

Title 16
SUBDIVISIONS

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Chapter 16.02

GENERAL PROVISIONS

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16.02.010 Applicability.

Every division of land into two or more lots, parcels, or tracts within the corporate limits of the city of Entiat shall proceed in compliance with this code.

16.02.020 Exemptions.

The provisions of this code shall not apply to:

- (1) A cemetery or other burial plot while used for that purpose;
- (2) Any division of land not containing a dedication in which the smallest lot created by division exceeds 20 acres;
- (3) Any division of land made by testamentary provision or the laws of descent;
- (4) Any division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land, and the city has approved a binding site plan for the use of the land in accordance with local regulations. This exemption does not apply to travel trailer or mobile home parks or plazas which are otherwise permitted outright by local ordinance;
- (5) A division of land occurring in the commercial or industrial zoning districts pursuant to an approved planned unit development, provided the binding site plan be filed for record in the county auditor's office on each lot, parcel, or tract created pursuant to the binding site plan;
- (6) ~~An adjustment of boundary lines in accordance with the provisions of this title; A division made for the purpose of adjusting boundary lines which does not create any additional lots, tracts, parcels, sites, or divisions, nor creates any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirement for width and area for building;~~
- (7) A division made pursuant to Chapter 64.32 or 64.34 RCW, the Horizontal Property Regimes Act, provided a binding site plan has been approved for the use of the land.

16.02.030 Comprehensive plan.

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

16.02.040 Suitability for subdivision.

Land which the council ~~or the planning commission or hearing examiner~~ finds to be unsuitable for land ~~sub~~division due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of future residents shall not be subdivided unless adequate methods are provided for overcoming

these conditions. Compliance with EMC Title 17, Division 2, Critical Areas Regulations, is required for all subdivision applications.

16.02.050 Public facilities and utilities concurrency.

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

16.02.060 Conformance with standards and policies.

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

16.02.070 ~~Sub~~Land divisions adjacent to resource lands.

~~Sub~~Land divisions within 500 feet of designated resource lands shall contain a notice consistent with the provisions of RCW 36.70A.060(1) as follows: the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

16.02.080 Administrator.

The mayor, or his/her designee, hereafter referred to as the administrator, is vested with the duty of administering subdivision ~~and platting~~ regulations within the city of Entiat, and may prepare and require the use of such forms as are essential to their administration.

16.02.090 Simultaneous application.

Unless an applicant for land division preliminary plat approval requests otherwise, a ~~preliminary plat~~land division shall be processed simultaneously with applications for rezones, variances, planned development, site plan approval, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

16.02.100 Notice of amendments.

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

Chapter 16.04

DEFINITIONS

Sections:

- 16.04.010 Definitions generally.
- 16.04.015 Additional dedication.
- 16.04.020 Alley.
- 16.04.025 Binding site plan.
- 16.04.030 Block.
- 16.04.033 Boundary line adjustment.
- 16.04.035 City.
- 16.04.040 Comprehensive plan.
- 16.04.045 Council.
- 16.04.050 Cul-de-sac.
- 16.04.055 Dedication.
- 16.04.060 Easement.
- 16.04.065 Final plat.
- 16.04.067 Final short plat.
- 16.04.070 Frontage.
- 16.04.073 Hearing examiner.
- 16.04.075 Land.
- 16.04.080 Lot.
- 16.04.085 Marketable title.
- 16.04.090 New dedication.
- 16.04.095 Official plans.
- 16.04.100 Planning commission.
- 16.04.105 Plat.
- 16.04.110 Preliminary plat.
- 16.04.113 Preliminary short plat.
- 16.04.115 Reserve easement.
- 16.04.120 Reverse frontage lots.
- 16.04.125 Roadway.
- 16.04.130 Short plat.
- 16.04.135 Short subdivision.
- 16.04.140 Street.
- 16.04.145 Street, private.
- 16.04.150 Street, public.
- 16.04.155 Subdivider.
- 16.04.160 Subdivision.

16.04.010 Definitions generally.

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

16.04.015 Additional dedication.

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

16.04.020 Alley.

“Alley” means a thoroughfare or right-of-way, usually narrower than a street, which provides secondary access to the rear boundary of two or more residential or commercial properties and is not intended for general traffic circulation.

16.04.025 Binding site plan.

“Binding site plan” means a drawing to scale which (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any matter specified by the zoning code, and (2) contains inscriptions or attachments for such appropriate limitations and conditions for the use of the land as are established by the city of Entiat zoning code, and (3) contains provisions requiring a development to be in conformity with the site plan.

16.04.030 Block.

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

16.040.033 Boundary line adjustment.

“Boundary line adjustment” means the adjustment of a boundary line between existing lots which results in no more lots than existed before the adjustment.

16.04.035 City.

“City” means the city of Entiat.

16.04.040 Comprehensive plan.

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

16.04.045 Council.

“Council” means the city council of the city of Entiat.

16.04.050 Cul-de-sac.

“Cul-de-sac” means short street having one end open to traffic and the other temporarily or permanently terminated by a vehicle turn-around.

16.04.055 Dedication.

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

16.04.060 Easement.

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

16.04.065 Final plat.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and in this code adopted under this title.

16.04.065 Final short plat.

“Final short plat” means the final drawing of the short subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this code adopted under this title.

16.04.070 Frontage.

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

16.04.073 Hearing Examiner.

“Hearing examiner” means the hearing examiner for the city of Entiat.

16.04.075 Land.

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

16.04.080 Lot.

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

16.04.085 Marketable title.

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

16.04.090 New dedication.

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

16.04.095 Official plans.

“Official plans” means those official maps, development plans or portions thereof adopted by the city council. The “comprehensive plan” is included in this definition of “official plans.”

