

WENATCHEE PLANNING COMMISSION
SCHEDULED MEETING
September 15, 2021
WENATCHEE CITY HALL COUNCIL CHAMBERS
301 Yakima Street, 2nd Floor
Wenatchee, WA 98801
5:30 PM

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| AGENDA |
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I. CALL TO ORDER AND WELCOME

II. ADMINISTRATIVE AFFAIRS

A. Approval of the minutes from the last regular meeting on August 18, 2021.

III. PUBLIC COMMENT PERIOD

Comments for any matters not included on the agenda.

IV. OLD BUSINESS

None

V. NEW BUSINESS

A. Discussion: proposed amendments to slope protection and other related codes

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 Rani Sampson called the meeting to order at 5:30 p.m. with the following members in attendance: Ace Bollinger, Joe Gamboni, Richard Erickson, Josh Jorgenson, Susan Albert, and Lael Gaston.

City Planning staff was represented by: Glen DeVries, Community Development Director; Stephen Neuenschwander, Planning Manager; and Kim Schooley, Administrative Assistant.

II. ADMINISTRATIVE AFFAIRS

A. Approval of the minutes from the regular meeting on July 21, 2021.

Commissioner Ace Bollinger moved to approve the minutes of the July 21, 2021 regular meeting. Commissioner Josh Jorgenson seconded the motion. The motion carried.

III. PUBLIC COMMENT PERIOD

There was no public comment.

IV. OLD BUSINESS

None

V. NEW BUSINESS

A. Workshop: Draft amendments to the slope protection standards in the Wenatchee City Code

Stephen Neuenschwander, Planning Manager, presented the staff report.

Commissioners asked questions and provided input to staff.

Staff advised that they would review the comments provided by Commissioners and would come back to them in September with additional information and options for further discussion and consideration.

B. Workshop: Design and aesthetic standards for streateries

Stephen Neuenschwander, Planning Manager, presented the staff report.

Commissioners provided input to staff.

Commissioners advised staff that they liked the examples that were presented from Norfolk, VA. They advised that they thought the city's guidelines were very well detailed and were a good place for staff to start in developing local standards.

VI. OTHER

Commissioner discussion items:

- Work release program – Deaconess hospital and jail annex
- Parkside Supportive Housing update

VII. ADJOURNMENT

With no further business to come before the Planning Commission, Chair Rani Sampson adjourned the meeting at 7:12 p.m.

Respectfully submitted,

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

DRAFT



**City of
Wenatchee**

DEPARTMENT OF COMMUNITY DEVELOPMENT

Public Services Center

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Wenatchee, WA 98801

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TO: Planning Commission

FROM: Community Development Staff

SUBJECT: Proposed amendments to slope protection and other related codes

DATE: 9/8/2021

At the August meeting of the planning commission, a workshop was held on slope protection, retaining walls, and other related issues. No draft code was included with the August agenda packet and the presentation covered the various proposed concepts. For the September meeting, a copy of the proposed code has been included for your review as an attachment to this memo. Staff encourages you to review the draft and come prepared with comments and questions. Below you will find some analysis of the proposed amendments.

WCC 10.08.050 and 065 Definitions of “Cut wall” and “Fill wall”.

Two new definitions are proposed for including in Chapter 10.08 Definitions, cut wall and fill wall. Only one would be put to use in the current draft but staff felt that defining both was a good idea for the sake of contrast. The term “Fill wall” is utilized in the proposed text for WCC10.48.110(2)(c).

10.08.075 Definition of “Height”

This amendment to the definition of height corresponds with amendments to WCC10.48.130(1)(c). This definition is where our code limits the height of fences located on top of retaining walls. Staff believes this matter should be addressed in WCC10.48.130 where it is easier to find.

10.48.110 Slope Protection

The proposed amendments to the slope protection section are intended to accomplish the following objectives:

- Address the city council’s concerns with retaining walls along rear property lines.
- Reword certain portions to better convey the intent of the existing code
- Add graphics to help communicate some of the standards.
- Make certain minor modifications to current standards to better carry out the intent and/or to ensure a better outcome.

