

**WENATCHEE PLANNING COMMISSION
SCHEDULED MEETING
April 17, 2019
WENATCHEE CITY HALL COUNCIL CHAMBERS
301 Yakima Street, 2nd Floor
Wenatchee, WA 98801**

AGENDA

I. CALL TO ORDER AND WELCOME

II. ADMINISTRATIVE AFFAIRS

A. Approval of the minutes from the last regular meeting on February 20, 2019.

III. PUBLIC COMMENT PERIOD

Comments for any matters not included on the agenda.

IV. OLD BUSINESS

None

V. NEW BUSINESS

- A. Public Hearing: Proposed Land Surface Modification Code
- B. Public Hearing: Wenatchee City Code amendments – WCC 10.10.020 District Use Chart – Historic/Entertainment Overlay pertaining to restaurants with a drive in or drive thru; and WCC 12.08.080(3) Critical Areas – General provisions – Exemptions

VI. OTHER

A. None

VII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Mayor's office at (509) 888-6204 (TTY 711). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1.)

MINUTES

I. CALL TO ORDER

Chair Scott Griffith called the meeting to order at 5:30 p.m. with the following members in attendance: Joe Gamboni, Susan Albert, Richard Erickson, Rani Sampson, and Josh Jorgensen. Absent was Commissioner Ace Bollinger.

City Planning staff was represented by: Stephen Neuenschwander, Planning Manager and Matt Parsons, Senior Planner.

II. ADMINISTRATIVE AFFAIRS

A. Approval of the minutes from the regular meeting on December 11, 2018.

Commissioner Gamboni moved to approve the minutes from the December 11, 2018 regular meeting. Commissioner Erickson seconded the motion. The motion carried.

B. Election of 2019 Chair and Vice Chair

Commissioner Albert moved to retain Scott Griffith as Chair and Ace Bollinger as Vice Chair for 2019. Commissioner Erickson seconded the motion. The motion carried.

III. PUBLIC COMMENT PERIOD

Comments for any matters not included on the agenda.

There was no public comment.

IV. OLD BUSINESS

None

V. NEW BUSINESS

Chair Scott Griffith advised that the agenda would be taken out of order and that Item B, the Open Public Meetings Act Training, would be moved to the end of the meeting.

A. Presentation: Richard DeRock – Link Transit

DeRock provided information to the board regarding Link's history, service, and performance to date, and presented ideas they have for future growth and expansion of services.

Commissioners asked questions of DeRock.

C. Workshop: Critical Area exemptions for public and private utilities

Stephen Neuenschwander, Planning Manager, presented the staff report.

Commissioners asked questions of staff.

Andy Wendell, Director of Customer Service - Chelan County PUD, addressed the Commission and spoke in favor of the proposed changes.

D. Workshop: Proposed code change to the Historic Entertainment Overlay to allow the adaptive re-use of bank drive-through facilities as drive-through restaurants

Neuenschwander presented the staff report.

Commissioners asked questions of staff.

B. Open Public Meetings Act Training

All board and staff members present completed the online training.

Matt Parsons, Senior Planner, provided an update regarding next month's meeting. He advised that Tuesday, March 19th at 5:30 p.m. another meeting on the Housing Code updates had been scheduled and that it would be in lieu of a regular Planning Commission meeting on March 20th. Parsons advised that details of the meeting would be provided and confirmed at a later date.

VI. OTHER

None

VII. ADJOURNMENT

With no further business to come before the Planning Commission, Chair Scott Griffith adjourned the meeting at 7:18 p.m.

Respectfully submitted,

CITY OF WENATCHEE
DEPARTMENT OF COMMUNITY DEVELOPMENT
Kim Schooley, Administrative Assistant

**PLANNING COMMISSION REPORT
PUBLIC WORKS DEPARTMENT**

TO: City of Wenatchee Planning Commission

FROM: John Ricardi, PE, Utilities
Jessica Shaw, Environmental Manager

SUBJECT: Proposed Land Surface Modification Code

DATE: April 9, 2019

MEETING DATE: April 17, 2019

I. OVERVIEW

Last November, the City of Wenatchee Public Works Department presented the Planning Commission with a general overview of a proposed code pertaining to land surface modifications that would replace the City's current grading code (Wenatchee City Code 2.04010(1)). On January 30th, the City of Wenatchee hosted the Wenatchee Development Forum where the key aspects of the land surface modification (LSM) code were presented to stakeholders. Stakeholder feedback included questions about fees, where the code would be applicable, education and outreach, and enforcement. The Public Works Department completed a draft of the code in March. The draft code and associated revisions to existing code were submitted to the Washington State Department of Commerce and the City Attorney for review. No comments were received from the Department of Commerce Review, and the code is still under review by the City Attorney.

The goals of the proposed code changes are to provide a process for site grading and utility installation in advance of building permit issuance and ensure that erosion and sediment control best management practices are being used. The LSM permit would be optional for projects that also require a building permit. Project applicants will continue to have the option to address engineering and grading with the building permit application as they do now. The main driver of Land Surface Modification code is to address state stormwater regulations and respond to the increasing number of customers who have requested a permit to start grading and utility installation in advance of a building permit.

The Public Works Department will be providing a presentation at the April 17th Planning Commission Meeting which will include key aspects of the draft LSM code, proposed permitting processes, and how the feedback received to date has been addressed. Following the presentation, a public hearing for the proposed code will be held.

II. ACTION REQUESTED

Public Works Staff is requesting that the Planning Commission provide a recommendation to the Wenatchee City Council to adopt the land surface modification code and associated code changes.

V. Attachment(s)

1. Draft Land Surface Modification Code WCC 9.30
2. Revisions to WCC 1.99 Fee Schedule
3. Revisions to WCC 2.04 Building Code and other referenced codes
4. Revisions to WCC 9.20 Construction & Post-Construction Stormwater

Chapter 9.30

Land Surface Modification

Sections

- 9.30.010 Purpose
- 9.30.020 Authority and administration
- 9.30.030 Definitions
- 9.30.040 Exemptions
- 9.30.050 Permits Required
- 9.30.060 Permitting
- 9.30.070 General Requirements
- 9.30.080 Land Surface Modification Plan
- 9.30.090 Inspection
- 9.30.100 Fees
- 9.30.110 Air Quality
- 9.30.120 Enforcement
- 9.30.130 Appeals
- 9.30.140 Conflicts with other regulations
- 9.30.150 Severability
- 9.30.160 Liability for damages

9.30.010 Purpose.

This chapter is intended to provide a process for permitting land surface modifications within the City of Wenatchee to prevent erosion of soils and to protect public health and safety through the adoption and enforcement of provisions designed to:

1. Minimize adverse impacts associated with the excavation and modification of land surfaces;
2. Protect water quality from the adverse impacts associated with erosion and sedimentation;
3. Ensure prompt development, restoration, replanting, and effective erosion and sedimentation control of property during and after land surface modification activities;
4. Establish administrative procedures for the issuance of permits, approval of plans, and inspection of land surface modification operations; and
5. Allow for the reasonable development of land in the City Of Wenatchee.

9.30.020 Authority and administration.

The Public Works Director shall administer, interpret, and enforce this chapter. The Public Works Director shall have the authority to issue permits and to perform, or cause to be performed, inspections and take such actions as may be required to enforce the provisions of this chapter.