16.04.100 Planning commission.

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

16.04.105 Plat.

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

16.04.110 Preliminary plat.

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

16.04.112 Preliminary short plat.

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

16.04.115 Reserve easement.

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

16.04.120 Reverse frontage lots.

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

16.04.125 Roadway.

“Roadway” means pavement width plus any nonpaved shoulders.

16.04.130 Short plat.

“Short plat” means the map or representation of a short subdivision, showing thereon the division of a tract or parcel of land lots, blocks, streets, and alleys or other divisions and dedications.

16.04.135 Short subdivision.

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

16.04.140 Street.

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

16.04.145 Street, private.

“Street, private” means a privately owned and maintained access provided for by a tract, easement, or other legal means, typically serving three or more potential dwelling units.

16.04.150 Street, public.

“Street, public” means publicly owned facility providing access, including the roadway and all other improvements inside the right-of-way.

16.04.155 Subdivider.

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

16.04.160 Subdivision.

“Subdivision” means the division or redivision of land into ~~ten~~^{five} or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in EMC 16.02.020.

Chapter 16.06

BOUNDARY LINE ADJUSTMENTS

Sections:

16.06.010 Applicability.

16.06.020 Administrator's duties.

16.06.025 Reserved.

16.06.030 Application – Fees.

16.06.010 Purpose.

The purpose of this chapter is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.

16.06.020 Administrator's duties.

The administrator of this code is vested with the authority to approve, approve with conditions, or disapprove boundary line adjustments.

16.06.025 Application Requirements.

Applications for boundary line adjustments shall include:

(1) A completed boundary line adjustment application on a form provided by the City;

(2) The application fee; and

(3) A survey map prepared by a licensed surveyor that shall contain the following:

(a) Property lines, with those that remain in their existing location shown as a solid line, those that are being moved show existing as a dashed line with the new line solid and clearly identified as a moved line, and those that are being removed as faded and noted;

(b) Tax parcel numbers;

(c) Dimensions of all property lines and area of the lots, before and after the adjustment in table format;

(d) Location and floor area of all structures on the site, and their setbacks from existing and new property lines;

(e) Location and purpose of all easements on the site;

(f) Location, purpose and legal description of any new or extended easements proposed;

(g) Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road, show how and where access is provided; and

(h) Location of existing utilities and utility easements.

16.06.030 Review Criteria.

Boundary line adjustments shall be reviewed and approved by the administrator in accordance with the following criteria:

- (1) The boundary line adjustment will not result in the creation of any additional lot, tract, parcel, site, or division;
- (2) The boundary line adjustment will not create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to the requirement of EMC Title 17;
- (3) The boundary line adjustment will not adversely affect access or easements;
- (4) The boundary line adjustment will be consistent with any applicable health, building or similar regulations;
- (5) The boundary line adjustment will not increase the nonconforming aspects of an existing nonconforming lot;
- (6) The boundary line adjustment will not violate the covenants or conditions required on the final plat or conditions of preliminary plat approval.

Chapter 16.08

SHORT SUBDIVISIONS

Sections:

- 16.08.010 Applicability.
- 16.08.020 Administrator's duties.
- 16.08.025 ~~Reserved. Permit process.~~
- 16.08.030 Application—~~Fees.~~
- 16.08.040 ~~Reserved. Adequacy and distribution of plats and plans.~~
- 16.08.050 ~~Reserved. Time limitation.~~
- 16.08.060 Approval.
- 16.08.070 Minimum improvements.
- 16.08.080 ~~Filing Final short plat.—Short subdivision requiring a new dedication.~~
- 16.08.090 ~~Filing—Short plats and short subdivisions.~~
- 16.08.100 ~~Reserved. Appeals.~~
- 16.08.110 Resubdivision prohibited.

16.08.010 Applicability.

Every division of land into nine or fewer ~~two or more but less than five~~ lots, plots, sites, parcels, or tracts within the corporate limits of the city of Entiat shall proceed in compliance with this code.

16.08.020 Administrator's duties.

The administrator of this code is vested with the authority to approve, approve with conditions, or disapprove proposed short subdivisions~~plats~~.

16.08.025 ~~Reserved. Permit process.~~

- ~~(1) Preapplication Meeting. See EMC 14.08.030(1) for information regarding the preapplication meeting.~~
- ~~(2) Application. See EMC 14.08.030 for information regarding the permit review process.~~

16.08.030 Application—~~Fees.~~

Any person desiring approval of a short subdivision shall file with the administrator a completed application for short subdivision approval and a filing fee as adopted according to Chapter 3.10 EMC, together with five ~~10~~ copies and one digital copy in PDF format of a sketch preliminary short plat of the proposed short subdivision ~~sketch preliminary short plat of the proposed short subdivision~~ along with written data in such form that, when read together, discloses the following information:

- (1) A legal description of the area being subdivided and a legal description of all proposed lots;
- (2) The names, addresses and telephone numbers of all persons holding interest in the land along with a title report confirming the title of the land as described and shown on the short plat is vested in the name of said persons;
- (3) The boundaries of the section (or portion thereof) within which the short subdivision lies;
- (4) The boundary lines of the short subdivision and of the lots within it;
- (5) The locations of existing roads, easements, important natural features, and improvements within the short subdivision;
- (6) A layout of proposed roads, easements, development site access, and proposed lot access;
- (7) The boundaries of all parcels dedicated or reserved for public or community uses;
- (8) Location of proposed water distribution systems, sewage disposal systems and surface drainage systems;

~~(9) A certificate bearing the typed or printed names of all persons having an interest in the divided land, signed and acknowledged by them before a notary public, which (a) states their consent to the division of land, and (b) grants a~~

~~waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;~~

~~(10) A space for approval by the administrator; and~~

~~(94) Any analysis required under EMC Title 17, Division 2, Critical Areas Regulations.;~~

~~(12) The following signature block must be printed on all mylars hereinafter presented for recording per Resolution No. 97-42, adopted April 1, 1997, by the board of Chelan County commissioners:~~

TREASURER'S CERTIFICATE

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

16.08.040 Reserved. Adequacy and distribution of plats and plans.

~~See EMC 14.08.030(1) for information regarding the adequacy and distribution of plats and plans.~~

16.08.050 Reserved. Time limitation.

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

16.08.060 _____ Approval.