Subsection (2)(a)

The amendments to this section help clarify in what situations a 7ft wall is permitted. Currently, it is clear that you can have one 7ft wall but unclear in what scenarios you can have multiple. Staff proposes setting a standard for how far apart walls between 5ft and 7ft must be. At the August meeting, it was suggested that the ratio should more like 1:1 or 1:1.5 instead of 1:2. Staff changed the ratio to 1:5 and welcomes additional discussion on this topic. There is also an additional standard in

this subsection as well as others that sets a maximum slope between walls to ensure that the step back area is relatively flat and thus achieving the intent of the standard.

Subsection (2)(b)

This subsection is mostly an existing standard with some clarifications, a helpful graphic, and two new standards to better carry out the intent:

- Minimum distance from the face of the upper wall and the back of the lower wall structure (not including the base). The purpose is to ensure there is an area that could at least potentially be planted. Staff acknowledges that 2ft is not very much area to plant in but is better than nothing.
- A maximum slope between the walls of 1:4. As mentioned previously, this ensures that the area between the walls is relatively flat as intended.

Subsection (2)(c)

This subsection is the standard that the city council asked us to include. The intent is that it would only apply to larger developments, such as subdivisions and multi-family projects. Criteria for an exception has been included in subsection (5)(b).

Subsection (4)

This subsection has been substantially revised to do a better job of both communicating the standard and achieving its objective. The current text describes standards and submittal requirements but most applicants need a lot of help understanding what it all means. Much of the additional text proposed for this section helps people understand what is required of them.

Subsection (4)(a)

This subsection includes the standards for screening retaining walls taller than 7ft, whether it is with a structure, topography, or landscaping. Existing screening methods have been revised to provide additional guidance on what each of them mean. A new method called “aesthetically enhanced” is proposed. The concept is that if a wall is made attractive it requires less screening. The current standard is 80% screened from surrounding properties. This standard would still be in place unless the wall is aesthetically enhanced in which case the standard is 60%.

Subsection (4)(b)

This subsection provides limits to the flexibility that (4) provides. It proposes a 14ft height limit for retaining walls and no additional height for walls governed by (2)(c). Staff would like to note that 14ft is at the upper end of maximum wall height limits among the jurisdictions that staff found that have such a standard. It should be noted that both of these standards can be superseded by subsection (5).

Subsection (4)(c)

This describes the materials an applicant must submit for having a proposed retaining wall reviewed under subsection (4). The amendments consist mainly of the elaboration of the existing standards to help applicants understand what is needed.

Subsection (5)

This new subsection is meant to only provide deviations from the other standards in this section in very extenuating or rare circumstances and at the discretion of the director.

Subsection (6)

This new subsection creates a standard for keeping retaining walls out of underground utility easements.

10.48.130 Fences and clear view triangle

This change to the fence code is intended to both simplify the regulation of fences placed on top of walls or steep grades and allow better screening if the property owner desires it. It will also likely eliminate the 2 feet of space that might have been located between the fence and the edge of the wall which may have been neglected.

11.20.060 Subdivision Design Standards – Easements

Some language was added to subsection 1 to address how utility easements are handled in areas with steep slopes.

Attachment: Draft amendments to slope protection and other related codes September 2021 Planning Commission

10.08.050 “C.”

“Cut wall” means a retaining wall used to lower the grade in the area in front or downhill of it by retaining mostly native soil or other similar material.

10.08.065 “F.”

“Fill wall” means a retaining wall used to raise the grade in the area behind it by retaining soil or other similar material.

10.08.075 “H.”

“Height” shall be measured from the adjacent grade within two feet horizontally of the ground to the highest point of the item being measured. In instances where the ground is not level, an average grade shall be calculated and used. ~~On-For fences and~~ freestanding or monument signs, grade shall be measured on both sides and averaged. To measure the height of a building, see the definition for “height, building”; to measure a story see the definition for “story.”

