

Chapter 25.10

ADEQUACY OF PUBLIC FACILITIES

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25.10.010 Purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

- A. Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to development;
- B. Allocating the cost of those facilities and services fairly;
- C. Providing a general framework for relating development standards and other requirements of this code to:
 - 1. Adopted service level standards for public facilities and services;
 - 2. Procedural requirements for phasing development projects to ensure that services are provided as development occurs; and
 - 3. The review of development permit applications.
- D. Provide alternatives for prospective developers of land within the city to mitigate the direct impacts that have been specifically identified by the city as a consequence of proposed development, and to make provisions for, including but not limited to the public health, safety, and general welfare, for municipal infrastructure and services.

25.10.020 General requirements.

A. All new development proposals including any use, activity, or structure allowed by Title 17, Zoning, that requires city of Chelan approval shall be adequately served by the following facilities and services prior to the time of occupancy, plat recording, or other land use approval, as further specified in this chapter:

- 1. Sewage disposal;
- 2. Water supply;
- 3. Stormwater management;
- 4. Roads and access;
- 5. Fire protection service;

- 6. Schools;
- 7. Power.

B. All new development proposals including any use, activity, or structure allowed by Title 17, Zoning, that requires city of Chelan approval shall demonstrate consistency with city plans and codes, and mitigate their demand on public facilities that are included in the capital facilities plan which are designed to provide service to the community at large, as follows:

- 1. Parks and trails;
- 2. Police services; and
- 3. Municipal facilities.

C. Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the city shall consider the revised proposal as a new development proposal.

25.10.030 Adequate sewage disposal.

All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities consistent with Chapter 13.06, Sewer System, and Chapter 25.05, Development Standards.

25.10.040 Adequate water supply.

All new development shall be served by an adequate public or private water supply system consistent with Title 13, Water and Sewers, and Chapter 25.05, Development Standards.

25.10.050 Adequate stormwater management.

All new development shall be served by an adequate stormwater management system. The proposed system is adequate if the development proposal site is served by a stormwater management system approved by the city as being consistent with the design, operating and procedural requirements of the Stormwater Management Manual for Eastern Washington by the Washington State Department of Ecology and consistent with Chapter 25.05, Development Standards.

25.10.060 Adequate transportation.

A. All new development shall be served by adequate roads and nonmotorized infrastructure. Roads and transportation facilities are adequate if the development's traffic impacts on surrounding public roads, pedestrian, and bicycle facilities are acceptable under the level of service standards and concurrency policies of the city's comprehensive plan, capital facilities appendix, and Chapter 25.05, Development Standards.

B. Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established shall establish safe access as follows:

- 1. Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in Title 17, Zoning, and Chapter 25.05, Development Standards;
- 2. Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery or trash collection); and
- 3. Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the responsible official to all required off-street parking spaces on the premises.

25.10.070 Adequate fire protection.

All new development shall be served by adequate fire protection. The site of the development proposed shall be served by a water supply system that provides at least minimum fire flow and a road system or fire lane system that

provides life safety/rescue access, and other fire protection requirements for buildings as required by the International Fire and Building Codes as adopted by the city.

25.10.075 Adequate power facilities.

All new development shall ensure that power is available based on adjacency and capacity. Development may be conditioned to contribute their fair share or dedicate property or easements in order to extend power to the subject property.

25.10.080 Adequate school capacities.

A. In the course of reviewing proposals for residential development including applications for plats or multifamily site plans or building permits, the city shall consider the school district's capital facilities plan as adopted in the city's comprehensive plan.

B. Schools shall be considered to have been provided concurrently with the development which will impact the schools if:

1. The permanent and interim school improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur;
2. Any combination of the following shall constitute the necessary financial commitments for the purposes of subsection (B)(1) of this section:
 - a. The district has received voter approval of and/or has bonding authority;
 - b. The district has received approval for federal, state, or other funds;
 - c. The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan.

25.10.090 Adequate parks.

A. Development shall demonstrate consistency with the following plans and codes to ensure that there is sufficient parks and recreation to meet the demands of new development.

1. Chelan comprehensive plan level of service standards as documented in development applications SEPA documentation per Chapter 14.06, Environmental Procedures and Policies;
2. Title 16, Land Divisions; and
3. Chapter 17.56, Conditional Uses, including Section 17.56.290, Parks, and Section 17.56.300, Community waterfront parks or recreation facilities.

B. Trail improvements shall be made in accordance with adopted city plans listed in subsection (B)(1) of this section et seq. Where such improvements follow public rights-of-way they shall be considered part of street frontage improvements in accordance with city of Chelan public works development standards.

