



**REVISED**

## **WENATCHEE CITY COUNCIL**

**Thursday, July 13, 2017**

Wenatchee City Hall  
129 South Chelan  
Wenatchee, WA 98801

### **AGENDA**

#### **5:15 p.m. Regular Meeting**

#### **1. Call to Order, Pledge of Allegiance, and Roll Call.**

#### **2. Consent Items:**

- Motion to approve agenda, vouchers, and minutes from previous meetings.

##### Vouchers:

Claim checks #182226 through #182306 in the amount of \$521,644.43 for June 22, 2017  
Wires #1417 and #1418 in the amount of \$32,681.14 for June 27, 2017  
Claim checks #182307 through #182388 in the amount of \$462,651.27 for June 29, 2017  
Benefits/deduction checks in the amount of \$871,956.71 for June 30, 2017  
Claim checks #182389 through #182400 in the amount of \$1,563.96 for June 30, 2017  
Payroll distribution in the amount of \$3,738.51 for July 5, 2017  
Payroll distribution in the amount of \$1,838.73 for July 5, 2017  
Payroll distribution in the amount of \$426,597.82 for July 5, 2017  
Claim checks #182421 through #182495 in the amount of \$1,139,349.28 for July 6, 2017

#### **3. Citizen Requests/Comments.**

The "Citizen Comments" period is to provide the opportunity for members of the public to address the Council on items either not on the agenda or not listed as a public hearing. The Mayor will ask if there are any citizens wishing to address the Council. When recognized, please step up to the microphone, give your name and mailing address, and state the matter of your interest. If your interest is an agenda item, the Mayor may suggest that your comments wait until that time. Citizen comments will be limited to three minutes.

#### **4. Presentations.**

- Parks & Recreation Month Proclamation
- 125 Years of Service Proclamation
- Rotary Park Presentation (Rich Peters)
- Miss Veedol/Spirit of Wenatchee Presentation (Jake Lodato)
- Wenatchee Downtown Association Annual Report (Linda Haglund)

## 5. Action Items.

- A. Improvement Agreement for Pershing Place Subdivision P-16-01  
Presented by Development Review Engineer Donald Nelson

*Motion for City Council to authorize the Mayor to sign the improvement agreement for Pershing Place, a Planned Development Subdivision P-16-01/PRD-16-02.*

- B. Final Mylar for Pershing Place, A Planned Development, P-16-01/PRD-16-02  
Presented by Community Development Staff

*Motion for the City Council to authorize the Mayor to sign the final mylar for Pershing Place, A Planned Development, P-16-01/PRD-16-02*

- C. Annexation 10 Percent Petition – Shieni

*Staff Recommendation: Motion to approve the annexation boundary including the applicant's parcel and adjacent right-of-way of the ten percent (10%) annexation petition for property located in an unincorporated area northeast of Stella Avenue and Walnut Street, to require the adoption of the proposed zoning regulations as it is set forth in the Comprehensive Plan of the City as North Wenatchee Business District, and to require the assumption of existing indebtedness of the City by the area to be annexed; or*

*Alternative: Motion to approve the annexation boundary including the applicant's parcel at 1406 Walnut Street, the parcel at 1402 Walnut Street, and adjacent right-of-way of the ten percent (10%) annexation petition for property located in an unincorporated area northeast of Stella Avenue and Walnut Street, to require the adoption of the proposed zoning regulations as it is set forth in the Comprehensive Plan of the City as North Wenatchee Business District, and to require the assumption of existing indebtedness of the City by the area to be annexed.*

## 6. Public Hearings.

The Mayor will call the Public Hearing to order and state the ground rules, the purpose of the hearing, the action that the hearing body may take on the matter, will address the appearance of fairness doctrine, and will state the manner in which the hearing will proceed. Staff will first give a report, followed by testimony of experts and/or the applicant, followed then by public testimony. All speakers must speak into the microphone and clearly state their names and addresses. All comments should be addressed to the hearing body, should be relevant to the application, and should not be of a personal nature. Public testimony may be limited to three minutes, unless further time is granted by the Mayor. If there are a large number of speakers, a representative may be appointed to speak on behalf of the group.

- D. Proposed Amendments to the Wenatchee City Code  
Presented by Community Development Staff

*Ordinance No. 2017-16, amending the development regulations of the City including, specifically, Wenatchee City Code (WCC) Chapter 10.42 to allow residential planned*

*developments which create nine or less lots, tracts, parcels, or residential dwelling units to be processed as a Type II administrative review application; WCC Chapter 11.20 to accommodate provisions for shared driveway easements and private lanes established by access easements when consistent with review criteria to facilitate infill development; WCC Chapter 11.32 to add provisions for unit lot subdivisions applying exclusively to divisions of land for attached single-family dwelling units and cottage housing developments; and WCC Chapter 1.99 related to associated application fees.*

- E. Extension of Moratorium on Microcell, Minor Facilities, and/or Small Cell Facilities  
Presented by Planning Manager Stephen Neuenschwander and Senior Planner John Ajax

*Ordinance No. 2017-15, of the City Council of the City of Wenatchee, extending to January 25, 2018, its' previously enacted six (6) month moratorium on the establishment, siting, location, permitting, or licensing of microcell, minor facilities, and/or small cell facilities, as defined by RCW 80.36.375 or the federal Communications Act of 1934, as amended, located in the public right of ways.*

## **7. Reports.**

- a. Mayor's Report
- b. Reports/New Business of Council Committees

## **8. Announcements.**

## **9. Adjournment.**



## WENATCHEE CITY COUNCIL MEETING

Thursday, June 29, 2017

Wenatchee City Hall  
129 South Chelan  
Wenatchee, WA 98801

**DRAFT**

### MINUTES

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**In attendance:**

Mayor Frank Kuntz  
Councilmember Jim Bailey  
Councilmember Ruth Esparza  
Councilmember Lyle Markhart  
Councilmember Keith Huffaker  
Councilmember Mark Kulaas  
Councilmember Linda Herald  
Councilmember Mike Poirier

**Staff in attendance:**

Executive Services Director Allison Williams  
City Attorney Steve Smith  
City Clerk Tammy Stanger  
IS Support Tim McCord  
Public Information Officer Annagrisel Alvarez  
Public Works Director Matt Leonard  
Community Development Director Glen DeVries  
Housing & Community Planner Brooklyn Holton  
Finance Director Brad Posenjak  
Police Chief Steve Crown

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#### 5:15 p.m. Special Meeting

##### 1. Call to Order, Pledge of Allegiance, and Roll Call.

Mayor Frank J. Kuntz called the special meeting to order at 5:15 p.m. Councilmember Jim Bailey led the Pledge of Allegiance. All Councilmembers were present.

##### 2. Consent Items:

- Motion to approve agenda, vouchers, and minutes from previous meetings.

**Motion to approve the consent items by Councilmember Keith Huffaker. Councilmember Lyle Markhart seconded the motion. Motion carried (7-0).**

### 3. Action Items.

- A. Final Acceptance of Project No. SWE16-13, Cemetery Exterior Niche Columbarium Walls

Public Works Director Matt Leonard presented the staff report.

**Motion for City Council to accept the work performed by Wilbert Precast, Inc. and further authorize the Mayor to sign the Final Contract Voucher certification on behalf of the City of Wenatchee by Councilmember Jim Bailey. Councilmember Linda Herald seconded the motion. Motion carried (7-0).**

- B. Appointment of Scot Sherwood to Diversity Advisory Committee

Executive Services Director Allison Williams presented the staff report. Scot Sherwood was also present.

**Motion to approve Resolution No. 2017-38, appointing Scot Sherwood to the Diversity Advisory Committee to fill an open three (3) year term by Councilmember Keith Huffaker. Councilmember Ruth Esparza seconded the motion. Motion carried (7-0).**

### 4. Public Hearings.

The Mayor called the public hearing to order and explained the public hearing process.

- C. Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER)

Housing & Community Planner Brooklyn Holton and Community Development Director Glen DeVries presented the staff report.

The Mayor asked if there was anyone from the public who wished to comment. There was no one who wished to speak.

There was no formal action required on this public hearing item. The public hearing was then closed.

The Mayor then referenced the bid results for the Mission/Crawford project, a copy of which was provided to the Councilmembers.

Councilmember Mark Kulaas thanked staff for organizing the Red Apple Road open house.

The Mayor reminded everyone that the next Council meeting will be on July 13. He hopes everyone will enjoy the Fourth of July celebration. He then spoke briefly about the state budget.

**5. Adjournment.** With no further business the meeting adjourned at 5:35 p.m.

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Frank J. Kuntz, Mayor

Attest:

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Tammy L. Stanger, City Clerk

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**COUNCIL AGENDA REPORT  
PUBLIC WORKS DEPARTMENT**

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**TO:** Frank Kuntz, Mayor  
City Council

**FROM:** Gary P. Owen, City Engineer   
Donald M. Nelson, Development Review Engineer 

**SUBJECT:** Improvement Agreement for Pershing Place Subdivision P-16-01, Action Item

**DATE:** July 7, 2017

**MEETING DATE:** July 13, 2017

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**I. OVERVIEW**

The Major Subdivision, Pershing Place a planned development subdivision P-16-01 / PRD-16- 02 was provided preliminary approval on September 29, 2016 by the Hearing Examiner consistent with RCW 58.17.110. The required improvements identified in this agreement are based upon Wenatchee City Code Chapter 11.24 and the Conditions of Approval from the Hearing Examiner. The applicant has completed nearly all of the required improvements. The applicant has bonded for all of the remaining required improvements in the amount of \$79,000 US Dollars as approved by the City Engineer for the work. This agreement states that the City shall have the right to inspection of completed improvements prior to the release of the bond. The agreement also includes a provision that upon completion of the required improvements 20 percent of the performance bond remain in place for one year to cover the cost of failure of any of the required improvements that may occur.

The following action is a required action for the City Council to authorize the Mayor to sign the final mylar for Pershing Place Subdivision P-16-01 / PRD-16-02.

**II. ACTION REQUESTED**

*Staff recommends the City Council authorize the Mayor to sign the improvement agreement for Pershing Place, a Planned Development Subdivision P-16-01 / PRD-16-02.*

**III. FISCAL IMPACT Submitted to the Finance Committee Yes No**

N/A

**IV. PROPOSED PROJECT SCHEDULE**

Required improvements identified in the Agreement are to be done by September 30, 2021.

**V. REFERENCE(S)**

1. Improvement Agreement of Pershing Place, a Planned Development Subdivision

**VI. ADMINISTRATIVE ROUTING**

Tammy Stanger, City Clerk  
Brad Posenjak, Finance Director

Return Address:

Public Works  
Public Services Center  
1350 McKittrick Street, Suite A  
Wenatchee, Washington 98801

## **IMPROVEMENT AGREEMENT OF PERSHING PLACE, A PLANNED DEVELOPMENT SUBDIVISION**

**Grantor:** Pershing Developers, LLC, a Washington limited liability company

**Grantee:** City of Wenatchee, a Washington municipal corporation

**Legal Description (Abbreviated):** Ptn. of NE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 4, T. 22 N., R. 20, E.W.M., Chelan County, Washington. Additional legal on page 1

**Assessor's Tax Parcel ID#:** 22-20-04-311-000

This Improvement Agreement ("Agreement") is made and entered into this date by and between the CITY OF WENATCHEE, a Washington municipal corporation, organized and existing under the laws of the State of Washington ("City") and PERSHING DEVELOPERS, LLC ("Pershing Developers"), an entity that is developing property to be known as Pershing Place, a planned development.

