Town of Winthrop

Staff Report

To: Planning Commission

From: Rocklynn Culp, Town Planner

Date: November 5, 2026

Re: Perry Street Long Plat (WIN LP 26-1)

What is proposed? Methow Housing Trust (MHT), 31 W Chewuch Rd, Ste 102, Winthrop, WA 98862 has submitted application for preliminary plat approval for parcel 3421020004 under Winthrop Municipal Code (WMC) Chapters 16.20 and 19.04. The property is located at the intersection of Perry St. and Castle Ave in the Heckendorn neighborhood. The plat will divide approximately 1.9 acres of land to create 9 residential lots ranging from 6,472 sq. ft. to 8,833 sq. ft. The applicant proposes town water and sewer service and public street access. The subject property is highlighted in blue in the image below.



Information Provided with Application: The Methow Housing Trust submitted the following materials with their application:

- Land Use Application and Project Narrative
- Preliminary Plat Survey Drawing
- Preliminary utility, road, and stormwater engineering plans
- Geotechnical Engineering Evaluation
- Preliminary Storm Drainage Report
- Traffic Impact Analysis
- Alta Owner's Policy (title report)

What is a Long Plat and how is it decided? A long plat, also called a subdivision or long subdivision, divides a parcel of land into smaller lots which must conform to the Town's Zoning Code. Long plats are authorized under Winthrop Municipal Code (WMC) Title 16 and Title 19 Administrative Procedures. A long plat takes two applications to reach FINAL approval and create new buildable lots.

Step 1 - application is for preliminary plat approval. This application is for preliminary plat approval which requires public notice, a review period, a public hearing before the planning commission, and a decision by the Town Council. The planning commission is responsible for developing a recommendation to the Town Council whether to approve with conditions or deny an application.

In order to make a recommendation on the preliminary plat, our subdivision code states that the planning commission shall consider this staff report, comments and testimony, reports and all relevant facts, agency feedback, SEPA information, and whether staff has determined that there is adequate water and sewer capacity to serve the proposed new lots. Additionally, the planning commission needs to consider whether the proposed subdivision makes appropriate provisions for public health and safety, streets, utilities, stormwater drainage, open spaces or parks (when required by code), critical areas, and all applicable zoning and land use regulations.

Important Note: A preliminary plat approval is a quasi-judicial land use decision, meaning that the Planning Commission and Town Council are acting in a legal capacity under Washington's Appearance of Fairness Doctrine. First and foremost, the landowner coming forward with a proposal is entitled to a fair process and a decision based on factual findings related to their property and the proposal. Landowners have rights to develop property within the framework of state, federal, and local regulations applicable to their specific property and the details of their proposal. To that end, every aspect of the Town's decision, including mitigation measures or conditions, need to be based on adopted regulations and standards and on the record. The

record is comprised of the application materials, public comments, the public hearing record, and any materials or exhibits entered into the file and considered in the public hearing.

For resources to understand the framework for quasi-judicial land use decisions, see the following links to MRSC webpages: https://mrsc.org/Home/Explore-Topics/Legal/Ethics-Fairness-Conflicts-of-Interest/The-Appearance-of-Fairness-Doctrine.aspx

If the Town approves the preliminary plat proposal, that approval will come with a list of conditions that must be met before they can apply for final approval. Typically, that will include a long list of requirements related to the development of water and sewer utilities, roads, and lot configurations. The Town reviews all engineering documents and inspects the construction of utilities and roads to ensure our requirements are met. Preliminary approvals are good for five years from issuance, and if the conditions are not met, the approval may expire.

The second step in a long plat is to apply for final approval, which results in a document that is recorded with the Okanogan County Auditor's Office and runs with the title of the property. It will accomplish the legal subdivision of land into lots. Final plat applications are reviewed by staff for conformance with the terms and conditions of approval. If staff determines that the plat has been substantially altered from the original application, it is referred to the planning commission for a public hearing and recommendation to Town Council as to whether it should be approved. If staff determines the plat does substantially conform to the preliminary plat, then it is forwarded to the Town Council. In either case, the Town Council holds a public hearing and decides whether to approve a final plat application. Once again, this is a quasi-judicial decision and must abide by the applicable legal framework.