The administrator shall approve outright, or with conditions, a short subdivision when all of the following conditions exist and written findings are issued to support:

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

Every decision or recommendation on a short subdivision processed in accordance with this code shall be made in writing and shall include findings of fact and conclusions to support the decision or recommendation.

16.08.070 Minimum improvements.

Improvements in short subdivisions shall be installed as determined by the city engineer or public works ~~director~~supervisor.

16.08.080 Final short plat. Filing— Short subdivision requiring a new dedication.

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

- (1) Legal description of the land.
- (2) The names, addresses, and telephone numbers of all persons holding ownership interests in the land along with a title report confirming that the title of the land as described and shown on the short plat is vested in the name of said persons.
- (3) The name, address, telephone number, seal, and professional license number of the land surveyor registered in the state of Washington who made the survey of the short subdivision.
- (4) Date of the survey.
- (5) The boundary lines of the short subdivision.
- (6) The boundaries of lots within the short subdivision.
- (7) The location of existing roads and easements, important natural features, and improvements within the short subdivision.
- (8) A layout of proposed roads, easements, and development site access.
- (9) The boundaries of all parcels dedicated or reserved for public or community uses, if any.
- (10) A certificate or instrument of dedication bearing the typed or printed names of all persons having an ownership interest in the divided land, signed and acknowledged by them before a notary public, which (a) states their consent to a division of land, (b) recites a dedication by them of all land shown on the short plat to be dedicated to public use, and (c) if a plat is subject to a dedication, a certificate or separate instrument shall contain the dedication of all streets and other areas to the public and individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any government authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having an ownership interest in the land subdivided and recorded as part of the plat.

(11) The following signature block must be printed on all short plats:

TREASURER'S CERTIFICATE

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

(12) Space for approval by the administrator.

16.08.090 Final approval and recording. Filing – Short plats and short subdivisions.

(1) Each ~~short plat and~~ short subdivision granted pursuant to this chapter shall be submitted to the city for final review and approval. After review and approval, the administrator shall sign the short plat.

(2) After approval by the City, -at which time it may- the short plat shall be filed with the Chelan County auditor. It shall not be deemed “final” until so filed. It shall be the responsibility of the applicant to record the final short plat and pay Applicant pays applicable recording fees.

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

(4) Immediately following the recording of the final short plat, the applicant shall furnish the administrator with copies of the final short plat as follows:

(a) One printed copy.

(b) One copy in digital PDF format.

(5) A preliminary short subdivision expires unless final approval is obtained from the administrator within five years from the date of preliminary approval.

(6) An applicant who files a written request with the city within 30 days before the expiration date of a preliminary short subdivision shall be granted a one-year extension upon a showing of a good faith effort to file the final short plat.

16.08.100 Reserved. Appeals.

~~(1) Any decision of the administrator may be appealed to the city council by the applicant or interested party within 14 days after notice of decision of the administrator. The notice of appeal shall be in writing and shall be filed with the council. Only a public officer, public agency or person who holds or owns an interest in real property located within 300 feet of any boundary of the short subdivision shall be considered an interested party for the purposes of this section.~~

~~(2) The council shall, at its next regular meeting, set the date for consideration of the appeal at a public meeting. In reviewing an appeal, the council shall consider all matters submitted by the administrator together with such other evidence as it deems relevant and shall either affirm, modify, or reverse the administrator decision, or remand the matter for further investigation by the administrator.~~

16.08.110 ~~_____~~ Resubdivision prohibited.

Land within a short subdivision, ~~the short plat of~~ which has been approved within five years immediately preceding, may not be further divided unless a final plat subdivision thereof has been approved and filed for record pursuant to Chapter 16.12 EMC, except any short subdivision plat containing fewer than ~~four~~nine lots may be further divided within five years provided the total lots created do not exceed ~~nine~~four.

Chapter 16.10

BINDING SITE PLANS

Sections:

- 16.10.010 Applicability.
- 16.10.015 Scope.
- 16.10.020 Administrator's duties.
- 16.10.030 ~~Reserved.Preapplication meeting.~~
- 16.10.040 Application requirements.
- 16.10.050 ~~Reserved.Review process.~~
- 16.10.060 Approval.
- 16.10.070 Minimum improvements.
- 16.10.080 Filing – Binding site plan requiring a new dedication.
- 16.10.090 Filing – Binding site plans.
- 16.10.100 Condominiums.
- 16.10.110 Effective period of preliminary binding site plan approval.
- 16.10.120 Modifications to an approved preliminary binding site plan.
- 16.10.130 Binding site plan amendment – Commercial or industrial development.
- 16.10.140 Vacating a binding site plan.
- 16.10.150 ~~Reserved.Appeals.~~

16.10.010 Applicability.

The purpose of this chapter is to clearly delineate the criteria used by the city of Entiat to review and approve binding site plans. A binding site plan is intended to provide an alternative means of dividing land, pursuant to RCW 58.17.035. The binding site plan process provides a means for certain types of land divisions to be processed administratively, based upon the city's adopted development standards and regulations. Binding site plans tie a future development to an approved set of conditions and site layout.

16.10.015 Scope.

This chapter shall be limited and only apply to one or more of the following:

- (1) The sale or lease of commercially or industrially zoned property;
- (2) The leasing of property when no residential structure other than mobile homes/manufactured homes are permitted to be placed upon the land; and
- (3) The division of land into lots or tracts for condominium structures, not individual units as described in this chapter.