### RECITALS

- A. Pursuant to Chapter 11.24.200 Wenatchee City Code ("WCC"), the City has the authority to enter into improvement agreements to facilitate and promote the construction of all required improvements within a subdivision.
- B. Pershing Developers desire to develop and plat a residential subdivision (the "Project"). The legal description of the Project, as well as other property contained in the plat for the Project to be further divided, is as follows:

Parcel A of Boundary Line Adjustment No. 2016-002 WE, recorded  
April 29, 2016 under Auditor's File No. 2435926, Chelan County,  
Washington.



- C. For purposes of this Agreement, the defined term “Project” means only that portion of the above-described real property that is contained within the residential subdivision and shown on the Plat named Pershing Place, a planned development, P-16-01 / PRD 16-02 filed concurrently with this Agreement as Lots 1 to 22; adjoining Public Streets named Pershing Street and Orchard Ave. Said Plat filed under Chelan County Auditor's file number \_\_\_\_\_.
- D. Pershing Developers are bound and vested by the Findings of Fact, Conclusions of Law and Conditions of Approval in the matter of P-2016-01 Pershing Place, a planned development subdivision, before the City of Wenatchee Land Use Hearing Examiner on September 27, 2016 as issued by the Hearing Examiner on September 29, 2016. In this Conditions of Approval document, item 20 references that the subject site and final plat shall conform to the conditions of approval as found in the City of Wenatchee Development Review Engineer, Engineer’s Report dated September 20, 2016. These documents are incorporated herein by this reference.
- E. Pershing Developers has proposed that the City permit certain required improvements to be bonded pursuant to WCC 11.16.240(5), WCC 11.24.210, WCC 11.24.220 and WCC 11.24.230 consistent with the provisions of this Agreement.
- F. Based upon the proposal of Pershing Developers set forth herein, the City agrees to accept a performance bond in lieu of completed improvements in consideration of providing final plat approval.

## AGREEMENT

NOW, THEREFORE, Pershing Developers and the City hereby covenant and agree to the following on behalf of themselves, their successors and assigns:

1. Application: Pershing Developers has submitted an application for the approval of proposed Pershing Place, a planned development, P-2016-01 / PRD-16-02.

2. Project Information:

Owner: Pershing Developers, LLC

Address: 1512 Anton Place, Wenatchee, WA 98801

Contractor Name: Selland Construction, Inc.

License Number: SELLAC\*372N0

Address: 1285 South Wenatchee Avenue, Wenatchee, WA 98801

3. Required Improvements: Pershing Developers hereby agree to make all improvements to public property, to construct improvements for dedication to the public and/or make improvements to private property, all of which shall be completed at the sole cost and expense of Pershing Developers. The Required Improvements are based upon Chapter 11.24 WCC and the Conditions of Approval (COA) for the Project as defined in the recitals, shall be concurrent with development, and include the following:

- a. Complete landscaping according to approved plans on file at the city (includes fencing, trees, planter strips, irrigation, soils retaining, etc.);
- b. Complete Pedestrian Path lighting according to ASSHTO (ie resolve objectionable lighting: glare, lighting trespass, etc), identified in Condition #20 Engineer's report page 6;
- c. Complete Street lighting at Cul-de-sac;
- d. Complete Five foot wide concrete sidewalks internal to the Subdivision;
- e. Complete Traffic signing, markings;
- f. Complete temporary HMA ramp at end of sidewalk in Pershing Street according to approved civil drawings;
- g. Complete all the remaining work on the Civil Drawings approved by the City Engineer; and
- h. Provide as-built drawings.

4. Damages to Public Property: Pershing Developers agree to immediately and completely repair any and all damages to public property caused by Pershing Developers, its agents and independent contractors in connection with the required work, and pay for all repairs at Pershing Developers' sole cost and expense.

5. Registered Contractor Required. Any and all work towards public improvements and repairs to public property shall be by a licensed contractor registered under Washington law.

6. Estimate Costs. Any and all costs of improvements as described in Required Improvements above have been provided by Pershing Developers and are estimates only. This agreement does not constitute a guarantee or any other representation by the City as to the cost of required improvements. Pershing Developers hereby accept the risk that the cost of required improvements may exceed the described cost estimates.

7. Bonding (Financial Assurance of Performance): Pershing Developers shall provide a Surety Performance bond as security for the full and timely performance of all of the Pershing Developers' obligations for the Required Improvements in an amount of Ninety Seven Thousand and No One Hundredths (\$ 97,000.00) U.S. Dollars as approved by the City Engineer pursuant to WCC 11.24.210. The Surety shall be licensed to conduct business in Washington State. The Surety Performance Bond shall be issued by a Surety acceptable to and in a form acceptable to the City Attorney and, as applicable, the City Engineer and the Subdivision Administrator of the City of Wenatchee. At the completion of the Required Improvements the performance bond will remain in place until Pershing Developers provide a maintenance bond in an amount equal to 20% of the performance bond as approved by the City Engineer to cover the cost of failure of any of the Required Improvements occurring within one year following completion. Forfeiture and release of the surety shall be governed by WCC 11.24.220 and 230.
8. Warranty (Guarantee of Materials and Workmanship): All of the Required Improvements and work performed by Pershing Developers and all necessary repairs to public property shall be in conformance with this agreement, the development plans approved by the City Engineer and the standards of the City code. Pershing Developers do hereby warrant any and all design and construction of Required Improvements and all necessary repairs to public property to be free from defects in design, workmanship and materials. The warranty against any and all defects in workmanship and materials shall be limited to defects arising within twelve (12) months after final acceptance of the work by the City. Pershing Developers shall repair or replace substandard or failed work, whether due to materials or workmanship, discovered during the guarantee period.
9. Inspection by City: The City shall have the right to inspect all Required Improvements done by Pershing Developers. Pershing Developers shall be responsible for certifying that all materials and construction meet the intent of the design prior to release of the Bond. Release is contingent on final inspection and approval by City of the Required Improvements.
10. Timeline: All Required Improvements shall be completed by **September 30, 2021**; otherwise Pershing Developers shall be determined to have failed to complete all Required Improvements in accordance with this agreement and forfeiture of the surety bond shall begin according to WCC 11.24.220.
11. Termination: The termination of the Agreement shall be one year after completion by Pershing Developers, and final inspection and approval by City, of the construction of the Required Improvements and any remedial work as required by the Guarantee set forth herein.
12. Binding Effect. This Improvement Agreement shall be a covenant running with the land and shall inure to and be binding upon the heirs, successors and assigns of the parties hereto.

- 13. Entire Agreement. This Agreement constitutes the entire agreement between the City and Pershing Developers. There are no understandings or agreements other than those set forth in this Agreement. No other statement, representation, or promise has been made to induce either party to enter into this Agreement.
- 14. Modification. This Agreement may not be amended, supplemented, or otherwise modified unless expressly set forth in a written agreement signed by the parties.
- 15. Venue. The venue for any disputes to this agreement shall be in Chelan County, Washington.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF WENATCHEE  
A Washington Municipal Corporation

PERSHING DEVELOPERS, LLC  
A Washington Limited Liability Company

By: \_\_\_\_\_

Frank Kuntz, Mayor

By: \_\_\_\_\_

Wayne Loranger, Member

Date: \_\_\_\_\_

By: \_\_\_\_\_

Carol Loranger, Member

Date: \_\_\_\_\_

APPROVED AS TO FORM:

PERSHING DEVELOPERS, LLC  
A Washington Limited Liability Company

By: \_\_\_\_\_

Steve Smith, City Attorney

By: \_\_\_\_\_

Dennis Johnson, Member

Date: \_\_\_\_\_

By: \_\_\_\_\_

Sharon Johnson, Member

Date: \_\_\_\_\_

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_         )

I certify that I know or have satisfactory evidence that WAYNE LORANGER is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Member of PERSHING DEVELOPERS, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Typed/Printed Name \_\_\_\_\_  
NOTARY PUBLIC  
In and for the State of Washington  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_         )

I certify that I know or have satisfactory evidence that CAROL LORANGER is the person who appeared before me and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Member of PERSHING DEVELOPERS, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Typed/Printed Name \_\_\_\_\_  
NOTARY PUBLIC  
In and for the State of Washington  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that DENNIS JOHNSON is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Member of PERSHING DEVELOPERS, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Typed/Printed Name \_\_\_\_\_  
NOTARY PUBLIC  
In and for the State of Washington  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that SHARRON JOHNSON is the person who appeared before me and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Member of PERSHING DEVELOPERS, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Typed/Printed Name \_\_\_\_\_  
NOTARY PUBLIC  
In and for the State of Washington  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that FRANK KUNTZ is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of CITY OF WENATCHEE, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Typed/Printed Name \_\_\_\_\_  
NOTARY PUBLIC  
In and for the State of Washington  
My appointment expires \_\_\_\_\_

**TO:** Frank Kuntz, Mayor  
City Council

**FROM:** Glen DeVries, Community Development Director  
Stephen Neuenschwander, Planning Manager  
Kirsten Larsen, Associate Planner  
Gary Owen, City Engineer  
Donald Nelson, Development Review Engineer

**SUBJECT:** Pershing Place, A Planned Development, P-16-01/PRD-16-02, Action Item

**DATE:** July 7, 2017 **MEETING DATE:** July 13, 2017

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**I. OVERVIEW**

The Major Subdivision and Planned Residential Development, Pershing Place was provided preliminary approval on September 29<sup>th</sup>, 2016 by the Hearing Examiner. The site is located at the south end of the Pershing Street, approximately 650-feet south of the 5<sup>th</sup> Street intersection with Pershing Street, identified by Assessor's Parcel No's. 22-20-04-311-000. The plat consists of 22 single family lots and circulation is provided by a private lane and a 5 foot public access pedestrian walkway connecting Pershing Street to Orchard Avenue. Gary Bates on behalf of Pershing Place, LLC submitted for final plat review on January 11, 2017 for Pershing Place, A Planned Development.

As required by state law and applicable sections of the Wenatchee City Code, the City Council provides final approval confirming that the Subdivision Administrator and the City Engineer have verified that all of the conditions of approval have been met. The Subdivision Administrator and City Engineer have determined that all of the conditions have been met for this action.

The following action is the final step in the review and approval process for a final plat. This action is a closed record action as a public hearing and preliminary approval has already occurred through the City of Wenatchee Hearing Examiner's proceedings.

**II. ACTION REQUESTED**

*Staff recommends the City Council authorize the Mayor to sign the final mylar for Pershing Place, A Planned Development, P-16-01/PRD-16-02*

**III. FISCAL IMPACT Submitted to the Finance Committee Yes No  
N/A**

**IV. PROPOSED PROJECT SCHEDULE: Final plat approval for entire project**

**V. REFERENCE(S)**

1. Mylar Scan

**VI. ADMINISTRATIVE ROUTING**

Tammy Stanger, City Clerk  
Allison Williams, Executive Services Director



# Pershing Place

A PLANNED DEVELOPMENT  
PART OF THE NE 1/4 SW 1/4  
AND THE NW 1/4 SW 1/4  
SECTION 4 T22N R20E W.M.

CHELAN COUNTY, WASHINGTON

CITY OF WENATCHEE  
P-16-01/PRD 16-02

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, DENNIS S. JOHNSON, SHARON J. JOHNSON, WAYNE LORANGER AND CAROL LORANGER, MEMBERS OF PERSHING DEVELOPERS LLC, A WASHINGTON STATE LIMITED LIABILITY COMPANY, AND THE OWNERS IN FEE SIMPLE OF THE LAND HEREBY PLATTED, DO HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, EASEMENTS, OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT AND THE USE THEREOF FOR ANY AND ALL PUBLIC PURPOSES; ALSO THE RIGHT TO MAKE ANY AND ALL NECESSARY CUTS AND FILLS ON THE LOTS SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL STREETS SHOWN HEREON; ALSO, WE AND OUR SUCCESSORS DO HEREBY WAIVER 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.

