

Title 17 Subdivisions

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Chapter 17.02 GENERAL PROVISIONS

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The ordinance codified in this Title shall be known and may be cited as the “Leavenworth Subdivision Ordinance.”

17.02.020 General authority

The ordinance codified in this Title is adopted under the authority of Chapters 35A.58 and 58.17 of the Revised Code of Washington.

17.02.030 Purpose

This Title is adopted to regulate the division of land and to promote the public health, safety and general welfare in accordance with the standards established by the City of Leavenworth and the State of Washington to:

- A. Prevent the overcrowding of land;
- B. Lessen congestion on the streets and highways;
- C. Provide adequate light and air;
- D. Promote the proper arrangement of streets, lots, easements, pathways and other private or public ways;
- E. Provide for adequate and convenient open spaces, utilities, recreation, and access for service and emergency vehicles;
- F. Provide for adequate water, drainage, sewer and other public facilities;
- G. Promote the coordination of development as land develops;

- H. Conserve natural beauty and other natural resources;
- I. Maintain and perpetuate environmental quality;
- J. Provide for expeditious review and approval of proposed subdivisions which conform to zoning standards, the comprehensive plan, and other local plans and policies;
- K. Adequately provide for the housing and commercial needs of the citizens of Leavenworth; and
- L. Require uniform monumenting of land subdivisions and conveyance by accurate legal description.

17.02.040 Scope

This Title shall apply to the division or re-division of land for sale, lease, transfer, or building development into two or more lots, tracts, or parcels by the means specifically provided for herein. It shall also apply to boundary line adjustments, binding site plans, plat alterations, plat vacations, and any other lot line alterations and/or re-divisions of land. As part of the Leavenworth development code, this Title recognizes and incorporates the standards, provisions and regulations contained in other parts of the Leavenworth Municipal Code, as it exists now or as it may hereafter be amended. As such, approvals granted pursuant to this Title shall only occur in compliance with these other regulatory provisions, as well as with the Comprehensive Plan and any other applicable laws and regulations. Where provisions of other official controls and regulations overlap or conflict with the provisions of this Title, the more restrictive provisions shall govern.

17.02.050 Exemptions

The provisions of this Title do not apply to the following, pursuant to RCW 58.17.040:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Any division of land not containing a dedication in which the smallest lot created by the division exceeds twenty (20) acres or 1/32 of a section (as divided by Bureau of Land Management manuals), provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- C. Divisions made by testamentary provisions or the laws of descent (note: lots formed in this fashion must meet the requirements of all other ordinances including access, lot size, etc. in effect at the time of probate);
- D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan in accordance with Chapter 17.10 of this Title;
- E. A division made for the purpose of lease when no residential structure other than manufactured homes or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with Chapter 17.10 of this Title;
- F. A division made for the purpose of alteration by adjusting boundary lines, between platted or un-platted lots or both, which does not create any additional lot, tract, parcel site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site and is in conformance with Chapter 17.04 of this Title;

- G. A division made pursuant to Chapter 64.32 RCW, the Horizontal Property Regimes Act, or 64.34 RCW, Condominium Act, provided a binding site plan, in accordance with Chapter 17.10 of this Title and the stated provisions contained in 58.17.040(7), have been approved;
- H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception or both of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

17.02.060 Conformance with other regulations

- A. No subdivision, short subdivision, or binding site plan shall be approved unless found to be in conformance with all adopted and applicable city ordinances, plans and policies. The City of Leavenworth Comprehensive Plan shall also guide the use of all land within the city's urban growth area boundary. The type and intensity as shown in the comprehensive plan shall be used as a guide to determine the character of land division, including lot size and arrangement, type and extent of streets and roads, highways, dedications, improvements, services, and other utilities and public facilities.
- B. All records of survey shall be in conformance with Chapter 58.09 RCW.
- C. Undefined terms in Section 21.90, Common Definitions, of the LMC shall be regulated by Chelan County Code Title 12, Section 200 – Definitions.
- D. Any regulation within this code that is in conflict with Chelan County Code Title 12,
- E. Subdivision Code, and related development standards shall be subject to administrative interpretation by the Chelan County Director of Building / Fire Safety Planning in consultation with the City of Leavenworth Community Development Director.

17.02.070 Concurrency for public facilities and utilities

Those public facilities and utilities required to be provided as a condition of approval shall be fully operational or bonded for concurrently with the use and occupancy of the development, except that concurrency for transportation facilities may be "within six years of project approval at the discretion of the Chelan County Director of Building/Fire Safety & Planning and Public Works Director.

17.02.080 Subdivisions adjacent to resource lands

Subdivisions within five hundred (500) feet of designated resource lands shall contain a notice that a variety of commercial or operational activities may occur that are not compatible with residential development for certain periods of limited duration.

17.02.090 Definitions

For the purposes of administering this Title, definitions of terms used in this Title are found in Chapter 21.90, Common Definitions, LMC.

17.02.100 Severability

If any section, subsection, sentence, clause, or phrase of this Title is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Title.

Chapter 17.04 Boundary Line Adjustments

Boundary Line Adjustments will be administered pursuant to Chelan County Code Title 14 and Title 12, Article IX, Boundary Line Adjustments.

Chapter 17.06 Plat Alterations and Vacations

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17.06.010 Administration

17.06.020 Applicability - alteration

17.06.030 Application - alteration

17.06.040 Review criteria and process - alteration

17.06.050 Applicability - vacation

17.06.060 Application - vacation

17.06.070 Review criteria and process - vacation

17.06.010 Administration

The administration of this Chapter is set forth within the provisions of this Chapter and Title 21 of the LMC. The Chelan County Department of Building/fire Safety and Planning Director is vested with the duty of administering and interpreting the provisions of this Title. The Chelan County Hearing Examiner is given the authority to review and make decisions on plat alterations and vacations.

17.06.020 Applicability - alteration

A. Every alteration of a major subdivision or portion thereof and the alteration of a short subdivision that involves a public dedication, except as provided for in Chapter 17.04, Boundary Line Adjustments, shall proceed in compliance with this Chapter. This process cannot be used to create additional lots, tracts, or parcels.

B. This Chapter shall not be construed as applying to the alteration or replatting of any state-granted tide or shore lands.

C. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

17.06.030 Application - alteration

An applicant shall submit a complete alteration application to the Chelan County Department of Building/Fire Safety & Planning, pursuant to the requirements of Chelan County Code Titles 12 & 14. 17.06.040 Review criteria and process - alteration

A. Alteration of a subdivision or portion thereof, or a short subdivision or binding site plan that contains a public dedication shall follow the review procedures as outlined in RCW 58.17.215.

B. Public notice shall be provided pursuant to Chelan County Code, Title 12, Article VI. Where a public hearing is required or requested, the Hearing Examiner may approve, conditionally approve or deny the application for an alteration after determining the public use and interest will be served by the alteration of the subdivision. If a public hearing is not required or requested, the Director may administratively approve, approve or deny the alteration after determining that the public use and interest will be served by the alteration of the subdivision.

Alteration of a short subdivision or portion thereof that does not contain a public dedication may be administratively approved or denied without a public hearing by the Director after determining that the public use and interest will be served by the alteration of the short subdivision.

C. 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.

D 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. E. If the alteration is approved, the applicant shall produce a revised drawing of the final plat in compliance with Chelan County Code, Title 12, Article VI.

17.06.050 Applicability -vacation

A. Every vacation of a recorded short plat or binding site plan, or portion thereof that involves a public dedication, a major plat or portion thereof, or any area designed or dedicated for public use shall proceed in compliance with this Chapter. Vacations of streets or roads may be approved through this process only when the street or road is proposed with the vacation of a subdivision, or portions thereof.

B. Vacations of streets or roads may not be made that are prohibited under RCW 35.79.035

C. This Chapter shall not be construed as applying to the vacation of any plat of state granted tide or shore lands.

17.06.060 Application - vacation

An applicant shall submit a complete vacation application to the Chelan County Director of Building/Fire Safety & Planning. A complete application for the purposes of this Chapter shall consist of the following:

- A. A fully completed, signed and notarized vacation application form provided by the Chelan County Department of Building/Fire Safety & Planning that contains the information as required by Chelan County Code, Title 12, Article VI and signed by all parties having an ownership interest in that portion of the subdivision subject to the vacation;
- B. SEPA checklist, unless exempt under Chapter 43.21C RCW;
- C. Ten copies of the final plat or short plat to be vacated including d11" x 17" reductions of any oversized materials;
- D. Restrictive covenants filed as a condition of short or major subdivision. If the application for vacation will result in the violation of such 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 vacation;
- E. Assessors parcel map of property and surrounding properties within three hundred (300) feet;
- F. A title report issued within the preceding one hundred twenty (120) days including confirmation that the title to the lands as described and requested to be vacated are vested in the parties signing the vacation request;
- G. The proposed revised plat map for portion thereof, if applicable;

- H. Any other information deemed necessary by the Director for the review of the vacation in conformance with the provisions of this Title and all other applicable federal, state and local regulations; and
- I. Payment of all applicable review fees.

17.06.070 Review criteria and process - vacation

A. Vacation of a subdivision or portion thereof, or a short subdivision, or binding site plan or any area designated or dedicated for public use that contains a public dedication shall follow the review procedures as outlined in RCW 58.17.212.

B. A public hearing by the Hearing examiner shall be held and public notice shall be provided pursuant to Chelan County Code, Title 12, Article VI. The Hearing Examiner may approve or deny the application for a vacation after determining the public use and interest will be served by the vacation of the subdivision. Vacation of a short subdivision or portion thereof that does not contain a public dedication may be administratively approved or denied by the Director after determining that the public use and interest will be served by the vacation of the short subdivision.

C. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city shall be deeded to the city unless findings are set forth that the public use would not be served in retaining title to those lands.

D. Title to the vacated property shall vest with the rightful owner in conformance with RCW 58.17.212

Chapter 17.08 Short Subdivisions

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17.08.010 Applicability

17.08.020 Administration

17.08.030 Application

17.08.040 Preliminary short subdivision review

17.08.050 Review criteria and required findings

17.08.060 Final approval and recording

17.08.070 Prohibition on re-subdivision

17.08.010 Applicability

Every division of land into four (4) or fewer lots, plots, sites, parcels, or tracts within the City of Leavenworth Urban Growth Area shall proceed in compliance with this Chapter.

17.08.020 Administration

The administration of this Chapter is set forth within the provisions of this Title and Title 12, Article III, of the Chelan County Code. The Director is vested with the duty of administering and interpreting the provisions of this Title and with the authority to summarily approve, approve with conditions, disapprove, or return for modification all proposed short subdivisions. Prior to the submission of a short subdivision application, the applicant may arrange for a pre-application meeting.

17.08.030 Application

An applicant shall submit a complete short subdivision application to the Chelan County Department of Building/Fire Safety & Planning. A complete application for the purposes of this Chapter shall consist of the following:

A. A fully completed and signed (by those individuals or corporations holding any ownership, fiduciary or security interest) short subdivision application form provided by the Department of Building/Fire Safety & Planning that contains the information as required by Article III, Title 12, Chelan County Code.

B. Ten (10) copies of a scaled drawing of at least one (1) inch to one hundred (100) feet which provides the following information:

1. A legal description of the area being divided, including Assessor's Parcel Number;
2. The boundaries of the section (or plat, or lots) within which the short plat lies;
3. The boundary lines, dimensions and area of the short plat and the lots within it;
4. Proposed short plat name and lot numbers;
5. The location and width of all roads, access easements and driveways;
6. The location and widths of all existing and proposed utility easements;
7. The boundaries, dimensions and area of all tracts or parcels to be dedicated or reserved for public or community uses;
8. The location of all existing and proposed water distribution systems, sewage disposal systems, storm water systems, and irrigation systems;
9. Fire hydrants locations within or adjacent that will be connected to;
10. The location of the 100 year floodplain and floodway, if applicable;
11. The location of all water courses and the ordinary high water mark an approximate boundaries of all areas subject to inundation, if applicable;
12. The delineation, location, classification, and required analysis or mitigation plans as required for critical areas, including fish and wildlife habitat conservation areas, aquifer recharge areas, geologically hazardous areas, wetlands, and frequently flooded areas as presently contained in the Chelan County Zoning Resolution, Title 11, as amended. At the discretion of the Director, final analysis and plans may be required at the time of preliminary approval if adequate review of the proposal can occur;
13. Location of all existing structures, wells, overhead and underground utilities, municipal boundaries- and other important physical features;
14. Zoning and comprehensive plan designations; and
15. North arrow.