Comprehensive Plan Designation: Residential. The proposed plat would create lots suitable for residential uses consistent with the goals and policies of the Land Use and Housing Elements of the Comprehensive Plan.

Current Zoning: Residential 1. Minimum lots size in B-1 is 5,000 square feet, and the proposed lot sizes all exceed the minimum lot size requirement.

Floodplains, Shorelines, SEPA, and Critical Areas: The property is located in an upland area, removed from floodplain and shoreline areas. The property is within an area of town that is already substantially developed. The property is approximately two acres, gently sloped, with good soil drainage. Vegetation consists mainly of grasses and shrubs. It adjoins an existing developed neighborhood, town streets, and the Town's wastewater treatment plant property.

A SEPA Checklist was prepared for the proposed plat. The SEPA Checklist was reviewed and a determination of nonsignificance for the proposed plat was issued on October 16, 2026. One

comment was submitted during the review that was specific to the SEPA Checklist. That comment was submitted by Dept of Ecology noting the potential need for a construction stormwater permit. This comment was shared with MHT and they are following up with Dept. of Ecology to see if the permit will be required.

The SEPA comment period ended on November 5, 2026. Appeals by any party of record are due by November 19, 2026. As Ecology's comment was advisory in nature, it appears unlikely there would be a SEPA appeal.

The initial review of the application does not indicate a need for further environmental review under Winthrop's Critical Areas regulations (WMC Chapter 18.06). The applicant supplied a Geotechnical Engineering Evaluation that is the basis for site engineering for water and sewer lines and street development. The report addresses landslide and erosion hazard areas and provides recommendations for the development that are incorporated into the design. Following a preliminary decision on the plat application, the Town will have our own on-call engineers review the Geotech report and engineering for roads and utilities to ensure recommendations to minimize risks of erosion are sufficient to meet state and local requirements. If any deficiencies are noted, they will be addressed prior to construction of utilities and roads.

What comments were received? The application and related information was circulated to the agencies and individuals noted in the application file. Landowners within 300' of the subject property received the notice of application and public hearing. As of the writing of this staff report, the town received seven substantive comments from people living in the Heckendorn neighborhood. The full comments are appended to this staff report, and they are summarized here.

Most comments noted general support for permanently affordable homes, while following up with a list of concerns related to street safety, traffic, and access points:

- There is a perception that this will significantly increase the volume of traffic through the neighborhood.
- Perry Street is very narrow and the bridge over the irrigation canal is dangerously narrow.
- Several comments noted that people in the neighborhood enjoy safe quiet conditions that allow their children to walk and ride their bikes, and they think this plat will result unsafe conditions.
- Several comments suggested that access to the plat be from Castle Ave or Durango Drive (a private road south of the Town limits on East County Road).

<u>Note about how public comments affect a proposal:</u> Public comment and a public hearing are part of the process and intended to generate feedback on the proposal and can be

valuable in identifying impacts related to a proposal. By commenting, individuals or agencies become a "party of record" and gain standing to appeal the land use decision. In considering public comments, the Town needs to take care to consider them in light of adopted codes. Comments may alert staff, the planning commission and the Town Council to a widely shared opinion or concern which must then be weighed against the evidence provided in application materials, the Town's policies and standards, and the rights of the applicant to a decision grounded in findings of fact.

What factors should be considered in relation to comments received? During the review process, town staff considered the issues raised in comment. Here is the staff analysis of the primary concerns in light of the application materials, town policies, and applicable standards.

Access Within Perry St Long Plat

The plat proposal would add a street segment off of Perry Street with a short connection to Main Street. MHT proposes that this new street become public, which is consistent with our Comprehensive Plan policies. MHT wishes the street to be public so that they do not need to form an HOA and Road Maintenance Agreement for maintenance of a private street.

