

Title 11
SUBDIVISIONS

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Chapter 11.04

GENERAL PROVISIONS

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11.04.010 Applicability.

Every division of land into two or more lots, parcels, or tracts within the corporation limits of the city of Wenatchee shall proceed in compliance with this title.

11.04.020 Exemptions.

The provisions of this title shall not apply to:

- (1) A cemetery or other burial plot while used for that purpose;
- (2) Any division of land not containing a dedication in which the smallest lot created by division exceeds 20 acres;
- (3) Any division of land made by testamentary provision or the laws of descent;
- (4) Any division of land for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed upon the land, and the city has approved a binding site plan, which has been filed for record with the Chelan County auditor;
- (5) A division of land occurring in the commercial or industrial zoning districts having an approved binding site plan, which has been filed for record with the Chelan County auditor;
- (6) A division made for the purpose of adjusting boundary lines which does not create any additional lots, tracts, parcels, sites, or divisions, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements for width and area, for building;
- (7) A division made pursuant to Chapter 64.32 RCW (Horizontal Regimes Act) or Chapter 64.34 RCW (Condominium Act) and the city has approved a binding site plan, which has been filed for record with the Chelan County auditor.

11.04.030 Comprehensive plan.

The Wenatchee Urban Area Comprehensive Plan shall guide the use of all land within the city. The type and intensity of land use as shown on the comprehensive plan shall be used as a guide to determine the character of land division, including lot size and arrangement and the type and extent of streets and roads, highways, dedications, improvements, services, and other utilities and public facilities.

11.04.040 Suitability for subdivision.

Land which the administrator or technical review committee within their respective responsibilities, or the hearing examiner, finds to be unsuitable for land subdivision due to flooding, bad drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health and future residents,

shall not be subdivided unless adequate methods are provided for overcoming these conditions. Compliance with Chapter 12.08 WCC, Resource Lands and Critical Areas Development, is required for all subdivision and short subdivision applications.

11.04.050 Public facilities and utilities concurrency.

The public facilities and utilities required to be provided as a condition of approval shall be fully operational concurrently with the use and occupancy of the development.

11.04.060 Conformance with standards and policies.

All installations or improvements, including those serving but located outside the subdivision, shall be installed in conformance with all applicable ordinances and codes adopted by the city.

11.04.070 Subdivisions adjacent to resource lands.

Subdivisions within 300 feet of designated resource lands shall contain a notice that a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

11.04.080 Administration and enforcement.

The community development director, or his/her designated representative, hereafter referred to as the administrator, is vested with the duty of administering subdivision and platting regulations within the city of Wenatchee. All procedures, enforcement and appeals shall be pursuant to WCC Title 13, Administration of Development Regulations.

11.04.090 Subdivision review committee.

Repealed by Ord. 2010-24.

11.04.100 Simultaneous application.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned development, site plan approval and similar quasi-judicial or administrative actions pursuant to WCC 13.07.030.

11.04.110 Notice of amendments.

The city of Wenatchee shall provide reasonable advance notice of proposals to adopt, amend or repeal any regulations in accordance with Chapter 58.17 RCW. Advance notice shall be made to any individuals or organizations which have submitted requests for notice. Reasonable fees may be charged to defray the cost of providing said notice.

Chapter 11.08

DEFINITIONS

Sections:

11.08.010	Generally.
11.08.020	Additional dedication.
11.08.030	Alley.
11.08.040	Binding site plan.
11.08.050	Block.
11.08.060	City.
11.08.070	City council.
11.08.080	Comprehensive plan.
11.08.090	Cul-de-sac.
11.08.100	Dedication.
11.08.110	Easement.
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11.08.130	Frontage.
11.08.140	Land.
11.08.150	Lot.
11.08.160	Marketable title.
11.08.170	New dedication.
11.08.180	Official plans.
11.08.190	Planning commission.
11.08.200	Plat.
11.08.210	Preliminary plat.
11.08.220	Reserve easement.
11.08.230	Reverse frontage lots.
11.08.240	Roadway.
11.08.250	Short subdivision.
11.08.260	Short plat.
11.08.270	Street.
11.08.280	Street, public.
11.08.290	Subdivider.
11.08.300	Subdivision.

11.08.010 Generally.

Whenever the following words and phrases appear in this title, they shall be given the meaning attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates a use of discretion in making a decision.

11.08.020 Additional dedication.

“Additional dedication” means the dedication of land for public purposes where a prior dedication exists adjacent thereto and a surveyed alignment has been established.

11.08.030 Alley.

“Alley” means a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public street.

11.08.040 Binding site plan.

“Binding site plan” means a drawing to scale which:

- (1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any matter specified by the zoning ordinance; and

(2) Contains inscriptions or attachments for such appropriate limitations and conditions for the use of the land as are established by the city of Wenatchee zoning ordinance; and

(3) Contains provisions requiring a development to be in conformity with the site plan.

11.08.050 Block.

“Block” means a group of lots, tracts or parcels within well defined and fixed boundaries.

11.08.060 City.

“City” means the city of Wenatchee.

11.08.070 City council.

“City council” means the city council of the city of Wenatchee.

11.08.080 Comprehensive plan.

“Comprehensive plan” means the current comprehensive plan as adopted by the city council pursuant to state law.

11.08.090 Cul-de-sac.

“Cul-de-sac” means a street closed at one end by an area of sufficient size for turning vehicles around.

11.08.100 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

11.08.110 Easement.

“Easement” means the grant by a property owner to specific persons or to the public to use for a specific purpose or purposes.

11.08.120 Final plat.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 271, Laws of 1969, First Ex. Sess. codified as Chapter 58.17 RCW and in this title adopted under this chapter.

11.08.130 Frontage.

“Frontage” denotes the property line which abuts the principal means of access to the property.

11.08.140 Land.

“Land” means all real property in one contiguous ownership, not including platted lots of record.

11.08.150 Lot.

“Lot” means a fractional part of divided lands having fixed boundaries, having sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts and parcels.

11.08.160 Marketable title.

“Marketable title” means an instrument of ownership with sufficient supporting documentation to demonstrate an unencumbered fee simple interest in the land. A statutory warranty deed or some lesser instrument accompanied by a title insurance policy showing ownership is vested in the names of those appearing as grantors constitutes marketable title for the purposes of this chapter.

11.08.170 New dedication.

“New dedication” means the dedication of land for public purposes where no earlier adjacent dedication has been made and no previous alignment established.

11.08.180 Official plans.

“Official plans” means those official maps, development plans or portions thereof, adopted by the city. The “comprehensive plan” is not included in this definition of “official plans.”

11.08.190 Planning commission.

“Planning commission” means the planning commission for the city of Wenatchee.

11.08.200 Plat.

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alley or other divisions and dedications.

11.08.210 Preliminary plat.

“Preliminary plat” means a neat, approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of Chapter 58.17 RCW and this title. The preliminary plat shall be the basis for the approval of the general layout of a subdivision.

11.08.220 Reserve easement.

“Reserve easement” means a strip of land between a subdivision boundary and a street within an approved subdivision, the control of which strip is deeded to the city.

11.08.230 Reverse frontage lots.

“Reverse frontage lots” means a lot which has two opposite sides abutting two parallel or approximately parallel streets.

11.08.240 Roadway.

“Roadway” means that surfaced portion of a street or alley right-of-way that is improved for vehicular traffic only.

11.08.250 Short subdivision.

“Short subdivision” means the division or redivision into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

11.08.260 Short plat.

“Short plat” means the map or representation of a short subdivision.

11.08.270 Street.

“Street” means the dedicated right-of-way which provides a location for vehicular circulations and a means of access to abutting properties. A street may serve, but not be limited to, the location for public utilities, walkways, public open space and recreation area, cut and fill slopes, and drainage.

11.08.280 Street, public.

“Public street” means a street established and adopted by the proper authorities for the use of the general public, and over which every person has a right to pass and use for all purposes of travel or transportation to which it is adapted and developed.

11.08.290 Subdivider.

“Subdivider” means a person, firm, corporation, partnership or association which causes land to be divided or resubdivided into a subdivision for himself or others.

11.08.300 Subdivision.

“Subdivision” means the division or redivision of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, except as provided in WCC 11.04.020.

Chapter 11.12
SHORT SUBDIVISIONS

Sections:

- 11.12.010 Applicability.
- 11.12.020 *Repealed.*
- 11.12.030 Application – Contents.
- 11.12.040 *Repealed.*
- 11.12.050 Time limitation.
- 11.12.060 Approval.
- 11.12.070 Limitation on approval.
- 11.12.080 Filing requirements.
- 11.12.090 Filing – Information disclosure.
- 11.12.100 Additional dedications.
- 11.12.110 *Repealed.*
- 11.12.120 *Repealed.*
- 11.12.130 Minimum improvements.
- 11.12.140 Resubdivision prohibited.

11.12.010 Applicability.

Every division of land into two or more, to a maximum of nine, lots, plots, sites, parcels or tracts within the corporate limits of the city of Wenatchee shall proceed in compliance with this chapter.

11.12.020 Administrator’s duties.

Repealed by Ord. 2010-24.

11.12.030 Application – Contents.

Any person desiring approval of a short subdivision shall file with the administrator a complete application for short subdivision approval pursuant to WCC Title 13, including applicable fees, and five copies and one electronic copy of a sketch of the proposed subdivision along with written data in such form that when read together discloses the following information:

- (1) A legal description of the area being subdivided;
- (2) The names, addresses and telephone numbers of all persons holding interest in the land;
- (3) The boundaries of the section (or portion thereof) within which the short subdivision lies;
- (4) The boundary lines of the short subdivision and of the lots within it;
- (5) The locations of existing roads, easements, important natural features, and improvements within the short subdivision;
- (6) A layout of proposed roads and easements;
- (7) The boundaries of all parcels dedicated or reserved for public or community uses;
- (8) Location of proposed water distribution systems, sewage disposal systems and surface drainage systems;
- (9) Spaces for approval by the administrator and city engineer;
- (10) Any analysis required under Chapter 12.08 WCC, Resource Lands and Critical Areas Development;

(11) Landscape plan for reverse frontage lots in accordance with Chapter 10.62 WCC, Landscaping and Screening.

11.12.040 Adequacy and distribution of plats and plans.

Repealed by Ord. 2010-24.

11.12.050 Time limitation.

Within 30 days following the filing of a complete application pursuant to WCC 13.07.050, or such additional period as the subdivider may authorize, the administrator shall approve or disapprove the proposed short subdivision and shall so notify the applicant in writing.