C. Three (3) sets of road plans and profiles for all proposed roads and improvement specifications.

D. Assessors parcel map of property and surrounding properties within three hundred (300) feet.

E. Contours at two (2) foot intervals for zero(0) to five (5) percent cross slope; five (5) foot intervals for five (5) to thirty (30) percent cross slope; ten (10) foot intervals for over thirty (30) percent cross slope; and spot elevations to determine the general slope of high and low points thereof.

F. SEP A checklist, if required.

G. Any other information deemed necessary by the Director for the adequate review of the proposed short subdivision in conformance with the provisions of this Title and all other applicable federal, state and local regulations.

H. Payment of all applicable review fees.

17.08.040 Preliminary short subdivision review

A. Short subdivisions shall be subject to the procedures established in Chelan County code, Title 14, Development Permit Procedures and Administration

B. Once the determination of a complete application is made, the Director shall solicit comments on the proposal pursuant to Section 308, Article III, Title 12 of the Chelan County Code. The referral agencies shall have fourteen (14) calendar days to return their written comments. Failure of the referral agencies to respond within the prescribed time will be interpreted as having no comment on the proposal as submitted.

C. Pursuant to the timelines delineated within Title 14, Chelan County Code, or such other period as the applicant may authorize, the Director shall approve, conditionally approve, or disapprove the proposed short subdivision in writing, subject to the review criteria and required findings as outlined in Article III, Title 12 of the Chelan County Code and Section 17.08.050.

17.08.050 Review criteria and required findings

A. The proposed preliminary short subdivision shall be reviewed and approved only when the following criteria and findings are satisfied:

1. Compliance with the provisions of this Title and all other applicable Titles contained in the Chelan County Code
2. Conformity with all applicable zoning requirements;
3. Conformance with the provisions contained in the comprehensive plan;
4. Consistency with applicable design standards;
5. Compliance with the provisions of any applicable federal, state and local law;
6. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including safe walking conditions for students who only walk to and from school; and,
7. The public interest will be served by the short subdivision and dedications.

B. The Director may disapprove a proposed short subdivision because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

C. As a condition of approval, the Director may require dedication of land to any public body, provisions of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

D. Preliminary short subdivision approval is valid for a period of five (5) years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 17.20 and filed for record with the Chelan County Auditor. If the conditions attached to the preliminary short subdivision approval are not satisfied or appropriately bonded for, and the short plat is not filed for record within the required period, preliminary approval of the short subdivision shall become null and void.

17.08.060 Final approval and recording

- A. Upon the receipt of seven (7) blue-line copies of the final mylar; prepared by a surveyor licensed to conduct business in the State of Washington, in conformance with the provisions contained in this section; a plat certificate issued within the preceding one hundred twenty (120) days including confirmation that the title to the lands as described and shown on said plat are vested in the owners whose names appear on the plat certificate, including beneficiaries of fiduciary, fee or ownership interest, or instrument of dedication, and any easements or restrictions affecting the property, with a description of the purpose and referenced by the auditor's recording number; and applicable review fees; the Director shall circulate the blue-lines to agencies and individuals whose signatures are required on the final mylar for recording. Said corrected blue-lines (redlines) shall be returned to the applicant's surveyor with notice to the applicant within twenty-one (21) days of receipt.
- B. The final short plat submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of one hundred (100) feet to the inch (or a scale approved by the Director under the supervision of a land surveyor registered in the State of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to the requirements of the Survey Recording Act, RCW 58.09, as it now exists, or as amended. The final short plat mylar shall contain the following additional information:
 1. A certificate bearing the names of all persons having an ownership interest in the land, including beneficiaries of fiduciary interest, liens and judgments signed and acknowledged by them before a Notary Public which: a. states their consent to the division; b. grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;
 2. A space for approval and official seals of the Short Plat Administrator, Public Works Director, Chelan/Douglas Health District, Chelan County Fire Marshal or jurisdictional Fire District, acknowledgement of taxes paid by the Chelan County Treasurer, and recording by the Chelan County Auditor;
 3. Permanent control monuments shall be established at controlling corners on the boundaries of the subdivision, the intersections of the centerline tangents of roads within the subdivision or points of, the beginning and ends of curves on centerlines, and all block and lot corners. All other surrounding property shall be labeled in dotted lines;
 4. Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary;
 5. For a short subdivision that contains or is subject to a dedication, a certificate shall be placed on the face of the final short plat mylar that contains the dedication of all streets and other areas to the public, and a waiver of claims;
 6. Subdivision name and number as assigned by the Director;
 7. Legal description;
 8. North arrow, numeric & graphic scale, and lot numbers;
 9. Assigned street addresses;
 10. All utility easements;
 11. All notes as required by the conditions of approval;

12. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the auditor's recording number;
13. Location, width, and name of all streets, alleys, and other public or private ways within and adjacent to the land division; and
14. The delineation of the 100 year floodplain and floodway and any wetlands, when present.

C. An approved short subdivision shall not be filed for record with the Chelan County Auditor until the applicant has constructed or bonded for all improvements, and satisfied all conditions as required by the Director in the granting of preliminary approval.

D. A short subdivision shall not be considered final until recorded with the Chelan County Auditor.

E. Any lots in a final short plat filed for record shall be a valid land use, notwithstanding any change in zoning laws for a period of five (5) years from the date of filing. A short subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval for a period of five (5) years after final short plat approval (recording) unless the Chelan County Department of Building/Fire Safety & Planning finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

17.08.070 Prohibition on re-subdivision

Land within a short subdivision, the short plat of which has been approved within five (5) years immediately preceding, may not be further divided unless a final major subdivision has been approved and filed for record pursuant to Title 12 of the Chelan County Code; except, the owner who filed the original application for a short subdivision containing fewer than four (4) lots may apply to further divide within five (5) years provided the total lots created do not exceed four (4).