IN WITNESS WHEREOF, I HEREUNTO SET MY SIGNATURE  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20

DENNIS S. JOHNSON

SHARON J. JOHNSON

WAYNE LORANGER

CAROL LORANGER

## DESCRIPTION REFERENCE: AFN 2433267 AND 2435926

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 22 NORTH, RANGE 20 EAST OF THE WILLAMETTE MERIDIAN, CHELAN COUNTY, WASHINGTON, EXCEPT THE SOUTH 165 FEET THEREOF, TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 22 NORTH, RANGE 20 EAST OF THE WILLAMETTE MERIDIAN, CHELAN COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF SAID SUBDIVISION AS MONUMENTED BY A 5/8" REBAR, FROM WHICH AN ALUMINUM CAP MONUMENT IN ORCHARD STREET BEARS SOUTH 01°42'44" EAST 641.48 FEET; THENCE SOUTH 01°42'17" EAST 84.09 FEET TO A NON-TANGENT CURVE THE CENTER OF WHICH BEARS NORTH 38°38'04" WEST 50.00 FEET AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID CURVE AN ARC LENGTH OF 16.95 FEET, THROUGH A CENTRAL ANGLE OF 19°25'19"; THENCE SOUTH 01°42'17" EAST 529.83 FEET TO THE NORTH LINE OF ORCHARD STREET AS MEASURED AT 19.50 FEET FROM CENTERLINE; THENCE ALONG SAID LINE, SOUTH 89°39'54" EAST 15.08 FEET TO THE EAST LINE OF SAID SUBDIVISION; THENCE ALONG SAID LINE, NORTH 01°44'02" WEST 145.60 FEET; THENCE NORTH 01°42'17" WEST 392.29 FEET TO THE POINT OF BEGINNING.

## GENERAL NOTES AND PROVISIONS

- 1) DOCUMENTATION FOR PERSHING PLACE HOMEOWNERS ASSOCIATION ADDRESSING THE PRIVATE LANE, LANDSCAPING, OPEN SPACE, TRAIL MAINTENANCE AND COVENANTS, CONDITIONS AND RESTRICTIONS IS FILED UNDER CHELAN COUNTY AUDITOR'S FILE NO. \_\_\_\_\_
- 2) UTILITY EASEMENTS ON STREET FRONTAGE SHALL INCLUDE PUBLIC SIDEWALKS AND IRRIGATION.
- 3) THE PRIVATE ROAD TRACT 'D' IS SUBJECT TO A PUBLIC UTILITY EASEMENT FOR SEWER, STORM, AND WATER WHICH IS GRANTED TO THE CITY OF WENATCHEE HEREBY. ADDITIONALLY PUBLIC UTILITIES FOR POWER, FIBER AND CABLE ARE GRANTED AN EASEMENT HEREBY TO SERVICE THEIR FACILITIES WITHIN TRACT 'D' AND ADJACENT STREET EASEMENTS. THE PRIVATE ROAD IS TO BE MAINTAINED BY PERSHING PLACE HOMEOWNERS ASSOCIATION AND THE OWNERSHIP OF SAID ROAD IS GRANTED TO THE PERSHING PLACE HOMEOWNERS ASSOCIATION HEREBY.
- 4) THE CITY OF WENATCHEE WILL NOT MAINTAIN THE STORMWATER FACILITIES WITH THIS PLAT. RESPONSIBILITY FOR THE LONG TERM MAINTENANCE OF THE PRIVATE STORMWATER FACILITIES PER OPERATION AND MAINTENANCE AGREEMENT RECORDED UNDER AFN \_\_\_\_\_

## ACKNOWLEDGMENT

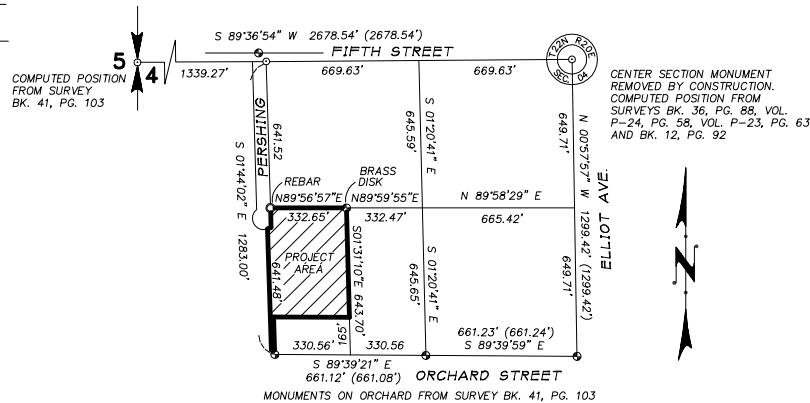
STATE OF WASHINGTON }  
COUNTY OF \_\_\_\_\_ } SS.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT DENNIS S. JOHNSON, SHARON J. JOHNSON, WAYNE LORANGER AND CAROL LORANGER, MEMBERS OF PERSHING DEVELOPERS LLC, A WASHINGTON LIMITED LIABILITY COMPANY, IS THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE MANAGING MEMBERS OF PERSHING DEVELOPERS LLC., TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTIES FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,

RESIDING AT \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

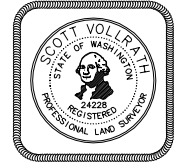


## CONTROL DIAGRAM & VICINITY

NO SCALE

## SURVEYOR'S CERTIFICATE

I, SCOTT W. VOLLRATH, REGISTERED AS A LAND SURVEYOR BY THE STATE OF WASHINGTON, CERTIFY THAT THIS PLAT IS BASED UPON AN ACTUAL SURVEY OF THE LAND DESCRIBED HEREIN, CONDUCTED BY ME OR UNDER MY SUPERVISION DURING THE PERIOD OF APRIL 2015 THROUGH THE PRESENT, 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 DESCRIBED ON THE PLAT.



SCOTT W. VOLLRATH, P.L.S. #24228

## EXAMINED & APPROVED

CITY OF WENATCHEE

CITY OF WENATCHEE ENGINEER

CITY OF WENATCHEE MAYOR

CITY OF WENATCHEE SUBDIVISION ADMINISTRATOR

DATE

DATE

DATE

## TREASURER CERTIFICATE

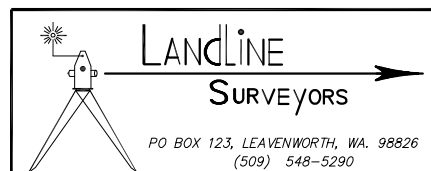
I HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS WHICH HAVE BEEN LEVIED AND BECAME CHARGEABLE AGAINST SAID PROPERTY FOR 20\_\_\_\_ AND PRECEDING YEARS HAVE BEEN DULY PAID, SATISFIED AND DISCHARGED, AND THAT ANTICIPATED TAXES IN THE AMOUNT OF \_\_\_\_\_ FOR 20\_\_\_\_ HAVE BEEN DEPOSITED WITH THE CHELAN COUNTY TREASURER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20

CHELAN COUNTY TREASURER

## AUDITOR'S CERTIFICATE

AUDITOR'S FILE No. \_\_\_\_\_ FEE \_\_\_\_\_  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_, AT \_\_\_\_\_ M. AND RECORDED IN VOLUME \_\_\_\_\_ OF PLATS,  
AT PAGES \_\_\_\_\_, RECORDS OF CHELAN COUNTY, WASHINGTON.

CHELAN COUNTY AUDITOR



DATE: 7/07/17 SHEETS: 1 OF 2 FILE: 15063.DWG JOB NO: 15063

**A PLANNED DEVELOPMENT  
 PART OF THE NE 1/4 SW 1/4  
 AND THE NW 1/4 SW 1/4  
 SECTION 4 T22N R20E W.M.**

**CHELAN COUNTY, WASHINGTON**

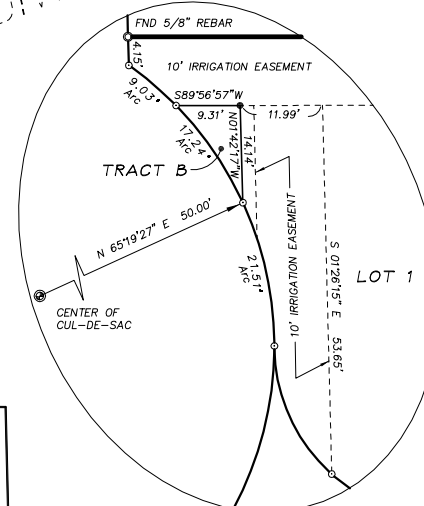
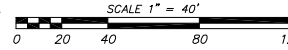
**CITY OF WENATCHEE  
 P-16-01/PRD 16-02**

**BASIS OF BEARING**  
 WASHINGTON STATE PLANE  
 NORTH ZONE NAD 83/2011

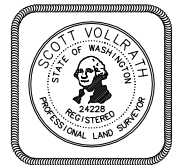
**EQUIPMENT AND PROCEDURE**  
 LEICA 1203 ROBOTIC TOTAL STATION AND  
 JAVAD GPS RECEIVER FROM W.S.R.N.  
 NETWORK. ACCURACY MEETS OR EXCEEDS  
 STANDARDS SET FORTH IN W.A.C.  
 332.130.090. CORNERS FOUND 1/14/16

**LEGEND**

- = FOUND CONTROL MONUMENT AS NOTED
- = FOUND MONUMENT AS NOTED
- ⊕ = SET 5/8" X 2' REBAR W/CAP L.S. #24228 IN MONUMENT CASE
- ⊕ = SET 5/8" X 24" REBAR & CAP L.S. #24228
- ⊕ = SET 5/8" X 2' REBAR W/CAP L.S. #24228 ON LOT LINE 12.00 FT. FROM TRUE CORNER (OUTER LOTS) ON LOT LINE 10.00 FT. FROM TRUE CORNER (INNER LOTS) DIMENSION OF TOTAL LOT LINE IS SHOWN
- NOTE: CORNERS MAY BE SET POST CONSTRUCTION AND REBAR MAY BE SET ON PROPERTY LINES AS NEEDED.
- = COMPUTED POSITION-NOT FOUND OR SET
- ②②⑦ = ADDRESS ASSIGNED BY CITY
- \* \* = FENCE