11.12.060 Approval.

The administrator or his/her duly appointed representatives shall approve outright a short subdivision when all of the following conditions exist and written findings are issued to support:

- (1) When all zoning ordinance standards and the requirements imposed by other city codes and ordinances have been met;
- (2) The public interest will be served by the subdivision and dedication;
- (3) That appropriate provisions are made for, but not limited to, the public health, safety and general welfare for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

Every decision on a short subdivision processed in accordance with this title shall be made in writing and shall include findings of fact and conclusions to support the decision pursuant to WCC 13.09.090.

11.12.070 Limitation on approval.

The approval given to a preliminary short subdivision shall expire pursuant to RCW 58.17.140 unless, within the allowed time frame, a proposed final plat in proper form is filed with the administrator.

11.12.080 Filing requirements.

Each short plat and short subdivision granted pursuant to this chapter shall be filed with the Chelan County auditor and shall not be deemed "approved" until so filed.

11.12.090 Filing – Information disclosure.

Each short subdivision shall be surveyed and monumented by a registered land surveyor and a plat recorded with the auditor shall consist of one or more pages clearly and legibly drawn on a stable base mylar, polyester film or equivalent approved material, and shall contain a map of the short subdivision, the horizontal scale of which shall be 100 feet to the inch, or as allowed by the administrator, together with written data in such form that when read together disclose the following information:

- (1) Legal description of the land as well as each lot;
- (2) The names, addresses and telephone numbers of all persons holding ownership interests in the land along with a title report confirming that the title of the land as described and shown on the short plat is in the name of said persons;
- (3) The name, address, telephone number, seal, and professional license number of the land surveyor registered in the state of Washington who made survey of the short subdivision;
- (4) Date of the survey;
- (5) The boundary lines of the short subdivision;
- (6) The boundaries of lots within the short subdivision;

- (7) The location of existing roads and easements, important natural features and improvements within the short subdivision;
- (8) A layout of proposed roads and easements;
- (9) The boundaries of all parcels dedicated or reserved for public or community uses;
- (10) A certificate or instrument of dedication bearing the typed or printed names of all persons having an ownership interest in the divided land, signed and acknowledged by them before a notary public, which:
 - (a) States their consent to a division of land;
 - (b) Recites a dedication by them of all land shown on the short plat to be dedicated to public use; and
 - (c) If a plat is subject to a dedication, a certificate or separate instrument shall contain the dedication of all streets and other areas to the public and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat and a waiver of all claims for damages against any government authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having an ownership interest in the land subdivided and recorded as part of the plat;
- (11) Signature lines for the subdivision administrator and city engineer;
- (12) A certificate signed by the Chelan County treasurer in substantially the following language:

TREASURER'S CERTIFICATE

I hereby certify that all taxes and assessments which have been levied and become chargeable against the above described property for 20__ and preceding years have been duly paid, satisfied and discharged in the amount of \$_____, and have been deposited with the Chelan County Treasurer this ___ day of _____, 20__.

In addition, a paper copy of the final short subdivision shall be provided to the subdivision administrator, and an electronic copy shall be provided in a format acceptable to the city engineer.

11.12.100 Additional dedications.

Short subdivisions where an additional dedication to the public is required shall not be filed until the city has accepted marketable title for the newly dedicated area.

11.12.110 Appeals.

Repealed by Ord. 2010-24.

11.12.120 Commission action.

Repealed by Ord. 2010-24.

11.12.130 Minimum improvements.

Improvements in short subdivisions shall be installed in keeping with adjacent properties and be generally consistent with provisions listed in Chapters 11.20 and 11.24 WCC, as determined by the city engineer. In all proposed short subdivisions where one or more of the lots is improved with a principal structure at the time of application, curbs, gutters and sidewalks shall be installed on said improved lot(s) if such do not already exist.

The subdivider shall either install all required improvements of a short subdivision, or execute and file an improvement agreement, as approved by the city engineer, in accordance with WCC 11.24.200. Improvement agreements for short subdivisions will only be allowed due to extraordinary circumstances, such as weather. Generally occupancy of buildings will not be permitted until all improvements have been completed.

11.12.140 Resubdivision prohibited.

Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further divided until a final plat thereof has been approved and filed for record pursuant to Chapter 11.16 WCC, except, any short plat containing fewer than four lots may be further divided within five years, provided the total lots created do not exceed four.

Chapter 11.16
MAJOR SUBDIVISIONS

Sections:

Article I. General Provisions

- 11.16.010 Applicability.
- 11.16.020 *Repealed.*
- 11.16.030 Preliminary consultation.

Article II. Preliminary Plats

- 11.16.040 Complete application designated.
- 11.16.050 Application required – Fees.
- 11.16.060 Plats required.
- 11.16.070 *Repealed.*
- 11.16.080 Recommendations of other agencies.
- 11.16.090 *Repealed.*
- 11.16.100 Application and hearing – Notice.
- 11.16.110 Application review criteria.
- 11.16.120 *Repealed.*
- 11.16.130 *Repealed.*
- 11.16.140 Limitation on approval.
- 11.16.150 *Repealed.*
- 11.16.160 Dedications – Required.
- 11.16.170 Dedications – Shown on plat.
- 11.16.180 Protective improvements.
- 11.16.190 Exemption – Corporate membership and responsibilities and conditions.
- 11.16.200 Survey, plat preparation.
- 11.16.210 Standard format.
- 11.16.220 Subdivision design and minimum requirements.

Article III. Final Plats

- 11.16.230 Filing period.
- 11.16.240 Review by administrator.
- 11.16.250 Final plat approval.
- 11.16.260 Submission of additional copies.
- 11.16.270 Surveys.
- 11.16.280 Maps and drawings.
- 11.16.290 Written data.

Article I. General Provisions

11.16.010 Applicability.

Every subdivision of land into 10 or more parcels or lots, as defined herein, shall proceed in compliance with this chapter. Land divided as a short subdivision, the short plat of which has been approved within five years, immediately preceding, shall be subdivided pursuant to this chapter, except as provided in WCC 11.12.140.

11.16.020 Administrator's duties.

Repealed by Ord. 2010-24.

11.16.030 Preliminary consultation.

Prior to the filing of a preliminary plat, the subdivider shall submit to the administrator plans and other information sufficient to describe essential features of the property and the proposed or contemplated uses and development for the purposes of scheduling a formal preapplication meeting in accordance with WCC 13.07.020.

Article II. Preliminary Plats

11.16.040 Complete application designated.

In addition to the information and materials listed under WCC 13.07.050, a complete application for the purposes of this chapter shall consist of all the material required by WCC 11.16.050, 11.16.060, 11.16.170, 11.16.200 and 11.16.210, any analysis required by Chapter 12.08 WCC, and all environmental documents required by Chapter 12.04 WCC.

11.16.050 Application required – Fees.

Any person desiring to subdivide land in the city shall submit an application for subdivision approval to the administrator on forms as required by the administrator. The application shall be accompanied by a filing fee in an amount as required by Chapter 1.99 WMC, Fee Schedules, no part of which is returnable.

11.16.060 Plats required.

A subdivider shall submit with his application five paper copies and one electronic copy of a preliminary plat showing perimeter survey. Preliminary plans shall be drawn upon an 18-by-24-inch sheet acceptable to the city engineer.

11.16.070 Adequacy and distribution of plats.

Repealed by Ord. 2010-24.

11.16.080 Recommendations of other agencies.

Each of the departments, districts, public officials, utility companies or other public agencies shall have 14 days after the application materials have been received in their respective offices within which to forward to the administrator written reports of its findings and recommendations thereon. Any agency or person issuing a recommendation for subsequent approval of a preliminary plat shall not modify the terms of this recommendation without the consent of the applicant. Failure to report in writing within 14 days after transmittal of the preliminary plat shall be interpreted to indicate that the proposed subdivision will not adversely affect the matters of concern to or under the jurisdiction of any department official, utility company or any other public agency.

(1) City Engineer. The city engineer shall submit a report on:

- (a) The improvements required under provisions of this title;
- (b) Adequacy of water supply for domestic purposes;
- (c) Adequacy of sewage disposal system;
- (d) Any easements required;
- (e) The effect of the proposed subdivision and any proposed grading in connection therewith on drainage in the general area and the adequacy of methods of handling drainage and storm water run-off proposed by the subdivider;
- (f) Effects of the proposed subdivision on other public improvements under the jurisdiction of the city engineer;
- (g) The accuracy of the technical information submitted (survey data, mathematical data, computations);

(h) Compliance with adopted level of service standards for public utilities and facilities as set forth in the Wenatchee Urban Area Comprehensive Plan.

(2) Health Officer. The health officer shall submit a report on matters related to the proposed subdivision which may affect the public health.

(3) Wenatchee Fire Marshal. The fire marshal or other appropriate fire official shall submit a report on:

(a) The adequacy of access for emergency vehicles;

(b) Location of fire hydrants and adequacy thereof;

(c) Adequacy of water supply for fire protection purposes;

(d) Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the development of the subdivision.

(4) Administrator. The administrator shall submit a report detailing wherein the proposed subdivision does or does not conform with the requirements of this title and with other standards and policies of the city.

11.16.090 Planning commission hearing – Date.

Repealed by Ord. 2010-24.

11.16.100 Application and hearing – Notice.

The administrator shall give notice of application in accordance with WCC 13.07.080. The administrator shall give notice of a public hearing before the hearing examiner in accordance with WCC 13.07.090; additionally, the hearing notice shall be provided to:

(1) The board of Chelan County commissioners, if the proposed subdivision adjoins the boundaries of Chelan County; and

(2) The State Department of Transportation or its successor, if the proposed subdivision is adjacent to the right-of-way to any state highway.

11.16.110 Application review criteria.

The hearing examiner shall determine if the proposed subdivision conforms to the general purposes of the comprehensive plan and applicable provisions of the Wenatchee City Code, and whether the proposal included appropriate provisions for drainage, roads, alleys, and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds, and other public and private facilities and improvements which comply with adopted level of service standards as established in the Wenatchee Urban Area Comprehensive Plan concurrently with the demand for such facilities and services.

11.16.120 Commission action.

Repealed by Ord. 2010-24.

11.16.130 Records.

Repealed by Ord. 2010-24.

11.16.140 Limitation on approval.

The approval given to a preliminary plat shall expire pursuant to RCW 58.17.140 unless, within the allowed time frame, a proposed final plat in proper form is filed with the administrator.

11.16.150 Expiration.

Repealed by Ord. 2010-24.

11.16.160 Dedications – Required.

No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, alleys, easements for any purpose including water, sewer, or other utilities, fire, police, access control, and other public safety facilities, parks, playgrounds, sites for schools, school grounds, and other general purposes as may be required to protect the public health, safety and welfare.