Chapter 17.10 Binding Site Plans

Sections

17.10.010 Applicability

17.10.020 Administration

17.10.030 Application

17.10.040 Preliminary binding site plan review

17.10.050 Review criteria and findings

17.10.060 Final approval and recording

17.10.010 Applicability

A binding site plan may be performed as an alternate method of land division under the following circumstances:

A. The division of land into two (2) or more lots, parcels, or tracts located in a commercial or industrial zoning district.

B. The division of land for lease when no other structure other than mobile (manufactured) homes or recreational vehicles are to be placed on the land.

C. The division of land into lots or tracts when performed in accordance with RCW 64.32, RCW 64.34, and RCW 58.17.040(7).

17.10.020 Administration

The administration of this Chapter is set forth within the provisions of this Chapter and Title 12 of the Chelan County Code. The Director is vested with the duty of administering and interpreting the provisions of this Title and with the authority to summarily approve, approve with conditions, disapprove, or return for modification all proposed binding site plans. Prior to the submission of a binding site plan application, the applicant shall arrange for a pre-application meeting as required and outlined in Chapter 14.08.010 of Title 14, Chelan County Code

17.10.030 Application

An applicant shall submit a complete binding site plan application to the Chelan County Department of Building/Fire Safety & Planning. A complete application for the purposes of this Chapter shall consist of the following:

A fully completed and signed (by those individuals or corporations holding any ownership, fiduciary or security interest) binding site plan application form provided by the Department Building/Fire Safety & Planning that contains the information as required by Title 12, Article V, Chelan County Code

B. Ten (10) copies of a scaled drawing of at least one (1) inch to one hundred (100) feet

1. which provides the following information:

1. A legal description of the area being divided, including Assessor's Parcel Number.
2. The boundaries of the section (or plat or lots) within which the binding site plan lies;
3. The boundary lines, dimensions and area of the binding site plan and the lots within it;
4. Proposed binding site plan name and lot numbers;
5. The location and width of all roads, access easements and driveways;
6. The location and width of all existing and proposed utility easements;
7. The boundaries, dimensions and area of all tracts or parcels to be dedicated or reserved for public or community uses;
8. The location of all existing and proposed water distribution systems, sewage disposal systems, storm water systems, and irrigation systems;
9. Fire hydrant locations within or adjacent that will be connected to;
10. The location of the 100 year floodplain and floodway, if applicable;
11. The location of all water courses and the ordinary high water mark and approximate boundaries of all areas subject to inundation, if applicable,
12. Contours at two (2) foot intervals for zero (0) to five (5) percent cross slope; five (5) foot intervals for five (5) to thirty (30) percent cross slope; ten (10) foot intervals for over thirty (30) percent cross slope; and spot elevations to determine the general slope of high and low points thereof;
13. Location of all existing structures, wells, overhead and underground utilities, municipal boundaries, and other important physical features;
14. Zoning and comprehensive plan designations; and
15. North arrow.

C. Three (3) sets of road plans and profiles for all proposed roads and improvement specifications.

D. The delineation, location, classification, and required analysis or mitigation plans as required for critical areas, including fish and wildlife habitat conservations areas; aquifer recharge areas, geologically hazardous areas, wetlands, and frequently flooded areas as presently contained in the Title 11, Chelan County Code, or as amended.

E. Assessors parcel map of property and surrounding properties within three hundred (300) feet.

F. SEPA checklist, if required.

G. Any other information deemed necessary by the Director for the adequate review of the proposed binding site plan in conformance with the provisions of this Title and all other applicable federal, state and local regulations.

H. Payment of all applicable review fees.

17.10.040 Preliminary binding site plan review

A. Binding site plans shall be subject to the procedures established in Title 14 and Title 12, Article V of the Chelan County Code.

B. Once the determination of a complete application is made, the Director shall solicit comments on the proposal pursuant to Article V, Title 12 of the Chelan County Code. The referral agencies shall have fourteen (14) calendar days to return their written comments. Failure of the referral agencies to respond within the prescribed time will be interpreted as having no comment on the proposal as submitted.

C. Pursuant to the timelines delineated within Title 14, Chelan County Code, or such other period as the applicant may authorize, the Director shall approve, conditionally approve, or disapprove the proposed binding site plan in writing, subject to the review criteria and required findings as outlined in Article V, Title 12, Chelan County Code and Section 17.10.050.

17.10.050 Review criteria and required findings

A. The proposed preliminary binding site plan shall be reviewed and approved only when the following criteria and findings are satisfied:

1. Compliance with the provisions of this Title and all other applicable Titles contained in the Chelan County Code;
2. Conformity with all applicable zoning requirements;
3. Conformance with the provisions contained in the comprehensive plan;
4. Consistency with applicable design standards;
5. Compliance with the provisions of any applicable federal, state and local law;
6. Appropriate provisions are made for; but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including safe walking conditions for students who only walk to and from school; and
7. The public interest will be served by the binding site plan and dedications.

B. The Director may disapprove a proposed binding site plan because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

C. As a condition of approval, the Director may require dedication of land to any public body, provisions of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090.

1. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

D. Preliminary binding site plan approvals are valid for a period of five (5) years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 17.20 and filed for record with the Chelan County Auditor. If the conditions attached to the preliminary binding site plan approval are not satisfied or appropriately bonded for, and the binding site plan is not filed for record within the required period, preliminary approval of the binding site plan shall become null and void.

17.10.060 Final approval and recording

A. Upon the receipt of seven(7) blue line copies of the final mylar; prepared by a surveyor, in conformance with the provisions contained in this section; a plat certificate issued within the preceding one hundred twenty (120) days, including confirmation that the title to the lands as described and shown on said binding site plan is vested in the owners whose names appear on the plat certificate, including beneficiaries of fiduciary interest, judgments and liens, or instrument of dedication, and any easements or restrictions affecting the property, with a description of the and any easements or restrictions affecting the property, with a description of the within twenty-one (21) days of receipt.