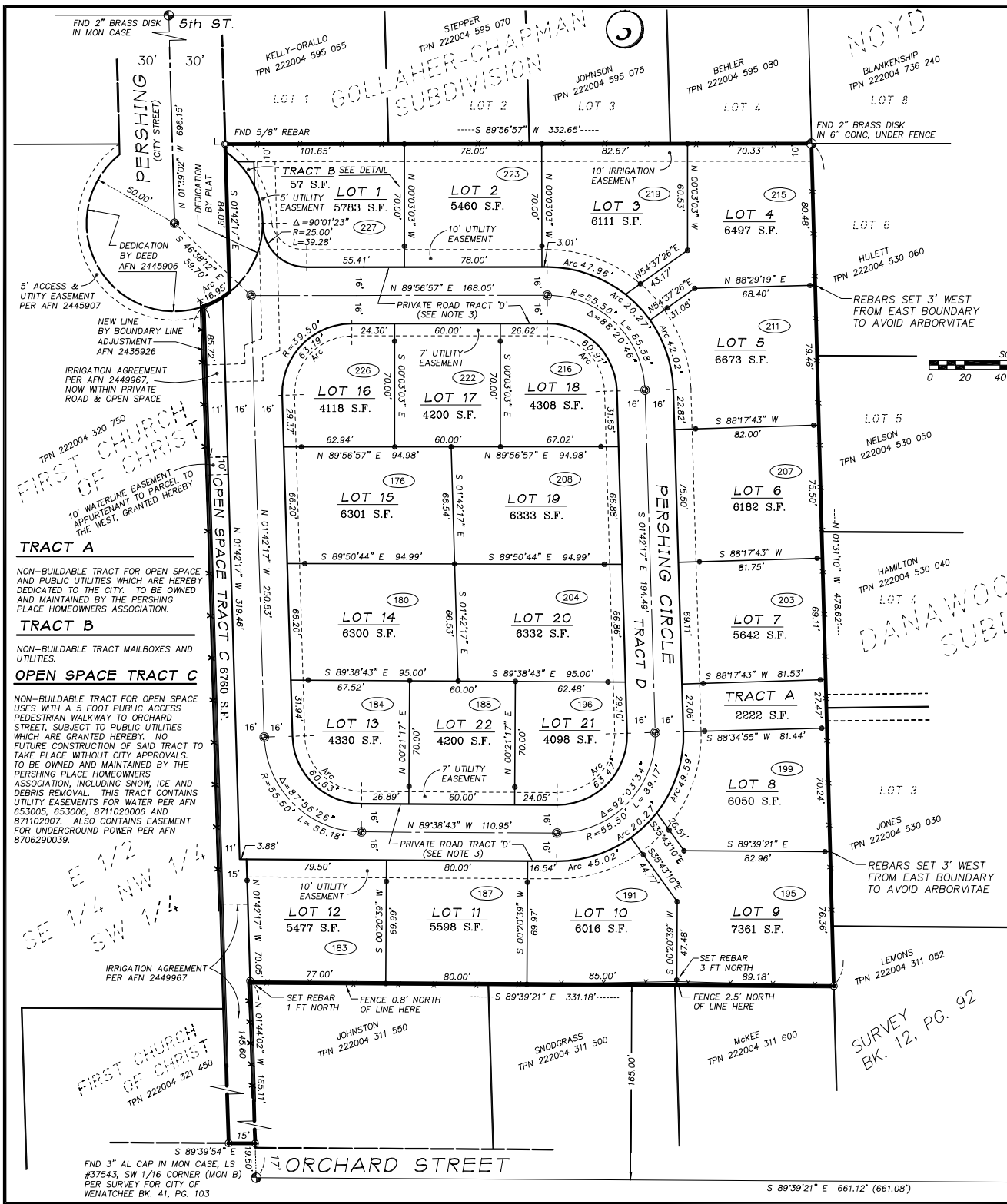


**DETAIL**  
 NO SCALE



**LANDLINE SURVEYORS**  
 PO BOX 123, LEAVENWORTH, WA. 98826  
 (509) 548-5290

DATE: <b>7/07/17</b>	SHEETS: <b>2 OF 2</b>	FILE: 15063.DWG JOB NO: <b>15063</b>
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**TRACT A**  
 NON-BUILDABLE TRACT FOR OPEN SPACE AND PUBLIC UTILITIES WHICH ARE HEREBY DEDICATED TO THE CITY TO BE OWNED AND MAINTAINED BY THE PERSHING PLACE HOMEOWNERS ASSOCIATION.

**TRACT B**  
 NON-BUILDABLE TRACT MAILBOXES AND UTILITIES.

**OPEN SPACE TRACT C**

NON-BUILDABLE TRACT FOR OPEN SPACE USES WITH A 5 FOOT PUBLIC ACCESS PEDESTRIAN WALKWAY TO ORCHARD STREET, SUBJECT TO PUBLIC UTILITIES WHICH ARE GRANTED HEREBY. NO FUTURE CONSTRUCTION OF SAID TRACT TO TAKE PLACE WITHOUT CITY APPROVALS. TO BE OWNED AND MAINTAINED BY THE PERSHING PLACE HOMEOWNERS ASSOCIATION, INCLUDING SNOW, ICE AND DEBRIS REMOVAL. THIS TRACT CONTAINS UTILITY EASEMENTS FOR WATER PER AFN 653005, 653006, 871102006 AND 871102007. ALSO CONTAINS EASEMENT FOR UNDERGROUND POWER PER AFN 8706290039.

IRRIGATION AGREEMENT PER AFN 2449967

FIRST CHURCH OF CHRIST  
 TPN 222004 321 450

FIND 3" AL CAP IN MON CASE, LS #37543, SW 1/16 CORNER (MON B) PER SURVEY FOR CITY OF WENATCHEE BK. 41, PG. 103

DANA WOOD SUBDIVISION

SURVEY BK. 12, PG. 92

DANA ST.

**TO:** Mayor Frank Kuntz  
City Council Members

**FROM:** Matt Parsons, Associate Planner

**SUBJECT:** Annexation 10 Percent Petition – Shieni

**DATE:** July 10, 2017

**MEETING DATE:** July 13, 2017

---

## **I. OVERVIEW**

A ten (10) percent annexation petition was submitted on June 22, 2017 with signatures representing the owner of Parcel Number 232033783100. The signatures represent 100% of the assessed value in the annexation area the applicant proposed. This parcel is located at the northeast corner of Stella and Walnut. The parcel owned by the applicant has a single family home, a manufactured home, and some accessory structures. The applicant is considering redeveloping the site. A pre-application meeting was held on June 22, 2017 addressing a proposal by the applicant to build 24 residential units at the site. The applicant is pursuing annexation because they desire to extend and connect to the City's sewer system. The annexation area the applicant proposed is 1.29 Acres. The land use designation of the parcel, as identified in the Comprehensive Plan, is North Wenatchee Business District.

City staff researched the potential of expanding the proposed annexation area to include land in the surrounding area and found that the parcel at 1402 Walnut Street could be included in the annexation without signing the petition with a reasonable possibility that the petition would be deemed sufficient by the Chelan County Assessor. Without considering the value of right-of-way, a petition including both parcels and only the signature of 1406 Walnut would be valued at 64.7%. The potential assessed value of the adjacent right-of-way included in the proposed boundary, is estimated by staff to bring the value of the petition down to around 58%-62%. The proposed annexation area, including right-of-way, is 1.49 Acres with just 1406 Walnut and 1.64 Acres with both 1406 and 1402 Walnut. Staff cannot guarantee that a petition including 1402 Walnut, but without a corresponding signature, would be deemed sufficient by the Chelan County Assessor. Based on the desire to provide predictability to the applicant, staff recommends only annexing the parcel at 1406 Walnut St.

Following a 10 percent annexation meeting, a petition will be circulated. If the applicants return a sufficient petition and it is certified by the Chelan County Assessor, a date will be scheduled by resolution for the 60 percent public hearing.

## **II. ACTION REQUESTED**

The ten percent (10%) annexation public meeting is required for City Council to determine three items:

- 1. Whether the city will accept, reject, or geographically modify the proposed annexation;**
- 2. Whether it will require the simultaneous adoption of a proposed zoning regulation;**
- 3. Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.**

If the legislative body requires the adoption of a proposed zoning regulation and/or the assumption of all or any portion of indebtedness as conditions to annexation, it is to record this action in its minutes.

Council acceptance is a condition precedent to circulation of the petition. There is no appeal from the council decision.

### **III. BUDGET IMPACTS**

Annexation would result in additional annual property revenues to the City and one time revenues from future building permits. Estimates of annual property tax are not currently available. Costs associated with providing additional City services are anticipated to be minimal.

### **IV. ATTACHMENT(S)**

1. Map of Annexation Area
2. Application Materials

### **V. MOTION**

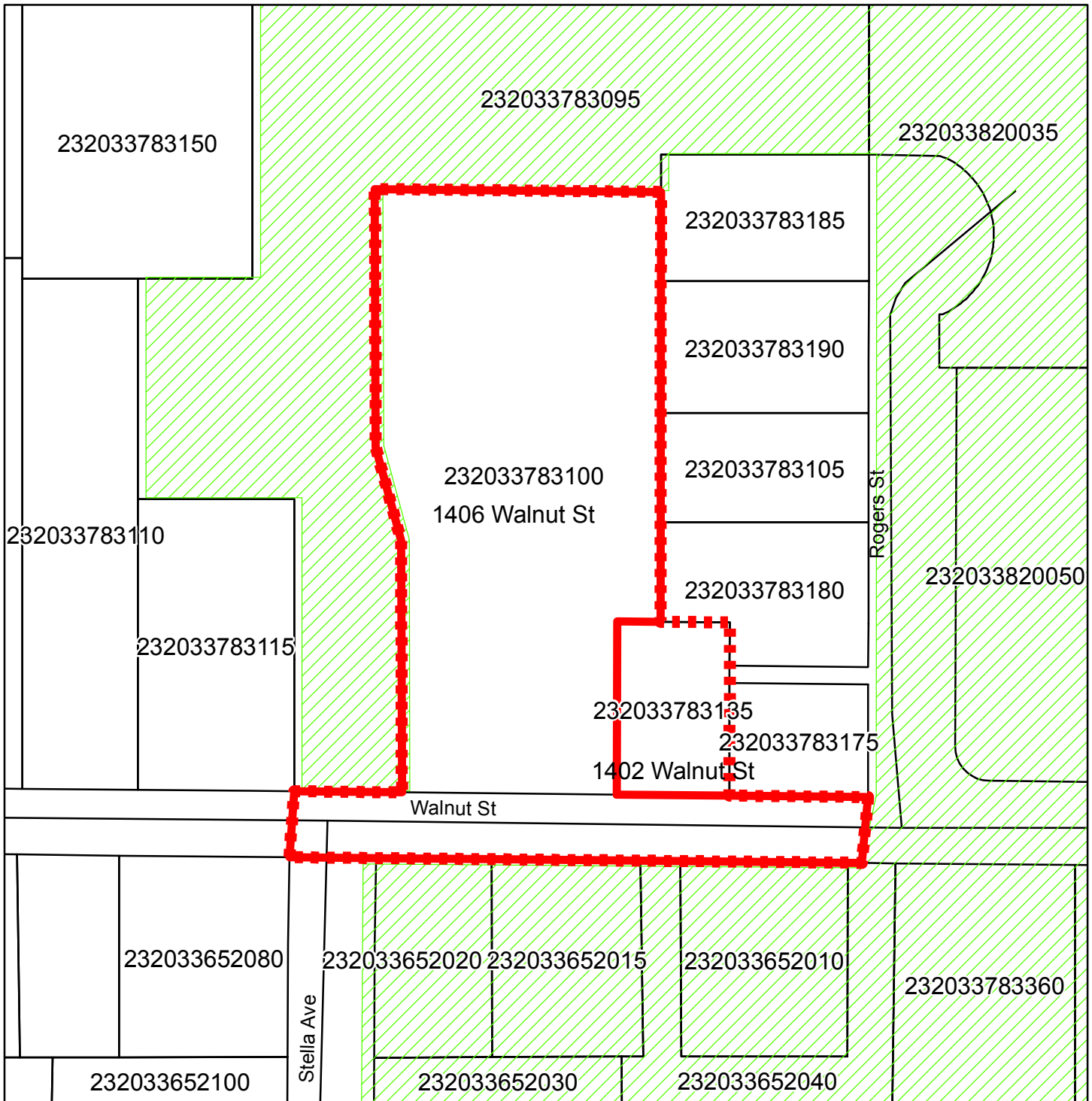
*Staff recommendation:* I move to approve the annexation boundary including the applicant's parcel and adjacent right-of-way of the ten percent (10%) annexation petition for property located in an unincorporated area northeast of Stella Ave and Walnut St, to require the adoption of the proposed zoning regulations as it is set forth in the Comprehensive Plan of the City as North Wenatchee Business District, and to require the assumption of existing indebtedness of the City by the area to be annexed.