11.16.170 Dedications – Shown on plat.

All dedications of land shall be clearly indicated on the face of the plat. If a plat is subject to a dedication, a certificate or separate instrument shall contain the dedication of all streets and other areas to the public and individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat and a waiver of all claims for damages against any government authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and recorded as a part of the final plat.

11.16.180 Protective improvements.

If the hearing examiner, upon recommendation of city staff, concludes that the public interest will be served thereby, the hearing examiner may, in lieu of requiring a dedication of land in a subdivision for protective improvements, drainage ways, alleys, sidewalks, parks, playgrounds, recreational, fire, water, sewer and other utility facilities, community or other general purposes, allow said land to be conveyed to a homeowners' association or similar nonprofit maintenance corporation; provided, that sufficient guarantees are included to absolve the city from responsibilities thereof if the hearing examiner so requires.

11.16.190 Exemption – Corporate membership and responsibilities and conditions.

A subdivider who wishes to make a conveyance as permitted by WCC 11.16.180 shall, prior to the time of filing a final plat for approval, supply the subdivision administrator with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of the conveyance or the binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision, that the corporation is empowered to assess the said land for costs of construction and maintenance of the improvements and property owned by the corporation, and that such assessments shall be a lien upon the land. The hearing examiner may impose such other conditions as it deems appropriate to assure the property and improvements owned by the corporation will be adequately constructed and maintained. All documents submitted under this section shall be as approved by the city attorney.

11.16.200 Survey, plat preparation.

The survey of every proposed subdivision and the preparation of preliminary and final plats thereof shall be made by or 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 standard practices and principles for land surveying.

11.16.210 Standard format.

Every preliminary plat shall consist of one or more maps, the horizontal scale of which shall be 100 or less feet to the inch, together with written data in such form that when the maps and written data are considered together, they shall fully and clearly disclose the following information:

- (1) The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the city unless the proposed subdivision is an addition to an existing subdivision;
- (2) The legal description of land contained within the subdivision;
- (3) The names, addresses, and telephone numbers of all persons, firms, and corporations holding interests in the said land;

- (4) The name, address, telephone number, professional license number and seal of the registered land surveyor who made, or under whose supervision the survey of the proposed subdivision was made;
- (5) The date of said survey;
- (6) Boundary lines of the proposed subdivision and, if required by the city engineer, a map showing the section breakdown will be submitted showing bearings and distances surrounding the proposed subdivision;
- (7) All existing monuments and markers found and set;
- (8) All blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block. Such lot and block numbers shall consist of consecutive numbers beginning with number "1." Parcels to be dedicated to the public may be shown by letter designation;
- (9) The total number of lots;
- (10) The location, names, width of all existing streets, roads, and easements within the proposed subdivision and adjacent thereto;
- (11) The approximate boundaries of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses;
- (12) The location and, where ascertainable, sites of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over, or under the land proposed to be subdivided;
- (13) The smallest, largest, and average lot area in the tract;
- (14) A statement of proposed provisions for water supply and sewage disposal;
- (15) Contours at one-foot intervals if required by the city engineer or administrator for zero percent to five percent cross-slope; five-foot intervals for five to 30 percent cross-slope; 10-foot intervals for over 30 percent cross-slope; and slope elevations to determine the general slope of the land and high and low points thereof. Said contours and elevations shall be based upon a datum acceptable to the city engineer;
- (16) Scale, date, north arrow, and area in acres of the subdivision;
- (17) A layout of proposed roads, alleys, utility mains, easements or parcels proposed to be dedicated or reserved for public or community school, park, playground, or other uses;
- (18) A layout of proposed water distribution systems, sewage disposal systems, and drainage systems, including sizes and locations;
- (19) A sketch of the general vicinity in which the land proposed for subdivision lies, and upon which are identified owners of land adjacent to the subdivision and the names of any adjacent subdivisions;
- (20) Copies of all restrictive covenants proposed to be imposed upon land in the subdivision;
- (21) The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map as appropriate;
- (22) If it is contemplated that development proceed by dividing the original proposed subdivision into more than one subdivision, the probable boundaries of each such subdivision shall be shown on the preliminary plat;
- (23) The approximate location of trees along with their identification;

(24) Landscape plan for reverse frontage lots in accordance with Chapter 10.62 WCC, Landscaping and Screening.

11.16.220 Subdivision design and minimum requirements.

Every subdivision shall conform with design standards as provided for in Chapters 11.20 and 11.24 WCC.

Article III. Final Plats

11.16.230 Filing period.

At any time within the statutory period provided in RCW 58.17.140 following city approval of a preliminary plat, the subdivider may cause the subdivision or any part thereof to be surveyed and a final plat map prepared. The original, one electronic copy and five paper copies shall be filed with the administrator. Any failure to record the final plat within the time limit specified in WCC 11.16.140 shall terminate all proceedings.

11.16.240 Review by administrator.

The administrator shall verify:

- (1) That the final plat meets all standards established by state law and this title relating to final plats;
- (2) That conditions imposed when the preliminary plat was approved have been met;
- (3) That the proposed final plat bears the certificates and statements of approval required by this title;
- (4) That a title report, from a title insurance company authorized to do business in the state of Washington, confirms that title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;
- (5) That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided bonds in a form acceptable to the city attorney, and in an amount and with responsible sureties commensurate with improvements remaining to be done, securing to the city the construction and installation of the improvements within a fixed time set by the city council.

11.16.250 Final plat approval.

The City Council shall determine at a public meeting:

- (1) Whether the requirements of state law, this title and Wenatchee Zoning Title 10 have been satisfied by the subdivider;
- (2) Whether conditions imposed on the preliminary plat when approved have been met;
- (3) Whether the bond, if there be one, by its essential terms, assures completion of improvements within the stipulated time limits;
- (4) Whether the public use and interest will be served by approving the proposed final plat;
- (5) Whether adequate appropriate provisions are made for, but not limited to, the public health, safety and general welfare for open spaces, drainage ways, streets, alleys, or other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds.

The City Council shall thereupon approve or disapprove the proposed final plat. The City Council may not, as a condition of approval of any plat, require a release from damages to be procured from other property owners. Every decision shall include written findings of fact and conclusions to support the decision. A subdivision shall be governed by the terms of approval of the final plat in the statutes, ordinances and regulations in effect at the time of final approval for the statutory period provided in RCW 58.17.170 after final approval, unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

11.16.260 Submission of additional copies.

Immediately following city council approval and the recording of the final plat, the subdivider shall furnish the administrator with copies of the final plat as follows:

- (1) One duplicate tracing (reproducible), 11 by 17 inches;
- (2) Two paper prints, each 18 by 24 inches;
- (3) An electronic copy provided in a format acceptable to the city engineer.

The administrator shall forward one reproducible copy to the city engineer and one paper copy to the county assessor.

11.16.270 Surveys.

(1) All surveys will be performed by a land surveyor licensed in the state of Washington pursuant to Chapter 18.43 RCW and shall be consistent with Chapter 332-130 WAC and Chapter 58.09 RCW.

(2) Permanent Control Monuments. Permanent control monuments shall be established at:

- (a) Controlling corners on the boundaries of the subdivision;
- (b) The intersections of the centerline of roads within the subdivision;
- (c) Beginning and ends of curves on centerline;
- (d) All block corners.

11.16.280 Maps and drawings.

Every final plat shall consist of one or more sheets, each 18 by 24 inches clearly and legibly drawn on stable base mylar polyester film or equivalent approved material acceptable to the Chelan County auditor. All drawings and lettering on the final plat shall be in permanent black ink. The maps shall be drawn consistent with the requirements for recording as prescribed by the Chelan County auditor. The map shall be drawn at a standard engineering scale sufficient to show all details clearly. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. Each sheet of the final plat shall contain the subdivision name, the graphic scale and the north point. All signatures affixed to a final plat shall be the original signatures written in permanent black ink.

Every final plat shall include an accurate map of subdivided land based on a complete survey thereof, which maps shall include:

- (1) Survey information as required by Chapter 332-130 WAC and Chapter 58.09 RCW;
- (2) The number assigned to all lots and blocks within the subdivision;
- (3) The names of any adjacent subdivisions.

11.16.290 Written data.

In addition to the map or maps, every final plat shall contain written data including:

- (1) The name of the subdivision;
- (2) The legal description of land contained within the subdivision;
- (3) The certificate of the registered land surveyor who made, or under whose supervision was made, the survey of the subdivision, in substantially the following language:

I, _____, registered as a land surveyor by the state of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by

me or under my supervision, during the period of _____, 20____, through _____, 20____; that the distances, courses, and angles are shown thereon correctly; and that the monuments other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat.

- (4) A statement of approval signed by the city engineer as to the layout of streets, alleys and other rights-of-way; easements; and design of bridges, sewage and water systems, and other structures;
- (5) A certificate or other instrument of dedication bearing the typed or printed names of all persons having ownership interests in the subdivided land, signed by the said persons, and acknowledged by them before a notary public, consenting to the subdivision of said land and reciting the dedication by them of all land shown on the plat to be dedicated to public use, and 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;
- (6) A certificate signed by the Chelan County treasurer that all taxes one year in advance on all unimproved property in each proposed subdivision, and delinquent assessments for which the land within the subdivision may be liable, have been duly paid and satisfied or discharged;
- (7) Spaces for approval by the mayor, subdivision administrator and city engineer of the city of Wenatchee.

Chapter 11.18

FINAL PLAT AND FINAL BINDING SITE PLAN ALTERATION AND VACATION

Sections:

- 11.18.010 Purpose.
- 11.18.020 Administration.
- 11.18.030 Procedure.
- 11.18.040 Additional notice of public hearing.
- 11.18.050 Requirements for a complete application.
- 11.18.060 Criteria for approval.
- 11.18.070 Time limitation for final decision.
- 11.18.080 Recording.

11.18.010 Purpose.

The purpose of this chapter is to regulate final short plat, final plat and final binding site plan alterations and vacations. This procedure does not apply to the modification or revision of any preliminary short plat, preliminary plat or preliminary binding site plan. The procedure for vacation of plats does not apply to the vacation or alteration of any plat of state-granted tide or shore lands. When the vacation application is specifically for a city street, the procedures for street vacations in Chapter 35.79 RCW shall be utilized for the street vacation. When the application is for the vacation of a short plat, plat or binding site plan, together with the roads/streets, the procedure for vacation in this chapter shall be used, but vacations of streets subject to RCW 35.79.035 may not be made under this procedure.

11.18.020 Administration.

The administrator of this title is authorized and directed to administer the provisions of this chapter. The authority to approve, approve with conditions or deny proposed short plat, plat and binding site plan vacations is granted to the Wenatchee city council after a public hearing. The authority to approve, approve with conditions or deny proposed short plat, plat and binding site plan alterations is granted to the city of Wenatchee hearing examiner after a public hearing.