10.48.110 Slope protection.

It is the purpose of the standards for slope protection to provide supplementary development regulations to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, aesthetic qualities, restorative value, and the public health, safety, and general welfare. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the city. Development shall meet all applicable standards and requirements of the WCC including the following:

(1) Graded or Filled Slopes. Development shall avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger building sites shall be kept to a minimum and be avoided to the maximum extent feasible. Graded or filled slopes shall be limited to a 2:1 slope or less. All graded slopes shall be recontoured to the natural, varied contour of surrounding terrain.

(2) Retaining Walls. The use, design, and construction of all retaining walls that are subject to a building permit shall meet these standards unless otherwise authorized under (4) or (5) of this section. ~~Exposed cut slopes, such as those for streets, driveway accesses, or setback areas, greater than seven feet in height shall be terraced.~~

(a) A single retaining wall's exposed face may be as tall as 7ft provided it meets the criteria below:

(i) Located at least 5 ft from a rear property line if subsection (2)(c) applies.

(ii) Any wall with an exposed face that is between 5 feet 1 inch and 7 feet tall shall be separated by at least a horizontal distance equal to 1.5 times its height from the nearest retaining wall. For any combination of two walls located in proximity of each other the taller of the two walls shall determine the horizontal setback.

(iii) Slope between applicable retaining walls shall not exceed 1 vertical to 4 horizontal.

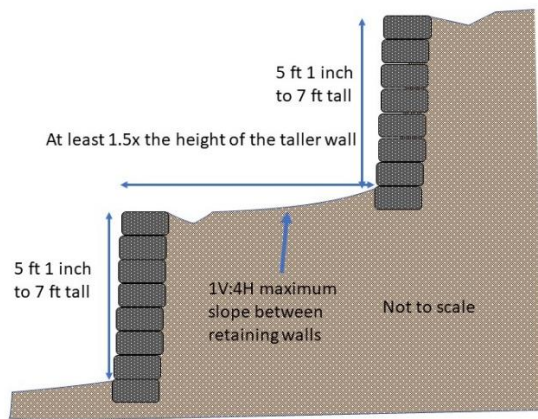


Figure 10.48.110(2)(a)-1

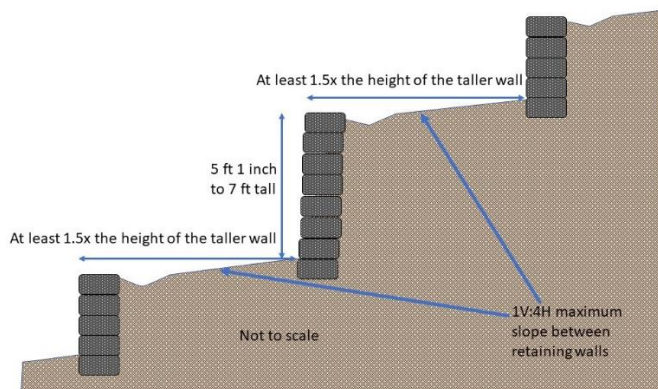


Figure 10.48.110(2)(a)-2

(b) ~~Cut faces~~ Exposed wall faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet face to face and a minimum of 2ft from the back of

the lower wall structure to the face of the upper wall structure to allow for the introduction of vegetation for erosion control. Measurements from the back of a wall structure do not include the base. The maximum slope gradient allowed between retaining structures shall be a one-foot vertical to four-foot horizontal (1V:4H) slope.