B. The final binding site plan submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of one hundred (100) feet to the inch (or a scale approved by the administrator) under the supervision of a land surveyor registered in the State of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to the requirements of the Survey Recording Act, RCW 58.09, as it now exists, or as amended, and the following additional information:

1. A certificate bearing the names of all persons having an ownership interest in the land, including beneficiaries of fiduciary interest, liens and judgments signed and acknowledged by them before a Notary Public which: a. states their consent to the division; b. grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;
2. A space for approval and official seals of the Short Plat Administrator, Public Works Director, Chelan/Douglas Health District, Chelan County Fire Marshal or jurisdictional Fire District, acknowledgement of taxes paid by the Chelan County Treasurer, and recording by the Chelan County Auditor;
3. Permanent control monuments shall be established at controlling comers on the boundaries of the subdivision, the intersections of the centerline tangents of roads within the subdivision or points of, the beginning and ends of curves on centerlines, and all block and lot corners. All other surrounding property shall be labeled in dotted lines;
4. Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary;
5. For a binding site plan that contains or is subject to a dedication, a certificate shall be placed on the face of the final binding site plan mylar that contains the dedication of all streets and other areas to the public, and a waiver of claims;
6. Binding site plan name and number as assigned by the Director;
7. Legal description;
8. North arrow, numeric & graphic scale, and lot numbers;
9. Assigned street addresses;

10. All utility easements;
11. All notes as required by the conditions of approval;
12. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the auditor's recording number;
13. Location, width, and name of all streets, alleys, and other public or private ways within and adjacent to the land division; and
14. The delineation of the 100 year floodplain and floodway and any wetlands, when present.

C. An approved binding site plan shall not be filed for record with the Chelan County Auditor until the applicant has constructed or bonded for all improvements and satisfied all conditions as required by the Director in the granting of preliminary approval.

D. A binding site plan shall not be considered final until recorded with the Chelan County Auditor.

E. Any lots in a final binding site plan filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five (5) years from the date of filing. A binding site plan shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval for a period of five (5) years after final binding site plan approval unless the Chelan County Department of Building/Fire Safety & Planning finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

Chapter 17.12

Major Subdivision

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17.12.010 Applicability

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17.12.010 Applicability

Every division of land into five (5) or more lots, plots, sites, parcels, or tracts within the City of Leavenworth Urban Growth Area shall proceed in compliance with this Chapter.

17.08.020 Administration

The administration of this Chapter is set forth within the provisions of this Chapter and Title 12 of the Chelan County Code. The Director is vested with the duty of administering and interpreting the provisions of this Title. The Chelan County Hearing Examiner is given the authority to summarily approve, approve with conditions, disapprove, or return for modification all proposed major subdivisions per Title 14 of the Chelan County Code. Prior to the submission of a major subdivision application, the applicant may arrange for a pre-application meeting as outlined in Chapter 14.08.010 of the Chelan County Code.

17.08.030 Application

An applicant shall submit a complete major subdivision application to the Chelan County Department of Building/Fire Safety & Planning. A complete application for the purposes of this Chapter shall consist of the following:

A. A fully completed and signed (by those individuals or corporations holding any ownership, fiduciary or security interest) short subdivision application form provided by the Department of Building/Fire Safety & Planning that contains the information as required by Article IV, Title 12, Chelan County Code.

B. Ten (10) copies of a scaled drawing of at least one (1) inch to one hundred (100) feet which provides the following information:

1. A legal description of the area being divided, including Assessor's Parcel Number;
2. The boundaries of the section (or plat, or lots) within which the short plat lies;
3. The boundary lines, dimensions and area of the short plat and the lots within it;
4. Proposed short plat name and lot numbers;
5. The location and width of all roads, access easements and driveways;
6. The location and widths of all existing and proposed utility easements;
7. The boundaries, dimensions and area of all tracts or parcels to be dedicated or reserved for public or community uses;
8. The location of all existing and proposed water distribution systems, sewage disposal systems, storm water systems, and irrigation systems;
9. Fire hydrants locations within or adjacent that will be connected to;
10. The location of the 100 year floodplain and floodway, if applicable;
11. The location of all water courses and the ordinary high water mark an approximate boundaries of all areas subject to inundation, if applicable;
12. Contours at two (2) foot intervals for zero (0) to five (5) percent cross slope; five (5) foot intervals for five (5) to thirty (30) percent cross slope; ten (10) foot intervals for over thirty (30) percent cross slope; and spot elevations to determine the general slope of high and low points thereof;
13. Location of all existing structures, wells, overhead and underground utilities, municipal boundaries- and other important physical features;
14. Zoning and comprehensive plan designations; and
15. North arrow.

C. Three (3) sets of road plans and profiles for all proposed roads and improvement specifications.

D. The delineation, location, classification, and required analysis or mitigation plans as required for critical areas, including fish and wildlife habitat conservation areas, aquifer recharge areas, geologically hazardous areas, wetlands, and frequently flooded areas as presently contained in the Chelan County Zoning Resolution, Title 11, as amended. At the discretion of the Director, final analysis and plans may be required at the time of preliminary approval if adequate review of the proposal can occur;

E. Assessors parcel map of property and surrounding properties within three hundred (300) feet.

F. SEP A checklist or other environmental information as required in Chapter 16.04 LMC:

G. Any other information deemed necessary by the Director for the adequate review of the proposed short subdivision in conformance with the provisions of this Title and all other applicable federal, state and local regulations.

H. Payment of all applicable review fees.

17.08.040 Preliminary plat review procedures

- A. Preliminary plats shall be subject to the procedures established in title 14 and Title 12, Article IV of the Chelan County Code.
- B. Once the determination of a complete application is made, the Director shall solicit comments on the proposed preliminary plat pursuant to Article IV, Title 12 of the Chelan County Code. The referral agencies shall have fourteen (14) calendar days to return their written comments. Failure of the referral agencies to respond within the prescribed time will be interpreted as having no comment on the proposal as submitted.
- C. Upon the completion of the public comment period and the comment period required for SEP A, a public hearing shall be held for review of the proposed preliminary plat in conformance with the provisions contained in Section 14.10.040, Quasi-Judicial Review of Applications, Title 14, of the Chelan County Code. The Director shall submit a report to the Hearing Examiner reviewing the proposed preliminary plat and its conformance to the requirements of this Title and all other applicable Titles contained in the Chelan County Code, and the review criteria outlined in Article IV, Title 12 of the Chelan County Code and section 17.12.050.
- D. Pursuant to the timelines delineated within Title 14, Chelan County Code, or such other period as the applicant may authorize, the Director shall approve, conditionally approve, or disapprove the proposed short subdivision in writing, subject to the review criteria and required findings as outlined in Article IV, Title 12 of the Chelan County Code and Section 17.12.050.

