency Management Agency, FIRM map panel 5300150625C, the project site does not contain identified 100 or 500-year flood plain or associated floodway. Therefore, Chelan County Code (CCC), Section 11.84, Frequently Flooded Areas Overlay District would not apply.
- 12.9. Geologically Hazardous Areas: According to the Chelan County GIS mapping, the project site contains potential geologic hazardous areas for erodible soils. The applicant submitted a Geological Site Assessment, dated February 26, 2024, prepared by DLN Geo, LLC. The report states that the project site is suitable for the proposed development and that the native geologic conditions that underlie the site and close proximity should not pose a significant risk to the planned development using the mitigation measures and general recommendations of the assessment.
- 12.9.1. Pursuant to CCC, Section 11.86, a note on the final plat mylar should be required, identifying this subdivision as being located in a potential geologically hazardous area.
- 12.10. Wetlands: Pursuant to the National Wetlands Inventory Map, the site does not contain any known wetlands. Therefore, the provisions of CCC, Section 11.80, would not apply.
- 12.11. Shoreline Master Program: Does not apply.
- 12.12. Fish & Wildlife Habitat Conservation Areas: Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps and CCC, Section 11.78 Fish and Wildlife Overlay District, the project site does contain Mule Deer and Golden Eagle habitat. Therefore, the provisions of CCC, Section, 11.78 would apply.
- 12.13. Cultural Resources: 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. DAHP was included on the Notice of Application; however, no comments were received.
13. Project History: Permits and applications on record for the project site include:
- 13.1. Pre-Application Meeting: PL 22-084 – Phase 3 of Sunnyslope Meadows Plat.
14. Traffic Circulation: The applicant is proposing access to this subdivision off of Knowles Road, which is a 60' right-of-way and is classified as an Urban Local Access Road in the county road system. Knowles Road consists of single traffic lanes for both directions with no curb, gutter or sidewalk along the frontage of the proposed project. There is existing curb, gutter and sidewalk along the east side of the roadway. Knowles Road has 20' of pavement. Frontage improvements would be required to Knowles Road. The applicant would be required to construct 1/2-street/road widening with curb, gutter and sidewalk along the entire frontage of the project per City of Wenatchee Development Standards.
- 14.1. The design and construction of the new public internal road would be required to meet a "Residential Lane" design per the City of Wenatchee Road Standard, as defined in Wenatchee City Code, Section 11.20.020(8). A Standard Cul-de-Sac or an approved Emergency Vehicle Turnaround would be required.
15. Stormwater: The Chelan County Public Works comment letter, dated August 20, 2024, states a private stormwater drainage system would be required with an Operation and Maintenance Agreement of the drainage system to be recorded with the final plat. (see Exhibit D)

16. **Water:** Domestic water shall be provided by expansion of the Chelan County PUD public water system. All water system improvements must be designed, constructed and placed in accordance with the purveyor's requirements.
17. **Toxics Clean-Up:** Soil sampling results from of the subject property indicate lead and/or arsenic contamination are above Washington State cleanup standards and cleanup is required prior to occupancy under the Model Toxics Control Act (Chapter 173-340 WAC).
18. **Sanitation:** The subject property would utilize on-site septic systems.
19. **Power:** The Chelan County PUD did not comment on this project. Chelan County PUD provides power serves this area. The applicant should consult with the Chelan County PUD for further information.
20. **Fire Marshal:** The Chelan County Fire Marshal comment letter dated August 15, 2024, (see Exhibit C), 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. "Fire hydrants serving single family or duplex dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant when serving lots less than 43,560 square feet (one acre) in size."
21. **Irrigation:** Irrigation to the subject property is provided by the Wenatchee Reclamation District. Irrigation shares shall be segregate to all lots prior to final approval.
22. **Noise:** Noise impacts are addressed in CCC Chapter 7.35
23. **State Environmental Policy Act:**
  - 23.1. The applicant submitted an environmental checklist on July 01, 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 Mitigated Determination of Non-significance (MDNS) was issued on October 21, 2024. The SEPA Checklist and MDNS are included within the file of record and adopted by reference.