The proposed new street ROW is shown on the plat as 32' with a paved surface of 26', which does not meet the standards for a residential street under Ordinance 397 (Street Design and Construction Standards, amended and adopted by reference December 1, 1993). However, staff believes it is preferable to serve new subdivisions with public streets. Due to the location of this property, adjacent to Town property, it is unlikely this proposed new street will serve additional development of more than a few more lots. Access to the Town property will be from Main Street. Therefore, the public works superintendent feels it is reasonable to entertain approval of the streets as proposed. Following preliminary approval, the Town will have this reviewed by our on-call engineers. If changes in the design are recommended, we will incorporate those into the design requirements.

Street Access to Perry St Long Plat

Several comments identified concern with the main entrance to the plat being from Perry Street because that segment of Perry is narrower than most town streets. The ROW for Perry Street from Riverside to Castle Ave is 30' and the paved street does not allow for two full lanes of travel. The bridge across the Fulton Ditch is also very narrow, only allowing for the width of a single vehicle.

Town staff agrees that the narrow width of Perry Street and the ditch crossing pose a substandard condition and that the creation of nine buildable lots accessing from Perry Street would add car trips on that street segment. We have discussed this concern with Methow

Housing Trust, and their plans indicate the intension to widen the Fulton Ditch crossing. Since this will be the primary route for accessing the plat whether approaching from Castle Ave or Main Street, Perry Street from Main to Castle needs to be paved to a 28' to meet the residential street standard. The bridge crossing the canal needs to be widened to safely accommodate two travel lanes.

Alternate Access Suggestions

Some comments recommended requiring access to the plat from either Castle Avenue or Durango Drive. MHT considered access from Castle during their preliminary design process, which involved considering the findings of the geotechnical evaluation and working with their engineer. They determined it infeasible to access from Castle due to the slope. Access from Durango Drive is also infeasible due to the fact it is private road and MHT does not have an easement or right to use it for access. It would require a road to be built through the Town's wastewater treatment plant property at a time when we do not know the future needs for that property.

Staff agrees that is important to consider all options for access. We ask applicants to analyze access needs and alternatives thoroughly. However, we recognize the proposed configuration needs to be practical, feasible, and supported by documentation. We also cannot deprive an abutting property owner of access from a public street without good cause. Perry Street is a public street, which means it should equally serve all properties that abut it.

Traffic Volume

Several commenters expressed concern that the 9 lots created by the Perry Street Long Plat would result in an unsafe volume of traffic through the neighborhood. Depending on the size and potential impacts, the Town asks applicants to supply documentation on traffic generation by a proposed plat. MHT supplied a Traffic Impact Analysis that considered the traffic generated by both this proposal and future development of 6 acres at the upper end of Perry Street and Wister Way (Larkspur Annexation).

Data was collected for six key intersections including Perry St and Castle; Center St and Main St; and Main St and Hwy 20, which include the most likely routes of travel from the proposed plat. The analysis considered peak weekday and weekend trips following full buildout of both locations. It found no deterioration of service at five of the intersections, and a minor decrease at the Hwy 20 intersection with Main Street. During the peak weekday time, turn movements make take an additional 6/10ths of a second, dropping the function from a "B" to a "C", which is considered acceptable under engineering standards.

While the traffic analysis provides strong evidence that the 9-lot long plat will minimally impact residential street function and safety, there is always the issue of individual and neighborhood perception. To add some perspective, each block of Heckendorn encompasses an area approximately equal to this plat. A simple count of the number of households on each block ranges from 8 – 12. This development can be expected to generate a similar amount of traffic to adding one block to the existing pattern of development. This is a level of use that is contemplated in the Town's Comprehensive Plan and is consistent with policy and regulation.