17.08.050 Preliminary plat review criteria and required findings

- A. The proposed preliminary short subdivision shall be reviewed and approved only when the following criteria and findings are satisfied:
 - 1. Compliance with the provisions of this Title and all other applicable Titles contained in the Chelan County Code
 - 2. Conformity with all applicable zoning requirements;
 - 3. Conformance with the provisions contained in the comprehensive plan;
 - 4. Consistency with applicable design standards;
 - 5. Compliance with the provisions of any applicable federal, state and local law;
 - 6. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including safe walking conditions for students who only walk to and from school; and,
 - 7. The public interest will be served by the subdivision and dedication(s).
- B. The Hearing Examiner may disapprove a proposed short subdivision because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.
- C. As a condition of approval, the Hearing Examiner may require dedication of land to any public body, provisions of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

- D. Preliminary short subdivision approval is valid for a period of five (5) years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 17.20 and filed for record with the Chelan County Auditor. If the conditions attached to the preliminary short subdivision approval are not satisfied or appropriately bonded for, and the short plat is not filed for record within the required period, preliminary approval of the short subdivision shall become null and void.

17.08.060 Preliminary plat approval – phased development

Where subdivision development is proposed in distinct phases, preliminary plat approval must be granted for the entire subdivision. The plat map must delineate the separate divisions or phases that are to be developed. The preliminary plat approval is conditional upon the completion of the proposed phases in the stated sequence. Final plat approval is required for each separate phase or combined phases of the preliminary plat. All phases of said preliminary plat shall be completed and filed for record within the five (5) year period as outlined in Section 17.12.050(D).

17.12.070 Final approval and recording

- A. Following city approval of a preliminary plat, the applicant may cause the subdivision or any part thereof to be surveyed and a final plat map prepared within the timeframe period provided in RCW 58.17. Upon receipt of six copies of the final mylar, prepared by a surveyor in conformance with the provisions contained in this section; a plat certificate issued within the preceding 30 days, including confirmation that the title to the lands as described and shown on said plat are vested in the owners whose names appear on the plat certificate or instrument of dedication, and any easements or restrictions affecting the property, with a description of the purpose and referenced by the auditor's recording number; and applicable review fees; the director shall circulate the copies to agencies and individuals whose signatures are required on the final mylar for recording. Final plats shall be approved or returned with corrections to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. Upon return with corrections, said corrected copies (redlines) shall be processed in accordance with the time established pursuant to Chapter 21.07, as applicable. Said corrections shall be made, and conformance to conditions imposed on the approved preliminary plat satisfied prior to submission of the final plat for recording.
- B. No permit for the construction of improvements within an approved subdivision shall be issued by the County until all construction drawings, proposed performance guarantees, and other submittals in conformance with engineering design standards have been received and approved by the Public Works Director. All construction of improvements shall be inspected and approved in conformance with engineering design standards.
- C. The final plat submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of one hundred (100) feet to the inch (or a scale approved by the Director under the supervision of a land surveyor registered in the State of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to the requirements of the Survey Recording Act, RCW 58.09, as it now exists, or as amended. The final short plat mylar shall contain the following additional information:

1. A certificate bearing the names of all persons having an ownership interest in the land, including beneficiaries of fiduciary interest, liens and judgments signed and acknowledged by them before a Notary Public which: a. states their consent to the division; b. grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;
 2. A space for approval and official seals of the Short Plat Administrator, Public Works Director, Chelan/Douglas Health District, Chelan County Fire Marshal or jurisdictional Fire District, acknowledgement of taxes paid by the Chelan County Treasurer, and recording by the Chelan County Auditor;
 3. Permanent control monuments shall be established at controlling comers on the boundaries of the subdivision, the intersections of the centerline tangents of roads within the subdivision or points of, the beginning and ends of curves on centerlines, and all block and lot corners. All other surrounding property shall be labeled in dotted lines;
 4. Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary;
 5. For a short subdivision that contains or is subject to a dedication, a certificate shall be placed on the face of the final short plat mylar that contains the dedication of all streets and other areas to the public, and a waiver of claims;
 6. Subdivision name and number as assigned by the Director;
 7. Legal description;
 8. North arrow, numeric & graphic scale, and lot numbers;
 9. Assigned street addresses;
 10. All utility easements;
 11. All notes as required by the conditions of approval;
 12. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the auditor's recording number;
 13. Location, width, and name of all streets, alleys, and other public or private ways within and adjacent to the land division; and
 14. The delineation of the 100 year floodplain and floodway and any wetlands, when present.
- D. An approved subdivision shall not be filed for record with the Chelan County Auditor until the applicant has constructed or bonded for all improvements, and satisfied all conditions as required by the Director in the granting of preliminary approval.
- E. A subdivision shall not be considered final until recorded with the Chelan County Auditor.
- F. Any lots in a final plat filed for record shall be a valid land use, notwithstanding any change in zoning laws for the period provided for within RCW 58.17 from the date of filing. A major subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval for a period of five (5) years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.
- G. Any failure to record the final plat within the time limit specified in RCW 58.17 shall render the plat null and void.

Sections

- 17.14.010 Compliance with other plans and regulations
- 17.14.015 References to Title 14, Development Standards
- 17.14.020 Subdivision names
- 17.14.030 Block standards
- 17.14.040 Lot standards
- 17.14.050 Water supply
- 17.14.060 Sewage disposal
- 17.14.070 Storm drainage
- 17.14.080 Fire protection standards
- 17.14.090 Utilities
- 17.14.100 Access standards
- 17.14.110 Curbs, gutters, and sidewalks

17.14.010 Compliance with other plans and regulations

All major subdivisions, short subdivisions, plat alterations and binding site plans shall conform to the standards and requirements set forth in this Title; the Leavenworth Comprehensive Plan; Chelan County Codes; including Title 11, Zoning, Title 14, Development Permit Procedures & Administration, Title 15 Development Standards, Title 16, Enforcement and Violations and any other applicable improvement standards, specifications, and procedures as set forth and administered by Chelan County.