16.10.020 Administrator's duties.

The administrator of this code is vested with the authority to approve, approve with conditions, or disapprove of binding site plans.

16.10.030 ~~Reserved.Preapplication meeting.~~

~~(1) Preapplication Meeting. A binding site plan is classified as a Type II application. Every applicant proposing a project that is categorized as a Type II or Type III permit process in the city of Entiat shall attend a preapplication meeting.~~

~~(a) The purpose of the meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process, schedule, applicable plans, policies, and regulations. In order to expedite the review process, the city shall invite all jurisdictions, agencies and/or special purpose districts to the preapplication meeting.~~

~~(b) The preapplication meeting shall take place at the city offices, unless another location is agreed upon by the city and the applicant. The length of the preapplication meeting shall be determined by the complexity of the development proposed by the applicant.~~

~~(c) The applicant may request one or more additional preapplication meetings if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures and fees as the initial preapplication meeting.~~

16.10.040 ___ — Application requirements.

Applications for binding site plans shall be made on forms provided by the city and shall be signed by the property owner. To be considered a complete application, in addition to the applicable fee and the information required by EMC Title 14, the following information shall be submitted:

- (1) All of the information identified in EMC 14.08.030, Application process;
- (2) Inscriptions or attachments setting forth the limitations and conditions of development;

(3) A sketch of the proposed binding site plan that includes:

- (a) A legal description of the area being divided;
- (b) The names, addresses, and telephone numbers of all persons holding interest in the land;
- (c) The boundaries of the section (or portion thereof) within which the binding site plan lies;
- (d) The boundary lines of the binding site plan and of the lots within it;
- (e) The locations of existing roads, easements, important natural features, and improvements within the binding site plan;
- (f) A layout of proposed roads and easements;
- (g) The boundaries of all parcels dedicated or reserved for public or community uses, if any; and
- (h) Location of proposed water distribution systems, sewage disposal systems, and surface drainage systems;.

~~(4)~~ As determined necessary by the city of Entiat, the following additional items may be required, particularly for those types of binding site plans identified in EMC 16.10.015(2):

- (a) Off-street parking plans;
- (b) Maintenance plans;
- (c) A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation landscaping structures to be installed, the type of vegetation by common name, and the installed and mature height of all vegetation;
- (d) A written explanation of the design concept, planned features of the development, measures taken to meet the purposes of the development, the proposed sequence and timing of development, the provisions of ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the development shall be submitted with the binding site plan;
- (e) As determined by the city of Entiat, if applicable to the development, an outline of the documents of the owners' association, by-laws, deeds, covenants and agreements governing ownership, maintenance and operation of the development shall be submitted with the binding site plan;
- (f) Schematic plans and elevations of proposed building(s) with samples of all exterior finish materials and colors, the type and location of all exterior lighting, signs and accessory structures;

(g) A description of commonly held properties and their purpose, function and improvements; and

(h) For a binding site plan for residential condominiums, it shall conform to the requirements of Chapter 64.34 RCW. The applicant shall submit a sworn declaration from a registered land surveyor licensed in the state of Washington that all requirements of RCW 64.34.232, as now adopted and hereafter amended, have been satisfied. The city of Entiat shall not be responsible for verification that the proposal complies with Chapter 64.34 RCW but may rely upon the representation of the survey map and plan;

(5) The names, addresses, and telephone numbers of all persons holding ownership interests in the land along with a title report confirming that the title of the land as described and shown on the binding site plan is vested in the name of said persons.

(64) Upon review of an application, the city may require additional pertinent information as needed to satisfy any regulatory requirements.

16.10.050 ~~Reserved. Review process.~~

~~(1) Applications for a binding site plan shall be processed according to the procedures set forth in EMC 14.04.020 for a Type II or a "full administrative review" application.~~

~~(2) The city of Entiat shall solicit comments on the proposed binding site plan from the public works director, city engineer, Entiat irrigation district, local utility providers, law enforcement provider, Entiat building official, Entiat school district, Chelan County departments, Washington State Department of Transportation, if the proposal is adjacent to a state highway, and any other state, local or federal officials as may be necessary.~~

~~(3) Based on comments from city departments and applicable agencies and other information, the city shall review the application subject to the criteria of EMC 14.04.020 and 16.08.060 and all applicable provisions of the EMC. A proposed binding site plan shall only be approved when consistent with all applicable provisions of the EMC.~~

~~(4) Preliminary binding site plan applications shall be deemed complete, incomplete, disapproved or returned to the applicant for modification or correction within 28 days from the date of filing thereof unless the applicant consents to an extension of such time period.~~

16.10.060 Approval.

The administrator shall approve outright, or with conditions, a binding site plan when all of the following conditions exist and written findings are issued to support:

(1) When all zoning code standards and the requirements imposed by other city codes and ordinances have been met.

(2) The public interest will be served by the binding site plan and dedication.

(3) That appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, site access, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

Every decision or recommendation on a binding site plan processed in accordance with this code shall be made in writing and shall include findings of fact and conclusions to support the decision or recommendation.

16.10.070 Minimum improvements.

(1) The criteria described in EMC ~~16.10.060 14.04.020 and 16.10.050~~ are the minimum measures by which all proposed binding site plans will be considered. Proposed binding site plans shall be given preliminary approval, including preliminary approval subject to conditions, upon written finding by the administrator pursuant to EMC Title 14 that all of the items in EMC ~~16.10.060 16.10.050~~ have been satisfied.

(2) Improvements in binding site plans shall be installed as determined by the city engineer and/or public works director.