*Alternative:* I move to approve the annexation boundary including the applicant's parcel at 1406 Walnut ST, the parcel at 1402 Walnut St, and adjacent right-of-way of the ten percent (10%) annexation petition for property located in an unincorporated area northeast of Stella Ave and Walnut St, to require the adoption of the proposed zoning regulations as it is set forth in the Comprehensive Plan of the City as North Wenatchee Business District, and to require the assumption of existing indebtedness of the City by the area to be annexed.




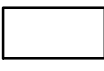

### **VI. ADMINISTRATIVE ROUTING**

Tammy Stanger  
Kim Schooley

# Shieni Annexation Staff Proposal for 10% Meeting



## Legend

-  Annexation Area - Staff Recommendation
-  Annexation Area - Alternative
-  City Limits
-  Parcels
-  Streets

0 50 100 Feet



**CITY OF WENATCHEE**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**PLANNING DIVISION**  
1350 McKITTRICK ST  
PO BOX 519, WENATCHEE, WA 98807-0519  
(509) 888-3261 FAX (509) 888-3201

**PETITION TO ANNEX REVIEW APPLICATION**

FEES: \$ 250.00 CITY OF WENATCHEE FILE # ANNEX-17-03  
DATE STAMP JUN 22 2017 FEE \$ 250 CHECK # Credit Card RCPT # PL 17-00038

Date: 06/21/2017  
Applicant: Miriam Shueni Phone \_\_\_\_\_

Address: 2023 Westhaven Wenatchee WA 98807.  
Tel: 206-209-6953

PROPOSED ANNEXATION AREA mseleina@hotmail.com  
Jess-phome@charter.net

Parcel # 232033783100

### City of Wenatchee

### Ten Percent Annexation Initiation Petition

Wenatchee City Council  
PO Box 519  
Wenatchee, WA 98807

Date: 06/21/2017

Dear Mayor and Council,



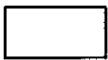

The undersigned, constituting not less than 10% in value according to the assessed valuation for general taxation of property described in the attached exhibit, incorporated herein by reference, hereby notify the Wenatchee City Council of the undersigned's intention to commence annexation proceedings. The undersigned requests that the City Council of the City of Wenatchee set a date for a meeting with the undersigned parties to determine whether the City of Wenatchee will accept the proposed annexation and whether it will require the assumption of existing indebtedness by the area to be annexed and/or the adoption of a proposed zoning regulation.

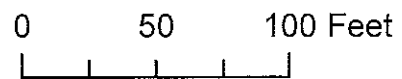
**WARNING:** Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

NAME/ADDRESS	DATE	SIGNATURE
Miriam-S. Shien	1408/1406	Walnut St.
		06/21/17



## Legend

-  Shieni Annexation 10% Petition
-  City Limits
-  Parcels
-  Streets





**TO: Wenatchee City Council**  
**FROM: Community & Economic Development Staff**  
**SUBJECT: Proposed Amendments to the Wenatchee City Code**  
**DATE: July 7, 2017 HEARING DATE: July 13, 2017**

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**I. OVERVIEW**

In February 2017 the City of Wenatchee Planning Commission held a workshop to review draft code amendments. Upon completion of the workshop, and consideration of 60 day review/environmental review and comment periods the City of Wenatchee Planning Commission held a public hearing on May 17, 2017. The Planning Commission forwarded a recommendation of approval for each of the proposals. The purpose of the July 13, 2017 public hearing before the City Council is to consider this recommendation, hear public testimony, and consider either approval, amendment, denial, or remand to the Planning Commission for additional clarification of the proposed amendments.

The proposed amendments are as follows:

- A. Amendments to Wenatchee City Code (WCC) Chapter 10.42 to allow residential planned developments which create nine or less lots, tracts, parcels, or residential dwelling units to be processed as a Type II administrative review application. WCC Chapter 1.99 is proposed to be amended to establish related application fees.
- B. Amendments to WCC Chapter 11.20 to accommodate provisions for shared driveway easements and private lane established by access easements when consistent with review criteria to facilitate infill development.
- C. Amendments for WCC Chapter 11.32 to add provisions for unit lot subdivisions applying exclusively to divisions of land for attached single-family dwelling units and cottage housing developments. WCC Chapter 1.99 is proposed to be amended for associated application fees.

**ACTION REQUESTED**

Planning staff has provided suggested findings of fact and conclusions of law in support of the Planning Commission recommendation, attached as Exhibit "A", to the proposed Ordinance. The original staff report from the Planning Commission proceedings has been enclosed for your review. The Ordinance includes the proposed amendments as Exhibit "B". Planning staff has include for the City Council to consider in addition to the Planning Commission's recommendation a correction of a scrivener error in WCC Section 11.20.020(10)(c)(iii) to read 501 feet or longer. It currently reads 501 or less.

A draft motion for the Wenatchee City Council's consideration:

**Draft Motion:** I move to approve the amendments to Wenatchee City Code, as incorporated in Ordinance No. 2017-16 under Exhibit "B", based upon the findings of fact and conclusions of law in Exhibit "A" of said Ordinance.

**II. FISCAL IMPACT**

No known fiscal impacts can directly be attributed to the proposed amendments to Wenatchee City Code.

**III. PROPOSED PROJECT SCHEDULE**

If adopted by the Wenatchee City Council, Community and Economic Development staff would provide notice to the Washington State Department of Commerce of the adoption, completing the process with a 60 day appeal period required by RCW 36.70A.

**IV. REFERENCE(S)**

1. Draft Ordinance No. 2017-16 including Exhibit "A" suggested findings of fact and conclusions of law; and Exhibit "B", recommended amendments to Wenatchee City Code.
2. Community and Economic Development staff report dated May 17, 2017.

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**AGENDA REPORT  
COMMUNITY DEVELOPMENT DEPARTMENT**

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**TO: Wenatchee City Council**

**FROM: Community Development Staff**

**SUBJECT: Supplemental revisions to proposed amendments to the Wenatchee City Code**

**DATE: July 13, 2017                      HEARING DATE: July 13, 2017**

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**I. OVERVIEW**

The Community Development Department received a comment regarding the proposed requirement in Section 11.20.020(11)(a)(ix) that lots accessed via a private easement exceeding 150 feet be required to install fire sprinklers in the new structures.

The proposed draft recommended by the Planning Commission reads as follows:

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. Access easements exceeding 150 feet in length will require that new structures install fire sprinkler systems in accordance with NFPA 13D\_\_\_\_\_.

The concern with this requirement is that it does not allow the city to coordinate with the fire district to use the flexibility in the International Fire Code to review development on a parcel by parcel approach. Rather, it would require property owners to install residential sprinklers where they may not necessarily be required by the fire code.

**II. ACTION REQUESTED**

City staff is recommending that the Council consider a minor revision to the proposed draft to remove the sprinkler requirement. The draft would read as follows:

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. ~~Access easements exceeding 150 feet in length will require that new structures install fire sprinkler systems in accordance with NFPA 13D\_\_\_\_\_.~~

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**AGENDA REPORT  
COMMUNITY DEVELOPMENT DEPARTMENT**

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City staff does not believe the minor revision substantially changes the Planning Commission recommendation and have included is a draft motion for the Council to consider:

**Draft Motion:** I move to approve the amendments to the Wenatchee City Code, as incorporated in Ordinance No. 2017-16 in Exhibit B, including a revision removing the requirement to install fire sprinklers in new structures located on easements longer than 150 feet, based on the findings of fact and conclusions of law in Exhibit A.

Staff will be available at the public hearing to answer questions regarding the attached Resolution.

**III. FISCAL IMPACT**

There would be substantial financial burden placed on property owners constructing new structures accessed via easements longer than 150 feet.

**IV. PROPOSED PROJECT SCHEDULE**

If adopted by the Wenatchee City Council, Community Development staff would provide notice to the Washington State Department of Commerce of the adoption and begin the applicable appeal period.

**V. REFERENCE(S)**

1. Draft Ordinance No. 2017-16, including all exhibits.

**ORDINANCE NO. 2017-16**

**AN ORDINANCE**, amending the development regulations of the City including, specifically, Wenatchee City Code (WCC) Chapter 10.42 to allow residential planned developments which create nine or less lots, tracts, parcels, or residential dwelling units to be processed as a Type II administrative review application; WCC Chapter 11.20 to accommodate provisions for shared driveway easements and private lanes established by access easements when consistent with review criteria to facilitate infill development; WCC Chapter 11.32 to add provisions for unit lot subdivisions applying exclusively to divisions of land for attached single-family dwelling units and cottage housing developments; and WCC Chapter 1.99 related to associated application fees.

**WHEREAS**, the City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, and that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions; and

**WHEREAS**, the City of Wenatchee Planning Commission has transmitted a recommendation of approval to this Council regarding amendments to the Wenatchee City Code related to its development regulations; and

**WHEREAS**, notice of all public hearings on this matter have been published according to law; and

**WHEREAS**, the Wenatchee City Council adopts the Findings of Fact and Conclusions of Law as set forth in Exhibit A.

**THE CITY COUNCIL OF THE CITY OF WENATCHEE DO  
ORDAIN AS FOLLOWS:**

**SECTION I**

That the foregoing recitals are adopted in their entirety and incorporated herein as though fully set forth.

**SECTION II**

That the amendments to the Wenatchee City Code as set forth in Exhibit B attached hereto and incorporated by this reference shall be and hereby are approved and adopted.

**SECTION III**

This ordinance shall take effect thirty (30) days from and after approval and publication as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF  
WENATCHEE** this 13<sup>th</sup> day of July, 2017.

CITY OF WENATCHEE, a Municipal corporation

By: \_\_\_\_\_  
FRANK KUNTZ, Mayor

ATTEST:

By: \_\_\_\_\_  
TAMMY STANGER, City Clerk

APPROVED:

By: \_\_\_\_\_  
STEVE SMITH, City Attorney

## Exhibit A

### Findings of Fact:

1. The City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions.
2. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
3. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
4. The City of Wenatchee Planning Commission held two workshops between November 2016 and February 2017 on the proposed amendments.
5. Copies of the environmental documents were sent to the Department of Ecology SEPA Register for the amendments on March 10, 2017.
6. Notice of the public 60 day review and comment period, and public hearing dates were published in the Wenatchee World on March 10, 2017 for amendments.
7. On March 7, 2017, the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Wenatchee City Code and initiation of the 60 day review and comment periods. Additional notices were provided to local and regional agencies for the 60 day review and comment periods/environmental determinations.
8. On May 17, 2017, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
9. The City of Wenatchee Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.
10. The City of Wenatchee issued a determination of non-significance (DNS) and adopted by reference the existing Supplemental Environmental Impact Statement for the Wenatchee Urban Area Comprehensive Plan Update 2006, adopted April 4, 2007, Final SEIS under the State Environmental Policy Act Rules (Chapter 197-11 WAC) as applicable to these proposals. Notice of the environmental determination for the proposed amendments the Wenatchee City Code was made on March 10, 2017, with comments due by May 10, 2017.
11. The September 2016 Wenatchee Urban Area Housing Needs Assessment & Market Demand Study prepared by BERK includes a recommendation to “Review Regulations for Barriers to

Creating “Missing Middle” Housing Types” including “zero lot line townhouse style development”.

Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the City of Wenatchee Urban Area Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.



## **Exhibit B**

**Exhibit B**

**10.42.010 Purpose and description.**

(1) It is the purpose of this chapter to implement the goals and policies of the Wenatchee urban area comprehensive plan by allowing flexibility in the application of standards for development in order to protect and enhance environmental features, encourage the development of affordable and diverse housing, and provide other public benefits, including the siting of hospitals. More specifically, it is the purpose of this chapter to:

(a) Encourage imaginative design and the creation of permanent open space by permitting flexibility in zoning requirements;

(b) Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, off-street parking areas, and otherwise to better utilize the potential of the site characterized by special features such as geography, topography, size, or shape;

(c) Provide for maximum efficiency in layout of streets, utility works, and other public improvements;

(d) Produce an integrated or balanced development of mutually supportive uses that might otherwise be inharmonious or incongruous;

(e) Provide a guide for developers and city officials who review and approve developments meeting the standards and purpose of this chapter;

(f) Permit the use of innovative development methods and approaches not available under conventional zoning to facilitate the construction of public facilities or a variety of housing types and densities serving the diverse needs of the community and to promote affordable housing goals and policies of the comprehensive plan;

(g) Encourage infill within areas of the city which are characterized by existing development.

(2) Designation of a property as a planned development (PD) binds the property owners and their successors to the development described and depicted in the application and approval of the PD. The PD designation confirms that the PD is consistent with the purpose of and provisions for planned developments and the comprehensive plan and provides the standards by which subsequent development permits, including building permits, shall be reviewed. All provisions, conditions and requirements of the PD approval shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel or tract re-created pursuant to the approved plan that depicts the PD.

(3) A PD shall be reviewed according to the provisions for a Type III application process as described in WCC Title [13](#), Development Code Administration, except as otherwise provided for in this chapter.

(a) A PD which creates nine or less lots, tracts, parcels, or residential dwelling units shall be processed in accordance with WCC 13.090.040, Type II administrative review.

(4) This chapter establishes two types of planned developments, as identified below. Unless otherwise specifically stated, all provisions of this chapter shall apply to both types of planned developments.

(a) Residential Planned Development (RPD). This is a PD devoted to residential and supportive accessory uses. It is intended to promote more economical and efficient use of land, while providing a harmonious variety of housing choices and/or accessory uses within a single project. Mobile/manufactured home parks are considered an RPD.

(b) Hospital Planned Development (HPD). The HPD provides for the location of hospital medical services, health care, and ancillary uses. The purpose of the HPD is to encourage comprehensive long-term master planning, to allow flexible dimensional standards that accommodate dynamic health care facility requirements, to ensure the viability of a site for hospital/medical facilities that provide high-quality, efficient health care and services, to promote good urban design in a campus setting that is pedestrian- and transit-friendly, and to establish use and design standards that are compatible with adjacent neighborhoods. (Ord. 2010-03 § 1 (Exh. A); Ord. 2007-34 § 2 (Exh. A))

**1.99.010 Community and economic development department planning division fees.**

The department of community and economic development shall charge, and there shall be remitted to the department to help defray the expenses incurred in the processing of applications required by various city ordinances, the fees as set forth below. All application fees shall be submitted as part of the required application materials. Said application shall not be considered as complete and eligible for review until said fee has been received. All fees collected are nonrefundable except in instances where an application has been officially withdrawn in writing by the proponent or applicant prior to the act of providing public notice.

Application	Fee
(1) Application for a variance from WCC Title <a href="#">10</a> , Zoning:	\$800.00
(2) Application for a conditional use permit from WCC Title <a href="#">10</a> , Zoning:	\$950.00

Application	Fee
(3) Application for a home occupation or temporary parking facility conditional use permit from WCC Title <a href="#">10</a> , Zoning:	\$800.00
(4) Application for a boundary line adjustment pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$200.00
(5) Application for a planned development from WCC Title <a href="#">10</a> , Zoning; provided, however, that the planned development application fee is waived in the event that the application is concurrent with a subdivision plan application:	<p><u>\$450 for nine or less lots, tracts, parcels or residential units</u></p> <p><u>\$1,450.00 for 10 or more lots, tracts, parcels, or residential units.</u></p>
(6) Application for an amendment to the official zoning map (rezone) of WCC Title <a href="#">10</a> , Zoning. (Where a site-specific comprehensive plan map amendment and a rezone are processed	\$1,000.00

Application	Fee
concurrently, the rezone fee shall be waived):	
(7) Application for an amendment to the official zoning text of WCC Title <a href="#">10</a> , Zoning:	\$1,000.00
(8) Application for an amendment to the official text of the Wenatchee urban area comprehensive plan:*	\$1,000.00
(9) Application for an amendment to the official land use map of the Wenatchee urban area comprehensive plan:*	\$1,000.00
(10) Application for a short subdivision pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$450.00, plus \$45.00 per lot
(11) Application for a subdivision plat pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$1,550.00 plus \$45.00 per lot
(12) Appeal of administrative,	\$500.00

Application	Fee
<p>historic preservation board, or concurrency test decision, or any other appeal pursuant to WCC, to the hearing examiner:</p>	
<p>(13) Review of a SEPA environmental checklist required pursuant to Chapter <a href="#">12.04</a> WCC; provided, however, that the SEPA environmental checklist fee is waived in the event that the checklist is concurrent with a zoning or subdivision application of any type:</p>	<p>\$300.00</p>
<p>(14) Review and preparation of a SEPA mitigated environmental determination or environmental impact statement required pursuant to Chapter <a href="#">12.04</a> WCC:</p>	<p>\$150.00 minimum for three hours' review, plus \$40.00 per hour for each subsequent hour of review. Developer must provide payment based on hourly estimate at time of application; balance due at</p>

Application	Fee
	completion, including any refund, if necessary
(15) Application for a shoreline substantial development permit subject to administrative approval pursuant to the city of Wenatchee shoreline master program:	\$500.00
(16) Application for a binding site plan pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$450.00 up to nine lots, plus \$45.00 per lot; \$1,550.00 for 10 lots or more, plus \$45.00 per lot
(17) Application for a plat, short plat or binding site plan alteration pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$950.00
(18) Application for a planned development amendment pursuant to WCC Title <a href="#">10</a> , Zoning:	\$950.00

Application	Fee
(19) Review of final plat, short plat, binding site plan, or alteration pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$200.00, plus \$25.00 per lot
(20) Building permit – Review of residential applications:	\$50.00
(21) Building permit – Review of commercial or industrial applications:	\$150.00
(22) Annexation – Petition to annex review:	\$250.00
(23) Landscape plan review:	\$50.00
(24) Landscape inspection:	\$50.00
(25) Application for a plat, short plat, or binding site plan vacation:	\$500.00
(26) Application for an amendment to conditions of approval – Short plats or binding site plans issued under administrative	\$450.00



Application	Fee
review, prior to final approval:	
(27) Application for an amendment to conditions of approval – Plats, binding site plans, or plat alterations prior to final approval, subject to hearing examiner review:	\$800.00
(28) Alternative parking analysis, planning commission review:	\$500.00
(29) Shoreline substantial development permit – Hearing examiner review:	\$950.00
(30) Shoreline conditional use permit (shoreline substantial development fees are waived where a shoreline conditional use permit is required):	\$950.00
(31) Shoreline variance:	\$800.00
(32) Shoreline exemption (written):	\$300.00

Application	Fee
(33) Shoreline revisions (requiring no public hearing):	\$150.00
(34) Shoreline time extension (requiring no public hearing):	\$150.00

\*The comprehensive plan shall not be amended more than once in any calendar year except in cases of emergency, and as otherwise established by Chapter [36.70A](#) RCW.

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, ~~11.20.020(10-12),~~

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**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 sidewalk, planters, medians, islands or utility infrastructure.

Type of IFC Turnaround	Min. R/W <sup>1</sup> (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. 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 <sup>1</sup> (feet)	Min. Curb-to-Curb (feet)	Drive Lane (feet)	Parking Lane (feet)	Planter <sup>2</sup> (feet)	Min. Side-walk <sup>3</sup> (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	10
Collector	60	38	11	2 @ 8	2 @ 5	2 @ 5	10
Res. Parking 2	60 <sup>4</sup>	34	10	2 @ 7 <sup>5</sup>	2 @ 5	2 @ 5	10
Res. Lane <sup>6</sup>	40	24	12	0	1 @ 5	1 @ 5	10
Cul-de-sac	100	96		0	1 @ 5	1 @ 5	5
Private Lane <sup>7</sup>	25	20	10	0	0	0	10
Private Lane > 500 ft. <sup>8</sup>	32	27	10	7	0	0	10

Notes:

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

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 A<sup>1</sup> 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 planned 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 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) Private Lanes.
- (a) Private lanes are allowed when it is determined by the subdivision administrator 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.
  - (b) 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.

(c) Private Lanes – Permitted within Planned Developments or Binding Site Plans. The following minimum standards apply to private lanes within planned developments or binding site plans:

(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 planned 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.

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(d) 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. (Ord. 2013-41 § 1 (Exh. B); Ord. 2010-24 § 1; Ord. 99-38 §§ 1, 2; Ord. 3080 § 502, 1994)

(11) 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 Section 11.20.020(10) Private Lane. 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 forty five 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. (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. (vii) 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. (viii) 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;

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- 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 Section 11.20.020(10) as a private lane cannot be a result of the owners own actions.

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(12) 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 Section 11.20.020(10) Private Lane. 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 planned residential development, under Chapter 10.42 Planned Developments, 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 Section 11.20.020(10), 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 Section 11.20.020(10) 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.

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

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Sections:

- 11.32.010 Application and fees.
- 11.32.020 Applicability of zoning regulations.
- 11.32.030 Districts permitted.
- 11.32.040 Minimum size of cluster subdivisions.
- 11.32.050 Open space restricted.
- 11.32.060 Open space use and access.
- 11.32.070 Binding site plans.
- 11.32.080 Unit lot subdivisions.
- 11.32.010 Application and fees.

Applications for cluster subdivision, 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 subdivision, 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 cluster subdivision proposal. (Ord. 2010-24 § 1; Ord. 98-40 § 4; Ord. 3080 § 800, 1994)

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11.32.020 Applicability of zoning regulations.

Cluster subdivision shall meet the overall density requirements as set forth in the Wenatchee zoning ordinance. For the purposes of this chapter, the minimum lot size for the zoning district shall be divided into the gross area of land being subdivided to ascertain the total number of lots that will be allowed by this procedure. Individual lot sizes may be reduced by no more than 25 percent of the minimum lot size of the district. All such lot reductions shall be compensated for by an equivalent amount of land area in open space to be preserved and maintained for its scenic value, for recreation, or conservation purposes. Individual lot depth and width requirements may be reduced by not more than 20 percent. All other zoning ordinance regulations and use limitations remain in full force and effect. (Ord. 2010-24 § 1; Ord. 3080 § 802, 1994)

11.32.030 Districts permitted.

Cluster subdivisions may only be allowed in the R-S and RL zoning districts as the same are depicted on the official zoning map for the city of Wenatchee. (Ord. 2010-24 § 1; Ord. 3080 § 804, 1994)

11.32.040 Minimum size of cluster subdivisions.

Cluster subdivision shall not be allowed in subdivisions containing less than five acres. (Ord. 2010-24 § 1; Ord. 3080 § 806, 1994)

11.32.050 Open space restricted.

The open space accumulated as a result of the application of WCC [11.32.020](#) shall be clearly labeled and numbered as a tract with the following language inserted on any and all plats filed for record:

This tract is held in reserve as a permanent open space and shall not be considered as a building lot, or encroached upon in any manner.