11.18.030 Procedure.

The processing of a short plat, plat or binding site plan alteration or vacation application shall be processed consistent with the provisions of WCC 13.09.050, Type III quasi-judicial review of applications.

11.18.040 Additional notice of public hearing.

In addition to the notice provided to the general public of the public hearing, the city shall provide notice of the city's receipt of an application for vacation or alteration of a short plat, plat or binding site plan to all owners of property within the short plat, plat or binding site plan (excluding the owners of the property identified in the application), and as provided for in RCW 58.17.080 and 58.17.090. The notice shall include the date of the public hearing on the application.

11.18.050 Requirements for a complete application.

The following materials shall be submitted to the city for a complete application:

(1) For an application to vacate a short plat, plat or binding site plan:

- (a) The signatures of all parties having an ownership interest in that portion of the short plat, plat or binding site plan subject to vacation;
- (b) Date, name, address and telephone number of the applicant and/or property owner. If the applicant is not the property owner, verification must be provided of the property owner's consent for the applicant to submit the application to the city;
- (c) The reasons for the proposed vacation;

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(d) If the short plat, plat or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the plat, short plat or binding site plan, and the application for vacation would result in the violation of a covenant, the application shall include an agreement signed by all parties subject to the covenants, which provides that the parties agree to terminate or alter the restrictive covenants to accomplish the purpose of the vacation of the plat, short plat or binding site plan;

(e) Acknowledgement that if any street is included in the application for a vacation, that the applicant shall be required to pay the amount contemplated in RCW 35.79.030, if the vacation is granted;

(f) A copy of the approved plat, short plat or binding site plan sought to be vacated, together with all plat and binding site plan amendments recorded since the date of the original approval;

(g) A recent title report or plat certificate for each property affected by the vacation, confirming that the title of the lands as described and shown in the proposed vacation area is in the name of the owner(s) signing the application;

(h) If the vacation is for a portion of the short plat, plat or binding site plan, the applicant must demonstrate that the partial vacation will not violate the terms of the short plat, plat or binding site plan approval or this title.

(2) For an application to alter a short plat, plat or binding site plan:

(a) The signatures of the majority of those persons having an ownership interest of the lots, tracts, parcels, sites or divisions in the subject short plat, plat or binding site plan or portion to be altered. For the purposes of this chapter, the term "majority" means a number that is greater than half of a total;

(b) Date, name and address and telephone number of the applicant and/or property owner. If the applicant is not the property owner, verification must be provided of the property owner's consent for the applicant to submit the application to the city;

(c) The reasons for the proposed alteration;

(d) If the short plat, plat or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the short plat, plat or binding site plan, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenant, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short plat, plat or binding site plan;

(e) A copy of the proposed short plat, plat or binding site plan to be altered, together with all short plat, plat or binding site plan amendments, as recorded;

(f) A recent title report or plat certificate for each property affected by the alteration, confirming that the alteration is in the name of the owners(s) signing the application;

(g) If the alteration is for a portion of the short plat, plat or binding site plan, the applicant must demonstrate that the alteration will not violate the terms of short plat, plat or binding site plan approval or this title.

11.18.060 Criteria for approval.

(1) Vacation Criteria.

(a) Vacation. The short plat, plat or binding site plan vacation may be approved, approved with conditions or denied after a written determination, with findings and conclusions, is made whether the public use and interest will be served by the vacation. If any portion of the land contained in the short plat, plat or binding site plan was dedicated to the public for public use and benefit, such land, if not already deeded to the city, shall be deeded to the city as a condition of approval, unless the city

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decision-maker shall make findings that the public use would not be served in retaining title to those lands. Easements established by dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the short plat, plat or binding site plan or other document creating the dedicated easement provides an alternative method or methods to extinguish or alter the easement.

(b) Street Vacation. When the vacation application is specifically for vacation of a city street, the street vacation procedures in Chapter 35.79 RCW shall be utilized. When the procedure is for the vacation of a short plat, plat or binding site plan together with the streets, the vacation procedure in this chapter shall be used, but vacation of streets may not be made that is prohibited under RCW 35.79.035.

(c) Title to Vacated Property. Title to the vacated property shall vest with the rightful owner as shown on the county's records. If the vacated land is land that was dedicated to the public, for public use other than a road or a street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person(s) owning the property on each side thereof, as determined by the county. When the road or street that is to be vacated is contained wholly within the short plat, plat or binding site plan, title to the vacated road or street shall vest with the owner(s) of property contained within the vacated short plat, plat or binding site plan.

(2) Alteration Criteria.

(a) The alteration may be approved, approved with conditions or denied after a written determination, with findings and conclusions in support thereof, is made whether the public use and interest will be served by the alteration.

(b) If the applicant seeks to further divide property in a short plat, plat or binding site plan, then a separate application shall be submitted for this purpose and the appropriate procedure in WCC Title 11, Subdivisions, shall be used to divide the property.

(c) If any land within the alteration area is part of an assessment district, any outstanding assessments shall be equally 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 application contains a dedication to the general use of persons residing within the short plat, plat or binding site plan, such land may be altered and divided equally between the adjacent properties.

11.18.070 Time limitation for final decision.

A vacation or alteration application is not subject to the deadlines for issuance of a final decision in RCW 36.70B.080 because the decisions that must be made to review such applications may involve delays relating to the provision of public notice to affected owners of property interests in the applications, city council evaluations of recommendations whether dedications of property to the public are needed for future public use, etc.

11.18.080 Recording.

After approval of an alteration or vacation, the city shall direct the applicant to produce a revised drawing of the approved alteration or vacation of the short, final plat or final binding site plan. The council shall authorize the mayor to sign the approved alteration or vacation, and the city shall record it with the county auditor at the applicant's cost.

Chapter 11.20

SUBDIVISION DESIGN STANDARDS

Sections:

- 11.20.010 Provisions of the comprehensive plan and zoning regulations.
- 11.20.020 Streets.
- 11.20.030 Alley design standards.
- 11.20.040 Blocks.
- 11.20.050 Lot design.
- 11.20.060 Easements.
- 11.20.070 Fire protection standards.

11.20.010 Provisions of the comprehensive plan and zoning regulations.

All subdivisions shall conform to the design standards of this title, in addition to the comprehensive plan, and all zoning regulations in effect at the time any preliminary plat of a subdivision is submitted for approval. Lots shall be of sufficient area, width and length to satisfy zoning requirements, except as provided in Chapter 11.32 WCC.

11.20.020 Streets.

(1) Locations. The street layout of every subdivision shall be in conformance with any adopted comprehensive plan or circulation element thereof, and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Street networks shall provide ready access for fire and other emergency vehicles. The hearing examiner, upon recommendation of city staff, may require additional access points if such are found to be necessary to protect the public safety.

(2) Intersections. Street intersections shall be as nearly at right angles as is practicable. Street jogs with off-sets of less than 125 feet between centerlines should be avoided in residential subdivisions where possible. The streets should be designed so as to not intersect with arterial streets at intersections any closer than 1,000 feet.

(3) Grades. Grades shall be not less than five-tenths percent on any street, and not more than 10 percent for local streets, or more than eight percent for collector or arterial streets.

(4) Alignment. Connecting street centerlines deflecting from each other at any one point more than 10 degrees shall be connected by a curve of at least a 100-foot radius for collector and local streets, and at least a 300-foot radius for arterial streets. A tangent at least 100 feet long shall be introduced between curves on arterial streets.

(5) Subdivision Boundary Streets. A street lying along the boundary of a subdivision may be dedicated less than the required width if it is practical to require the dedication of the remaining portion when the adjoining property is subdivided. Whenever there exists a dedicated portion of a street on a subdivision adjoining a proposed subdivision, the other portion shall be dedicated on the proposed subdivision to make the street complete. To ensure that this occurs, a one-foot reserve block shall be required on the subdivision boundary along the street for the purpose of withholding access from the unsubdivided property to said street until such time as a complete street is constructed. This same procedure will also be required when a street deadends at the boundary of any subdivision.

(6) Dead End Streets. Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be provided at the closed end with a turnaround compliant with currently adopted International Fire Code (IFC) types of turnarounds as determined by the following table permitting comparable ease of turning. Such streets in excess of 600 feet shall be avoided. Larger than the minimum land set aside to encompass the curbs or curb-to-curb distances may be specified by the city upon the recommendation of the city engineer for including public sidewalks, planters, medians, islands or utility infrastructure.

Type of IFC Turnaround	Min. R/W ¹ (feet)	Min. curb to curb (feet)	Min. R/W radius to connecting street (feet)	Min. curb radius to connecting street (feet)	Max. Grade (%)
Cul-de-sac (radius)	50	48	26	28	5
IFC 'Y' (leg length each)	62	60	24	26	5
IFC 'T' Hammerhead (top length)	124	120	26	28	5
IFC Alternate to 120-ft. Hammerhead (leg length each)	72	70	26	28	5

Notes:

1. Additional utility easements may be required on a case-by-case basis; sidewalks around the turnaround will increase the min. R/W required.

(7) City Streets, State Highway Connections. Where city streets connect to state highways, design standards of the State Department of Transportation shall apply.

(8) Minimum Standards for Streets and Sidewalks. The minimum standards for streets and sidewalks shall be determined by the following table or as authorized under Chapter 11.28 WCC or per preapproved plans. Larger than minimum may be specified by the city upon the recommendation of the city engineer for unusual situations such as bike lanes, left turn storage lanes, etc.

Class	Min. R/W ¹ (feet)	Min. Curb-to-Curb (feet)	Drive Lane (feet)	Parking Lane (feet)	Planter ² (feet)	Min. Side-walk ³ (feet)	Max. Grade (%)
Principal Arterial	60 – 80	56				2 @ 10	8
Minor Arterial	60 – 70	44				2 @ 5	8
Collector	50	32	12	1 @ 8	2 @ 5	2 @ 5	12
Collector	60	38	11	2 @ 8	2 @ 5	2 @ 5	12
Res. Parking 2	60 ⁴	34	10	2 @ 7 ⁵	2 @ 5	2 @ 5	12
Res. Lane ⁶	40	24	12	0	1 @ 5	1 @ 5	12
Cul-de-sac	100	96		0	1 @ 5	1 @ 5	8
Private Lane ⁷	25	20	10	0	0	0	10
Private Lane > 500 ft. ⁸	32	27	10	7	0	1 @ 5 (Note 10)	10

Notes:

1. Additional utility easements may be required on a case-by-case basis.

Chapter 11.20 SUBDIVISION DESIGN STANDARDS

2. Planter strip may be substituted or eliminated by the city, at the recommendation of the city engineer, when circumstances warrant, such as drainage swales, continuation of existing street patterns, etc.
3. Irrigation carrier pipes shall be installed to serve the planter strip, capped and marked, prior to the installation of the sidewalk.
4. Right-of-way dedication may be reduced, at the recommendation of the city engineer, with adequate easements.
5. Parking may be eliminated, at the recommendation of the city engineer, with the use of the pull-out concept as demonstrated in Exhibit A¹ of the ordinance codified in this section, or where on-street parking is impracticable, such as on steep lots, but will require wider drive lanes.
6. Residential lanes serve a maximum of 12 residential units.
7. Private lanes serve a maximum of four residential units and right-of-way is not dedicated to the public but rather to a homeowners' association or other organization as provided in WCC 11.16.180 and 11.16.190.
8. Private lanes within residential developments or binding site plans that are longer than 500 feet and right-of-way is not dedicated to the public but rather to a homeowners' association or other organization as provided in WCC 11.16.180 and 11.16.190.