Staff Recommendation: Having review this subdivision application in light of the Comprehensive Plan, Zoning Code, Subdivision Code, and comments on the application, staff recommends approval of the preliminary plat application with the conditions listed below. In formulating a recommendation to the Town Council, the Planning Commission should carefully consider the plat application and testimony and keep the public hearing open until satisfied you have sufficient information on proposed subdivision. Staff has developed a list of proposed conditions, findings of fact, and conclusions that may be used in the Commission's recommendation to the Town Council.

Recommended Conditions of Approval: Staff recommends the following conditions: The planning commission may modify or add to these conditions.

1. **Engineering submittals**. The applicant shall submit engineered and stamped drawings for utilities, access and stormwater as further detailed below. All plans and submittals are subject to review and approval by the Town or agency with such authority. Plans are considered preliminary until approved for construction. Pursuant to this condition:

    - Applicant shall sign an agreement to pay professional review service expenses, agreeing to reimburse the Town for costs associated with review and approval of submittals.

    - The proposed preliminary plat is subject to all applicable codes and standards.

    - All engineering plans, reports, or analyses shall be performed by a qualified engineer in the State of Washington, or by otherwise qualified professionals as specified in the applicable field of expertise.

    - All engineering plans shall be stamped by a professional engineer registered in the State of Washington.

    - Plans shall show adequate detail for the installation and testing of all appurtenances necessary for completion of the work.

    - Specifications shall describe work to be performed, consistent with Washington Department of Ecology (ECOLOGY) and Washington Department of Health (DOH)

standards along with Town standards specifications. Town specifications and details may vary and will be provided at the time as necessary.

2. **Easements.** The face of the plat shall show and describe all existing and proposed easements pertaining to the plat, including the width and whether such easements are public or private, and all recorded easements shall reference the corresponding auditor's file number. This includes, but is not limited to:

    - Easements listed in the title report

    - Easements for the existing or required water and sewer services, labeled public or private. If easements are to remain private, the easements must state who benefits. Easements to the Town must be recorded on a separate easement document ensuring the Town can repair and maintain the utilities.

    - Access/road easements or right of ways, labeled to indicate whether public or private.

3. **Utility Connections.** Water and sewer utilities, stormwater system and streets to serve the long plat and individual lots must be designed to all federal, state, and town specifications, and must be installed prior to final subdivision approval. All costs associated with supplying infrastructure and utility services shall be borne by the applicant, heirs or assigns, including but not limited to design, review by the Town and their engineer, inspection by the Town's engineer, construction, permitting, and any necessary upgrades of existing public lines as needed to supply adequate capacity. Pursuant to this condition, the following shall be required:

    - Applicant shall execute a Development Agreement, which may be on a template supplied by the Town, covering the extension of Town water and sewer utilities.

    - Contour lines and elevations shall be supplied as needed to ensure adequate water, sewer and stormwater drainage design.

    - Utility designs shall be provided and approved, along with a vehicle to ensure the installation of the utility extensions and services, at the owner's expense.

    - Plans shall include a profile maximum scale of 1" = 50' horizontal and 1" = 5' vertical of the finished road grades with the water and sewer lines and other pertinent underground utilities located, with elevations noted thereon. All utilities shall be shown (including but not limited to domestic water, sanitary sewer, storm sewer, electrical, cable TV and irrigation water), both existing and proposed. Further, all utility crossings must be shown on the plans and profiles in order to prevent conflicts.

- Applicant shall provide and show all side sewer laterals and water services with applicable appurtenances and details.

- Each lot shall be individually metered with separate side sewers. Water meters and meter boxes shall be placed at grade level on Town right of way adjacent to parcel.

- Shared trenches for Water/Sewer/Storm utilities are prohibited.

- Applicant shall submit a fire flow analysis. The analysis must evaluate and ensure that the proposed water utility extension can supply the required fire flow for the development, based on the allowed densities under zoning and allowable building types and sizes. If the fire flow developed restricts the type and size of allowable building, this limitation shall be noted on final PD.

- After review by the Town and our engineer, the water system extension will be reviewed by the Washington State Department of Health for their approval. It is assumed that the DOH will require an engineering report with the plan set submittal.