9.30.030 Definitions.

For the purpose of this chapter, the following definitions shall apply:

1. "Agricultural activities" means those activities conducted on lands defined in [RCW 84.34.020\(2\)](#) as agricultural lands and those activities involved in the production of crops or livestock, including but not limited to: i) operation and maintenance of fields and pastures; ii) the maintenance, repair, replacement and installation of farm, irrigation, waste water regulation and stock ponds or drainage systems; iii) the maintenance, repair, replacement and installation of irrigation systems, including but not limited to rill irrigation and sprinkler systems; iv) changes between agricultural activities, including but not limited to, crop rotations, conversion of cultivated land to pasture and conversions of pasture to cultivated land; v) installation, maintenance or repair of existing serviceable structures and facilities used in agricultural activities to produce crops or raise livestock. An activity ceases to be an agricultural activity when the area on which it was conducted has been converted to a primary use which is not an agricultural activity.
2. "Applicant (also known as the Permittee)" means a property owner or any person or entity authorized or named in writing by the property owner to be the applicant, in an application for a development proposal permit.
3. "Bench" means a cut into a deep soil or rock face to provide stability or control surface drainage.
4. "Berm" means a mound or raised area usually used for the purpose of screening a site or operation, or for containing or directing runoff.
5. "Clearing" means the act of destroying or removing the existing soil cover both vegetative and non-vegetative.
6. "Compaction" means the densification of a fill by mechanical means or approved by an engineering geologist or civil engineer.
7. "Critical areas" as used in this chapter means critical aquifer recharge areas, wetlands, geologically hazardous areas, frequently flooded areas, and fish and wildlife habitat conservation areas as defined in WCC Chapter 12.08.
8. "Department" means the City of Wenatchee Public Works Department or duly authorized representative.
9. "Director" means the Director of Public Works or authorized representative.
10. "Engineer" or "Civil Engineer" is an individual licensed in the State of Washington to practice engineering in the civil engineering branch.
11. "Engineered" or "engineering" means work conducted or prepared by an engineer as defined in this section.
12. "Engineering geologist" means an engineering geologist licensed by the State of Washington.
13. "Erosion" means the wearing away of the ground surface as the result of the movement of wind, water, and/or ice.
14. "Erosion and sedimentation control" means any measure taken to reduce erosion, control siltation and sedimentation, and ensure that sediment laden water does not leave the site
15. "Excavation" means the removal of earth material.
16. "Fill" means a deposit of clean earth material or concrete pieces less than one cubic foot in volume.
17. "Geotechnical engineer" means an engineer as defined within this section with knowledge of the theory of geology, soils testing, and geotechnical engineering.
18. "Grade" means the elevation of the ground surface.
 - Existing grade is the surface prior to land surface modifying activity
 - Finished grade is the final surface of the site that conforms to an approved plan
 - Rough grade is the stage at which the surface approximately conforms to an approved plan.

- Engineered Grading is the designed land surface modification.
19. "Grading" is any excavation or filling activity or combination thereof that affects the land surface.
 20. "Horticulture activities" means the growing of fruits, vegetables, flowers, or ornamental plants for commercial purposes.
 21. "Land Surface Modification Permit" (LSM) means the permit required by this chapter for all activities modifying land surface, including but not limited to clearing and grading for development.
 22. "Permit area boundary" means the defined boundary surrounding LSM activity. The permit area boundary will usually be the property lines for the parcel; however, alternate boundaries may be defined on larger parcels with a limited LSM area.
 23. "Permittee" is the applicant.
 24. "Septic Design Professional" means a person licensed or registered in the State of Washington to design onsite wastewater handling and disposal systems described in the standards for the City.
 25. "Shorelines" are those water bodies, adjacent lands, and associated wetlands defined as such by the Shoreline Management Act ([RCW 90.58.030](#)).
 26. "Site" means any lot or parcel of land or contiguous combination thereof where activities regulated by this chapter are performed.
 27. "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
 28. "Temporary Erosion & Sediment Control" (TESC) means any temporary best management practices taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

9.30.040 Exemptions.

A LSM permit shall not be required for the following:

1. Excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation resulting in soil or rock having an exposed, unsupported height greater than five feet after the completion of such structure;
2. Demolition of existing structures under a demolition permit;
3. Cemetery graves;
4. Refuse disposal sites controlled by other regulations;
5. Excavations for wells or trenches for utilities in the public right-of-way permitted under a franchise agreement or right-of-way permit;
6. Repair and replacement of existing utilities on private property.
7. Landscaping of an existing single family residence.
8. Installation, maintenance and repair of landscape irrigation systems.
9. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by state regulations that address grading and excavating through geotechnical surveys, inspections, and restoration plans, provided such operations do not affect the lateral support of, or significantly increase stresses in soil on adjoining or contiguous properties;
10. Exploratory excavations performed under the direction of an engineer, engineering geologist, geotechnical engineer, and septic design professional City Engineer or Public Works designee;

11. An excavation that (a) is less than two (2) feet in depth, or (b) does not create a cut slope greater than 5 feet in height and steeper than one (1) unit vertical in two (2) units horizontal up to fifty (50) cubic yards;
12. A fill less than one foot in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal up to fifty (50) cubic yards;
13. Soil test holes and on-site sewage system installation done under the provisions of an on-site sewage disposal permit application;
14. Grading of City roads with City of Wenatchee Public Works oversight, including roads, bridges and municipal construction, which is designed to WSDOT, APWA or FHWA standards and specification where such grading is subject to review and approval of a local government agency or a State or Federal agency;
15. Public facility and road construction activities with City of Wenatchee Public Works oversight.
16. Construction activities performed by a state or federal agency with oversight of a licensed civil or geotechnical engineer;
17. Highway construction and maintenance administered by the Washington State Department of Transportation;
18. Routine road maintenance within the established footprint of an existing road;
19. Agricultural or horticultural activities as defined in WCC 14.05.030. An activity ceases to be agricultural or horticultural when the area on which it was conducted has been converted to a nonagricultural use. Farm access roads will be required to upgrade to private or public road standards prior to utilization within a land development. At that time, review under the conformance with this Chapter will be required;
20. Non-conversion Forest Practice Permits administered by the Washington State Department of Natural Resources.

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City of Wenatchee.

9.30.050 Permits required.

Except as exempted in WCC 9.30.040, land surface modification or filling upon a site involving more than fifty (50) cubic yards shall require a land surface modification permit from the Public Works Department. The following activities shall specifically require a LSM permit even when less than fifty (50) cubic yards:

1. Public or private road(s), as defined by, City of Wenatchee Standards serving more than two (2) dwelling units;
2. Site work pending preliminary plat approval that is being prepared for structural development and final plat approval.

9.30.060 Permitting

When a LSM permit is required under WCC 9.30.050, all persons proposing to conduct land surface modification activity within the jurisdictional boundaries of City of Wenatchee shall first apply for the LSM permit. The applicant shall obtain a land surface modification permit in conformance with this chapter prior to beginning any LSM activity.

1. The permit application shall at a minimum include the following:

- a. A completed LSM application signed by the applicant including but not limited to the estimated quantities of excavation and compact fill.
 - b. A completed Authorization of Applicant form when the applicant is not the property owner.
 - c. A vicinity map.
 - d. A site plan drawn to a reasonable scale (e.g., one inch equals 20 feet). The site plan should clearly show the following:
 - i. North arrow in its proper orientation.
 - ii. Property lines and dimensions.
 - iii. Location and dimensions of all existing and proposed development, including structures, roads, sewer, stormwater, and water lines, wells, landscape, utilities, easements, water bodies, floodplains, critical areas, drainage facilities, and on-site sewage disposal and drain field areas, within the permit area boundary.
 - e. Stormwater Pollution Prevention Plan as required by WCC 9.20.
 - i. If WCC 9.20 is not applicable, a Temporary Erosion Sediment Control Plan (TESC) shall be required using best management practices identified in the most current version of the Stormwater Management Manual for Eastern Washington.
2. For projects in excess of two hundred (200) cubic yards, a Land Surface Modification Plan as set forth in WCC 9.30.070 is required.
 3. Relevant supplemental information may be required for any project at the discretion of the Director. For example, if the Director determines that special conditions or unusual hazards exist, an engineered land surface modification plan may be required for projects less than two hundred (200) cubic yards. Special conditions or unusual hazards include, but are not limited to, work performed in areas with known drainage issues, work performed in critical areas or shorelines, landfills or landfill buffer zones, wellfields, or work performed in sensitive areas not shown on the city maps. The Director must justify in writing the circumstances under which land surface modification plan is required
 4. The Director may require surety bonds in such form and amount as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. **Upon completion of the improvements, the Director shall fix an amount deemed necessary to cover the costs of failure of any of the improvements or work done occurring within one year following completion.** Said bond shall be executed by a surety company authorized to transact a surety business in the state of Washington, and shall be approved as to form by the city attorney. In lieu of a faithful performance bond, the applicant may deposit with the city clerk, in the form of cash, bonds, savings deposit books, certificates of deposit, or any other surety acceptable to the city attorney in an amount fixed by the Director.
 5. Granting of Permits.
 - a. After an application has been filed and reviewed, the Director shall ascertain whether such proposed land surface modification work complies with the provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, and the proposal is consistent with all other relevant city codes, the Director will issue a LSM permit.