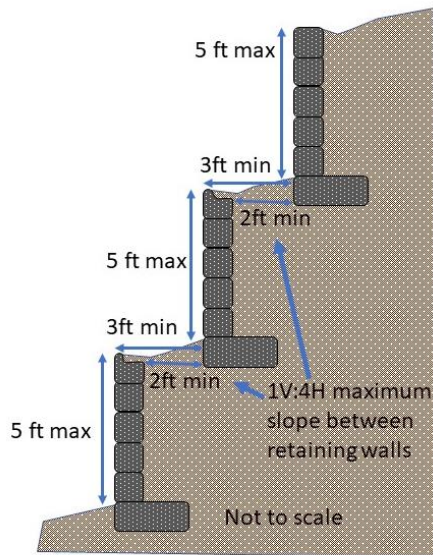


Figure 10.48.110(2)(b)

(c) Fill walls taller than 3 feet shall be setback at least 5 feet from a rear property line in residential and mixed-use districts when constructed as part of a development reviewed under a Type 2 or 3 process per Title 13 and including residential units or lots. An exception to this standard may only be granted pursuant to subsection (5)(b).

(3) Landscaping and Revegetation. An applicant shall landscape or revegetate exposed slopes and other areas identified as posing an erosion and/or landslide hazard or as required by the critical areas analysis, in accordance with the landscaping and screening standards for ground cover, prior to final building inspection approval. Topsoil from any disturbed portion of a steep slope must be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.

(4) Administrative Determination.

~~(a) Visually Obscured Sites.~~ Applicants may submit a request, to be processed in concert with a development application or independently as a Type I administrative review under WCC [13.09.030](#), for consideration of a deviation of subsection (2) of this section. The applicant must demonstrate

that the proposed cuts/fills and subsequent retaining walls that exceed ~~a height of seven feet~~the specified dimensions in subsection (2) meet the standards specified in this subsection.

(a) Screening and aesthetic enhancement. Proposed ~~are retaining walls exceeding the dimensions specified in subsection (2) shall be~~ visually obscured from adjoining properties and may also be aesthetically enhanced through such measures or site conditions as:

- Screened by current or future building location or design,
- Screened by landscaping. This option must be used in combination with another measure listed in this subsection. The standards for perimeter landscape screening in Chapter 10.62 that apply in the applicable zoning district shall be used as a guide. -A higher density/frequency of shrubs or trees will likely be necessary to achieve the applicable screening requirement described below in this subsection.
- Screened by fencing and/or site amenities. The use of fencing shall be limited to that which has a clear purpose beyond its application here such as a perimeter fence and shall comply with WCC10.48.130.
- Screened by site topography,
- Aesthetically enhanced using materials and patterns that create visual interest. Methods may include:

- Stacked natural split or cut stone. Gabion walls do not count as aesthetically enhanced.



- Artistic enhancement covering most of any unscreened or partially screened portion of the wall. The determination of what constitutes artistic enhancement shall be made by the director and their decision shall be final.

~~etc., The above listed features shall provide equivalent to providing~~ a minimum of 80 percent sight obstruction or 60 percent for any portion of the wall that is aesthetically enhanced. Such measures should be in place at the time a use commences or an occupancy for a structure is issued, or in the case of landscaping, reach maturity within four years of installation.

(b) Retaining walls permitted under this subsection shall not exceed any of the following unless an exception is granted pursuant to (5) of this section:

(i) 14 feet of exposed wall height at any point unless located in a public right-of-way and part of a public works project.

(ii) 3 ft tall fill wall within 5 feet of a rear property line when subsection (2)(c) applies unless a deviation is granted per (5)(b).

as appropriate

(c) It shall be the responsibility of the applicant to submit ~~a site plan and plan~~ materials which demonstrate compliance with these provisions. The applicant shall submit:

(i) ~~a~~ A scaled site plan which depicts:

- Property boundaries
- Location of all existing and proposed structures including retaining wall(s)
- All proposed screening measures such as landscaping, fencing, structure placement, etc. If landscaping is proposed as a screening measure the site plan, or a separate landscape plan, shall use 10.62.040 and 060 as a guide.
- Any site features which can be depicted on the site plan that further demonstrate mitigating conditions such as topography or other natural features if applicable. ~~proposed improvements, site conditions and any mitigating measures;~~