- Water utility design shall incorporate the installation of fire hydrants in accord with the International Fire Code. The location, as part of the overall water system extension, shall be reviewed by the Town, Town Fire Official, and the Fire District for conformance with the IFC and any Town standards.

- Utility easements will be provided and located subject to the design of the public utilities to meet all Town standards. Utility easements shall be extended to the far edge of the development for future extension of utilities by others.

- Modification to existing town utilities will require insurance and bonding directly to the Town of Winthrop for construction activities.

4. **Access**. Sufficient legal access to the subdivision is required. The application indicates that the access to this subdivision is over a public roadway.

    - Road easements/right of ways shall be shown on the final plat and labeled as public or private. If roads are private, there shall be reference to the recorded easement granting access.

    - Roads shall be named on the face of the plat.

    - Applicant shall submit engineering plans for roadways serving the planned development per the submittal requirements above.

- Street design shall include signage to meet applicable standards.

- Roads within the development shall be extended to the property boundaries such that they can be extended in the future to serve adjoining properties and to create a connected network of roadways.

- Emergency access shall be developed according to standards for fire apparatus access. Roadway widths, radii and configuration shall be approved by the appropriate Town and Fire District 6 officials.

- The established roadway width, including shoulders must be maintained year-round for emergency access.

- Driveways to lots within the subdivision shall not exceed 20 feet in width.

5. **Legal Provision for Roads within Plat**. Depending on whether the final plat establishes roads serving the plat as public or private, the face of the plat shall establish the responsibility for maintaining the roads.

    - For private roads, the applicant shall provide a legal instrument, to be filed with and noted on the final subdivision, providing for the maintenance of private roads within the long plat into perpetuity. Maintenance shall include, but is not limited to snow removal, dust abatement and weed control.

    - For public roads, the applicant shall supply language on the face of the plat dedicating and conveying the right of way and ownership of the roadway to the Town of Winthrop.

6. **Repairs to roadway**. Applicant shall repair damage to Perry Street, Castle Avenue, and Main Street resulting from the construction of improvements pursuant to preliminary plat approval. To that end, the applicant shall document the condition of the road and repair the road to existing or better condition.

7. **Notes on face of plat.** The following statements shall be placed on the face of the subdivision:

    - The Town of Winthrop has no responsibility to build, improve, maintain or otherwise serve any private road or driveway for this short plat. Not applicable if roads are dedicated to the Town.

    - Development on any lot will require assessment to determine if adequate fire protection exists under the International Fire Code. If additional compliance measures are necessary, they will be designed and installed to meet all applicable standards. All

costs associated with such assessment and installation shall be borne by the applicant, heirs or assigns, including but not limited to design, review, inspection, construction, permitting, and any necessary upgrades of existing public lines to meet the standards.

8. **Stormwater**. Pursuant to Winthrop Municipal Code, all stormwater, including snow, must be collected and disposed of on-site. To meet this requirement, the applicant shall submit a stormwater management plan prepared by a qualified professional engineer. The plan shall provide for collection, retention and disposal of stormwater in accordance with the Dept. of Ecology Stormwater Management Manual for Eastern WA (publication 04-10-076, as amended). The stormwater management plan must be approved by the Public Works Superintendent and constructed as approved prior to finalization of the plat. All drywells/UICs shall be registered with WA Dept. of Ecology.

9. **Snow storage**. The final subdivision shall indicate adequate area within the plat to store snow without impact to neighboring properties.

10. **Covenants**. Prior to final plat approval, any required covenants shall be finalized, filed and recorded with the Okanogan County Auditor, with the file number to be noted on the final subdivision. For this plat, covenants are only necessary if roads are not dedicated to the Town.

11. **Fees**. All development will be subject to the appropriate Town utility fees and charges and any applicable latecomer charges that may be on file for the property.

12. **SEPA Checklist**. The applicant shall carry out all mitigation measures listed in the SEPA Checklist.