17.14.015 References to Title 14, Development Standards

Throughout Title 17, Subdivisions, there are references to Title 14, Development Standards. As of April 13, 2004, there are currently four Chapters in Title 14: Utility Reimbursement Agreements, Old World Bavarian Architectural Theme, Signs, and Off-Street Parking and Loading. The intention is to adopt additional chapters on streets, water, wastewater, stormwater, fire protection, clearing and grading, street lighting, garbage and perhaps others which remain to be determined. Until such time as these additional standards are adopted, projects shall be regulated as follows in this section, and at the time of adoption of the additional Chapters of Title 14, this Section shall be deleted.

- A. Design detail, workmanship, and materials for utilities and public works improvements shall be in accordance with the current editions of:
 - 1. Washington State Department of Transportation "Standard Specifications for Road, Bridge, and Municipal Construction", in its entirety, as amended;
 - 2. "Standard Plans for Road, Bridge, and Municipal Construction", as amended. All are written and promulgated by the Washington State Chapter of the American Public Works Association and the Washington State Department of Transportation. The standard provided therein shall apply except where standards contained in this Title or elsewhere in the Leavenworth Municipal Code provide otherwise.
 - 3. Chelan County Code, Title 15, Development Standards. If there are conflicts between the standards referenced in this Chapter, Chelan County Code, Title 15 Development Standards shall prevail
- B. All applicable rules of Washington State shall be adhered to with respect to safety, construction methods, and other state requirements. These include, but are not limited to:

1. The Revised Code of Washington (RCW's); and
 2. The Washington Administrative Code (WAC's).
- C. Specifications contained in the following documents shall be applicable when pertinent, when specifically cited in the standards, or as required by a permitting authority or agency:
1. Conditions and standards as set forth in the City of Leavenworth Comprehensive Water System Plan (CLCWSP), November 2002, as amended;
 2. Conditions and standards as set forth in the City of Leavenworth Wastewater Facilities Plan (CLWFP), April 1996, as amended;
 3. Conditions and standards as set forth in the City of Leavenworth Comprehensive Plan (CLCP), August 2003, as amended;
 4. Rules and regulations as adopted in the Leavenworth Municipal Code (LMC), April 13, 2004, as amended
 5. For Federally funded projects, the criteria set forth in the current edition of the Local Agency Guidelines (LAG), as approved by the Washington State Department of Transportation, as amended;
 6. For Federally funded projects, the conditions and standards as set forth in the current edition of the WSDOT Design Manual as adopted by the Washington State Department of Transportation, as amended;
 7. Conditions and standards as set forth in the current edition of the US Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the Washington State Department of Transportation, as amended;
 8. Criteria set forth in "Criteria for Sewage Works Design", Washington State Department of Ecology Publication, current edition, as amended;
 9. Standards and regulations set forth in WAC Chapters 246 through 290 for Group A Public Water Systems, as amended; and
 10. The currently adopted stormwater manual for Chelan County, as amended.
 11. Applicable conditions and standards pursuant to RCW 47.50, Highway Access Management, and WAC 468.51 and 468.52, as amended.
- D. Required fire protection shall be per the conditions and standards as set forth in the currently adopted edition of the International Fire Code, as amended, and per any other related standards, as applicable.
- E. The standards and requirements established or referenced by this Title are minimum requirements. These standards may be increased and additional requirements may be imposed for the purpose of mitigating identified probable significant adverse environmental impacts pursuant to the State Environmental Policy Act, RCW 43.21C, but shall not be limited to, off-site improvements to any public facility, the dedication and/or improvement of parks and open spaces, and monetary contributions to any city fund established to finance the provision of public services.

17.14.020 Subdivision names

All naming of subdivisions shall be in accordance with RCW 65.04.09. No major subdivision shall be approved that bears a name that uses wording that is the same or similar to another subdivision that has been recorded by the Chelan County Auditor, except for a phased subdivision. All names shall be approved by the Chelan County Auditor prior to recording. No

street shall be named that bears a name that uses wording that is the same or similar to another street as approved by the Chelan County Public Works Director.

17.14.030 Block standards

Block lengths and widths shall conform to the most advantageous development of adjoining areas and the entire neighborhood; provide conformity with the comprehensive plan; consider topographic constraints, lot size, critical areas, proposed land use, traffic flow; and the following standards:

- A. Block lengths shall not exceed a maximum of 1,320 feet, and a minimum of 400 feet between street lines. The Public Works Director is vested with the authority to vary these standards if circumstances such as topographic conditions or present lot configurations exist that prevent the use of these standards. The Public Works Director shall determine that varying these standards would not adversely affect adjacent properties.
- B. The width of blocks shall be sufficient to allow for two (2) tiers of lots with depths consistent with the type of land use proposed. The width shall not be less than one hundred forty (140) feet or the sum of two (2) lot depths, except one (1) tier of lots is encouraged between a residential street and an arterial street. The Public Works Director is vested with the authority to vary these standards if circumstances such as topographic conditions or present lot configurations exist that prevent the use of these standards. The Public Works Director shall determine that varying these standards would not adversely affect adjacent properties.
- C. For lots with access provided by cul-de-sacs or looped streets, the standards noted in this section may be modified by the Public Works Director to require block lengths and widths that lend themselves to later re-subdivision in accordance with the standards prescribed in this Title, Title 14, Development Standards, and the Leavenworth Comprehensive Plan.

17.14.040 Lot standards

All lots shall be designed to be suitable for the general uses as allowed in their applicable zoning designation and shall have the minimum width and depth sufficient to meet the requirements of Title II, Chelan County Zoning Resolution, and the following standards:

- A. Lot shapes shall be designed to avoid awkward configurations or appendages.
- B. Each lot shall have a depth that can meet minimum yard setback requirements, provide a satisfactory building envelope, and provide areas for standards required in the Chelan County Code such as off-street parking, landscaping, etc.
- C. Side lot lines shall run at right angles to the street upon which the lot faces and curved streets shall be radial to the curve, except where topography, the shape of the parent parcel, or natural features prohibit.
- D. All proposed lots exceeding a twenty (20) percent slope must demonstrate adequate areas to locate a level building area, including cuts and fills upon the request of the Director. Cross sections of driveways may also be required to ensure proposed grades are appropriate for access and emergency response.