16.10.080 Final Binding Site Plan Filing – Binding site plan requiring a new dedication.

Meeting the requirements of RCW Title 58 and Chapter 332-130 WAC in addition to RCW 64.34.232 when applicable, at a minimum each binding site plan ~~containing a new dedication to the public~~ shall be surveyed and monumented by a registered land surveyor and a binding site plan recorded with the Chelan County auditor which shall consist of one or more pages clearly and legibly drawn on stable base mylar, polyester film or equivalent approved material, mylar and shall contain a map of the binding site plan, the horizontal scale shall be 100 feet to the inch, or as allowed by the administrator, together with written data in such form that, when read together, disclose the following information:

- (1) Legal description of the land.
- (2) The names, addresses, and telephone numbers of all persons holding ownership interests in the land along with a title report confirming that the title of the land as described and shown on the binding site plan is vested in the name of said persons.
- (3) The name, address, telephone number, seal, and professional license number of the land surveyor registered in the state of Washington who made the survey of the binding site plan.
- (4) Date of the survey.
- (5) The boundary lines of the binding site plan.
- (6) The boundary lines of the individual lots, parcels or tracts.
- (7) The location of existing roads, easements, important natural features, and improvements within the binding site plan.
- (8) The layout of proposed roads, easements, and development site access.
- (9) The boundaries of all parcels dedicated or reserved for public or community uses.
- (10) A certificate or instrument of dedication bearing the typed or printed names of all persons having an ownership interest in the divided land, signed and acknowledged by them before a notary public, which (a) states their consent to a division of land, (b) recites a dedication by them of all land shown on the binding site plan to be dedicated to a public use, and (c) if a binding site plan is subject to dedication, a certificate or separate instrument shall contain the dedication of all streets and other areas to the public and individual or individuals, and a waiver of all claims for damages against any government authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before any notary public by all parties having an interest in the land shown and recorded as part of the binding site plan.

(11) The following signature block must be printed on all binding site plans proposing a land division:

TREASURER’S CERTIFICATE

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

(12) Space for approval by the administrator.

16.10.090 Filing – Binding site plans.

(1) Each binding site plan granted pursuant to this chapter shall be submitted to the city for final review and approval at which time it may be filed with the Chelan County auditor. It shall not be deemed “final” until so filed. It shall be the responsibility of the applicant to record the binding site plan with the county auditor and pay Applicant pays applicable recording fees.

(2) Binding site plans where an additional dedication to the public is voluntary shall not be filed until the city has accepted marketable title for the newly dedicated area.

(3) Immediately following the recording of the final binding site plan, the applicant shall furnish the administrator with copies of the final binding site plan as follows:

(a) One printed copy.

(b) One copy in digital PDF format.

16.10.100 Condominiums.

For the purpose of approval of condominium developments, the provisions of this title regarding short subdivisions and major subdivisions shall not apply if:

(1) A land division is proposed as a condominium and does not result in the subdivision of land into separately owned lots in accordance with the definition for short or major subdivisions, but subjects a portion of a lot, tract, or parcel to Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;

(2) The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

(3) The city of Entiat has approved a binding site plan for all such land;

(4) The binding site plan is recorded with the Chelan County auditor's office; and

(5) The binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the City of Entiat, and in accordance with such other government permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all persons, businesses, corporations, partnerships or other entities now or hereafter having any interest in the land described herein.

16.10.110 Effective period of preliminary binding site plan approval.

(1) A preliminary binding site plan expires unless final approval is obtained from the administrator within five years from the date of preliminary approval. Preliminary binding site plan approval shall be effective for two years following final action by the administrator. A final plat meeting all requirements of this chapter shall be submitted to the city for final approval, pursuant to EMC 16.08.090, within two years of the date of the preliminary binding site plan approval.

(2) An applicant who files a written request with the city within 30 days before the expiration date of a preliminary binding site plan shall be granted a one-year extension upon a showing of a good faith effort to file the final binding site plan.

16.10.120 Modifications to an approved preliminary binding site plan.

(1) Preliminary binding site plan approvals, except those for commercial or industrial development, shall not be modified after the administrator has issued the preliminary binding site plan approval. Any modifications proposed by the applicant once preliminary binding site plan approval has been given will require a new application to be filed and the requirements of this chapter to be complied with in full.

~~(2)~~ Minor modifications to a previously approved preliminary binding site plan ~~for commercial or industrial development~~, not involving ~~the location or relocation of a~~ the creation of an additional lot, tract or parcel lot line and not involving the location or relocation of a street, may be requested by the applicant and approved by the city subject to the provisions for ~~“limited administrative review”~~ a Type I application in EMC Title 14. Before approving such ~~amendment~~ modification, the administrator shall make written findings and conclusions that the following exist:

- (a) The modification will not be inconsistent or cause the binding site plan to be inconsistent with the findings, conclusions, and decision of the city to preliminarily approve the binding site plan;
- (b) The modification will not cause the binding site plan to violate any applicable city policy or regulation;
- (c) The modification does not adversely impact public health and safety, the environment, or the delivery of services to the site;
- (d) The original intent of the approved preliminary binding site plan is not altered.

~~(2)~~ Modifications to a previously approved preliminary binding site plan ~~for commercial or industrial development~~ which exceeds the criteria above shall be processed as a new application.

16.10.130 Binding site plan amendment—~~Commercial or industrial development.~~

(1) Once a binding site plan ~~for commercial or industrial development~~ has been recorded with the Chelan County auditor, it can be amended. The amended binding site plan ~~for commercial or industrial development~~ must comply with all of the procedures and requirements of this chapter; however, a new survey shall not be required unless there are changes made to the recorded binding site plan, such as new lots lines, roads, or building footprints. ~~except for new lines created by the amended binding site plan for commercial or industrial development.~~

(2) The title of the ~~amended~~ altered binding site plan ~~for commercial or industrial development~~ shall be “Short Subdivision Amended Binding Site Plan No. _____.” ~~“(Binding Site Plan) No. _____ Amending Short Subdivision (Binding Site Plan) No. _____.”~~

(3) Minor errors not involving a change in lines may be corrected by the survey as approved by the administrator.