- b. The applicant/property owner shall maintain the approved LSM plans and permit available on the site, and provide an individual approved copy to any contractor who will be working at the site.
- c. A land surface modification shall be valid for a period of two (2) years from the date of permit issuance. The Director is authorized to grant one or more extensions not exceeding three hundred sixty-five (365) days each. The extension shall be requested in writing prior to permit expiration. Justifiable cause shall be demonstrated prior to issuance of such extensions. Renewal of permits may be accomplished with existing plans and reports, if no changes are being made to the proposal, and no new significant issues are raised during the review.
- d. The permittee shall be responsible for the work being performed in accordance with the approved plans and specifications and in conformance with the provisions of this chapter. The permittee shall act as a coordinator between the consultants, the contractor and Public Works. In the event of changing conditions, the permittee shall be responsible for informing Public Works of such change and shall provide revised plans for approval.

9.30.070 General Requirements.

Unless otherwise recommended in a permitted soils engineering or engineering geology report, LSM activities permitted under this Chapter shall conform to the following standards:

1. Appropriate erosion control structures shall be installed prior to any land surface modification activity.
2. All erosion control measures shall be maintained in place until vegetation is established for suitable erosion and sedimentation control.
3. No sediment from LSM operations shall be permitted to leave the site or enter any surface waters or wetlands.
4. Sites shall have a finished grade that drains away from structural foundations for a minimum of ten (10) feet.
5. All sites shall be cleaned upon project completion, including installation of permanent organic erosion control measures such as grass seeding, landscaping, or other organic means of erosion control.
6. The Director or Public Works designee may approve alternate setbacks at the request of the applicant. In approving these alternate setbacks, the Director or Public Works designee may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.
7. LSM activity shall not constrict or alter the existing flow of storm water, streams or other historical flow.
8. Minimum compaction requirements shall comply with those standards specified by the Washington State Department of Transportation, Standard Specifications for Road, Bridge and Municipal Construction, current edition.
9. Specific requirements for excavations:
 - a. Cuts of five feet in depth or greater shall be set back from property lines by a minimum of twenty-five (25) feet. This can be decreased with appropriate

engineering. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

- b. The top of cut slopes shall not be made nearer to a permit area boundary line than one fifth of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback needs to be increased for any required interceptor drains.
- c. The slope of cut surfaces shall be no steeper than two (2) units horizontal in one unit vertical (50 percent slope) unless the permittee furnishes a geotechnical engineering or an engineering geology report or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. At the request of the applicant, the Director or Public Works designee may approve the use of alternate grading standards. These approvals shall be based on sound engineering practices and require the submittal of additional documentation, reports, and testing.

10. Specific requirements for Fill:

- a. Any proposed finished slope that is steeper than two horizontal to one vertical shall be engineered.
- b. The ground surface shall be prepared to receive fill by removing all organic material, noncomplying fill, and scarifying topsoil.
- c. Solid waste as defined by Washington State law and amounts of organic material shall not be used as fill material.
- d. Fill slopes shall not be constructed on natural or cut slopes steeper than three (3) units horizontal in one unit vertical (33 percent slope) unless engineered. The ground surface shall be prepared to receive fill by scarifying to provide a bond with the new fill and, where slopes are steeper than five (5) units horizontal in one unit vertical (20 percent slope) and the height is greater than five (5) feet, by benching into sound bedrock or other competent material as determined by the engineer.
- e. The slope of fill surfaces shall be no steeper than three (3) units horizontal in one (1) unit vertical (33 percent slope) unless the permittee furnishes a geotechnical engineering or an engineering geology report or both, stating that the site has been investigated and giving an opinion that fill at a steeper slope will be stable and not create a hazard to public or private property. At the request of the applicant, the Director or Public Works designee may approve the use of alternate grading standards. These approvals shall be based on sound engineering practices and require the submittal of additional documentation, reports, and testing.

9.30.080 Land Surface Modification Plan.

Applications for projects involving engineered grading, as defined in WCC [9.30.030](#), shall be accompanied by an engineered land surface modification plan based on an engineering report or an engineering geology report. Engineered land surface modification plans shall be prepared and stamped by an engineering geologist, geotechnical engineer and/or civil engineer licensed to work in the State of Washington. An engineered land surface modification plan, shall include:

1. An easily reproducible scale on the plan of appropriate size depicting location and details of all cuts and all fills including depth and finished slopes of all cuts and all fills.
2. A general vicinity map of the area.
3. North arrow in its proper orientation.
4. Subject property boundary lines, existing and proposed roads or driveways, easements, natural or manmade bodies of water and drainages, critical areas, shorelines, floodplains, and any existing or proposed structures, wells or septic systems on the site, and the distance between such features.
5. Bodies of water, critical areas, structures, wells and septic systems on adjacent property and lying within 50 feet of the subject LSM activity boundary that could be affected by the proposed LSM operations.
6. Maps drawn with contour intervals that adequately depict existing and proposed slopes for the proposal. Contour intervals shall be presented in accordance with WCC 11.16.210(15)
7. Total quantities, in cubic yards, and type of cut and fill material, including on-site LSM material, and imported material. Materials excavated for building foundations and basements need not be considered in the above quantities.
8. Cross section drawings that include:
 - a. Maximum depth of fill and maximum height of cuts.
 - b. Existing and proposed buildings and their setbacks from cut or fill slopes.
 - c. Existing grades extending a minimum of twenty (20) feet beyond the permitted boundary area.
 - d. Finished grades of cuts and fills extending a minimum of twenty (20) feet beyond the permitted boundary area.
 - e. Retaining walls and the adjacent grade at least twenty (20) feet on either side of the wall(s).
 - f. Grades of all existing cut and fill areas expressed as a ratio of horizontal to vertical slope.
9. The disposal site for excavated material. Offsite disposal may require a separate land surface modification permit.
10. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, or other water or erosion control devices to be utilized as a part of the proposed work.
11. Any recommendations included in an engineering geology or geotechnical assessment or report for LSM or developing the property. If required, assessment and reports shall be completed in compliance with WCC 9.20.
12. Land surface modification within a geological hazard critical area may require a geotechnical assessment in compliance with the WCC 9.20.
13. Inspection schedule including contact information for the inspectors as required under WCC 9.30.100.

9.30.090 Fees

Fees for the Land Surface Modification permit shall be set forth in WCC 1.99.020.

9.30.100 Inspections

Projects for which a LSM permit is required shall be subject to inspections. An inspection schedule shall be established for each project prior to permit issuance.

1. A licensed engineer shall provide professional inspections of grading operations if engineering is required elsewhere in this chapter. The Permittee shall be responsible for hiring a civil engineer, geotechnical engineer, or engineering geologist to provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction.
 - a) These inspections shall also include observation and review as to the establishment of line, grade and surface drainage of the development area. Soil testing shall comply with Washington State Department of Transportation, Standard Specifications for Road, Bridge and Municipal Construction, current edition.
 - b) The engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter.
 - c) The engineer or engineering geologist shall also provide professional inspection of any excavation to determine if conditions encountered are in conformance with the approved report or plan. If revised plans are required during the course of the work, they shall be prepared by the engineer of record.
 - d) Revised recommendations relating to conditions differing from the approved engineering geology or geotechnical reports shall be submitted to the permittee, Public Works and the engineer of record.
 - e) If, in the course of fulfilling their respective duties under this chapter, the civil engineer, geotechnical engineer, or engineering geologist finds that the work is not being done in conformance with this chapter or the approved LSM plans, the discrepancies shall be reported in writing within three working days to the permittee and to the Department.
 - f) If the civil engineer, geotechnical engineer, or engineering geologist of record is changed during land surface modification, the work shall be stopped until the replacement has agreed in writing to accept the responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Department in writing of such change prior to recommencing of such grading.
2. Public Works shall inspect the project in various stages of work, including but not limited to prior to clearing and grading for construction if a high potential for sediment transport is determined.

9.30.110 Air quality.

Dust shall be prevented from becoming airborne. The finished exposed surfaces shall be treated with vegetation or other means to control dust.

9.30.120 Enforcement.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of

this chapter may be subject to the enforcement actions outlined in WCC 9.20.090 or may be restrained by injunction or otherwise abated in a manner provided by law.

9.30.130 Appeals.

Administrative decisions pursuant to WCC 9.30.06(3), WCC 9.30.06 (4) and WCC 9.30.110 may be appealed by the applicant to the Director.