24. **Comments:**

- 24.1. The Notice of Application was referred to agencies and departments on August 15, 2024 and surrounding property owners within 300 ft. excluding 60 ft. of right-of-way with comments due August 29, 2024. Agency comments are included, as appropriate, in the Conditions of Approval. The following agencies and County departments were sent referral packets:

| <b>Agencies Notified</b>                        | <b>Response Date</b> | <b>Nature of Comment</b>  |
|---|----------------------|---|
| Chelan County Assessor                          | August 29, 2024      | The legal description appears to be correct and there are no delinquent taxes.                              |
| Chelan County Fire Marshal                      | August 15, 2024      | The project site is located within Fire District #1. See Exhibit C for Comments and Conditions of Approval. |
| Chelan County Public Works                      | August 20, 2024      | See Exhibit D for Comments and Conditions of Approval.  |
| Chelan-Douglas Health District                  | September 25, 2024   | See Exhibit E for Comments and Conditions of Approval (document dated 07/05/24, but received on 09/25/24).  |
| Confederated Tribes of the Colville Reservation | August 27, 2024      | See Exhibit F for Comments and Conditions of Approval.  |

| Agencies Notified                               | Response Date   | Nature of Comment  |
|---|-----------------|--|
| Dept. of Ecology                                | August 27, 2024 | The Washington State Department of Ecology comment letter, dated August 27, 2024, states that soil sampling results from the subject property indicate lead and/or arsenic contamination are above Washington State cleanup standards and cleanup is required prior to occupancy under the Model Toxics Control Act (Chapter 173-340 WAC). (see Exhibit G) |
| Wenatchee Reclamation District                  | August 13,2024  | See Exhibit H for Comments and Conditions of Approval.   |
| Chelan County Building Official                 | No Comment      |  |
| Chelan County PUD                               | No Comment      |  |
| WA Dept. of Fish & Wildlife                     | No Comment      |  |
| Fire District #1                                | No Comment      |  |
| Wenatchee School District                       | No Comment      |  |
| WA Dept. of Archaeology & Historic Preservation | No Comment      |  |
| Yakama Nation                                   | No Comment      |  |

25. Public Comments:

| Name                     | Date Received   | Nature of Comments   |
|--------------------------|-----------------|--|
| West & Courtney Mathison | August 27, 2024 | Comments rescinded September 05, 2024, as original comments were made with regard to a different/unrelated parcel. (see Exhibit I) |
| Carl Pederson            | August 28, 2024 | See Exhibit J for comments.  |
| Laura Pederson           | August 29, 2024 | See Exhibit K for comments.  |
| Chelsea Mahuika          | August 31, 2024 | See Exhibit L for comments.  |

26. Application & Public Hearing Notice Compliance:

- 26.1. Application Submitted: May 23, 2024
- 26.2. Determination of Completeness issued: July 29, 2024
- 26.3. Notice of Application: August 15, 2024
- 26.4. SEPA MDNS Issued: October 21, 2024
- 26.5. Notice of Hearing: October 23, 2024
- 26.6. Public Hearing: November 06, 2024

27. Comprehensive Plan Review:

- 27.1. The subject property is located within the study area of the Wenatchee Comprehensive Plan and is designated as Wenatchee Urban Growth Area, Residential Single-Family (RS).

27.2. The Following Comprehensive Plan sections, Wenatchee City Code and Chelan County Code have been considered for the review of this proposal:

27.2.1. Residential Single-Family (RS): The proposed subdivision is located within the Sunnyslope Urban Growth Area which has a Comprehensive Plan adopted within the Chelan County Comprehensive Plan (reference Appendix K of the Sunnyslope Subarea Plan). The plan proposes residential dwellings for the subject site. The proposed development is consistent with the adopted Sunnyslope Long-Range Plan.

27.2.2. The Hearing Examiner finds that the proposed subdivision, as conditioned, is consistent with the Chelan County Comprehensive Plan.