16.10.140 Vacating a binding site plan.

Binding site plans may be vacated subject to the following provisions:

(1) Prior to issuance of any building or other site development permits, including but not limited to clearing and grading permits, a binding site plan may be vacated as a whole only, under one ownership. Vacating a binding site plan releases all conditions and obligations on the parcel associated with such plan. A binding site plan may be vacated with the submission of a letter of intent to vacate the binding site plan to the city. The letter shall become binding upon its acceptance by the administrator. If the binding site plan has been recorded with the Chelan County auditor, notice of the vacation shall be recorded on forms acceptable to the Chelan County auditor.

(2) After issuance of any building or other site development permits, including but not limited to clearing and grading permits, the process for vacation of all or part of a binding site plan shall be heard by a hearing examiner appointed by the city and shall follow the procedures as indicated in Chapter 2.55 EMC.

16.10.150 ~~Reserved.~~ Appeals.

~~(1) Any decision of the administrator may be appealed to the city council by the applicant or interested party within 14 days after the notice of decision of the administrator. The notice of appeal shall be in writing and shall be filed with the council. Only a public officer, public agency or person who holds or owns an interest in real property within 300 feet of any boundary of the binding site plan shall be considered an interested party for the purpose of this section.~~

~~(2) The council shall, at its next regular meeting, set the date for consideration of the appeal at a public meeting. In reviewing an appeal, the council shall consider all matters submitted by the administrator together with such other evidence as it deems relevant and shall either affirm, modify, or reverse the administrator decision, or remand the matter for further investigation by the administrator.~~

Chapter 16.12

~~MAJOR~~-SUBDIVISIONS

Sections:

- 16.12.010 Applicability.
- 16.12.020 Administrator's duties.
- 16.12.030 ~~Reserved.Preapplication meeting.~~
- 16.12.040 Preliminary plats.
- 16.12.050 Preliminary plat approval.
- 16.12.060 ~~Adequate provisions.Dedications.~~
- 16.12.070 ~~Dedications.Shown on plat.~~
- 16.12.080 Protective improvements.
- 16.12.090 Exemption, corporate membership, responsibilities and conditions.
- 16.12.100 Survey, preparation of plats.
- 16.12.110 ~~Reserved.Standard format.~~
- 16.12.120 Subdivision design and minimum requirements.
- 16.12.130 Final plats.
- 16.12.140 Surveys.
- 16.12.150 ~~Final plat standard format.Standard format.~~

16.12.010 Applicability.

Every subdivision of land into ~~ten~~five or more parcels or lots, as defined herein, shall proceed in compliance with this code. Land divided as a short subdivision, the short plat of which has been approved within five years immediately preceding, shall be subdivided pursuant to this code, except as provided in EMC 16.08.110.

16.12.020 Administrator's duties.

The administrator is vested with the duty of administering subdivision and platting regulations within the city of Entiat and may prepare and require the use of such forms as are essential to their administration.

16.12.030 ~~Reserved.Preapplication meeting.~~

~~(1) Preapplication Meeting. A major subdivision application is classified as a Type III application. Every applicant proposing a project that is categorized as a Type II or Type III permit process in the city of Entiat shall attend a preapplication meeting.~~

~~(a) The purpose of the meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process, schedule, applicable plans, policies, and regulations. In order to expedite the review process, the city shall invite all affected jurisdictions, agencies and/or special purpose districts to the preapplication meeting.~~

~~(b) The preapplication meeting shall take place at the city offices, unless another location is agreed upon by the city and the applicant. The length of the preapplication meeting shall be determined by the complexity of the development proposed by the applicant.~~

~~(c) The applicant may request one or more additional preapplication meetings if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial preapplication meeting.~~

16.12.040 ~~_____~~—Preliminary plats.

~~(1) Ten copies of a preliminary sketch map shall be prepared at a scale and in detail sufficient to indicate the essential characteristics of the subdivision including the number, size and design of lots, the location and width of streets, the location of any important reservations or easements, the provisions of improvements and services, the~~

~~general nature and extent of drainage, the relation of the subdivision to all surrounding lands and streets, and any other information necessary to enable staff to review the proposed subdivision.~~

(2) A complete application for the purposes of this chapter shall consist of all the material required by this section, materials identified during the pre-application meeting, any analysis required by EMC Title 17.10, ~~Division 2~~, Critical Areas ~~Regulations~~, and all environmental documents required by Chapter 17.04 EMC, State Environmental Policy Act Implementation.

(3) Any person desiring to subdivide land in the city shall submit an application for subdivision approval to the administrator on forms as required by the administrator. The application shall be accompanied by a filing fee as adopted according to Chapter 3.10 EMC.

(4) The actual costs incurred by the city to review plat applications, street plans, utility plans, and field inspections will be passed on to the applicant for payment in accordance with the city fees that are adopted by the city council.

(5) ~~An applicant shall submit with his application 10 copies of a preliminary plat showing perimeter survey. The applicant shall submit five paper copies and one digital copy in PDF format of a preliminary plat with the application. Preliminary plans shall be drawn upon an 18-inch by 24-inch sheet or as acceptable to the city engineer. Every preliminary plat shall consist of one or more maps, the horizontal scale of which shall be 100 or less feet to the inch, together with written data in such form that, when the maps and written data are considered together, they shall fully and clearly disclose the following information:~~

(a) The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the city unless the proposed subdivision is an addition to an existing subdivision.

(b) The legal description of land contained within the subdivision.