(Ord. 2010-24 § 1; Ord. 3080 § 808, 1994)

11.32.060 Open space use and access.

The open space created and set aside pursuant to WCC [11.32.020](#) shall remain unimproved for preservation, recreation and conservation purposes, and shall be accessible without trespassing on private property, to all residents of the subdivision or, where the land has been deeded to the city of Wenatchee, to the public. (Ord. 2010-24 § 1; Ord. 3080 § 810, 1994)

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. (Ord. 2014-10 § 1 (Exh. B); Ord. 2010-24 § 1; Ord. 98-40 § 5; Ord. 3080 § 812, 1994)

### 11.32.080 Unit lot subdivisions

(1) Applicability and purpose. This section is to apply exclusively to the division of land for attached single-family dwelling units authorized under City Code and cottage housing development processed as a residential planned development under WCC 10.42. The purpose is to allow for the creation of lots for townhouse dwellings and cottage developments, while applying only those site development standards applicable to the parent site as a whole.

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(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.

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(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:

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(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.

(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 or residential planned development 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 based on analysis of the individual unit lot. So long as the parent site 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 Title 11 WCC, 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 WCC 10.42, building setbacks shall be as required for the zone as applied to the underlying parent site 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.

(g) 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

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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;

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(7) Final Unit Lot Subdivision Review and Approval Process. Unit lot subdivisions receiving preliminary approval under the Administrative Classification under Section 11.32.080(3)a 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 Section 11.32.080(3)b shall have a final review process which includes final legislative approval by the Wenatchee City Council under Section 11.16.250 WCC. 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:

Deleted: All final unit lot subdivision reviews shall be administrative.

(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.

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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:

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(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.

**1.99.010 Community and economic development department planning division fees.** 

The department of community and economic development shall charge, and there shall be remitted to the department to help defray the expenses incurred in the processing of applications required by various city ordinances, the fees as set forth below. All application fees shall be submitted as part of the required application materials. Said application shall not be considered as complete and eligible for review until said fee has been received. All fees collected are nonrefundable except in instances where an application has been officially withdrawn in writing by the proponent or applicant prior to the act of providing public notice.

Application	Fee
(1) Application for a variance from WCC Title <a href="#">10</a> , Zoning:	\$800.00
(2) Application for a conditional use permit from WCC Title <a href="#">10</a> , Zoning:	\$950.00
(3) Application for a home occupation or temporary parking facility conditional use permit from WCC Title <a href="#">10</a> , Zoning:	\$800.00
(4) Application for a boundary line adjustment pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$200.00
(5) Application for a planned development from WCC Title <a href="#">10</a> , Zoning; provided, however, that the planned development application fee is waived in the event that the application is	\$1,450.00

Application	Fee
concurrent with a subdivision plan application:	
(6) Application for an amendment to the official zoning map (rezone) of WCC Title <a href="#">10</a> , Zoning. (Where a site-specific comprehensive plan map amendment and a rezone are processed concurrently, the rezone fee shall be waived):	\$1,000.00
(7) Application for an amendment to the official zoning text of WCC Title <a href="#">10</a> , Zoning:	\$1,000.00
(8) Application for an amendment to the official text of the Wenatchee urban area comprehensive plan:*	\$1,000.00
(9) Application for an amendment to the official land use map of the Wenatchee urban area comprehensive plan:*	\$1,000.00
(10) Application for a short subdivision pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$450.00, plus \$45.00 per lot



Application	Fee
(11) Application for a subdivision plat pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$1,550.00 plus \$45.00 per lot
(12) Appeal of administrative, historic preservation board, or concurrency test decision, or any other appeal pursuant to WCC, to the hearing examiner:	\$500.00
(13) Review of a SEPA environmental checklist required pursuant to Chapter <a href="#">12.04</a> WCC; provided, however, that the SEPA environmental checklist fee is waived in the event that the checklist is concurrent with a zoning or subdivision application of any type:	\$300.00
(14) Review and preparation of a SEPA mitigated environmental determination or environmental impact statement required pursuant to Chapter <a href="#">12.04</a> WCC:	\$150.00 minimum for three hours' review, plus \$40.00 per hour for each subsequent hour of review. Developer must provide payment based on hourly estimate at time of application; balance due at completion,

Application	Fee
	including any refund, if necessary
(15) Application for a shoreline substantial development permit subject to administrative approval pursuant to the city of Wenatchee shoreline master program:	\$500.00
(16) Application for a binding site plan <u>or unit lot subdivision</u> pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$450.00 up to nine lots, plus \$45.00 per lot; \$1,550.00 for 10 lots or more, plus \$45.00 per lot
(17) Application for a plat, short plat, binding site plan, <u>or unit lot subdivision</u> alteration pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$950.00
(18) Application for a planned development amendment pursuant to WCC Title <a href="#">10</a> , Zoning:	\$950.00
(19) Review of final plat, short plat, binding site plan, <u>unit lot subdivision</u> or alteration pursuant to WCC Title <a href="#">11</a> , Subdivisions:	\$200.00, plus \$25.00 per lot

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Application	Fee
(20) Building permit – Review of residential applications:	\$50.00
(21) Building permit – Review of commercial or industrial applications:	\$150.00
(22) Annexation – Petition to annex review:	\$250.00
(23) Landscape plan review:	\$50.00
(24) Landscape inspection:	\$50.00
(25) Application for a plat, short plat, <a href="#">unit subdivision</a> , or binding site plan vacation:	\$500.00
(26) Application for an amendment to conditions of approval – Short plats or binding site plans issued under administrative review, prior to final approval:	\$450.00
(27) Application for an amendment to conditions of approval – Plats, binding site plans, <a href="#">unit lot subdivision</a> , or plat alterations prior to final approval, subject to hearing examiner review:	\$800.00

Application	Fee
(28) Alternative parking analysis, planning commission review:	\$500.00
(29) Shoreline substantial development permit – Hearing examiner review:	\$950.00
(30) Shoreline conditional use permit (shoreline substantial development fees are waived where a shoreline conditional use permit is required):	\$950.00
(31) Shoreline variance:	\$800.00
(32) Shoreline exemption (written):	\$300.00
(33) Shoreline revisions (requiring no public hearing):	\$150.00
(34) Shoreline time extension (requiring no public hearing):	\$150.00

\*The comprehensive plan shall not be amended more than once in any calendar year except in cases of emergency, and as otherwise established by Chapter [36.70A](#) RCW.

(Ord. 2014-16 § 1; Ord. 2011-12 § 1; Ord. 2011-03 § 1; Ord. 2009-36 § 1; Ord. 2007-31 § 1; Ord. 2004-24 § 1; Ord. 99-1 § 1; Ord. 98-11 § 1)

## **STAFF REPORT**

### **2017 LIMITED CODE AMENDMENTS**

**TO:** City of Wenatchee Planning Commission  
**FROM:** City of Wenatchee Community and Economic Development Staff  
**DATE:** May 17, 2017

#### **I. REQUESTED ACTIONS**

Adoption of amendments to the Wenatchee City Code (WCC) attached as Exhibit I.  
Requested actions include:

- A. Amendments to Wenatchee City Code (WCC) Chapter 10.42 to allow residential planned developments which create nine or less lots, tracts, parcels, or residential dwelling units to be processed as a Type II administrative review application. WCC Chapter 1.99 is proposed to be amended to establish related application fees.
- B. Amendments to WCC Chapter 11.20 to accommodate provisions for shared driveway easements and private lane established by access easements when consistent with review criteria to facilitate infill development.
- C. Amendments for WCC Chapter 11.32 to add provisions for unit lot subdivisions applying exclusively to divisions of land for attached single-family dwelling units and cottage housing developments. WCC Chapter 1.99 is proposed to be amended for associated application fees.

#### **II. ENVIRONMENTAL REVIEW**

The City of Wenatchee has determined the proposed amendments to the Wenatchee City Code will not have probable significant adverse impacts on the environment. The City of Wenatchee has issued a determination of non-significance (DNS) and is adopting by reference the existing Supplemental Environmental Impact Statement for the Wenatchee Urban Area Comprehensive Plan Update 2006, adopted April 4, 2007, Final SEIS under the State Environmental Policy Act Rules (Chapter 197-11 WAC), as applicable to these proposals. Notice of the environmental determination for the proposed amendments to the Wenatchee City Code was made on March 10, 2017, with comments due by May 10, 2017.

#### **III. PUBLIC PROCESS**

- On November 16, 2016 and February 15, 2017 the proposed amendments were discussed with the City of Wenatchee Planning Commission at public workshops.
- The amendments and environmental documents have been posted on the City of Wenatchee website during the public comment and environmental review periods.
- Notice of the proposed amendments to the Wenatchee City Code was made on March 10, 2017, with comments due by May 10, 2017.
- Concurrent with the notices provided for the proposed amendments, copies of the environmental documents were sent to the Department of Ecology SEPA Register; and the City of Wenatchee provided formal notice to the Washington State

Department of Commerce of the intent to adopt amendments to the City of Wenatchee Urban Area Comprehensive Plan and City of Wenatchee Zoning Code and initiation of the 60 day review and comment period. Additional notice was provided to local and regional agencies for the 60 day review and comment period/environmental determinations.

- On May 17, 2017, the City of Wenatchee Planning Commission conducted an advertised public hearing on the proposed amendments.

#### **IV. AGENCY AND PUBLIC COMMENTS:**

No comments were received in response to this proposal.

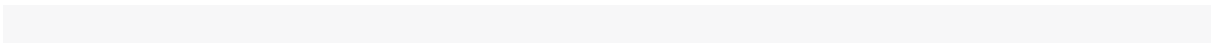
#### **V. PROJECT ANALYSIS**

An analysis, summary and recommendations for the three categories, A-C, of code amendments are provided below. Please refer to Exhibit I for the complete text of each proposed amendment. Suggested findings of fact and conclusions of law are included at the end of the staff report applicable to the proposals.

**A. Amendments to Wenatchee City Code (WCC) Chapter 10.42 to allow residential planned developments which create nine or less lots, tracts, parcels, or residential dwelling units to be processed as a Type II administrative review application. WCC Chapter 1.99 is proposed to be amended to establish related application fees.**

Amendments to WCC 10.42.010(3)(a), and the corresponding amendment to WCC1.99.010(5), are intended to streamline the application process for smaller Residential Planned Development projects. The proposal is to allow residential planned developments which create nine or less lots, tracts, parcels, or residential dwelling units to be processed as a Type II administrative review process rather than the Type III quasi-judicial review process as defined in WCC13.09. The main difference for the applicant is that a hearing is not required for a Type II application but is required for a Type III. This has the potential to significantly reduce the processing time of eligible development applications.

Staff recommends **Approval** of the proposed amendments to 10.42.010(3)(a) Planned Developments – Purpose and description and WCC1.99.010(5) Community and Economic Development Department Planning Division Fees based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.