28. Wenatchee City Code, Title 10: Zoning

28.1. Wenatchee City Code 10.46.020 – Residential Development

28.1.1. Residential Single-Family (RS) Zoning District

28.1.1.1. Minimum lot area is 7,250 sq. ft., except for duplexes, which the minimum lot area shall be 10,000 sq. ft.

28.1.1.2. Minimum lot width is 70 ft.

28.1.1.2.1. For generally rectangular lots, the minimum lot width is measured at the building line or at the street lot line. For corner lots, minimum lot width is measured at the street lot line with the least street frontage.

28.1.1.3. Minimum lot depth is 100 ft.

28.1.1.3.1. For generally rectangular lots, the minimum lot depth is measured between the midpoint of straight lines connecting the two street property corners and the two rear property corners.

28.1.1.4. Maximum building height is 30 ft.

28.1.1.5. Maximum lot coverage is 40 percent.

28.1.1.6. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), riparian and shoreline areas, or as modified by the provisions of this title:(A) Front yard: 20 ft. from the front property; (B) Rear yard: 20 ft. from the rear property line; (C) Side yard: 5 ft. from the side property line.

28.1.2. The proposed lots would be for residential use. The applicant is proposing lots ranging in size from 0.45 to 0.54 acres. All proposed lots exceed the minimum lot width of 70 ft. at the front building line. Building setbacks, height, and lot coverage would be reviewed at the time of building permit application.

28.1.2.1. The Hearing Examiner finds that the site plan of record, date stamped July 01, 2024, (see Exhibit A), indicates that all minimum dimensional standards have been met. The Hearing Examiner finds that the proposed major subdivision, as conditioned, is consistent with the provisions of Wenatchee City Code Section 10.46.020.

29. Wenatchee City Code, Title 11: Subdivisions

29.1. Wenatchee City Code, Section 11.04 General Provisions

29.1.1. Standards adopted by Chelan County apply to the proposed subdivision and any infrastructure. The applicant, City and County work together to ensure compatibility and concurrency standards are met.

29.1.1.1. The Hearing Examiner finds, as conditioned, the proposed subdivision would be consistent with the provisions of this chapter.

29.2. Wenatchee City Code, Section 11.16 Major Subdivisions

29.2.1. The Hearing Examiner finds that the applicant participated in a pre-application meeting with Chelan County Community Development on March 10, 2022.

29.3. Chelan County Code 11.86 - Geologically Hazardous Areas

29.3.1. The Hearing Examiner finds that pursuant to the Chelan County Geologically Hazardous Areas map data and submitted Geological Site Assessment, dated February 26, 2024, the subject property does contain potential geologically hazardous areas. Therefore, the provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay District do apply.

29.4. Chelan County Code 14.08.010 - Pre-application meetings

29.4.1. Prior to the filing of a preliminary plat, the sub-divider shall submit to the administrator plans and other information sufficient to describe essential features of the property and the proposed or contemplated uses and development for the purposes of scheduling a formal pre-application meeting in accordance with CCC 14.08.010.

29.4.1.1. The Hearing Examiner finds that the applicant participated in a pre-application meeting with Chelan County Community Development on March 10, 2022.

30. Chelan County Code, Title 12: Land Divisions

30.1. Chelan County Code 12.02.060 - Concurrency of public infrastructure

30.1.1. 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.

30.1.2. No county facilities will be reduced below adopted levels of service as a result of the proposed land division.

30.1.2.1. The Hearing Examiner finds that the subject property would be served by a public water purveyor and would utilize on-site septic systems.

30.2. Chelan County Code 12.04.020 - Suitability for Land Division

30.2.1. As submitted, the proposed major subdivision is consistent with the provisions of this section.

30.3. Chelan County Code 12.08 - Land division names

30.3.1. 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.



30.3.1.1. The Hearing Examiner finds that 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.

30.4. Chelan County Code 12.08.030 - Easements

30.4.1. 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:

30.4.1.1. 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.

30.4.1.2. 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.

30.4.1.3. The Hearing Examiner finds that electrical services are available from the Chelan County PUD No. 1; however, line extension may be required.

30.4.2. 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.

30.4.2.1. The Hearing Examiner finds that all easement locations are required to be shown on the final plats, pursuant to CCC, Section 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.

30.4.3. Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.

30.4.3.1. The Hearing Examiner finds that easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.

30.5. Chelan County Code 12.08.040 - Fire protection standards

30.5.1. 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.