1. Administrative Hearing. The applicant shall be afforded the opportunity to an administrative hearing. Any hearing pursuant to this section must be requested by the applicant in writing within 10 days after the applicant receives notice of the city's determination. The customer's written request for hearing shall be filed with the director. Failure to submit a timely notice shall be deemed to be a failure to exhaust administrative remedies and shall preclude any further review. The director will conduct the hearing within 20 days of the receipt of the request. The administrative hearing will be held before the director. Formal rules of evidence will not apply; provided, however, that the director will review the existing record, and only the applicant and the city will be allowed to present oral testimony and documentary evidence to the Director. The Director will issue a written decision within 10 days of the conclusion of the hearing. Except as otherwise provided, all decisions by the director shall be final and conclusive on all parties unless appealed to the hearing examiner under subsection (2) of this section. The director's decision, action, or determination shall remain in effect during such period of appeal.
2. Appeal to the Hearing Examiner. Any decision of the director rendered pursuant to subsection (1) of this section may be reviewed by open record appeal to the hearing examiner. The customer must file written notice of appeal with the city clerk within 10 days following notification of such decision or action. Such notice of appeal shall set forth in reasonable detail the action or decision appealed and the customer's grounds for reversal or modification thereof. Failure to submit a timely notice shall be deemed to be a failure to exhaust administrative remedies and shall preclude any further review. Following receipt of such notice, the city clerk will schedule a date for a public hearing with the hearing examiner at which time the hearing examiner shall consider the appeal. The date of the public hearing should be no later than 20 days following the date the clerk received notice of the appeal. The clerk will mail written notice to all parties of record to apprise them of the hearing date. The hearing shall be an open record hearing at which the customer and the city may present witness testimony and documentary evidence. At the conclusion of the public hearing the hearing examiner may adopt, amend and adopt, reverse, amend and reverse the findings, conclusions, and decision of the director.
3. Judicial Review. The decision of the hearing examiner on appeal of the decision of the director shall be final and conclusive unless, within 20 days from the date of final action, the applicant files a petition for review with the superior court of Chelan County in the manner prescribed by law. Judicial review shall be a closed record appeal based upon the record created before the hearing examiner.

9.30.140 Conflicts with other regulations.

Where other City of Wenatchee ordinances, resolutions, or regulations, or other state or local regulations are in conflict with this chapter, the more restrictive regulation shall apply and such application shall extend to those specific provisions which are more restrictive.

9.30.150 Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected.

9.30.160 Liability for damages.

This chapter shall not be construed to hold City of Wenatchee, its officers, employees or agents responsible for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of City of Wenatchee, its officers, employees or agents.

1.99.020 Public works department fees.

The following fees shall be remitted to the city of Wenatchee to help defray the expenses incurred in the review of applications or inspections required by city ordinance as set forth below. All application or inspection fees shall be submitted as part of the required application materials prior to inspection. Said application or inspection shall not be considered as complete and eligible for public hearing/inspection 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 appellant prior to the act of providing public notice.

Application/Inspection	Fee
(1) Building permit – Engineer review of residential applications:	\$40.00
(2) Building permit – Engineer review of commercial/industrial applications:	\$200.00 fee for projects less than \$300,000.00 in value. 30% of building permit plan check fee for projects in excess of \$300,000.00 in value
(3) Subdivisions, planned developments, binding site plans – Preliminary plat, public works review of application:	\$450.00
(4) Subdivisions, planned developments, binding site plans – Final plat, public works review and inspection.	
(a) Review of final plat:	\$100.00
(b) Utility plan review and city inspections:	\$2,000 minimum, plus \$1.50 per foot of centerline construction of public or private streets or any city utility easements

Application/Inspection	Fee
(c) Sewer camera inspection:	\$300.00 minimum or \$145.00 per hour for camera truck or jet truck, whichever is greater
(5) Short subdivision plat, public works review and inspection.	
(a) Review of short subdivision application:	\$45.00 per lot
(b) Utility plan review and city inspections:	\$1,600 minimum, plus \$1.50 per foot of centerline construction of public or private streets or any city utility easements
(c) Sewer camera inspection:	\$300.00 minimum or \$145.00 per hour for camera truck or jet truck, whichever is greater
(d) Final short subdivision review:	\$100.00
(6) Zoning – Conditional use permit, public works review and inspection; provided, however, that public works fees for home occupation are not required and exempt from the provisions of this chapter.	
(a) Review of application:	\$200.00
(b) Sewer camera inspection:	\$300.00 minimum or \$145.00 per hour for camera truck or jet truck, whichever is greater

Application/Inspection	Fee
(7) Street vacation, public works review:	\$300.00
(8) Excavation permit fees.	
(a) Street cut permit fee:	<p>Base fee: \$300.00 for the first 50 feet of trench and \$1.50 for each additional foot thereafter. Pavement age and arterial street multipliers shall be applied to the base fee as follows:</p> <ul style="list-style-type: none"> – Pavement Age Multiplier: If the street has been paved or repaved less than five years from the date of the application, the fee shall be doubled; if less than three years, the fee shall be tripled; – Arterial Street Multiplier: If the road is classified as principal, minor or collector street as identified by the adopted city of Wenatchee comprehensive plan, then the above fee shall be increased by a multiple of one and one-half times. <p>Fee = [\$300.00 + ((L-50) x \$1.50)] x P x A;</p> <p>Where:</p>

Application/Inspection	Fee
	<p>L = length of trench(es) or street cut(s) in the longest direction,</p> <p>P = Pavement age multiplier,</p> <p>A = Arterial street multiplier.</p>
(b) Requirements for multiple cross trenches:	See WCC 7.28.090 pertaining to construction standards.
(9) Miscellaneous Fees.	
(a) Right-of-way permit:	<p>i. Base fee – \$50.00</p> <p>ii. Traffic control plan – \$30.00</p> <p>iii. Sidewalk inspection – \$50.00</p>
(b) Sewer connection fee:	\$40.00
(c) Fire hydrant valve fee:	<p>i. Deposit (refundable) – \$200.00</p> <p>ii. Installation fee – \$20.00</p> <p>iii. Usage – Volume charge per city water rates</p> <p>iv. Rental fee – \$4.00 per day</p>
(d) Off-site review – Review of utility extension plans, traffic control plans, traffic control lights, etc.:	<p>i. \$50.00 per hour</p> <p>ii. Developer must provide payment based on hourly estimate at time of application; balance due at</p>

Application/Inspection	Fee
	completion, including any refund, if necessary
(e) Revocable right-of-way use permit fee	\$50.00
(f) Deferred improvement agreement fee	\$50.00
(g) Petition to change on-street parking fee	\$150.00
(h) Land Surface Modification Permit	<p>i. 50-199 Cubic Yards: \$50.00</p> <p>ii. 200-499 Cubic Yards: \$50.00 Application Fee + \$200.00 Review Fee</p> <p>iii. 500 Cubic Yards and Greater: \$50.00 Application Fee + \$400.00 Review Fee</p> <p>iv. \$40.00 per hour review fee for subsequent time beyond average review time.</p>

2.04.010 Adoption of referenced codes.

The city of Wenatchee hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW [19.27.074](#), for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

(1) The 2015 International Building Code published by the International Code Council, Inc. (ICC), with amendments as set forth in Chapter [51-50](#) WAC as the same exists now or may hereafter be amended. The following appendices are specifically adopted:

(a) Appendix H, Signs;

~~(b) Appendix J, Grading.~~

Chapter ~~12.109.20~~

CONSTRUCTION AND POST-CONSTRUCTION STORMWATER

Sections:

12.109.20.010	Purpose.
12.109.20.020	Definitions.
12.109.20.030	Applicability.
12.109.20.040	General requirements.
12.109.20.050	Local requirements.
12.109.20.060	Administrative Procedures.
12.109.20.070	Stormwater Site Plan Requirements.
12.109.20.080	Right of entry.
12.109.20.090	Violations, enforcement, and penalties.
12.109.20.100	Compatibility with other regulations.
12.109.20.110	Ultimate responsibility.
12.109.20.120	Effective date.

~~12.109.20.010~~ Purpose.

The purpose of this chapter is to comply with the Eastern Washington Phase II Municipal Stormwater Permit, safeguard persons, protect property and prevent damage to the environment caused by stormwater runoff from new development and redevelopment. This chapter seeks to meet that purpose through the following specific objectives:

- (1) Prevent accelerated soil erosion and control stormwater runoff resulting from earth changes both during and after construction through the use of best management practices.
- (2) Eliminate the need for costly maintenance and repairs to roads, embankments, ditches, streams, wetlands, and stormwater control facilities due to inadequate soil erosion and stormwater runoff control.
- (3) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety. (Ord. 2010-01 § 1)

~~12.109.20.020~~ Definitions.