(c) The names, addresses, and telephone numbers of all persons holding ownership interests in the land along with a title report confirming that the title of the land as described and shown on the binding site plan is vested in the name of said persons.

(d) The name, address, telephone number, professional license number and seal of the registered land surveyor who made, or under whose supervision was made, the survey of the proposed subdivision.

(e) The date of said survey.

(f) Boundary lines of the proposed subdivision and, if required by the city engineer, a map showing the section breakdown will be submitted showing bearings and distances surrounding the proposed subdivision.

(g) All existing monuments and markers found and set.

(h) All blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block. Such lot and block numbers shall consist of consecutive numbers beginning with number "1." Parcels to be dedicated to the public may be shown by letter designation.

(i) The total number of lots.

(j) The location, names, width of all existing streets, roads, and easements within the proposed subdivision and adjacent thereto.

(k) The approximate boundaries of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all watercourses.

(l) The location and, where ascertainable, sites of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over, or under the land proposed to be subdivided.

(m) The smallest, largest, and average lot area in the tract.

(n) A statement of proposed provisions for water supply and sewage disposal.

(o) Contours at one-foot intervals if required by the city engineer or administrator for zero percent to five percent cross slope, five-foot intervals for five to 30 percent cross slope, 10-foot intervals for over 30 percent cross slope, and slope elevations to determine the general slope of the land and high and low points thereof. Said contours and elevations shall be based upon datum acceptable to the city engineer.

(p) Scale, date, north arrow, and area in acres of the subdivision.

(q) A layout of proposed roads, alleys, utility mains, easements or parcels proposed to be dedicated or reserved for public or community school, park, playground, or other uses.

(r) A copy of the WSDOT access connection permit adjacent to state highway, if required.

(s) A layout of proposed water distribution systems, sewage disposal systems, and drainage systems, including sizes and locations.

(t) A sketch of the general vicinity in which the land proposed for subdivision lies, and upon which are identified owners of land adjacent to the subdivision and the names of any adjacent subdivisions.

(u) Copies of all restrictive covenants proposed to be imposed upon land in the subdivision.

(v) The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map as appropriate.

(w) If it is contemplated that development proceed by dividing the original proposed subdivision into more than one subdivision, the probable boundaries of each such subdivision shall be shown on the preliminary plat.

~~(6) If the administrator determines that the preliminary plat contains sufficient elements and data to furnish a basis for his review, and if the plans are adequate to allow the city engineer to approve or disapprove construction of future improvements as provided for in this section, the administrator shall promptly forward copies of the preliminary plat to the following agencies as appropriate:~~

~~(a) City engineer;~~

~~(b) Chelan Douglas health district;~~

~~(c) Chelan County assessor;~~

~~(d) Public Utility District No. 1 of Chelan County;~~

~~(e) Fire District No. 8;~~

~~(f) Washington State Department of Transportation;~~

~~(g) Telephone company;~~

~~(h) Cable purveyor;~~

~~(i) City public works;~~

~~(j) City building inspector;~~

~~(k) Washington State Department of Ecology;~~

~~(l) Washington State Department of Fish and Wildlife;~~

~~(m) U.S. Army Corps of Engineers;~~

~~(n) Other interested agencies as determined by administrator.~~

~~(7) Each of the departments, districts, public officials, utility companies, or other public agencies shall have 15 days after the map has been received in their respective offices within which to forward to the administrator written reports of its findings and recommendations thereon. Any agency or person issuing a recommendation for subsequent approval of a preliminary plat shall not modify the terms of this recommendation without the consent of the applicant. Failure to report in writing within 15 days after transmittal of the preliminary plat shall be interpreted to indicate that the proposed subdivision will not adversely affect the matters of concern to or under the jurisdiction of any department official, utility company, or any other public agency.~~

~~(8) The city engineer shall submit a report on:~~

~~(a) The improvements required under provisions of this code, engineering design standards, Entiat zoning code or other ordinances or codes that may apply.~~

~~(b) Adequacy of water supply for domestic purposes.~~

~~(c) Adequacy of sewage disposal system.~~

~~(d) Any easements required.~~

~~(e) The effect of the proposed subdivision and any proposed grading in connection therewith on drainage in the general area and the adequacy of methods of handling drainage and stormwater runoff proposed by the applicant.~~

~~(f) Effects of the proposed subdivision on other public improvements under the jurisdiction of the city engineer.~~

~~(g) The accuracy of the technical information submitted (survey data, mathematical data, computations).~~

~~(h) Compliance with adopted level of service standards for public utilities and facilities as set forth in the Entiat comprehensive plan.~~

~~(9) The health officer shall submit a report on matters related to the proposed subdivision which may affect the public health.~~

~~(10) The fire marshal or other appropriate fire official shall submit a report on:~~

~~(a) The adequacy of access for emergency vehicles.~~

~~(b) Location of fire hydrants and adequacy thereof.~~

~~(c) Adequacy of water supply for fire protection purposes.~~

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

~~(11) The Washington State Department of Transportation shall submit a report on:~~

~~(a) State highway classification.~~

~~(b) Access availability and access connection permit needs.~~

~~(c) Identification of transportation impacts and need for mitigation when appropriate, and provide assistance with traffic impact analysis scoping as needed.~~

~~(12) The administrator shall submit a report detailing wherein the proposed subdivision does or does not conform with the requirements of this code and with other standards and policies of the city.~~

~~(13) On receipt of an application completed in compliance with this section, the administrator shall set the earliest possible date for a public hearing before the planning commission.~~

~~(14) Within 14 days after the issuance of the letter of completeness, the administrator shall give notice of a public hearing before the planning commission. At a minimum, notice of the hearing shall be given in the following manner:~~

~~(a) Through the U.S. Mail, postmarked at least 10 days before the date of the hearing, to the following:~~