30.5.1.1. The Hearing Examiner finds that the subject property is located in Fire District 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.

30.6. Chelan County Code 12.08.050 - Storm drainage

30.6.1. All land division creating new impervious surfaces shall meet the following requirements:

30.6.1.1. Storm drainage shall be provided in accordance with the adopted standards.

30.6.1.2. All infrastructure within the right-of-way shall become the property of, maintained and operated by, Chelan County.

30.6.1.3. The Hearing Examiner finds that a private stormwater drainage system would be required for the proposed preliminary plat. Operation and maintenance of the private

drainage system would require a Maintenance Agreement. The Maintenance Agreement must include operational and annual maintenance criteria. Said Maintenance Agreement shall but submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.

30.7. Chelan County Code 12.08.060 - Watercourses

30.7.1. 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.

30.7.1.1. The Hearing Examiner finds that the property is not impacted by a watercourse. Therefore, this provision would not apply.

30.8. Chelan County Code 12.08.080 - Road standards

30.8.1. Road Standards: All land divisions shall comply with Title 15.

30.9. Chelan County Code 12.08.090 - Monuments

30.10. Permanent survey monuments shall be provided for all final land divisions as required in CCC, Section 15.30.825.

30.10.1. The Hearing Examiner finds that per CCC, Section 15.30.825, monumentation would be required to be placed on all adjacent public roads if not already monumented.

30.11. Chelan County Code 12.08.100 - Flood protection

30.11.1. 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.

30.11.2. 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.

30.11.3. The Hearing Examiner finds that the subject property does not contain floodplains or floodways. Therefore, this provision would not apply.

30.12. Chelan County Code 12.24.015 - All final land division review and approval requirements

30.12.1. All requested for final approval of a preliminary approved land division must be submitted to the legislative body of Chelan County for final approval, affixed with the required signatures of signing agencies or jurisdiction within five years, unless otherwise defined by RCW 58.17.140, of said preliminary approval, after which time the preliminary approval is void.

30.12.2. The Hearing Examiner finds that the applicant shall have five (5) years from the date of preliminary approval to finalize the plat.

31. A preliminary plat application was submitted to Chelan County on May 23, 2024, for a 10-lot residential lot subdivision.

32. The project site is 5.41 acres in size (based on Assessor information).

33. The project site is located at NNA Knowles Road, Wenatchee, WA; and identified by Assessor's Parcel Number.: 23-20-17-845-700.



34. The application has been processed as a quasi-judicial review for major subdivisions pursuant to CCC Section 14.10.040; a public hearing is required for the application – to occur November 06, 2024.
35. The owner is Sunnyslope Meadows, LLC.
36. The application materials were accepted as complete by Chelan County on July 29, 2024.
37. The project site is located in the Residential Single-Family (RS) zoning district, of the City of Wenatchee Urban Growth Area.
38. The City of Wenatchee Comprehensive Plan Land Use designation is Residential Single-Family (RS).
39. All development is subject to compliance with City of Wenatchee Zoning Code, including development and design standards, pursuant to the 1997 Memorandum of Understanding regarding implementation of city regulations within the associated Urban Growth Area.
40. The project site is located within an identified geologic hazard area (erosive soils).
41. The proposed lots are located within the footprint of a former orchard that was active during the era when lead arsenate was used as a pesticide. Soil sampling results of the subject property indicate lead and/or arsenic contamination are above Washington State cleanup standards and cleanup shall be required.
42. Appropriate notice of application and public hearing was referred to appropriate local agencies, mailed to property owners within 300 ft. of the subject property (excluding 60 ft. of street rights of way), posted on site, and published in the newspaper in accordance with Chelan County Code Title 14 Development Permit Procedures and Administration.
43. Referral comments received from agencies have been considered in the review of this application.
44. Public comments from concerned citizens had been received and are included in the staff report.
45. Purveyors who responded to the project have indicated that adequate utilities/services are, or can serve this project.
46. The proposed is not exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(6). An MDNS was issued on October 21, 2024.
47. An open record public hearing was held, after legal notice, on November 6, 2024.
48. Appearing and testifying on behalf of the applicant was Del Jennings. Mr. Jennings testified that he was the applicant and agent for the property owner. Mr. Jennings stated that he agreed with all the representations contained within the staff report and had no objection to any of the proposed conditions of approval.
49. Testifying from the public was Chelsea Mahuika. Ms. Mahuika testified consistent with her written comments (Exhibit L). She had personal complaints about Mr. Jennings. She also indicated that multiple loads of dirt have been dumped onto the property. She also had concerns about snow removal and drainage so that it did not go on to their property. She also wanted to know if Knowles Road would be widened.
50. In reply, the applicant indicated that the dirt had been brought in for remediation of past pesticide use on the property. He also stated that Knowles Road would be widened pursuant to County Standards
51. The following exhibits were admitted into the record:

- 51.1. Ex. A Site Plan of record, date stamped July 01, 2024.
- 51.2. Ex. B Inadvertent Discoveries Plan.
- 51.3. Ex. C Chelan County Fire Marshal comments, dated August 15, 2024.
- 51.4. Ex. D Chelan County Public Works comments, dated August 20, 2024.
- 51.5. Ex. E Chelan-Douglas Health District comments, dated October 01, 2024.
- 51.6. Ex. F Confederated Tribes of the Colville Reservation comments, dated August 27, 2024.
- 51.7. Ex. G Washington State Department of Ecology comments, dated August 27, 2024.
- 51.8. Ex. H Wenatchee Reclamation District comments, dated August 13, 2024.
- 51.9. Ex. I West Mathison comments, dated August 26, 2024 and September 05, 2024.
- 51.10. Ex. J Carl Pederson comments, dated August 28, 2024.
- 51.11. Ex. K Laura Pederson comments, dated August 29, 2024.
- 51.12. Ex. L Chelsea Mahuika comments, dated August 31, 2024.
- 51.13. Ex. M Staff Report
- 51.14. Ex. N Remainder of Planning Staff File

52. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

53. 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 Chelan County Hearing Examiner has been granted the authority to render this decision pursuant to CCC 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 Wenatchee City Code, Title 11 Subdivisions, as adopted.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Chelan County Comprehensive Plan.
4. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. The public interest would be served by the subdivision.
6. The application, as conditioned, is compatible with adjacent uses and would not harm or change the character of the surrounding area.

7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, Plat 24-228 is hereby **APPROVED** subject to the following Conditions of Approval.

### **IV. CONDITIONS OF APPROVAL**

#### **1. CHELAN COUNTY COMMUNITY DEVELOPMENT**

- 1.1. Pursuant to RCW 58.17, the project shall conform to all applicable local, state, and federal regulations, statutes, rulings, and requirements. The proposal shall be subject to approval that may be required under permits licenses or approvals by any other local, state, or federal jurisdictional agency.
- 1.2. 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.
- 1.3. Pursuant to CCC, Section 12.24.040, the final Plat shall be designed in substantial conformance with the preliminary plat of record, date stamped July 01, 2024, on file with the Chelan County Department of Community Development, except as modified herein. No increase in density or number of lots shall occur without a re-submittal of a plat application.
- 1.4. 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 the final plat.
- 1.5. 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.
- 1.6. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required to be paid by the Chelan County Treasurer shall be paid prior to final plat recording.
- 1.7. Pursuant to CCC, Section 12.02.010(1), the following notes shall be placed on the final plat mylar:
  - 1.7.1. "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."
- 1.8. 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.

1.9. Pursuant to the Washington State Department of Ecology comment letter, dated August 27, 2024, soil sampling results for the subject property indicate that lead and/or arsenic contaminations are above Washington State cleanup standards and clean up is required prior to occupancy under the Model Toxics Control Act (Chapter 173-340 WAC). (see Exhibit G)

1.9.1. Proof of clean up or proof of an agreed upon Cleanup Action Plan between the applicant/owner and the Washington State Department of Ecology is required prior to Final Mylar approval.

1.10. Pursuant to CCC, Chapter 11.78, the following note shall be placed on the final plat:

1.10.1. "The subject property is within identified wildlife habitats and shall be subject to the provisions of the Chelan County Code Chapter 11.78 Fish and Wildlife Habitat Conversation Areas Overlay District, as amended."