For the purpose of this chapter, the following shall mean:

- (1) “BMP” shall mean best management practices as defined by the Stormwater Management Manual for Eastern Washington.
- (2) “City” shall mean the city of Wenatchee, Washington, a municipal corporation of the state of Washington, acting by and through its city council, unless such authority shall be delegated to other persons.
- (3) “Director” shall mean the city of Wenatchee public works director who is charged with certain duties and responsibilities by this chapter, or any other person the director may appoint.
- (4) “Erosivity Waiver” shall mean the waiver from the requirement for the City to review the construction stormwater pollution prevention plan as allowed under S5.B.4 of the Eastern Washington Phase II Municipal Stormwater Permit. This waiver does not address the requirements of the Washington State Department of Ecology Construction Stormwater General Permit. (5) “Municipal separate storm sewer system (MS4)” shall mean the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city of Wenatchee and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sanitary sewage.
- (6) “New Development” is the conversion of previously undeveloped or pervious surfaces to impervious surfaces and managed landscape areas not specifically exempt under WCC ~~12.109.20.030~~.

(7) “Non-stormwater discharge” shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

(8) “Person” shall mean any individual, association, organization, partnership, firm, corporation or other entity public or private and acting as either the owner or as the owner’s agent.

(8) “Redevelopment” shall mean the replacement or improvement of impervious surfaces on a developed site. All new impervious surfaces added during a redevelopment project are subject to the requirements for new development. The requirements for redevelopment projects apply to impervious surfaces altered or replaced by a redevelopment project.

(9) “Start of construction” shall mean the first land-disturbing activity associated with a development, including land preparation such as grading, and filling; installation of streets, utilities, and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

(10) “Stormwater Management Manual for Eastern Washington (SWMMEW)” shall mean the Stormwater Management Manual for Eastern Washington published by the Washington State Department of Ecology ~~and dated September 2004 or latest edition~~ and required under the current Eastern Washington Municipal Stormwater Permit ~~thereof~~ including any amendments by the city and ~~revisions by~~ the Washington State Department of Ecology. (Ord. 2010-01 § 1)

~~12-109.20.030~~ Applicability.

(1) This chapter shall be applicable to all public and private new development and redevelopment project applications submitted after December 31, 2017 and projects approved prior to January 1, 2018, which have not started construction by December 31, 2023 that meet one or more of the following thresholds:

(a) Projects disturbing greater than or equal to one acre and to projects of less than one acre that are part of a common plan of development or sale where the disturbed area of the entire plan is greater than or equal to one acre; or

(b) Projects that during construction disturb greater than or equal to one acre.

(2) Partial exemptions or exceptions may be granted in accordance with the SWMMEW. Jurisdiction-wide exceptions to the requirements in the SWMMEW shall be approved by the Washington State Department of Ecology.

(3) The following practices shall be exempted from the requirements of this chapter:

(a) Forest practices regulated under WAC Title 222.

(b) Commercial agriculture practices involving working the land for production.

(c) Oil and gas field activities including construction of drilling sites, waste management pits, access roads, transportation and treatment infrastructure.

(d) Road and parking area preservation and maintenance including:

(i) Pothole and square cut patching;

(ii) Crack sealing;

(iii) Resurfacing with in-kind material without expanding the road prism;

(iv) Overlaying existing asphalt or concrete pavement with bituminous surface treatment (BST or “chip seal”), asphalt or concrete without expanding the area of coverage;

(v) Shoulder grading;

- (vi) Re-shaping or re-grading drainage systems;
- (vii) Vegetation maintenance.

(Ord. 2010-01 § 1)

~~12.109.20.040~~ General requirements.

(1) All new development and redevelopment unless otherwise exempted in accordance with WCC ~~12.109.20.030~~ shall be required to comply with the standards and requirements set forth by this chapter and the:

- (a) City of Wenatchee standards; and
- (b) The most current City of Wenatchee comprehensive stormwater plan as adopted by the city council; and
- (c) Stormwater Management Manual for Eastern Washington (SWMMEW).

(2) Preservation of Natural Drainage Systems. Preserve natural drainage systems to the extent possible at the site and if applicable in accordance with Chapter 11.24 WCC.

(3) Stormwater BMPs shall be selected, designed, sized, constructed, operated and maintained in accordance with the latest version of the SWMMEW.

(a) When the technical thresholds/requirements for basic treatment, metals treatment, oil treatment or phosphorus treatment are met, the property owner shall select, design, size, construct, operate and maintain runoff treatment at the site. Basic runoff treatment is required for redevelopment projects creating five thousand (5,000) square feet or more PGIS.

(b) New development projects that result in 10,000 square feet or more of new impervious surfaces shall construct stormwater flow control facilities for any discharge of stormwater directly, or through a storm drainage system, into surface water not exempted under the current Eastern Washington Phase II Municipal Stormwater Permit. Redevelopment projects are not required to construct stormwater flow control facilities unless required under a basin plan, federal or state requirement, or WCC ~~12.109.20.050~~(2).

(4) All stormwater BMPs and conveyance systems shall be designed in compliance with all applicable state and federal laws and regulations, including the Federal Clean Water Act and all applicable erosion and sediment control and flood plain regulations. To the extent practical, stormwater facilities shall not be located in areas determined to be jurisdictional waters through Section 404 of the Federal Clean Water Act and/or applicable state regulations (Chapter 79.105 RCW).

(5) The design of stormwater BMPs and conveyance systems shall consider public health, safety, and general welfare. These considerations include, but are not limited to: preventing flooding of structures and travelways; preventing standing water in facilities, manholes, inlets, and other structures in a manner that promotes breeding of mosquitoes; preventing attractive nuisance conditions and dangerous conditions due to velocity or depth of water and/or access to orifices and drops; and preventing aesthetic nuisances due to excessive slopes, cuts and fills, and other conditions.

(6) Construction site operators shall implement and maintain erosion and sediment control BMPs to reduce or eliminate stormwater pollution and shall control all waste including but not limited to discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at construction sites to prevent stormwater pollution and non-stormwater discharges.

(7) Non-stormwater discharges shall not be connected to any new or existing storm drainage system, whether they connect to surface or subsurface systems; this includes drainage originating from inside buildings.

(8) Stormwater facilities that serve multiple lots and/or a combination of lots and roadways shall be maintained by an entity of common ownership and shall have a recorded operations and maintenance agreement as set forth in WCC ~~12.109.20~~.070 (1)(g).

(9) The property owner(s) shall be responsible for the continual performance, operation and maintenance of all stormwater facilities in accordance with the standards and requirements of the city and remain responsible for any liability as a result of these duties. The property owner(s) shall maintain a log of maintenance activities. All stormwater facilities, BMPs, O&M plans, and records shall be subject to inspection by the Director.

~~12.109.20.050~~ Local requirements.

The following specific requirements apply to all new development and redevelopment unless exemptions or exceptions are approved in accordance with WCC ~~12.109.20~~.030. These requirements shall be implemented in accordance with the SWMMEW.

(1) New development and redevelopment projects must retain stormwater runoff generated on-site for, at a minimum, the 10-year, 24-hour rainfall event as identified in the most current City of Wenatchee comprehensive stormwater plan.

(a) Existing public or private regional stormwater facilities may be used to meet this requirement. The applicant must demonstrate that the regional facility has adequate capacity, provide documentation that the applicant has authorization from the owner(s) to discharge to the facility, and provide documentation of a maintenance and operations agreement for the facility.

(b) Projects meeting one or more of the following criteria may submit a request to the director to be exempted from the requirement to retain the 10-year, 24-hour rainfall event. Requests must clearly state the applicable criteria and be signed by the property owner and a professional engineer justifying the infeasibility based on one or more of the following criteria:

(i) Site/engineering-based conditions: soils that do not allow infiltration of the required volume of stormwater runoff; proximity to a known hazardous waste site or landfill; proximity to a drinking water well or spring; proximity to an onsite sewage system or underground storage tank; setbacks for structures; landslide hazard areas or slopes; seasonal high groundwater; incompatibility with the surrounding drainage system from elevation or location; areas prone to erosion.

(ii) Incompatibility with uses including protection from spills, contaminated sites or frequently flooded areas.