(9) Landscape Improvement. Required planting strips with street trees adjacent to collector and local access streets will be required to be improved with suitable landscape materials and irrigation systems in a manner, and to the specifications of, the city engineer.

(10) A detached pedestrian circulation system from the roadway serving the development and providing connectivity to pedestrian infrastructure adjacent to the development may be considered on a site-by-site basis by the city engineer where the city engineer determines that the provisions of the transportation element of the Wenatchee urban area comprehensive plan and applicable city code requirements can be met.

(11) Private Lanes. Private lanes are allowed when it is determined by the city engineer that, pursuant to the Wenatchee urban area comprehensive plan, it is not necessary to dedicate the access in order to facilitate future subdivision of surrounding property. In no circumstance shall a private lane be permitted where the city engineer determines that future right-of-way dedication is necessary to facilitate future access to adjoining properties or where it is determined that a public road will more effectively implement the transportation goals and policies of the comprehensive plan. Providing this degree of flexibility within the city can provide consideration for site constraints which may be present and facilitate residential development within vacant or underutilized residential land in the urban growth area.

(a) Private lanes are allowed within any subdivision for efficient use for land development where the private lane tract of land connects to a public road and is adjacent to the properties of a maximum of four residential units based on maximum allowable units per lot according to the underlying zoning. All properties that touch the private lane will be restricted to access through that lane to the public road. The following minimum standards apply to private lanes within a subdivision that connects to an existing or new public road:

(i) Land set aside for the private lane shall be 25 feet in width. Any land set aside for required turnaround is according to subsection (6) of this section, Dead End Streets.

(ii) Length and Turnaround Criteria for Private Lanes. The length of a private lane shall not exceed 400 feet. A turnaround shall be provided at the end of a private lane exceeding 150 feet in length and improved with curbs. Options of turnaround curb shapes to adequately accommodate emergency vehicles are according to subsection (6) of this section, Dead End Streets.

(iii) Pavement Width for Private Lanes. Private lanes shall be improved with 20 feet of pavement with curbs (no parking either side) constructed to a standard consistent with a public local access street.

(b) Private Lanes – Permitted within Residential Development or Binding Site Plans. The following minimum standards apply:

(i) Land Set Aside for the Private Lane.

(A) Private lane lengths of 150 feet or less shall be a minimum 25-foot right-of-way width with no required turnaround; or

(B) Private lane lengths of between 151 feet and 501 feet shall be minimum 25-foot right-of-way width. Any land set aside for required turnaround is according to subsection (6) of this section, Dead End Streets; or

(C) Private lane lengths of 501 feet or longer shall be a minimum 32-foot right-of-way width. Any land set aside for required turnaround is according to subsection (6) of this section, Dead End Streets.

(ii) Length and Turnaround Criteria for Private Lanes. The length of a private lane within a residential development or binding site plan is not limited. A private lane that loops from a public road back to a public road is preferred. A turnaround shall be provided, improved with curbs, at the end of a private lane exceeding 150 feet in length. Options of turnaround curb shapes to adequately accommodate emergency vehicles are according to subsection (6) of this section, Dead End Streets.

(iii) Pavement Width for Private Lanes. Private lane lengths of 500 feet or less shall be improved with a minimum of 20 feet of pavement between curbs (no parking either side) constructed to a standard consistent with a public local access street; or

Private lane lengths of 501 feet or longer shall be improved with a minimum 27 feet of pavement between curbs (parallel parking allowed one side only) constructed to a standard consistent with a public local access street.

(c) Private Lanes – Minimum Standards for All Private Lanes. The following minimum standards apply to private lanes within a subdivision, planned development or binding site plan that connects to an existing or new public road:

(i) Storm drainage may be required, in a manner acceptable to the city engineer.

(ii) Private lanes shall be named with a name acceptable to the city, not duplicating any street name.

(iii) A utility easement shall be dedicated to the city for the total width of the lane unless easements are provided in other locations acceptable to the utility purveyors.

(iv) A recorded binding covenant shall be prepared providing for maintenance of the lane and its associated improvements.

(v) An approved driveway approach from the street to the lane shall be provided meeting the standards of the department of public works.

(12) Shared Driveway Easement.

(a) Many constrained and underutilized lots exist in the city of Wenatchee, which due to historic development patterns, or the built or natural environment, cannot accommodate the requirements for a private tract necessary for access for a two-lot short plat under subsection (11) of this section, Private Lanes. Additionally, in limited circumstances where an access easement could provide for improved building envelopes or lot design, such as limiting the proliferation of flag lots, the use of an easement for access may be appropriate. When an applicant demonstrates these circumstances to the satisfaction of the city engineer, a shared driveway easement may be authorized for a two-lot short plat subject to meeting the following criteria and standards:

- (i) At least one of the two lots abut a public right-of-way or private lane tract with at least 45 linear feet of property;
- (ii) A public street is not anticipated by the city of Wenatchee to be necessary for existing or future traffic and/or pedestrian circulation through the short subdivision or to serve adjacent property;
- (iii) The shared driveway would not adversely affect future circulation to neighboring properties;
- (iv) The shared driveway poses no safety risk and provides sufficient access for emergency vehicles and personnel;
- (v) The applicant shall ensure the shared driveway can be continually maintained to minimum standards listed in this section by the owners of the lots served by the driveway to the satisfaction of the city of Wenatchee, prior to recording of the short plat. An operation and maintenance agreement approved by the administrator shall be recorded with the Chelan County auditor's office concurrent with the final short plat;
- (vi) The area of the shared driveway must be identified in an access easement to be recorded with the Chelan County auditor's office and be shown on the face of the final short plat. The easement shall prohibit any temporary or permanent physical obstructions within the easement including, but not limited to, the parking of non-emergency vehicles;
- (vii) The minimum width of the shared driveway easement shall be 20 feet;
- (viii) The driveway shall be a minimum width of 12 feet wide and have a minimum base of six inches of compacted gravel base, crushed surfacing base course or crushed surfacing top course. The surfacing shall be concrete, asphalt, or other approved surfacing capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds;
- (ix) All dead end access easements greater than 150 feet in length shall be improved with an approved turnaround for emergency vehicles in accordance with the International Fire Code. The length of the access easement shall not exceed 450 feet, excluding the turnaround, unless otherwise approved by the city fire code official;
- (x) The maximum clear vertical distance shall not be less than 13 feet, six inches;
- (xi) Appurtenant traffic control devices including installation of "No Parking" signs, as required by the department of public works, shall be provided by the subdivider. Lots served by the shared driveway shall be addressed to the public street to which the shared driveway connects;
- (xii) The front yard of the proposed lot with no street frontage shall be determined by the primary point of access;
- (xiii) The applicant shall demonstrate that the proposed short plat can accommodate front and rear yard open space areas, outside of necessary parking and building envelopes; and
- (xiv) The inability to meet the requirements under subsection (11) of this section as a private lane cannot be a result of the owners' own actions.

(13) Private Lanes Established by Easement.

(a) Many constrained and underutilized lots exist in the city of Wenatchee, which due to historic development patterns, or the built or natural environment, cannot accommodate the requirements for a private tract necessary to meet access requirements for a short plat, binding site plan or major subdivision under subsection (11) of this section, Private Lanes. Additionally, in limited circumstances where an access easement could provide for improved building envelopes or lot design, such as limiting the proliferation of flag lots, the use of an easement for access may be appropriate. When an

applicant demonstrates these circumstances to the satisfaction of the city engineer, a private lane established as a permanent easement to provide legal access to each lot or dwelling unit of a residential development may be authorized subject to meeting the following criteria and standards:

- (i) The private lane easement is developed in conformance with the criteria and requirements of subsection (11) of this section, with the sole exception that the private lane is established as a permanent easement providing legal access instead of a private tract;
- (ii) The private lane easement is accessible at all times for emergency and public service vehicle use;
- (iii) The proposed private lane easement does not obstruct the present or future circulation identified in the Wenatchee urban area motorized transportation circulation map and is consistent with the goals, policies and adopted provisions of the transportation element of the Wenatchee urban area comprehensive plan;
- (iv) A public street is not anticipated by the city of Wenatchee to be necessary for existing or future traffic and/or pedestrian circulation through the development or to serve adjacent property;
- (v) The inability to meet the requirements under subsection (11) of this section as a private lane cannot be a result of the owners' own actions; and
- (vi) A finding can be made in the preliminary approval that the proposal will further the goals and policies of the Wenatchee urban area plan for residential infill compatible with the surrounding residential neighborhoods.

(14) Alternatives.

- (a) These standards represent reasonable approaches based on past experience in Wenatchee and other jurisdictions. These standards indicate the appropriate practice under most conditions.
- (b) Engineering design is an endeavor that examines alternative solutions to real world situations and, accordingly, these standards are not provided to hamper the introduction of new ideas. It is fully expected that creative engineering will continue to take place. Situations will present themselves where alternatives may be preferred to allow conformance with existing conditions, to overcome adverse topography or to allow for more affordable solutions without adversely affecting safety, maintainability or aesthetics. These standards are intended to provide predictability yet still allow for the flexibility necessary for innovation.
- (c) Alternatives to these standards may be proposed and evaluated as a component of a pre-application meeting process. Submittal of alternative proposals after or with a permit application submittal may result in additional time necessary to review the subject application.
- (d) The alternative request shall be in writing, submitted to the city engineer, and address the following points:
 - (i) Specifically outline the reason for the alternative request.
 - (ii) Specify the section within this chapter for which the alternative is requested.
 - (iii) Provide supporting evidence demonstrating that an alternative from these standards is based on sound engineering judgment that the requirements for safety, function, appearance, fire protection and maintainability are fully met and complies with the Wenatchee Urban Area Comprehensive plan and appropriate subarea plan if applicable.
 - (iv) The above information shall be used by the city engineer in evaluating requests for the use of alternatives to these standards. Alternative requests that conflict with the International Fire

Code as adopted by the city of Wenatchee shall also require written concurrence from the city of Wenatchee building and fire code official and the fire chief of Chelan County Fire District No. 1.