1.11. Pursuant to CCC, Chapter 11.86, the following note shall be placed on the final plat:

1.11.1. "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 Geologic Site Assessment prepared by DLN Geo, LLC, dated February 26, 2024, or with a site-specific geological site assessment.

1.12. Pursuant to the Revised Code of Washington, the following notes shall be placed on the final plat:

1.12.1. "Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended."

1.12.2. "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. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan may be obtained from Chelan County Community Development."

1.12.3. A copy of the Inadvertent Discovery Plan has been included in Exhibit B.

1.13. Pursuant to CCC, Section 11.02.020, the owner/applicant shall obtain all necessary permits and easements from the Chelan County PUD, prior to any development or roads or utilities for the project site.

## 2. CHELAN COUNTY PUBLIC WORKS

2.1. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department memorandum, dated August 20, 2024. (see Exhibit D)

2.1.1. Pursuant to CCC, Section 12.08.020(2), the applicant must demonstrate a Legal and Perpetual Access for the proposed subdivision.

2.1.2. Pursuant to Wenatchee City Code (WCC) 11.20.020(8): City of Wenatchee Road Standard, the design and construction of the new public internal road shall be required to meet a "Residential Lane" design. A Standard Cul-de-sac or an approved Emergency Vehicle Turnaround shall be required.

- 2.1.3. The applicant shall be required to construct ADA ramps, curb, gutter and sidewalks per City of Wenatchee Development Standards.
- 2.1.4. The City of Wenatchee may require the internal road to provide ability to have future connectivity.
- 2.1.5. The applicant shall be required to install illumination per City of Wenatchee Development Standards. Illumination intensity and uniformity shall conform to the City of Wenatchee Development Standards.
- 2.1.6. Pursuant to CCC, Section 15.30.240, the applicant shall be required to provide snow storage areas.
- 2.1.7. Pursuant to CCC, Section 15.30.310, the applicant shall submit a Lot Access Plan so that addresses may be determined for all existing and proposed lots. The Lot Access Plan must show the driveways/access location for the proposed project. This requirement may be fulfilled on a separate submittal and must be accomplished prior the pre-Mylar submittal.
- 2.1.8. Pursuant to CCC, Section 15.30.330, the applicant shall demonstrate safe ingress/egress. The applicant must provide a sight distance analysis for all existing and proposed access points. This includes all driveways and road intersections.
- 2.1.9. Pursuant to CCC, Section 15.30.360, all lots within this subdivision shall be required to access off the new proposed internal roadway system.
- 2.1.10. Pursuant to CCC, Section 15.30.650, the following note shall be placed on the final plat:
- 2.1.10.1. "Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat."
- 2.1.11. Pursuant to CCC, Section 15.30.825, monumentation shall be required to be placed on all public roads if not already monumented.
- 2.1.12. Pursuant to CCC, Section 10.20.200, a road naming shall be required for the shared driveway/access roads that serves three or more addressable parcels or structures. The applicant shall be required to notify all affected property owners that have legal access/use to the access being named or that owns property that abuts the access. A signature of the property owner or a certified mail receipt shall be required to prove such notification. That proof, a road naming application with 3 or more names and a road naming fee must be submitted to Chelan County Public Works for each of the shared accesses being named. Approval shall be up to emergency services. Once a road name has been approved, a road name sign shall be required to be installed by the applicant per Chelan County specs. Once the road name sign is installed. The applicant shall be required to contact Chelan County Public Works for an inspection.
- 2.1.13. Pursuant to CCC, Section 10.20, the following note shall be placed on the final plat:
- 2.1.13.1. "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)".
- 2.1.14. Pursuant to CCC, Section 15.30.310, the following note shall be placed on the final plat:
- 2.1.14.1. "All new driveways accessing County Roads shall require an access permit from Chelan County Public Works, prior to the issuance of a building permit."