(iii) Incompatibility with state or federal laws.

(2) Projects located in flow-restricted basins as identified in the most current comprehensive stormwater plan shall construct stormwater flow control facilities in basins where the limiting factor is a restriction on discharge to a controlled rate and retention facilities in basins where connections to the municipal separate stormwater system are not available.

~~12.109.20.060~~ Administrative Procedures

(1) The city shall review and approve documents required under this chapter and submitted as part of an application for a proposed new development or redevelopment project. Required documents must be approved by the city prior to the start of construction.

(2) If runoff from any new development or redevelopment project will flow to a municipal separate storm sewer system (MS4) or other publicly-owned stormwater system, then the applicant shall obtain authorization from the system's owner to discharge into the system. The director may require the applicant to demonstrate that the system has adequate capacity for any increases in peak flow rates and volumes.

(3) Application Requirements. Applications shall be submitted and considered in the manner established by Wenatchee City Code and/or the director.

(a) Substantive Changes to Plan. No substantive changes shall be made to an approved stormwater site plan without review and written approval by the Director. The Director may request additional data with a plan amendment as may be necessary for a complete review of the plan and to ensure that changes to the plan will comply with the requirements of this chapter.

(b) Expiration of Plan Approval. The stormwater site plan's approval expires upon expiration of associated land-use or building permits issued by the City or revision of the City's NPDES permit. The recordation of a final plat for a section of a subdivision (or initiation of construction in a section) does not vest the approval of the stormwater site plan for the remainder of the subdivision. If the stormwater site plan expires, the applicant shall file with the director for re-approval of the stormwater site plan.

(4) Coordination with Other Approvals and Permits.

(a) Approval of Other Permits. No other permits shall be issued for new development or redevelopment projects subject to this chapter without approval of a stormwater site plan.

(b) Other Permits or Approvals May Be Needed. Approvals issued in accordance with this chapter do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or local agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to: construction stormwater discharge permits, applicable state and federal permits for stream and wetland impacts, and applicable dam safety permits.

(c) Stormwater Measures within Floodplain. Construction of stormwater measures or facilities within a Federal Emergency Management Agency (FEMA) designated floodplain shall be avoided to the extent possible. When this is unavoidable, all stormwater BMP construction shall be in compliance with all applicable requirements of City of Wenatchee's critical areas, shorelines, floodway, flood plain and building codes.

(5) The city may assume ownership of privately-owned facilities where there is a regional benefit to the utility and if the following conditions have been met:

(a) The stormwater facilities are on a separate tract and all necessary easements or dedications entitling the city to properly operate and maintain the facility have been conveyed to the city;

(b) The director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

(1) Flooding;

(2) Downstream erosion;

(3) Property damage due to improper function of the facility;

(4) Safety hazard associated with the facility;

(5) Degradation of water quality; and

(6) Degradation to the general welfare of the community;

(c) The city has inspected the facility and any construction deficiencies have been repaired at the property owner(s) expense; and

(d) As-built plans for any permanent stormwater management facilities located on-site have been submitted to the city. The plan must show the final design specifications for all stormwater management facilities, meet the criteria for as-built plans in the SWMMEW and be sealed by a registered professional engineer.

(e) The director has declared in writing acceptance of maintenance responsibility by the city.

(f) Provide a maintenance bond. Upon completion of the stormwater facility, a bond shall be filed in the minimum amount of \$10,000, or such other sum as is established by the director fixing an amount deemed necessary to cover the costs of failure of any part of the stormwater facility or work done occurring within two years following completion. Said bond shall be executed by a surety company authorized to transact a surety business in the state of Washington, and shall be approved as to form by the City attorney. Refer to WCC 11.24 section on Forfeiture of surety and/or release of surety.

(g) The director may terminate the city's assumption of maintenance responsibilities or decline the acceptance of a facility in writing to the property owner(s) after determining that maintenance by the city will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

- (1) Flooding;
- (2) Downstream erosion;
- (3) Property damage due to improper function of the facility;
- (4) Safety hazard associated with the facility;
- (5) Degradation of water quality; or
- (6) Degradation to the general welfare of the community.

~~12-109.20.070~~ Stormwater Site Plan Requirements.

A stormwater site plan containing all appropriate information as specified in this section shall be submitted to the City in conjunction with the development or redevelopment project application.

(1) Stormwater Site Plan Content. The stormwater site plan must ensure that the requirements and criteria in this section are being complied with and that opportunities are being taken to minimize adverse stormwater runoff impacts from the project. Stormwater site plans generally contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, citations to supporting references, a record of all major permit decisions, and other information as may be necessary for a complete review of the plan as determined by the Director. Minimum plan contents include:

(a) Common address, parcel number(s), and legal description of site.

(b) Existing Conditions Evaluation. The existing conditions evaluation for topography, right-of-way, property lines; existing easements, drainage patterns and contributory areas, soils, ground cover, presence of critical areas, adjacent areas, existing development, existing stormwater facilities, and adjacent on- and off-site utilities shall include: a topographic map of existing site conditions with the drainage basin(s) boundaries indicated; acreage, soil types and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

(i) Site limitations shall be identified, including:

- (1) Areas with high potential for erosion and sediment deposition (based on soil properties, slope, etc.);

- (2) Locations of sensitive and critical areas (e.g., vegetative buffers, wetlands, steep slopes, floodplains, geologic hazard areas, streams, etc.);
- (3) Observation of potential runoff contribution from off-site basins;
- (4) Adjacent properties and/or projects that have a history of stormwater problems, noting whether the cause of the problem(s) has been determined; and
- (5) Adjacent properties and/or projects where geotechnical investigations have identified shallow bedrock, high groundwater, seasonally perched groundwater, or clay lenses in the substrata.

(c) Geotechnical Site Characterization Report. A geotechnical site characterization and report may be required to demonstrate suitability of a site for stormwater disposal. A geotechnical site characterization is required for:

- (i) Projects proposing infiltration (drywells, detention facilities receiving credit for pond bottom infiltration, etc.) or nonstandard drainage systems;
- (ii) Projects located within or draining to a problem drainage area, flood-prone basin, or study area as determined by the Director;
- (iii) Projects with administrative conditions requiring a geotechnical site characterization;
- (iv) In areas where there has been a long-standing record of satisfactory performance of standard subsurface disposal facilities and no drainage problems are known to exist, the geotechnical site characterization requirement may be reduced or waived after a formal written request from the project proponent's engineer has been reviewed and accepted by the Director;
- (v) When subsurface disposal is proposed:
 - (1) Test borings and/or test pits are required and shall be located within the footprint of proposed stormwater disposal facilities;
 - (2) For each facility, a minimum of one subsurface exploration shall be performed for up to one thousand two hundred square feet of disposal area. Another subsurface exploration shall be performed for each additional fifteen thousand square feet, or fraction thereof, of disposal area. For a linear roadside swale, a minimum of one subsurface exploration shall be performed every five hundred feet, staggered on both sides of the road, unless site conditions or test results indicate that additional explorations are necessary. Subsurface explorations and sampling shall be conducted according to applicable standards of the American Society for Testing and Materials (ASTM);
 - (3) Unless otherwise recommended by the geotechnical engineer, subsurface explorations shall extend to a depth of two to five feet below the stormwater facility.

(d) Permanent Stormwater Control Plan. The description, scaled drawings and design calculations for the proposed post-construction condition shall be identified in a permanent stormwater control plan that shall include:

- (i) Drainage Report.
 - (1) A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlets and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes;

(2) A narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system;

(3) A hydrologic and hydraulic analysis of the stormwater management system demonstrating system performance for all hydraulic, treatment and disposal facilities for applicable design storms, including supporting calculations to show that the facility is designed according to the applicable design criteria (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);

(4) Documentation and supporting calculations to show that the permanent stormwater control plan adequately meets the performance criteria in this chapter; and where applicable;

(5) A narrative describing how the permanent stormwater control plan applies all known, available and reasonable source control BMPs and corresponds with any applicable watershed protection plans or total maximum daily load (TMDL) requirements.

(ii) Stormwater Construction Plans. Construction drawings showing elevations and hydraulic grade lines for all existing and proposed stormwater elements including, but not limited to, stormwater drains, pipes, culverts, catch basins, channels, treatment BMPs, retention BMPs, disposal and overflow facilities, and areas of overland flow, as well as rights-of-way, property lines, and existing easements.