1. Parks, Recreation, and Open Space Plan;
2. Lakeside Trail Feasibility Study;
3. Lake Chelan Valley Trail Plan;
4. Northshore Pathway Feasibility Study;
5. Don Morse Park Shoreline Study and Master Plan;
6. City Resolution 534 dated August 23, 1977;

7. Nonmotorized elements of the city's Transportation Element.

25.10.100 Adequate police protection.

Based on the size, nature, or scope of a development project, the administrator may require preparation of a police demand analysis and potential effects on the delivery of police services in accordance with the city's contract for police services with Chelan County and the city's comprehensive plan, as appropriate. Such an analysis shall be prepared as part of SEPA documentation per Chapter 14.06, Environmental Procedures and Policies.

25.10.110 Adequate municipal facilities.

Based on the size, nature, or scope of a development project, the administrator may require preparation of a municipal facility demand analysis and potential effects on the delivery of the city's administrative services in accordance with the city's comprehensive plan, as appropriate. Such an analysis shall be prepared as part of SEPA documentation per Chapter 14.06, Environmental Procedures and Policies.

25.10.120 Methods to mitigate development impacts.

A. Definition of Development. For purposes of this chapter, the term "development" shall include, but not be limited to, subdivisions, short subdivisions, binding site plans, building permits, infrastructure improvements, and any other development activity defined by Title 17 or 19 or Chapter 25.05, Appendix A.

B. Determination of Direct Impact. Before any development is given the required approval or is permitted to proceed, the official or body charged with deciding whether such approval should be given shall determine direct impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering, but not limited to, the following factors:

1. Predevelopment versus post development need for services such as city streets, sewers, water supplies, drainage, facilities, parks, playgrounds, recreational facilities, schools, police services, fire services, and other municipal facilities and services. Need shall be measured not only from increased demand created by the development itself, but any reduction in the municipal facilities or services brought about as a direct result of the development;
2. Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the immediate vicinity of the proposed development;
3. Size, number, condition and proximity of existing facilities to be affected by the proposed development;
4. Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
5. Likelihood that the users of the proposed development will benefit from any mitigating capital improvements or programs; and
6. Any significant adverse environmental impacts of the proposed development identified in the process of complying with the environmental policy ordinance or the State Environmental Policy Act.

C. Costs. The cost of any investigation, analysis or reports necessary for a determination of direct impact shall be borne by the applicant.

D. Mitigation of Direct Impacts. The official or body charged with granting the necessary approval for a proposed development shall review an applicant's proposal for mitigation, any identified direct impacts and determine whether such proposal is a reasonable and acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. No official or body shall approve a development unless reasonable provisions have been made to mitigate identified direct impacts that are direct consequences of such development.

E. Methods of Mitigation.

1. The methods of mitigating identified direct impacts required as a condition of any development approval may include, but are not limited to, dedication of land to any public body, off-site improvement, on-site improvements, and other capital or noncapital methods that may effectively reduce direct impacts.

2. In lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, the city may approve a voluntary payment agreement with the developer, and shall be subject to the following provisions:

a. The official or body approving development must find that the money offered will mitigate or is a satisfactory alternative to mitigate the identified direct impact.

b. The payment shall be held in a reserve account and may only be expended to fund a capital improvement or program agreed upon by the parties to mitigate the identified direct impact.

c. The payment shall be expended in all cases within ten years of collection, unless otherwise agreed to by the developer.

d. Any payment not expended within ten years of collection shall be refunded to the property owners of record at the time of the refund with interest at the rate earned in the city's reserve account applicable at the time of refund. If the payment is not expended within the five years due to delay attributable to the developer, the payment shall be refunded without interest.

e. Property owners entitled to a refund and/or interest under the provisions of this chapter may voluntarily and in writing waive their right to a refund for specified period of time in the interest of providing the designated capital improvement or other capital improvement or program identified by the property owner, and acceptable to the city.

f. The developer may voluntarily and in writing waive, on behalf of the developer and subsequent purchasers, the right to interest and or a refund in order to facilitate completion of an improvement. Under no condition shall such a waiver be required as a condition of approval. Such waiver shall be recorded with the county auditor and shall be binding on subsequent owners.

3. The developer or applicant may choose to pay a fee in lieu of reservation of all or portions of open space areas required. If the applicant offers to pay money in lieu of open space and if the city accepts the offer, the amount shall be determined based upon the square footage of open space which otherwise would have been required to be provided times the then-current market value per square foot of similarly situated property.

F. Appeals. Any decision of the city official or body made under this chapter, including the determination of direct impact, the type and amount of impact, the extent of the mitigation required, and the selection of the method of mitigation shall be subject to appeal in the same manner and at the same time as appeals of the underlying development permit. Failure to appeal such decision shall prevent the applicant from further judicial review of this issue.