(v) Specify how the alternative proposal is equivalent to what would be achieved if the standards were followed.

11.20.030 Alley design standards.

Alleys provided at the rear of lots shall have a minimum width of 20 feet, shall be paved with a dustless surface and shall follow the general development standards governing streets.

11.20.040 Blocks.

(1) Length. In general, blocks shall be as long as it is reasonable and consistent with the topography and the needs for convenient access, circulation, control, safety of street traffic, and the type of land use proposed. For residential subdivisions, the block length ordinarily should not exceed 1,320 feet or be less than 400 feet.

(2) Width. Except for reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depth consistent with the type of land use proposed. This width should not be less than 200 feet for the sum of two lot depths.

(3) Pedestrian Walks and Bike Paths. In a residential subdivision, a through-pedestrian walk and/or bike path right-of-way not less than 10 feet wide shall be provided, with six-foot usable surface and ramps at curbs at the midpoint of any block exceeding 600 feet in length, where such a walk is deemed essential to provide circulation or pedestrian access to schools, parks, shopping centers, and other community facilities.

11.20.050 Lot design.

(1) Access. Every lot shall be provided with satisfactory access by a public street connecting to an existing public street, except as provided in WCC 11.16.190 and 11.20.020(11) through (13).

(2) Limited Access. Upon the recommendation of the city engineer, lot access to adjacent public streets may be limited where public safety concerns or other extraordinary factors warrant.

(3) Width and Depth of Lots. All lots shall have a minimum width and depth sufficient to meet WCC Title 10 lot width and depth requirements for the particular zone the property is in, except when the cluster subdivision process is used in accordance with Chapter 11.32 WCC.

(4) Lot Corners at Street Intersections. At street intersections in residential areas, lot corners shall be rounded by an arc, the minimum radius of which shall be not less than 10 feet or more than 30 feet.

(5) Lot Size Related to Slope. As slope increases, residential lot sizes shall increase to partially or completely avoid the problems of drainage, siltation, flood control, potential landslides, and accessibility which frequently are attributable to overdevelopment of slope areas.

(6) Reverse Frontage Lots. No residential lots shall have street frontage along two opposite boundaries unless topographical features or the need to provide separation of the lots from arterials, railways, commercial or industrial activities justify the designing of reverse frontage lots. Reverse frontage lots shall meet the landscape standards of Chapter 10.62 WCC, Landscape and Screening.

(7) Lot Line Angles.

(a) The shape of lots shall be generally rectangular in shape and minimize the number of angles.

(b) Side lot lines shall be straight lines running within 20 degrees of perpendicular to the road upon which the lots front for a minimum distance equal to half the required lot depth. Side lot lines on curved roads should run at or near radially to the curve.

(c) Flag lots shall be avoided whenever possible, except on the outside radius of a curved street, where side lot lines should run at or near radially to the curve not to exceed half the minimum lot depth.

(d) For the purpose of promoting good lot design which facilitates site planning for home placement, open space, infrastructure, or addressing existing site constraints, the director may grant limited exceptions to these rules.

11.20.060 Easements.

(1) Public Utilities. Where alleys are not provided, easements for public utilities shall be provided along rear lot lines and side lot lines where necessary, including any necessary access easements. Where easements are necessary, they shall be a minimum of 10 feet in width. Where possible, the width of rear and side lot line easements shall be equally shared by abutting lots, and easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions.

(2) Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage canals, pondage areas, etc., shall be of such width as is adequate for the purpose, including necessary access easements.

(3) Utility Installations. Utility lines, including, but not limited to, for electricity, communications and street lighting, serving and located within the subdivision, shall be placed underground.

Where topography, soil, or other conditions make underground installations impractical, and the city, upon recommendation from the city engineer, so finds upon written evidence presented by the supplier of such utilities, the city may waive this requirement for underground utilities.

(4) Watercourses. Where a subdivision is traversed by a watercourse, a drainage easement conforming substantially to the line of such watercourse, drainage way, waste way, channel or stream, and of such width for construction, maintenance and control as will be determined by the city, upon recommendation from the city engineer, adequate for the purpose shall be provided.

11.20.070 Fire protection standards.

(1) When Required. All subdivisions of lots containing less than one acre shall be required to provide water supplies for fire protection which shall be in addition to those water supplies required for domestic purposes. Water supplies for fire protection of lots over one acre in size may be required by the city.

(2) Ingress and Egress. New subdivisions shall be provided with fire apparatus access roads in accordance with the International Fire Code, Appendix D, Fire Apparatus Access Roads, as administered by the Wenatchee fire department.

(3) Provision of Water. Water distribution mains on which fire hydrants are located shall be a minimum of six inches in diameter. Minimum fire flows in one- and two-family developments shall be 1,000 gallons per minute for two hours' duration in all cases where water supplies for fire protection are required by the city, upon recommendation of the fire marshal.

(4) Hydrants. In one- and two-family subdivisions, fire hydrants shall be spaced no further than 500 feet apart. The size, type and location of fire hydrants shall meet the approval of the Wenatchee fire department.

(5) Special Considerations. Where it is determined that in the future, additional developments will also be served by the distribution mains being installed as a part of the plat, the city may require additional fire safety precautions, including, but not limited to, the provision of easements for access to adjacent lands, and the installation of larger than minimum distribution mains.

(6) Additional Requirements. Subdivisions intended for other than one- and two-family dwellings shall provide fire protection facilities consistent with the standards established by the International Fire Code as administered by the Wenatchee fire department.

(7) Wildland-Urban Interface. All properties and new structures/additions constructed within the wildland-urban interface zone pursuant to WCC 3.36.010 shall comply with applicable provisions of Chapter 3.36 WCC, Wildland-Urban Interface Standards.

¹ Code reviser's note: Ord. 99-38 and Exhibit A are on file in the city clerk's office.

Chapter 11.24

REQUIRED IMPROVEMENTS

Sections:

- 11.24.010 Improvement procedures.
- 11.24.020 Approval by city engineer.
- 11.24.030 Inspection.
- 11.24.040 Utility installations.
- 11.24.050 Maps.
- 11.24.060 Clearing.
- 11.24.070 Grubbing.
- 11.24.080 Culverts, trestles, bridges and drainage channels.
- 11.24.090 Monuments.
- 11.24.100 Grading and surfacing.
- 11.24.110 Sidewalks.
- 11.24.120 Curbs and gutters.
- 11.24.130 Water distribution.
- 11.24.140 Sanitary sewers.
- 11.24.150 Storm sewers.
- 11.24.160 Capacity and dimension standards.
- 11.24.170 Traffic signs.
- 11.24.180 Street lighting.
- 11.24.190 Other improvements.
- 11.24.200 Improvement agreement.
- 11.24.210 Bonds.
- 11.24.220 Forfeiture of surety.
- 11.24.230 Release of surety.

11.24.010 Improvement procedures.

In addition to other requirements, all improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this title and any other improvement standards, specifications, inspections and procedures as set forth and administered by the city of Wenatchee, and shall be installed in accordance with the following procedures.

11.24.020 Approval by city engineer.

Upon receipt from the administrator of the approved preliminary plat decision issued pursuant to WCC 11.12.060 or 11.16.110, and associated improvement plans required by this chapter, the city engineer shall review the same and shall inform the subdivider of corrections to the data supplied which are required.

Prior to the construction of improvements, the city engineer shall indicate approval by signing final plans. Neither the approval of plans by the city nor any action or inaction by the city shall relieve the subdivider of any duty, obligation, or responsibility for the competent design, construction and installation of the required improvements. All construction shall be completed in accordance with the final plans approved by the city engineer and associated permits issued except in instances in which deviation may be allowed when approved in writing from the city engineer, or designee.

When the city engineer finds the data submitted to be sufficient, and that all provisions of the city engineer have been complied with, he shall then submit his certified approval to both the applicant and the administrator in accordance with Chapter 11.12 or 11.16 WCC, as applicable.

11.24.030 Inspection.

Improvements shall be constructed under the supervision, and to the satisfaction of the city engineer or, in the instance of subdivision containing 10 or more lots, and if authorized or required by the city

engineer, the developer may be compelled to provide his own engineer for the purpose of inspecting and certifying that all public improvements have been accomplished according to city standards. The city engineer may require changes in typical sections and details in the public interest if unusual conditions arise during the construction to warrant such changes. The city may decline to accept any responsibility for the maintenance of streets and utilities until all improvements are completed and accepted in writing by the city engineer.

11.24.040 Utility installations.

All utilities shall be undergrounded where feasible. Sanitary sewers and storm drains installed in the street by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for all underground facilities and sanitary sewers shall be placed to the property line. Private facilities encountered within proposed or newly dedicated right-of-way, including but not limited to private irrigation systems, may be required to be removed, except for crossings, by the city engineer if he determines that their existing location in any way interferes, or could potentially interfere, with the public's full use and interest in lands so dedicated to the public.

11.24.050 Maps.

Maps showing all improvements as-built shall be filed with the city engineer upon completion of the improvements.

11.24.060 Clearing.

All streets and alleys shall have all standing trees, brush, downed timber, and snags cleared and removed from the right-of-way. However, this requirement shall not prohibit the city from allowing or requiring at the time of preliminary plat approval, that certain plant materials not be removed from the boulevard areas of particular streets.)

11.24.070 Grubbing.

All streets and alleys shall be grubbed by the removal of all large rocks, roots, snags, brush, etc., upon the surface of the ground. All excavation and holes left by such grubbing shall be refilled.

11.24.080 Culverts, trestles, bridges and drainage channels.

All culverts, trestles or bridges over waterways, draws or gulches shall conform to the city engineer's specifications for structures of this nature. Where streets or roads of subdivisions connect to, or intersect with, existing roadways, there shall be installed drains of metal or concrete pipe approved by the city engineer. Existing drainage channels draining Dry Gulch, Number One Canyon and Number Two Canyon shall be improved pursuant to the city engineer's specifications so as to provide the following minimum flow capacities:

Dry Gulch: 150 cubic feet per second;

Number One Canyon: 100 cubic feet per second;

Number Two Canyon: 100 cubic feet per second.

11.24.090 Monuments.

All lot corners, street intersections, boundary angle points, and points in curves in streets shall be marked by three-quarter-inch galvanized iron pipe 24 inches long or equivalent approved by the city engineer. Street monuments shall be set between six inches and one foot below finished street grades, and shall be enclosed in a standard monument case acceptable to the city engineer.