(e) Post-Development Downstream Analysis. New development and redevelopment projects that propose to discharge stormwater or upland flow off site are required to submit a downstream analysis report that assesses the potential off-site water quality, erosion, slope stability, and drainage impacts associated with the project and that proposes appropriate mitigation of those impacts. An initial qualitative analysis should extend downstream for the entire flow path from the project site to the receiving water, or up to one mile or to a point where the impact to receiving waters are minimal or nonexistent, as determined by the local jurisdiction. If a receiving water is within one-quarter-mile, the analysis should extend within the receiving water to one-quarter mile from the project site. The analysis should extend one-quarter mile beyond any improvements proposed as mitigation. The analysis should extend upstream to a point where backwater effects created by the project cease. Upon review of the qualitative analysis, the Director may require that a quantitative analysis be performed.

(f) Construction Stormwater Pollution Prevention Plan. New development and redevelopment projects shall prepare a stormwater pollution prevention plan (SWPPP) for construction activity in accordance with SWMMEW. The construction SWPPP shall be implemented beginning with initial soil disturbance and continue until final stabilization. Stormwater BMPs shall be consistent with the SWMMEW. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(i) An erosivity waiver may be granted if all of the following requirements are met:

(1) The project will result in the disturbance of less than five (5) acres and the project is not a portion of a comment plan of development or sale that will disturb five (5) acres or greater; and

(2)The applicant and contractor have not been subject to enforcement action including but not limited to a notice of noncompliance, notice of violation, or compliance order for violations of WCC 4.10 or this chapter in the last three years; and

(3) Documentation is provided at least one week prior to commencing land disturbing activities and includes the following documentation:

(a.) The project's rainfall erosivity factor is less than five (5) during the period of construction activity as calculated using the Texas A&M University online

rainfall erosivity calculator. The period of construction activity begins at initial earth disturbance and ends with final stabilization.

(b) The site or facility has not been declared a significant contributor of pollutants.

(c) There are no planned construction activities at the site that will result in non-stormwater discharges.

(d) A certified statement signed by the operator stating that the operation will comply with applicable local stormwater requirements and will implement appropriate erosion and sediment control BMPs to prevent violations of water quality standards.

(g) Maintenance Agreement and Plan. If a stormwater site plan requires structural or nonstructural measures, the owner(s) shall execute a stormwater maintenance agreement prior to the Director granting final approval for the plan, or any plan of development or other development for which a permit is required under this chapter. The agreement shall be recorded in the office of the Chelan County auditor, a note placed on the recorded plat with the auditor's file number, and shall run with the land.

(i) Required Elements for Maintenance Agreement and Plan. The stormwater maintenance agreement shall be in a form approved by the Director, and shall, at a minimum:

(1) Designate Responsible Party. Designate for the land development the owner, governmental agency, or other legally established entity (responsible party) which shall be permanently responsible for maintenance of the structural or nonstructural measures required by the plan.

(2) Pass Responsibility to Successors. Pass the responsibility for such maintenance to successors in title.

(3) Right of Entry for Stormwater Authority. Grant the Director the right of entry for the purposes of inspecting all stormwater BMPs at reasonable times and in a reasonable manner; provided, that if such property be occupied and not a public place he shall first present proper credentials, request permission to enter, and state the reason for the request, and if such property is unoccupied, he shall first make a reasonable effort to locate the owners or other persons having charge or control of the property and request permission to enter. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry. The right of entry authorized for this section extends to any employee, officer, or authorized representative who accompanies or is designated by the Director.

(4) Maintenance Plan. The project shall ensure the continued performance of the maintenance obligations required by the plan and this chapter through a maintenance plan (which may be an attachment to the actual maintenance agreement). The plan shall include a list of inspection and maintenance tasks, a schedule for routine inspection and maintenance, actions to be taken when maintenance is required, and other items listed in the SWMMEW.

(ii) Maintenance Access Easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

(2) Site Plan Preparation and Certification.

- (i) Certification by Plan Preparer. The stormwater site plan shall be prepared by a professional engineer licensed to practice in Washington State and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater BMPs meet the requirements of this chapter.
- (ii) Certification by Owner. The owner shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.

~~12.109.20.080~~ Right of entry.

(1) Inspection and Sampling. The city shall be permitted to enter and inspect sites subject to regulation under this chapter as often as may be necessary to determine compliance. Inspections may occur before, during and after construction.

- (a) The city shall have access to all parts of the site for the purposes of inspection, sampling and examination of discharges to the MS4, and the performance of additional duties as defined by state and federal law.
- (b) The city has the right to set up such devices as are necessary to conduct monitoring and/or sampling of the site's stormwater discharge.
- (c) The city has the right to require an owner or occupier of sites to install such sampling and monitoring equipment, as the city deems necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or occupier at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure accuracy.
- (d) Any temporary or permanent obstruction to safe and easy access to the sites shall be promptly removed by the owner or occupier upon the written or oral request of the director and shall not be replaced. The costs of clearing such access shall be paid by the owner or occupier.
- (e) Property owner(s) shall upon request provide the director access to all records related to the operation and maintenance of the stormwater facilities and BMPs including but not limited to stormwater site plans, stormwater pollution prevention plans, and operation and maintenance plans.

(2) Search Warrants. If the director has been refused access to any part of the premises from which a discharge has occurred or is likely to occur, and the director is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction. (Ord. 2010-01 § 1)

~~12.109.20.090~~ Violations, enforcement, and penalties.

(1) Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the city is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The city is authorized to seek costs of the abatement in accordance with WCC 4.10.100.

(2) Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the city may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, cleanup, or other alternative actions deemed appropriate by the city.

(3) Notice of Violation. Whenever the director finds that any user has violated or is continuing to violate a contract, any provision of this chapter, or an order issued hereunder, the director may serve upon such user written notice of the violation. Within 10 days of receipt of such notice of violation, the user shall submit to the director an explanation of the violation and a plan to satisfactorily correct and prevent the reoccurrence of such violation(s). The plan shall include specific actions the user will take, and the completion dates of each. Submission of this plan in no

way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(4) Suspension of MS4 Access.

(a) When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

(i) Immediately comply with all ordinance requirements; and

(ii) Take such appropriate preventive and corrective action as may be needed to properly address a continuing or threatened violation, including but not limited to immediately halting operations and/or terminating the discharge.

(b) In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the city may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(5) Criminal Prosecution. Any person that has violated or continues to violate this chapter two or more times shall be liable to criminal prosecution to the fullest extent of the law, and shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 per violation per day and/or imprisonment for a period of time not to exceed 90 days per violation per day. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(6) Cost of Abatement of the Violation. The owner of the property or person responsible for the violation will be notified of the cost of abatement, including administrative costs. Payment in full shall be due within 30 days and on the thirty-first day interest may be applied at a rate of eight percent per annum. After 90 days, if payment in full has not been received, a lien may be filed on the property and foreclosed as provided in Chapter 35.67 RCW. The director may approve a payment plan of equal payments evenly spaced over no more than 12 months.

(7) Remedies Not Exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorneys' fees, court costs and other expenses associated with enforcement of this chapter, including but not limited to sampling and monitoring expenses. (Ord. 2014-02 § 2; Ord. 2010-01 § 1)

12.109.20.100 Compatibility with other regulations.

This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control. (Ord. 2010-01 § 1)

12.109.20.110 Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants. (Ord. 2010-01 § 1)

12.109.20.120 Effective date.

This chapter shall take effect on December 31, 2017. (Ord. 2010-01 § 1)

TO: City of Wenatchee Planning Commission
FROM: City of Wenatchee Community Development Staff
BDATE: April 9, 2019
RE: Staff Report

I. REQUESTED ACTIONS

Conduct a public hearing, invite and accept public testimony, and formulate a recommendation to the City Council regarding the proposed amendments to the Wenatchee City Code (WCC) attached as Exhibit A. Requested actions include:

- A. Amendment to the District Use Chart in WCC10.10.020 as it pertains to Restaurants with a drive in or drive thru in the Historic/Entertainment Overlay when using existing facilities.
- B. Amendment to WCC Chapter 12.08.080(3) Critical Areas – General provisions – Exemptions

II. ENVIRONMENTAL REVIEW

The City of Wenatchee has determined the proposed amendments to the Wenatchee City Code (WCC) will not have probable significant adverse impacts on the environment. The City of Wenatchee has issued a determination of non-significance (DNS). Notice of the environmental determination for the proposed amendments to the Wenatchee City Code was made on March 14, 2019.