**B. Amendments to WCC Chapter 11.20 to accommodate provisions for shared driveway easements and private lanes established by access easements when consistent with review criteria to facilitate infill development.**

The proposed amendments to WCC11.20.050 Subdivision Design Standards – Lot Design and 11.20.020(11) & (12) Subdivision Design Standards – Streets are intended to create additional opportunities for infill development. There are many lots throughout the City and UGA that have land that could be developed but the positioning of the lot and/or improvements in proximity to the nearest public or private road prevent the designation of legal access to the right-of-way as currently required in WCC11.20.050(1). This amendment provides two options for property owners in that situation to pursue a subdivision or binding site plan, subject to certain standards. A shared driveway easement is intended to be used as an additional option for two lot short plats when it is not possible to meet the standards for a private lane or in some circumstances when it would provide improved building envelopes or lot design. A private lane established by easement is intended as another option for larger developments including short plats, binding site plans, and major subdivisions. Each of these proposed options include criteria to ensure requirements such as fire access and other important design considerations are addressed.

Staff recommends **Approval** of the proposed amendments to WCC11.20.050 Subdivision Design Standards – Lot Design and 11.20.020(11) & (12) Subdivision Design Standards – Streets based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

**C. Amendments for WCC Chapter 11.32 to add provisions for unit lot subdivisions applying exclusively to divisions of land for attached single-family dwelling units and cottage housing developments. WCC Chapter 1.99 is proposed to be amended for associated application fees.**

The proposed amendments to WCC11.32 Cluster Subdivisions and Binding Site Plans to include Section WCC11.32.080 Unit Lot Subdivisions, and a corresponding amendment to WCC1.99.010 Community and Economic Development Department Planning Division Fees, are intended to provide a framework for unit lot subdivisions to be developed. The purpose is to allow for the creation of lots for attached single-family dwelling units, such as townhouses, and cottage developments processed as residential planned developments thus providing additional options in terms of housing styles and forms of ownership.

Staff recommends **Approval** of the proposed amendments to WCC11.32 Cluster Subdivisions and Binding Site Plans to include section WCC11.32.080 Unit Lot

Subdivisions, and a corresponding amendment to WCC1.99.010 Community and Economic Development Department Planning Division Fees, based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

## **SUGGESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### Suggested Findings of Fact:

1. The City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions.
2. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
3. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
4. The City of Wenatchee Planning Commission held two workshops between November 2016 and February 2017 on the proposed amendments.
5. Copies of the environmental documents were sent to the Department of Ecology SEPA Register for the amendments on March 10, 2017.
6. Notice of the public 60 day review and comment period, and public hearing dates were published in the Wenatchee World on March 10, 2017 for amendments.
7. On March 7, 2017, the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Wenatchee City Code and initiation of the 60 day review and comment periods. Additional notices were provided to local and regional agencies for the 60 day review and comment periods/environmental determinations.
8. On May 17, 2017, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
9. The City of Wenatchee Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.
10. The City of Wenatchee issued a determination of non-significance (DNS) and adopted by reference the existing Supplemental Environmental Impact Statement for the Wenatchee Urban Area Comprehensive Plan Update 2006, adopted April 4,



2007, Final SEIS under the State Environmental Policy Act Rules (Chapter 197-11 WAC) as applicable to these proposals. Notice of the environmental determination for the proposed amendments the Wenatchee City Code was made on March 10, 2017, with comments due by May 10, 2017.

11. The September 2016 Wenatchee Urban Area Housing Needs Assessment & Market Demand Study prepared by BERK includes a recommendation to “Review Regulations for Barriers to Creating “Missing Middle” Housing Types” including “zero lot line townhouse style development”.

Suggested Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the City of Wenatchee Urban Area Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.

Respectfully Submitted,

Matthew Parsons, AICP  
Associate Planner

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**COUNCIL AGENDA REPORT  
COMMUNITY DEVELOPMENT DEPARTMENT**

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**TO:** Mayor Frank Kuntz  
City Council Members

**FROM:** Stephen Neuenschwander, Planning Manager  
John Ajax, Senior Planner

**SUBJECT:** Ordinance 2017-15; Public Hearing – Small Cell Wireless Moratorium Extension

**DATE:** July 10, 2017 **MEETING DATE:** July 13, 2017

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**I. OVERVIEW**

Staff is requesting the City Council consider extending the current moratorium on small cell wireless facilities for an additional six months. If approved, the extended moratorium would expire January 25, 2018. The purpose of moratorium extension is to provide additional time needed for staff to establish the permitting process for use within the right-of-way. A revised work plan is attached.

**II. BACKGROUND**

On January 26, 2017, a six-month emergency moratorium was enacted (Ord. 2017-02) for establishment, siting, location, permitting, or licensing of small wireless facilities in the right-of-way. City Staff provided an overview of this matter to the Historic Preservation Board on May 3, 2017, conducted workshops with the PC on May 17, and CC on May 25. The bulk of the work completed to date has been the development of zoning standards. These standards will continue to be refined with additional design standards and to incorporate comments received from wireless service providers.

**III. ACTION REQUESTED**

Conduct a Public Hearing for Ordinance 2017-15; extending for six (6) months, a moratorium within the City of Wenatchee on the establishment, siting, location, permitting, or licensing of microcell, minor facilities and/or small cell facilities, as defined by RCW 80.36.375 or the Federal Communications Act of 1934, as amended, located in the public right of ways.

**IV. BUDGET IMPACTS**

No direct impacts to the City budget.

**V. ATTACHMENT(S)**

Ordinance 2017-15

**VI. ADMINISTRATIVE ROUTING**

Tammy Stanger  
Kim Schooley

**COUNCIL AGENDA REPORT  
COMMUNITY DEVELOPMENT DEPARTMENT**

Wireless Moratorium (Ord. 2017-15) Revised Work Plan.

<b>Tentative Timeline</b>	<b>Tasks</b>	<b>Notes</b>
<b>August - September</b>	Finish drafting code – WCC Titles 5 and 10.	
<b>Various</b>	Workshop	<b>September HPB 9/6/2017</b> <b>September PC 9/20/17</b>
<b>October</b>	Complete Draft Code. 2 <sup>nd</sup> half of month. - Request Expedited Review - WA. State Department of Commerce.	Conduct SEPA review on draft code update. Notice to agencies.
<b>November 15,</b>	PC Public Hearing for recommendation to CC	Thanksgiving is 11/23/17 (City Council regular meeting will be moved)
<b>December 14, 2017</b>	CC Public Hearing for consideration of code adoption	If approved, Ord. effective 30 days after publication in newspaper. Send to Commerce within 10 days of adoption.
<b>January 25, 2018</b>	Six month moratorium target end date	

## ORDINANCE NO. 2017-15

**AN ORDINANCE**, of the City Council of the City of Wenatchee, extending to January 25, 2018, its' previously enacted six (6) month moratorium on the establishment, siting, location, permitting, or licensing of microcell, minor facilities and/or small cell facilities, as defined by RCW 80.36.375 or the federal Communications Act of 1934, as amended, located in the public right of ways.

**WHEREAS**, in 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

**WHEREAS**, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the "**1996 Act**"), amending the Communications Act of 1934 and implementing the regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

**WHEREAS**, the City has adopted regulations that have been codified as part of the municipal code of the City establishing local requirements for the location, construction, and modification of wireless facilities; and

**WHEREAS**, in 2012 Congress passed the "Middle Class Tax Relief and Job Creation Act of 2012" (the "**Spectrum Act**") (PL-112-96; codified at 47 U.S.C. § 1455(a)); and

**WHEREAS**, Section 6409 (hereafter "**Section 6409**") of the Spectrum Act implements additional substantive and procedural limitations upon state and local

government authority to regulate modification of existing wireless antenna support structures and base stations; and

**WHEREAS**, Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

**WHEREAS**, the 1996 Act empowers the Federal Communications Commission (the “**FCC**”) to prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

**WHEREAS**, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, (the “**Report and Order**” or “**Order**”) clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

**WHEREAS**, the rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to co-locate on structures that already support wireless facilities; and

**WHEREAS**, the Report and Order also adopts measures that update the FCC’s review processes under the National Environmental Policy Act of 1969 (“**NEPA**”) and section 106 of the National Historic Preservation Act of 1966 (“**NHPA**”), with a particular

emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service; and

**WHEREAS**, on January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA; and

**WHEREAS**, that part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing based station (“**Eligible Facility Request Rules**”); and

**WHEREAS**, the Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 60 day review requirement and tolling provisions, establishes a deemed approved remedy for applications not timely responded to, requires cities to approve a project permit application requesting modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications; and

**WHEREAS**, the Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2016; and

**WHEREAS**, the City Council finds that it is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to adopt

and implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

**WHEREAS**, the City of Wenatchee has not addressed regulations or controls specifically related to microcell, minor facilities and/or small cell facilities regulated by RCW 80.36.375 or the federal Communications Act of 1934, as amended (hereinafter “wireless facilities”); and

**WHEREAS**, City staff needs time to study the secondary land use impacts of wireless facilities and any desired development standards to appropriately handle those impacts in the public right of ways; and

**WHEREAS**, a moratorium enacted under RCW 36.70A.390 is a method by which local governments may preserve the status quo so that new regulations will not be rendered moot by intervening development; and

**WHEREAS**, the City Council enacted Ordinance No. 2017-02 on January 26, 2017, imposing a six (6) month moratorium on the establishment, siting, location, permitting, and licensing of microcell, minor facilities, and/or small cell facilities as defined by RCW 80.36.375 in the public right of ways; and

**WHEREAS**, in conformity with the responsibilities of the City of Wenatchee to meet public safety, property or welfare requirements and provide zoning and land use regulations pursuant to state law, and the City’s authority to regulate land use activities within its corporate limits, City staff has worked diligently since the enactment of Ordinance No. 2017-02 to study and address issues related to the impacts and necessary controls on wireless facilities in the public right of way; and

**WHEREAS**, an extension of the previously enacted moratorium is

necessary to allow adequate time for the study of the impacts and development of the necessary controls on wireless facilities in the public right of ways; and

**WHEREAS**, the City Council held a public hearing, upon notice, at the regular City Council meeting of July 13, 2017, at 5:15 p.m. in order to take public testimony and to consider adopting further findings.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE, WASHINGTON, DO ORDAIN** as follows:

**SECTION I**  
**Findings**

The recitals set forth above are hereby adopted as the City Council's findings in support of the moratorium imposed by this Ordinance.

**SECTION II**  
**Extension of Moratorium**

Pursuant to Washington State law, the City's previously enacted six (6) month moratorium adopted on January 26, 2017, by Ordinance No. 2017-02, shall be and hereby is extended to January 25, 2018. Said moratorium prohibits within the City of Wenatchee the establishment, siting, location, permitting, and licensing of microcell, minor facilities and/or small cell facilities as defined by RCW 80.36.375 in the public right of ways. This moratorium does not apply to an eligible facilities request to modify existing wireless facilities pursuant to 47 C.F.R. § 1.40001 or Pub.L 112-96, Title VI, Section 6409 of the Spectrum Act (codified at 47 U.S.C. § 1455).



**SECTION III**  
**Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other person or situation.

**SECTION IV**  
**Effective Date**

This Ordinance, as a public emergency ordinance necessary for the protection of public safety, property or welfare, shall take effect immediately upon passage by a majority plus one vote of the City Council.

**PASSED BY THE CITY COUNCIL OF THE CITY WENATCHEE,**

at a regular meeting thereof, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF WENATCHEE,**  
a Municipal Corporation

By: \_\_\_\_\_  
FRANK KUNTZ, Mayor

ATTEST:

By: \_\_\_\_\_  
TAMMY L. STANGER, City Clerk

APPROVED:

By: \_\_\_\_\_  
STEVE D. SMITH, City Attorney