11.24.100 Grading and surfacing.

All streets and alleys shall be graded and surfaced from curb to curb, or roadbed widths specified in Chapter 11.20 WCC, and shall be crowned and surfaced to a depth complying with the standards of the city engineer.

11.24.110 Sidewalks.

Sidewalks shall be required by the city in accordance with Chapter 7.22 WCC, Sidewalk Construction Standards.

11.24.120 Curbs and gutters.

Curbs and gutters shall be installed along both sides of each street within the proposed subdivision.

11.24.130 Water distribution.

All subdivisions shall be served by public, private or community water supply systems approved by and installed to meet the requirements and standards of the city of Wenatchee.

11.24.140 Sanitary sewers.

The proposed subdivision shall be provided with a complete sanitary sewer system designed to serve the subdivision, and to connect the subdivision with the existing trunk sanitary sewer system if engineeringly feasible.

11.24.150 Storm sewers.

Surface drainage from streets and other areas within the proposed subdivision shall be provided with a complete storm sewer system designed to serve the subdivision and to connect the subdivision with the existing trunk storm sewer system.

11.24.160 Capacity and dimension standards.

The capacities and dimensions of all improvements shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the subdivision and the capacities to serve the vicinity.

11.24.170 Traffic signs.

Traffic control and street name signs, as recommended by the city engineer, shall be installed by the subdivider.

11.24.180 Street lighting.

The undergrounding of electrical services for street lighting, light standards and approved illumination devices shall be installed by the subdivider as recommended by the city engineer.

11.24.190 Other improvements.

When special conditions are encountered in the plans for improvements, such as a fill section requiring the placement of guardrails, or ditches requiring planting such as trees, ground cover, sodding and/or seeding, the improvements of such special conditions shall be considered as an integral part of the improvement construction.

11.24.200 Improvement agreement.

The subdivider shall either install all required improvements and repair any existing streets or other facilities damaged in the development of a subdivision, or execute and file an agreement between himself and the city specifying the period acceptable to the city within which he shall complete all required improvement work to the satisfaction of both the city engineer and the administrator. All work performed shall be guaranteed for a period of one year following completion. The filing of the final plat by the subdivider constitutes the subdivider's acknowledgment that such work is so guaranteed. The subdivider shall set all monuments and lot corner markers to the satisfaction of the city engineer. If the subdivider fails to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all improvements by the city. Such agreement may also provide:

- (1) For the construction of all improvements in units;
- (2) For the extension of time under conditions specified therein;

(3) For the termination of the agreement upon the completion of the construction of improvements deemed by the city engineer and administrator to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider;

(4) For progressive remittances to the subdivider for any deposit money which the subdivider may have in lieu of providing a surety bond, as provided in WCC 11.24.210; providing, however, that no such progress payments shall be made for more than 90 percent of the value of any installation work; and provided, that each installment of work shall be completed to the satisfaction of the city engineer and administrator.

11.24.210 Bonds.

The subdivider shall file with the improvement agreement required in WCC 11.24.200, a performance bond in an amount deemed sufficient by the city engineer to cover the estimated costs of said improvements, and to cover the estimated costs of setting monuments and lot corner markers that are to be set after the improvements are completed. Upon completion of the improvements, the city engineer shall fix an amount deemed necessary to cover the costs of failure of any of the improvements or work done occurring within one year following completion. Said bond shall be executed by a surety company authorized to transact a surety business in the state of Washington, and shall be approved as to form by the city attorney. In lieu of a faithful performance bond, the subdivider may deposit with the city clerk, in the form of cash, bonds, savings deposit books, certificates of deposit, or any other surety acceptable to the city attorney in an amount fixed by the city engineer.

11.24.220 Forfeiture of surety.

In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this title and improvement agreement, the city shall complete the same and shall either call upon the surety for reimbursement, or appropriate from any cash deposit funds for reimbursement. If the amount of surety bond or cash deposit shall exceed all costs and expenses incurred by the city, it shall release the remainder of such bond or cash deposit, and if the amount of the surety bond or cash deposit is less than the cost of expense incurred by the city, the subdivider shall be liable to the city for such difference.

11.24.230 Release of surety.

No progress payments from such deposit or release of surety bond or cash deposit shall be made except upon certification of the city engineer that work covered thereby has been satisfactorily completed. Surety bond or cash deposit to cover the costs of failure of any improvement or work shall be released by the end of one year after completion of such work or improvements upon certification of the city engineer, if such improvement or work has not failed. In the event of failure during such period of one year following completion, the procedure utilized in WCC 11.24.220 shall be implemented so as to restore the work so failing.

Chapter 11.28

VARIANCES

Sections:

- 11.28.010 *Repealed.*
- 11.28.020 Variances.
- 11.28.030 Action on variances.
- 11.28.040 *Repealed.*

11.28.010 Exemption in case of large scale development.

Repealed by Ord. 98-40.

11.28.020 Variances.

(1) When necessary, the city may authorize variances to requirements of this title. Application for a variance shall be made as a part of the application for preliminary plat approval and shall state fully the grounds of the application and the facts relied upon by the petitioner. The city shall find that all of the following facts with respect thereto are met:

- (a) That there are special circumstances or conditions affecting the property that are not common to all other properties in the area;
- (b) That the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by the other properties in the same vicinity and that extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property;
- (c) That the granting of a variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the vicinity of the property involved;
- (d) That the necessity for the variance is not a result of the applicant's own actions.

(2) When variances are sought concerning the administration of the requirements rather than restrictions on physical improvements or design, the petitioner shall apply for the variance in the above manner but is not required to meet the requirements as set forth above.

(3) The hearing examiner may approve or deny a variance only after a public hearing on the variance application has been held. Notification of the hearing shall be in the same manner as outlined in WCC 11.16.100, and the scope and continuance of the hearing shall be in accordance with WCC 11.16.110.

11.28.030 Action on variances.

In granting necessary variances, the hearing examiner shall secure substantially the objectives of the regulations to which the variances are granted in order to preserve public health, safety, convenience and general welfare. Conditions necessary for this purpose shall be specified in granting the variance, and the hearing examiner shall make a written record of the findings and facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The administrator shall keep findings on file as a matter of public record.

11.28.040 Appeals.

Repealed by Ord. 2010-24.

Chapter 11.32

CLUSTER SUBDIVISIONS, BINDING SITE PLANS AND UNIT LOT SUBDIVISIONS

Sections:

- 11.32.010 Application and fees.
- 11.32.020 *Repealed.*
- 11.32.030 *Repealed.*
- 11.32.040 *Repealed.*
- 11.32.050 *Repealed.*
- 11.32.060 *Repealed.*
- 11.32.070 Binding site plans.
- 11.32.080 Unit lot subdivisions.

11.32.010 Application and fees.

Applications for binding site plans and unit lot subdivisions shall be made on the appropriate forms and shall follow the procedures set forth for short plats, Chapter 11.12 WCC, or major subdivisions, Chapter 11.16 WCC. Filing fees, required improvements and all other requirements, except as specifically modified in this chapter, shall comply with either Chapter 11.12 or 11.16 WCC, depending on the number of lots in the proposal.

11.32.020 Applicability of zoning regulations.

Repealed by Ord. 20-07.

11.32.030 Districts permitted.

Repealed by Ord. 20-07.

11.32.040 Minimum size of cluster subdivisions.

Repealed by Ord. 20-07.

11.32.050 Open space restricted.

Repealed by Ord. 20-07.

11.32.060 Open space use and access.

Repealed by Ord. 20-07.

11.32.070 Binding site plans.

The purpose of this section is to clearly delineate the criteria used by the city of Wenatchee to review and approve binding site plans. A binding site plan is intended to provide an alternative means of dividing land.

(1) Applicability.

- (a) Any division of land for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed upon the land.
- (b) A division of land occurring in the commercial, including mixed use commercial zoning districts, or industrial zoning districts.
- (c) A division made pursuant to Chapter 64.32 RCW (Horizontal Regimes Act) or Chapter 64.34 RCW (Condominium Act).

(2) Administrative Duties. The administrator of this title is authorized and directed to administer the provisions of this section. The authority to approve, approve with conditions, or deny a binding site plan processed in accordance with subsection (3)(a) of this section, Administrative Classification, is granted to the administrator. The authority to approve, approve with conditions, or deny a binding site plan

processed in accordance with subsection (3)(b) of this section, Quasi-Judicial Classification, is granted to the city of Wenatchee hearing examiner after a public hearing.

(3) Procedure. The processing of a binding site plan shall be in conformance with the requirements associated with the classifications of binding site plans identified below:

(a) Administrative Classification. Except as provided in this section, the following categories of binding site plans shall be processed in accordance with the requirements of Chapter 11.12 WCC, Short Subdivisions, and WCC 13.09.040, Type II administrative review of applications:

(i) Applications for binding site plans which would result in nine or less lots, tracts or parcels.

(ii) Applications for divisions made pursuant to Chapter 64.34 RCW (Horizontal Regimes Act) and/or Chapter 64.32 RCW (Condominium Act), which either contain no division of land or include divisions of land into nine or less lots, tracts or parcels.

(b) Quasi-Judicial Classification. Except as provided in this section, the following categories of binding site plans shall be processed in accordance with the requirements of Chapter 11.16 WCC, Major Subdivisions, and WCC 13.09.050, Type III quasi-judicial review of applications.

(i) Applications for binding site plans which would result in greater than nine lots, tracts or parcels.

(ii) Applications for divisions made pursuant to Chapter 64.34 RCW (Horizontal Regimes Act) and/or Chapter 64.32 RCW (Condominium Act), which include divisions of land into greater than nine lots, tracts or parcels.

(4) Requirements for a Complete Application. The following materials shall be submitted to the city for a complete application. Any person desiring approval of a binding site plan shall file with the administrator a complete application for a binding site plan including a SEPA checklist, if applicable, a filing fee in an amount as required by Chapter 1.99 WCC, Fee Schedules, and the following additional information:

(a) A binding site plan under the administrative classification, subsection (3)(a) of this section, shall submit the materials identified within WCC 11.12.030, Application – Contents.

(b) A binding site plan under the quasi-judicial classification, subsection (3)(b) of this section, shall submit the materials identified within WCC 11.16.040, Complete application designated.

(5) Approval. Prior to approving any preliminary binding site plan, either the administrator or the hearing examiner, depending upon the classification of binding site plan identified under subsection (3) of this section, shall determine and make written findings of fact that appropriate provisions are in accordance with either WCC 11.12.060 or 11.16.110, as provided by subsection (3) of this section.