13. **Building envelopes**. The final subdivision shall illustrate adequate building area on each lot after factoring in setbacks, parking, and easements.

14. **Updated Title**: When the final plat document is ready for review, the applicant shall supply an updated subdivision guarantee. The town shall verify that the updated legal descriptions match the proposed plat, and any necessary corrections shall be made to the face of the plat.

15. **As-Built Drawings**. Prior to final approval of the subdivision, the applicant shall submit as-built drawings prepared and certified by a qualified engineer registered in the State of Washington.

16. **Finalization of Public Utility Dedication.** Upon acceptance of completed and approved public utilities, applicant shall execute and record a bill of sale and affidavit

of no lien. The applicant shall obtain a bond or other surety securing to the town the successful operation of all improvements for one year after acceptance by the town of the completed plat improvements.

Findings of Fact: The following findings of fact support have been developed to date. Others may be developed through the hearing process.

1. The Perry Street Preliminary Long Plat proposes 9 commercial lots on 1.9 acres, parcel 3421020004, located at the intersection of Perry Street and Castle Avenue in the Heckendorn neighborhood.

2. Residential 1 zoning allows for a minimum lot sizes of 5,000 square feet; the preliminary plat proposes lots sizes ranging from 6,472 sq. ft. to 8,833 sq. ft. The preliminary plat and proposed use of the lot for single-unit residences conforms to Winthrop's Zoning Code, Title 17.

3. The subject parcel is bordered by Perry Steet, Castle Avenue, Main Street, another parcel owned by Methow Housing Trust, and the Town of Winthrop's wastewater treatment plant property.

4. The applicants propose primary access from Perry Street with secondary access at Main Street.

5. The applicant proposes that the streets within the plat be dedicated to the Town. The streets are shown on the preliminary plat drawing as being paved to a width of 26' within a 32' wide right of way.

6. The proposed ROW and street dimensions do not conform to the Town's street standards as adopted in Ordinance 397. The standard requirement for residential street ROW is 60' and the developed street width is 28' encompassing two 10' travel lanes with 4' shoulders. The public works superintendent and planner have reviewed the proposed configuration and recommend a reduction in the ROW standard be applied due to the fact the street does not connect to other privately developable property except for one .7-acre parcel also owned by MHT and is therefore unlikely to generate traffic for more than 12 homes.

7. The Comprehensive Plan designation for the property is residential.

8. The application for the Perry Street Preliminary Long Plat was accepted on October 16, 2026, and notice of complete application was provided by email to the applicant on October 23, 2026.

9. A Notice of Application and Public Hearing was published in the Methow Valley News on October 21, 2026.

10. The Notice of Application and Public Hearing was mailed to landowners within 300 feet of the project area and interested agencies and individuals on the dates noted in the project file.

11. The property was posted by Town Planner, Rocklynn Culp.

12. The 15-day comment period required under WMC 19.04.040 (A) concluded on November 5, 2026.

13. A SEPA checklist was required for the project. A SEPA determination of nonsignificance was issued on October 16, 2026. The comment period on SEPA ended on November 5, 2026. One comment was received during the comment period in reference to the SEPA determination. That comment was from Dept. of Ecology recommending that the applicant contact Ecology to determine whether a stormwater construction permit is required. The appeal period concludes on November 19.

Conclusions:

1. The provisions of Chapter 16.20, pertaining to preliminary long plats, and Title 19, Administrative Procedures, of the Winthrop Municipal Code have been followed in processing the application.

2. The Perry Street Preliminary Long Plat, as conditioned, can be developed in a manner consistent with the policies of the Land Use element of Town of Winthrop Comprehensive Plan.

3. The Perry Street Preliminary Long Plat is consistent with the allowed densities and policies for Residential 1 zone, and is generally consistent with Title 17, Zoning, of the Winthrop Municipal Code.

4. That conditioned approval of the preliminary plat application does not constitute a granting of special privileges to any party.