- 2.1.15. Pursuant to CCC, Section 15.30.610, Construction Plans: the applicant shall submit construction plans and reports for all required improvements on Easy Street and the internal roads in accordance with Chapter 15.30.650: The Construction Plans shall include, but are not limited to:
  - 2.1.15.1. Drainage Report and Plan.
  - 2.1.15.2. Roadway Improvement Plan (showing location of utilities and roadway curve data).
  - 2.1.15.3. ADA Ramp Detail.
  - 2.1.15.4. Lot Access Plan (profiles, topography).
  - 2.1.15.5. Erosion and Sedimentation Control Plan.
  - 2.1.15.6. Signage Plan.
  - 2.1.15.7. Topography Lines.
  - 2.1.15.8. All Easements.
- 2.1.16. Pursuant to CCC, Section 15.30.650(F)(2), a Pre-Construction Meeting is required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
- 2.1.17. 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.
- 2.1.18. Pursuant to CCC, Section 15.30.820, the applicant shall not obstruct sight distance with a centralized mailbox or locate a centralized mailbox on a County road right-of-way that would hinder County Road Maintenance. Should a centralized mailbox be required, provide details on construction plans. Minimum information shall include location, installation details, and pull-out detail.
- 2.1.19. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
- 2.1.20. Pursuant to CCC, Section 13.18.030(9) on the final plat, show the necessary easements and tracts in accordance with the approved drainage plan.
- 2.1.21. Preliminary Plat must comply with stormwater standards as found in CCC, Section 13.16.
- 2.1.22. A private stormwater drainage system shall 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 criterion. Said Maintenance Agreement shall be submitted to the Public Works Department with the Preliminary Mylar (bluelines) and shall be recorded with the final plat.
- 2.1.23. A note on the face of the final plat shall state:
  - 2.1.23.1. "The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties' successors and assigns. That its contents are binding upon the parties' successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of \_\_\_\_\_, dated \_\_\_\_\_, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage



system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.

- 2.1.23.2. 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.”
- 2.1.24. Plat must identify all roads as public or private.
- 2.1.25. Plat must identify all easements that benefit or burden the project site.
- 2.1.26. Plat must identify centerlines, easements and right-of-way dimensions on Knowles Road and on any new proposed roads.
- 2.1.27. The applicant shall submit Lot Closure Calculations with the preliminary mylar (blue) submission.

### 3. CHELAN COUNTY FIRE MARSHAL

- 3.1. 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 August 15, 2024. (see Exhibit C)
  - 3.1.1. The proposal/project shall conform to all applicable requirements of the International Fire Code (IFC) and Chelan County Code administered by the Chelan County Fire Marshal.
  - 3.1.2. 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 is provided with an approved automatic sprinkler system.
  - 3.1.3. 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:
    - 3.1.3.1. “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 sprinkler protection credits as approved by the Fire Marshal.”
  - 3.1.4. 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).
  - 3.1.5. 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).

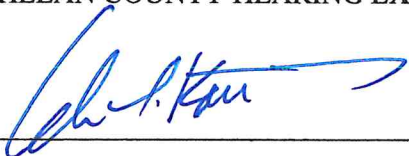
- 3.1.6. All fire hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of CCC, Chapter 15.30, Road Standards; and, meet the requirements of CCC, Chapter 3.04.080, IFC (amended); and, IFC Section 507.5.7, Fire Hydrant Installation and Maintenance Requirements.
- 3.1.7. 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:
- 3.1.7.1. "All buildings that require a building permit within this plat shall have Class A roofing materials."
- 3.1.8. A note on the face of the final mylar shall state:
- 3.1.8.1. "New homes shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property."
- 3.1.9. The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to installation.
- 3.1.10. A note on the face of the final mylar shall state:
- 3.1.10.1. "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."

4. **CHELAN-DOUGLAS HEALTH DISTRICT**

- 4.1. 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 October 01, 2024. (see Exhibit E)
- 4.1.1. The dedicatory language on the plat shall carry these notes:
- 4.1.1.1. "The Health District has not reviewed the legal availability of water to this development."
- 4.1.1.2. "Site evaluations may be required at the time of application for individual onsite septic system construction permits."
- 4.1.2. Domestic water service shall be by expansion of the Chelan County PUD public water system.

Dated this 15 day of November, 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.