17.14.050 Water supply

All lots shall be served by the domestic water system of the City of Leavenworth if within an existing service pressure zone. Property outside of an existing pressure zone may be served by private domestic wells. All water supply systems shall be designed and constructed according to

all applicable provisions of Title 14, Development Standards and specifications on file in the office of the Director of Public Works. The City of Leavenworth will review and approve applications for compliance with the standards provided in this Chapter.

17.14.060 Sewage Disposal

A. All sanitary sewers shall be designed and constructed according to all applicable provisions of Title 14, Development Standards, and specifications on file in the office of the Director of Public Works unless otherwise provided for in the Leavenworth Municipal Code. The City of Leavenworth will review and approve applications for compliance with the standards provided in this Chapter.

B. All major subdivisions and all land divisions within two hundred (200) feet of an existing sanitary sewer main shall extend the sewer main to the furthest lot line in the subdivision and connect to the sanitary sewer system of the City of Leavenworth.

C. All proposed short plats located in excess of two hundred (200) feet of an existing sewer main may be served by an on-site sewage disposal system, with the following conditions

1. A latecomers agreement shall be executed pursuant to Chelan County Code, Title 15, Development Standards, Chapter 15.60, Latecomer's Agreements, or the Leavenworth Municipal Code, Title 14, Section 14.04, Utility Reimbursement Agreements; and
2. A covenant/agreement shall be executed obligating the property owner, heirs and successors not to object and to participate in the formation of a future Local Improvement District (LID) or Utility Local Improvement District.

17.14.070 Storm drainage

All lots shall be provided with adequate provisions for storm drainage that is connected to the storm drainage system of the City or other on-site system as approved by the Director of Public Works. All storm drainage systems shall be designed and constructed according to all applicable provisions of the currently adopted storm water manual for Chelan County, as amended. Chelan County will review and approve applications for compliance with this Chapter.

17.14.080 Fire protection standards

The fire protection standards contained in Title 15, Chelan County Development Standards, are required for all subdivisions.

17.14.090 Utility standards

All utilities designed to serve all subdivisions shall be placed underground and shall be in conformance with the provisions contained in Title 15, Chelan County Development Standards, unless topographic constraints otherwise prohibit their placement underground. Easements may be required along the lot lines or through blocks were necessary for the extension of existing or planned utilities. Such easements shall have written approval from the utility purveyor prior to the acceptance of the final plat.

17.14.100 Access standards

All lots shall be provided with access via an improved public street meeting the specifications contained in Title 15, Development Standards, CCC, and as designated in the City of Leavenworth Comprehensive Plan. Streets shall be improved to the standards as

outlined in the CCC and as a condition of final plat approval. All streets shall be dedicated to Chelan County except as otherwise provided for, and the following:

- A. No residential lots shall have street frontages along two (2) opposite boundaries unless topographical features or existing parcel or lot shape or the need to provide access to lots via a residential street verses a arterial street is needed.
- B. Private driveway easements or vehicular access over flag lots shall serve no more than a total of two lots in addition to the lot the easement originates from, and are intended to be allowed only in the cases to provide access to existing developed areas for infill development purposes; provided the following standards are complied with:
 - 1. Lots accessed via a private driveway shall be created from legal lots of record, existing prior to April 13, 2004.
 - 2. Private driveway accesses shall be developed to the standards contained in Title 15, Development Standards, and shall be considered appropriate access by the County Engineer and Chief of Chelan County Fire District #3.
 - 3. For all lots with access via a private driveway easement, a road maintenance and upgrading agreement will be required and shall be noted on the face of the final plat mylar.
 - 4. Private driveway easements or flag lots cannot be used for access where access to more remote properties would be inhibited or where the development standards for streets outlined in Title 15 could be accommodated, or for properties that can be further subdivided, unless topography, wetlands, or other natural features necessitate this type of access. The Public Works Director is vested with the authority to make this determination.
 - 5. Access via a private driveway easement shall be limited to one (1) such access on the parent parcel existing at the time of adoption of this code (April 13, 2004).
 - 6. Multiple private driveway easements shall not be allowed in place of a city street adequate to serve the area or development built to the standards outlined in Title 15 CCC.
- C. Street right-of-ways along the boundary of a subdivision shall conform to the provisions set forth in Title 15, Development Standards, CCC and as identified in the Leavenworth Comprehensive Plan.

17.14.110 Curbs, gutters, and sidewalks

Permanent concrete curbs, gutters, and sidewalks shall be provided in conformance with the standards contained in Title, 15 Development Standards, CCC.

17.14.120 Design deviations – Planned Developments

Flexible development standards provide a means of allowing development to occur that is not limited to the strict application of the City of Leavenworth Subdivision regulations, Title 17, and Chelan County Zoning Resolution, Title 11 Chelan County Code. The use of discretion by the Hearing Examiner to approve, deny, or modify the proposal submitted by the developer may be required to achieve the purposes of this Section and to carry out the intent of the City of Leavenworth Comprehensive Plan. Specific guidelines are as follows:

1. Allow flexibility in design and development that will result in a more desirable and efficient use of land by reviewing developments on a project level rather than on a building by building or lot by lot basis.
2. Permit flexibility of design, placement of improvements, use of open spaces, pedestrian and vehicular circulation, parking areas, street/road design standards, landscaping, and other design standards to better utilize unique site characteristics.
3. Provide a guide for the development community and county representatives who review and approve developments to ensure the standards and purposes of this section are met.
4. Planned Developments proposed within the Leavenworth Urban Growth Area shall be subject to the provisions of Chapter 11.76, Planned Development Overlay District, of the Chelan County Zoning Resolution, as amended, and shall be processed pursuant to Title 14, Development Permit Procedures and Administration, of the Chelan County Code, as amended.

Chapter 17.16

Cluster Subdivision

Cluster Subdivisions will be administered pursuant to Chelan County Code Title 14 and Title 12, Article VII, Cluster Subdivisions.

Chapter 17.18

Enforcement and Appeals

Enforcement and Appeals will be administered pursuant to Chelan County Code Title 12, Article XIII, Penalties and Enforcement.'

Chapter 17.20

Subdivision Fees and Performance or Surety Bonds

Subdivision fees and performance or surety bonds will be administered pursuant to Chelan County Code, Title 14, Development Permit Procedures & Administration.