(6) Development Standards. Binding site plans shall conform to the dimensional standards of WCC Title 10, Zoning, any conditions of an approved planned development for the subject property and the design standards of Chapter 11.20 WCC.

(7) Final Binding Site Plan Review and Approval Process. All final binding site plan reviews shall be administrative. Each binding site plan shall have a perimeter survey completed by a registered land surveyor, together with written data and materials in such form that when read together provides:

(a) The information required by WCC 11.12.090 or Chapter 11.16 WCC, Article III, depending upon the applicable classification of binding site plan identified in subsection (3) of this section and all applicable review fees identified by Chapter 1.99 WCC, Fee Schedules, and the appropriate application form;

(b) Documents sufficient to provide for the perpetual maintenance of all common areas; and

(c) Clear indication of all covenants, conditions and restrictions applicable to the property subject to the binding site plan.

Once the administrator has determined that the requirements identified under subsection (3) of this section and this section have been met, the final binding site plan and any associated or required documents shall be recorded with the Chelan County auditor's office. The binding site plan approval shall become effective upon that recording.

Lots, parcels or tracts created pursuant to the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the owner or any other person acquiring a lease or other ownership interest in any lot, parcel, or tract created pursuant to the binding site plan.

11.32.080 Unit lot subdivisions.

(1) **Applicability and Purpose.** This section is to apply exclusively to the subdivision of land for courtyard housing, townhomes, duplexes and cottage housing development. The purpose is to allow for the creation of lots for the individual ownership of these types of housing units while applying only those site development standards applicable to the parent parcel(s) as a whole, established in Chapter 10.46 WCC, Development Standards Charts.

(2) **Administrative Duties.** The administrator of this title is authorized and directed to administer the provisions of this section. The authority to approve, approve with conditions, or deny a unit lot subdivision processed in accordance with subsection (3)(a) of this section, Administrative Classification, is granted to the administrator. The authority to approve, approve with conditions, or deny a unit lot subdivision processed in accordance with subsection (3)(b) of this section, Quasi-Judicial Classification, is granted to the city of Wenatchee hearing examiner after a public hearing.

(3) **Procedure.** The processing of a unit lot subdivision shall be in conformance with the requirements associated with the classifications of unit lot subdivision identified below:

(a) **Administrative Classification.** Except as provided in this section, a unit lot subdivision creating nine or less lots, tracts, or parcels shall be processed in accordance with the requirements of Chapter 11.12 WCC, Short Subdivisions, and WCC 13.09.040, Type II administrative review of applications.

(b) **Quasi-Judicial Classification.** Except as provided in this section, a unit lot subdivision creating 10 or more lots, tracts, or parcels shall be processed in accordance with the requirements of Chapter 11.16 WCC, Major Subdivisions, and WCC 13.09.050, Type III quasi-judicial review of applications.

(4) **Requirements for a Complete Application.** The following materials shall be submitted to the city for a complete application. Any person desiring approval of a unit lot subdivision shall file with the administrator a complete application for a unit lot subdivision including a SEPA checklist, if applicable, a filing fee in an amount as required by Chapter 1.99 WCC, Fee Schedules, and the following additional information:

(a) A unit lot subdivision under the administrative classification, subsection (3)(a) of this section, shall submit the materials identified within WCC 11.12.030, Application – Contents.

(b) A unit lot subdivision under the quasi-judicial classification, subsection (3)(b) of this section, shall submit the materials identified within WCC 11.16.040, Complete application designated.

(5) **Approval.** Prior to approving any preliminary unit lot subdivision, either the administrator or the hearing examiner, depending upon the classification of the unit lot subdivision identified under subsection (3) of this section, shall determine and make written findings of fact that appropriate provisions are in accordance with either WCC 11.12.060 or 11.16.110, as provided by subsection (3) of this section.

(6) **General Regulations.**

Chapter 11.32 CLUSTER SUBDIVISIONS, BINDING SITE
PLANS AND UNIT LOT SUBDIVISIONS

(a) The unit lot subdivision as a whole shall meet development standards applicable to the underlying residential site development approval associated with a commercial or residential building permit as applicable, and the provisions of this section. As a result of the unit lot subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards under Chapter 10.46 WCC based on analysis of the individual unit lot. So long as the parent parcel(s) meets the criteria of the underlying residential site development plan or the dwelling units are already in existence, each unit lot will be deemed to be in conformance. If the units are already legally in existence and do not comply with the development standards, a unit lot may be created for each existing dwelling unit. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot;

(b) Unit lot subdivisions shall be subject to all applicable requirements of WCC Title 11, except as otherwise modified by this section;

(c) Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners association comprised of the owners of the individual unit lots located within the parent site;

(d) Maximum lot coverage of the aggregate buildings located upon the parent site shall not exceed the maximum lot coverage permitted by the underlying zone or planned residential development;

(e) Except for existing nonconforming development or as approved pursuant to Chapter 10.42 WCC, building setbacks shall be as required for the zone as applied to the underlying parent parcel(s) as a whole. There shall be no setback required from individual unit lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the underlying residential site development plan;

(f) Internal drive aisles providing vehicular access to unit lots shall not be considered public or private streets when utilizing the provisions of this section. However, in no instance can an internal drive aisle conflict with or preclude necessary circulation system improvements established by the transportation element of the Wenatchee urban area comprehensive plan;

(g) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with dwelling unit, as long as the right to use the parking is formalized by an easement record with the Chelan County auditor's office;

(h) Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the Chelan County auditor's office. Each unit lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each unit lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying residential site development plan.

(7) Final Unit Lot Subdivision Review and Approval Process. Unit lot subdivisions receiving preliminary approval under the administrative classification under subsection (3)(a) of this section shall have a final administrative review process. Unit lot subdivisions receiving preliminary approval under the quasi-judicial classification by the city of Wenatchee hearing examiner under subsection (3)(b) of this section shall have a final review process which includes final legislative approval by the Wenatchee city council under WCC 11.16.250. Each unit lot subdivision shall have a perimeter survey completed by a registered land surveyor, together with written data and materials in such form that when read together provides:

Chapter 11.32 CLUSTER SUBDIVISIONS, BINDING SITE
PLANS AND UNIT LOT SUBDIVISIONS

- (a) The information required by WCC 11.12.090 or Chapter 11.16 WCC, Article III, depending upon the applicable classification of unit lot subdivision identified in subsection (3) of this section and all applicable review fees identified by Chapter 1.99 WCC, Fee Schedules, and the appropriate application form;
- (b) Documents sufficient to provide for the perpetual maintenance of all common areas; and
- (c) Clear indication of all covenants, conditions and restrictions applicable to the property subject to the binding site plan.

Once the administrator or City Council, as applicable, has determined that the requirements identified under subsection (3) of this section and this section have been met, the final unit lot subdivision and any associated or required documents shall be recorded with the Chelan County Auditor's Office. The unit lot subdivision approval shall become effective upon that recording. Lots, parcels or tracts created pursuant to the unit lot subdivision procedure shall be legal lots of record. All provisions, conditions and requirements of the unit lot subdivision shall be legally enforceable on the owner or any other person acquiring a lease or other ownership interest in any lot, parcel, or tract created pursuant to the unit lot subdivision.

(8) Notes shall be placed on the plat recorded with the Chelan County auditor's office to acknowledge the following:

- (a) Subsequent platting actions, additions, or modifications to the structures may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved residential site development plan;
- (b) The individual unit lots are not separate building sites and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

(9) Conflicts. Any conflicts between the provisions of this section and the text of other sections of the Wenatchee City Code shall be resolved in favor of the text of this section.

Chapter 11.36

PENALTIES

Sections:

- 11.36.010 Action to restrain violations.
- 11.36.020 Enforcement – Compliance.
- 11.36.030 Permits prohibited.
- 11.36.040 Conditional offers of sale.
- 11.36.050 Penalties.
- 11.36.060 Discontinuance of violation.
- 11.36.070 Violation defined.

11.36.010 Action to restrain violations.

Whenever any parcel of land is divided into two or more lots, tracts, or parcels of land, and any person, firm or corporation or any agent of any of them sells, leases, transfers, or offers or advertises for sale, lease, transfer of any such lot, tract, or parcel without having a final plat of such subdivision filed for record, or in the case of a short plat, approval as specified in WCC 11.12.120, the city attorney shall commence an action to restrain and enjoin further subdivisions or sale, lease, transfer, or offers of sale, lease or transfer, and compel compliance with all provisions of this title on those lands which previously have been subdivided, sold, leased, transferred or offered for sale, lease or transfer in noncompliance with this title. The costs of such action shall be taxed against the person, firm, corporation or agent selling, leasing or transferring the property.

11.36.020 Enforcement – Compliance.

Whenever land within a subdivision granted final approval is used in a manner, or for a purpose which violates any provision of this title, or any term or condition of plat approval prescribed for the plat by the hearing examiner, then the prosecuting attorney or the Attorney General, if the prosecuting attorney shall fail to act, may commence an action to restrain and enjoin such use, and compel compliance with the provisions of this title, or with such terms or conditions. The costs of such action may be taxed against the violator.

11.36.030 Permits prohibited.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided or leased in violation of this title of local regulations adopted pursuant thereto, unless the authority authorized to issue such a permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser or lessees for value without actual notice. All other purchasers, lessees or transferees of property shall comply with the provisions of this title, and such purchaser, lessee, or transferee may recover his damages from any person, firm, corporation, or agent, including any amount reasonably spent as a result of inability to obtain any development permit, and spent to conform to the requirements of this title, as well as cost of investigation and suit, and reasonable attorney's fees occasioned thereby. Such purchaser, lessee, or transferee may, as an alternative to conforming his property to those requirements, rescind the sale, lease or transfer and recover costs of investigation, suit and reasonable attorney's fees occasioned thereby.

11.36.040 Conditional offers of sale.

If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land following preliminary plat approval, is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under Chapter 58.17 RCW and this title, the offer or agreement is not subject to WCC 11.36.010 and 11.36.020, and does not violate any provision of Chapter 58.17 RCW or this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account, and no disbursement to the seller shall be permitted until the final plat is recorded.

11.36.050 Penalties.

Any person who violates any court order or injunction issued pursuant to this title shall be subject to a fine of not more than \$5,000 or imprisonment for not more than 90 days or both.

11.36.060 Discontinuance of violation.

In the enforcement of this title, the city attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this title from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with, and subject to, the approval of the superior court of Chelan County. A violation of such assurance shall constitute a prima facie proof of a violation of this title.

11.36.070 Violation defined.

Any person, firm, corporation, or association or any agency of any person, firm, corporation, or association who violates any provision of this title or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provisions shall be deemed to be a separate and distinct offense.