(ii) ~~S~~side profile ~~and elevation~~ views for walls ~~exceeding a seven-foot~~ reviewed under this subsection ~~height~~ that graphically depict the visual obstruction and/or aesthetic enhancement of the walls including existing or proposed measures, features, conditions, or materials;

(iii) ~~pictures~~ Photos on site ~~and of surrounding properties~~ showing the proposed location of the wall including pictures taken from the vantage point of a person standing at various places along property boundaries and the edge of the public right-of-way. This should include the places where the proposed retaining wall is most likely to be visible.; and

~~(iv) a narrative description of the proposal and compliance with these criteria. A narrative which describes the following:~~

- ~~• How the various mitigating conditions and features work together to adequately meet or exceed the sight obstruction standard described in this subsection.~~
- ~~• How the use of retaining walls exceeding 7ft in height have been minimized and the screening, and aesthetic enhancement if applicable, of said walls maximized.~~

The director at his or her discretion may waive components of these submittal materials, where the materials are deemed to be unnecessary, or an unreasonable hardship, in making a written determination with findings.

~~(b) Constrained Sites. Site locations exist within the community that have topographic features or unique constraints that require the use of retaining walls that exceed a height of seven feet in order to facilitate the development of a site for intended uses in the applicable zoning district. Where a property owner would incur a hardship significantly limiting the reasonable use of his or her property by the application of subsection (2) of this section and the retaining walls cannot be obscured from view under subsection (4)(a) of this section, an applicant may submit a request under this provision. The request shall be processed in the same manner as in subsection (4)(a) of this section, including the submittal of identified application materials. The applicant shall demonstrate to the greatest extent feasible an attempt to obscure the proposed retaining walls and limit the use of retaining walls on site that exceed seven feet in height.~~

~~(5) Exceptions to (2) and (4) may be granted pursuant to the following standards.~~

~~(a) The community development director, in consultation with the public works director as appropriate, may waive or reduce the wall separation distance, may increase the maximum allowed slope gradient between retaining structures up to a three-to-one slope (3H:1V), and may increase the allowed maximum height of a retaining structure in subsection (4)(b) if the applicant demonstrates the reduced separation distance and/or increased gradient and/or wall height is necessary to:~~

- ~~(i) Reduce potential adverse impacts to any critical area(s) or associated buffer(s) when requested by a qualified professional as defined by Chapter 12.08 WCC; or~~
- ~~(ii) Permit the installation of transportation or utility improvements; or~~

~~(b) A written request for a deviation from the standard in (2)(c) may be requested by a utility purveyor or developer. The request must describe why the deviation is necessary and addressing the standards in chapter 10.70. The request will be considered concurrent with the corresponding permit application and will be decided by the director.~~

(6) Retaining walls requiring a building permit that are proposed to be located within an established underground utility easement which appears on the face of a recorded plat or survey or is otherwise known to the Director, shall comply with the Public Works Department's pre-approved plans regarding the placement of the proposed retaining wall as determined by the City Engineer. When a retaining wall is proposed to be located within a utility easement held by a specified entity other than the City of Wenatchee, the City Engineer may choose to grant an exemption if the applicant provide written approval from the easement holder to construct the specified retaining wall in their easement.

_(Ord. 2019-35 § 7; Ord. 2013-41 § 1 (Exh. B); Ord. 2010-03 § 1 (Exh. A); Ord. 2007-34 § 2 (Exh. A). Formerly 10.48.150)

10.48.130 Fences and clear view triangle.

All fences where allowed by this title shall meet the following standards unless otherwise regulated within this code:

(1) Residential and ~~mixed~~mixed-use zoning district fences may be placed on or behind the property line and shall not exceed the following standards:

(a) Street and street side setback areas: four feet in height for a solid fence, or six feet in height when the fence material is less than 50 percent view-obstructing, such as chain-link, lattice, spaced picket, or rail fences.