III. PUBLIC PROCESS

- The Planning Commission conducted workshops on the proposed revisions on February 20, 2019.
- 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 14, 2019.
- 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 Zoning Code and initiation of the 60 day review and comment period. The City requested expedited review in accordance with RW 36.70A.106. Additional notice was provided to local and regional agencies for the 60 day review and comment period/environmental determinations.
- On April 17, 2019, the City of Wenatchee Planning Commission conducted an advertised public hearing on the proposed amendments.

IV. AGENCY AND PUBLIC COMMENTS:

At the writing of the staff report, no comments were received in response to this proposal.

V. PROJECT ANALYSIS

An analysis, summary and recommendations for the two proposed amendments identified as A and B are provided below. Please refer to Exhibit A 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. Amendment to the District Use Chart in WCC10.10.020 as it pertains to Restaurants with a drive in or drive thru in the Historic/Entertainment Overlay when using existing facilities

The central core of downtown is considered the heart and soul of the community by the comprehensive plan and continues:

“Downtown has faced—and survived—competition from big-box retailers that have come into the area in the last few decades. What’s more, Wenatchee received the Great American Main Street Award in 2003.

The Central Business District Subarea Plan, which guides development in the downtown, was adopted in April 2007. The Subarea plan seeks to strengthen the vitality of downtown, create a cohesive identity, and provide incentive for downtown redevelopment and business retention. It makes a variety of recommendations to help improve streetscapes, foster ongoing investment, and led to the creation of development standards that seek to preserve and enhance downtown’s historic and unique identity.”

The Central Business District subarea plan established the vision for the Historic Entertainment Overlay as an area focused on entertainment, recreation, and educational activities with an attractive ground floor ambience and encouraging pedestrian activity.

As is often the case, as an area grows and changes over time, the City regulations must also adapt in order to allow for the redevelopment envisioned and encouraged in the subarea and comprehensive plans. As historic uses change the adaptive re-use of existing structures can be challenging. Sometimes buildings built for one purpose, such as a bank drive-through, are difficult to re-use because of their design and functionality.

To address these changes, the proposed revision to the District Use Chart in Section 10.10.020 of the Wenatchee City Code (WCC) would allow in some limited circumstances drive-through restaurants in the Historic Entertainment Overlay.

Currently the Historic Entertainment Overlay (HEO) permits banks with drive-through facilities while restaurants with drive-in or drive-through features are not permitted. The proposed change would authorize in limited circumstances the adaptive re-use of an existing bank drive-through as a restaurant with a drive-in or drive-through. Within the HEO, there are two drive-through facilities: (1) the former Washington Federal Bank located on the northeast quadrant of Orondo and S. Mission and (2) Keybank on the southwest quadrant of Orondo and S. Wenatchee Ave. Only the Keybank drive-through facilities are currently in use as a bank drive-through. The former Washington Federal Bank building is currently undergoing an adaptive re-use process as the owners seek to re-use the former bank space in a new and creative way that supports the vision of the overlay district and the downtown core. Note the Chase Bank drive-through located on the northwest quadrant at the intersection of Orondo and S. Mission has been decommissioned and is no longer in use.

At the February meeting, the Planning Commission discussed the proposed changes and expressed support to allow the creativity of the development community to find solutions to issues such as traffic flow, parking, as well as finding an appropriate use for the site.

The proposed code revisions would allow, in very limited circumstances, the adaptive re-use of drive-through facilities in a new and creative way. Staff recommends **Approval** of the proposed amendments based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

B. Amendments to WCC Chapter 10.60.030 - Draft revisions to the parking space and aisle dimension standards.

At the conclusion of the recommendation and adoption process of the critical areas standards in 2018, the Chelan County Public Utility District expressed concern regarding the potential impacts that the critical area standards may have on their existing infrastructure. Attached are the PUD's comments. The City Council instructed Community Development staff to review the issue with the you. Our subsequent conversations indicated that you and staff were confident that the existing exemptions were appropriate to meet the needs of the PUD.

Since that discussion, the City Council has instructed staff to again review the exemptions section as it relates specifically to utilities and to draft a limited revision to provide additional clarity and predictability for utility infrastructure. The City has also had additional staff level conversations with the PUD regarding this matter.

The adopted critical areas code includes two specific exemptions relevant to this topic in Section 12.08.080 General provisions – Exemptions:

- (1) Normal Maintenance or Repair of Existing Buildings, Structures, Roads or Development, Including Damage by Accident, Fire or Natural Elements. Normal repair of buildings and structures involves restoring to a state comparable to the

original condition including the replacement of walls, fixtures and plumbing; provided, that the value of work and materials in any 12-month period does not exceed 50 percent of the cost of replacement using new materials as determined by using the most recent ICC construction tables, the repair does not expand the number of dwelling units in a residential building, the building or structure is not physically expanded, and, in the case of damaged buildings and structures, a complete application for repair is accepted by the department within six months of the event and repair is completed within the terms of the permit.

(3) Activities within an improved right-of-way, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.

These exemptions address activities in improved rights-of-way and normal maintenance and repair for existing roads or development. The PUD has expressed concern that neither exemption meets all of their needs. According to the PUD, the routine repair and maintenance generally results in the complete replacement of utility infrastructure or its components. The replacement value component may be problematic. The exemption under (3) includes activities in rights-of-way, however some of the PUD utilities may not be within traditional or defined rights-of-way rather may be located in improved surfaces such as parking lots, gravel roads, or easements.

The PUD has suggested that the City consider revisions that are similar to the exemption for public and private utilities included in the Pierce County critical areas regulations. Staff has researched numerous exemptions from across the state specific to utilities. These examples were presented and discussed at the February meeting. Each jurisdiction has taken a slightly different approach, though with the common result of providing wide latitude to utilities and their infrastructure.

At the workshop, the Planning Commission expressed support for the proposed amendments in order to provide utility providers sufficient flexibility and latitude to work within their existing rights-of-way and improved surfaces while also protecting critical areas for new line work not in an area included in the exemption.

Staff recommends **Approval** of the proposed amendments 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 Planning Commission conducted workshops on the proposed revisions in February of 2019.
5. The City of Wenatchee issued a determination of nonsignificance on March 14, 2019 and provided copies of the environmental documents to the Department of Ecology SEPA Register for the amendments on March 14, 2019.
6. Notice of the public 60 day review and comment period, and public hearing dates were published in the Wenatchee World on March 14, 2019.
7. On March 14, 2019, 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 with a request for expedited review per RCW 36.70A.106. Additional notices were provided to local and regional agencies for the 60 day review and comment periods/environmental determinations.
8. On April 17, 2019, 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 Central Business District subarea plan established the vision for the Historic Entertainment Overlay as an area focused on entertainment, recreation, and educational activities with an attractive ground floor ambience and encouraging pedestrian activity.
11. The revision to WCC 10.10 Use chart would authorize only in limited circumstances the adaptive re-use of an existing bank drive-through as a restaurant with a drive-in or drive-through.
12. Within the HEO, there are two drive-through facilities: (1) the former Washington Federal Bank located on the northeast quadrant of Orondo and S. Mission and (2) Keybank on the southwest quadrant of Orondo and S. Wenatchee Ave. Only the Keybank drive-through facility is currently in use as a bank drive-through.
13. The revisions to WCC 12.08.080(3) would provide utility providers the sufficient flexibility and latitude to work within existing rights-of-way and improved surfaces.

14. New utility work not in existing improved surfaces or work that would alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater would not be exempt from critical area review.

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.

Exhibit A

WCC 10.10.020

Use	Commercial Districts				Mixed Use Districts			Overlay Zones					
	CBD	NWBD/ SWBD	C N	I	WMU	OMU	RM U	HEO	CSO	MRC	IO	P O	RR O
Restaurants, with drive-in or drive-through	P	P	P	~	C	~	~	~ <u>P₉</u>	~	~	~	~	~

⁹ Adaptive re-use of drive-in or drive-through facilities in existence as of (Insert date of adopting ordinance).

WCC 12.08.080(3)

- (3) Public and private utility ~~Activities~~ work (new construction, maintenance and repair) within an improved surface (e.g., driveways, parking lots, concrete or asphalt surfaces, gravel roads and road shoulders, rights-of-way or easements with existing or previously developed utility infrastructure) ~~right-of-way~~, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.