(b) Fences outside of required street and street side setbacks area may be solid and shall not exceed six feet in height.

(c) Fences located at the top of a retaining wall may utilize the full height permitted under this subsection based on their placement on the lot.

(2) Commercial zoning district fences shall meet the following standards:

(a) Solid fencing or walls greater than four feet in height within 20 feet of street frontages or rights-of-way shall not extend more than one-third of the lineal distance of the property frontage, including corner lots;

(b) Fencing less than 50 percent view-obstructing is allowed up to a maximum height of eight feet, within 20 feet of a front property line or rights-of-way; provided, that for every 25 linear feet of fence or wall, architectural features, such as masonry or brick columns, shall be provided. The minimum width and depth of architectural features shall be no less than 12 inches for the full height;

Draft amendments to slope protection and other related codes September 2021 Planning Commission

(c) Solid fencing or wall sections more than 20 feet from a front property line shall be allowed up to a maximum height of eight feet; provided, that for every 50 linear feet of fence or wall, architectural features, such as masonry or brick columns, shall be provided. The minimum width and depth of architectural features shall be no less than 12 inches for the full height;

(d) Side and rear setback fencing is exempt from providing architectural features and is allowed up to a maximum height of eight feet, except when abutting a residential or mixed use zone, in which case the maximum height shall be six feet;

(e) The use of high intensity, primary, metallic, or fluorescent colors is prohibited on any fence surface. Colors should be neutral and similar to the exterior of the primary structure;

(f) Chain link fencing and barbed or razor wire or similar features shall not be permitted on the front of properties within 20 feet of a public street;

(g) Developments featuring residential uses on the ground level along street frontages are subject to the fence standards for residential and mixed use zones in subsection (1) of this section.

(3) Industrial zoning district fences shall meet the following standards:

(a) That a maximum height limitation of six feet be observed within any required setback area;

(b) That a maximum height limitation of eight feet be observed when constructed outside of any required setback area.

(4) Clear View Triangle. In all residential and mixed use zones, lots not located adjacent to a controlled intersection (a lighted intersection controlling pedestrian and vehicle traffic in all directions) shall maintain, for safety purposes, a triangular area with no vegetation, fence or other physical or visual obstruction higher than three feet, measured from the grade of the respective centerlines of abutting streets. Said triangular area shall be measured from the intersection of two street rights-of-way, two sides of said triangle shall extend 25 feet along both right-of-way lines, adjacent to the lot, and the third triangle line shall connect the end point of each 25-foot measurement.

(a) All fences and landscape plantings which fail to meet the height limits established by this section for the clear view triangles shall come into compliance with the above standards within one year of annexation. (Ord. 2020-35 § 3 (Exh. A); Ord. 2019-35 § 7; Ord. 2018-12 § 1 (Exh. B); Ord. 2010-03 § 1 (Exh. A); Ord. 2007-34 § 2 (Exh. A). Formerly 10.48.180)

Title 11 Subdivisions

Chapter 11.20 SUBDIVISION DESIGN STANDARDS

Section 11.20.060 Easements.

(1) Public Utilities. Where alleys are not provided, easements for public utilities shall be provided along rear lot lines and side lot lines where necessary, including any necessary access easements. Where easements are necessary, they shall be a minimum of 10 feet in width. Where possible, the width of rear and side lot line easements shall be equally shared by abutting lots, and easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions. The width and placement of proposed utility easements shall account for the topography of the site, including any proposed grading of the site, and any additional challenges that may reasonably be predicted when a utility may need to be accessed in the future.

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

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

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

(4) Watercourses. Where a subdivision is traversed by a watercourse, a drainage easement conforming substantially to the line of such watercourse, drainage way, waste way, channel or stream, and of such width for construction, maintenance and control as will be determined by the city, upon recommendation from the city engineer, adequate for the purpose shall be provided. (Ord. 2013-41 § 1 (Exh. B); Ord. 2010-24 § 1; Ord. 3080 § 510, 1994)