~~(i) Every owner of property whose name appears as such on the records of the county assessor situated within 300 feet of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels which lie adjacent to the real property proposed to be subdivided, notice shall be given to property owners located within 300 feet of any portion of the boundary of such adjacently located properties owned by the owner of the real property proposed to be subdivided; and~~

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

~~(iii) The State Department of Transportation.~~

~~(b) By arranging for publication of a notice of hearing in the official city newspaper which would appear at least 10 days prior to the hearing date.~~

~~(c) Other reasonable methods deemed necessary by the administrator and/or the planning commission.~~

~~(d) All hearing notices shall include a description of the location of the proposed subdivision. This description may be in the form of either a vicinity location sketch or a written description other than a legal description.~~

~~(e) Within 14 days following receipt of a complete application, notice will be provided to the public and agencies with jurisdiction containing the project description, permits applied for, other permits required, existing environmental documents that evaluate the proposal, dates of the public comment period, hearing date, if any, and a statement of the development regulations which will be used.~~

~~(i) The agencies with jurisdiction have 15 days in which to issue written comments on the application.~~

~~(15) At the public hearing, the planning commission shall consider all relevant evidence and shall take action to recommend that the preliminary plat be approved, approved conditionally, or disapproved by the council. Any hearing may be continued by the planning commission.~~

~~(5) During review of the preliminary plat, the administrator may request addition information or revisions to the preliminary plat to demonstrate compliance with the requirements of this code and with other standards and policies of the city.~~

~~(616) In its review, the The hearing examiner ~~planning commission~~ shall determine if the proposed subdivision conforms to the general purposes of the comprehensive plan, and whether the proposal includes appropriate provisions for drainage, roads, alleys, sidewalks, transit stops, and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds, open space, recreation and other public and private facilities and improvements which comply with adopted level of service standards as established in the Entiat comprehensive plan concurrently with the demand for such facilities and services.~~

~~(17) Not later than 14 days following conclusion of the hearing, the planning commission shall submit its written report and recommendations to the council. The planning commission may recommend the proposed plat to be approved, conditionally approved, or disapproved. Conditions of approval and a statement of findings shall be precisely cited in the planning commission's report. Every recommendation shall include written findings of fact and conclusions to support the recommendation. Recommendations for approval or conditional approval shall, at a minimum, include a finding that the proposed subdivision is in conformance with the Entiat zoning code and other applicable ordinances.~~

~~(18) Records of the planning commission's hearings on preliminary plats shall be kept by the administrator and shall be open to public inspection.~~

~~(19) Upon receipt of the planning commission's recommendation on any preliminary plat, the council shall, at their next public meeting, set the date for the public meeting where it shall consider the recommendations of the planning commission and may adopt or reject the recommendations of the planning commission based on the record established at the public hearing of the planning commission. If, after considering the matter at a public meeting, the council deems a change in the planning commission's recommendation approving or disapproving any preliminary plat is necessary, the council shall adopt its own recommendations and approve or disapprove the preliminary plat. Every decision or recommendation shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.~~

~~(20) Records of the council's proceedings concerning a preliminary plat shall be kept by the city clerk treasurer and shall be open to public inspection. (Ord. 701 § 1 (Exh. A), 2009; Ord. 659 § 1, 2006; Ord. 572 § 1, 2001)~~

16.12.050 Preliminary plat approval.

~~(1) The staff shall make such general recommendations to the applicant as it shall deem proper regarding such preliminary sketch map and shall recommend consultation by the applicant with such other public or private agencies as it shall designate.~~

~~(2) Approval of the preliminary plat shall constitute authorization for the applicant to develop the subdivision's facilities and improvements, in strict accordance with standards established by this code and any conditions imposed by the hearing examiner~~council~~. This authorization shall not imply approval to convey lots.~~

~~(3) The approval given to a preliminary plat shall expire in 5 years after approval, ~~60 months following approval unless, within those 60 months, a proposed final plat in proper form is filed with the administrator.~~~~

~~(3) An applicant who files a written request with the city within 30 days before the expiration date of a preliminary plat shall be granted a one-year extension upon a showing of a good faith effort to file the final plat.~~

16.12.060 Adequate provisions.Dedications.

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

16.12.070 DedicationsShown on plat.

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

16.12.080 Protective improvements.

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

16.12.090 Exemption, corporate membership, responsibilities and conditions.

An applicant who wishes to make a conveyance as permitted by EMC 16.12.080 shall, prior to the time of filing a final plat for approval, supply the council with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of the conveyance or the binding commitment to convey. The articles of incorporation

shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision, that the corporation is empowered to assess the said land for costs of construction and maintenance of the improvements and property owned by the corporation, and that such assessments shall be a lien upon the land. The council may impose such other conditions as it deems appropriate to assure the property and improvements owned by the corporation will be adequately constructed and maintained. All documents submitted under this section shall be as approved by the city attorney.

16.12.100 Survey, preparation of plats.

The survey of every proposed subdivision and the preparation of preliminary and final plats thereof shall be made by or under the supervision of a land surveyor registered in the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to standard practices and principles for land surveying.

16.12.110 ~~Reserved~~Standard format.

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

~~(1) The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the city unless the proposed subdivision is an addition to an existing subdivision.~~

~~(2) The legal description of land contained within the subdivision.~~

~~(3) The names, addresses, and telephone numbers of all persons, firms, and corporations holding interests in the said land.~~

~~(4) The name, address, telephone number, professional license number and seal of the registered land surveyor who made, or under whose supervision was made, the survey of the proposed subdivision.~~

~~(5) The date of said survey.~~

~~(6) Boundary lines of the proposed subdivision and, if required by the city engineer, a map showing the section breakdown will be submitted showing bearings and distances surrounding the proposed subdivision.~~

~~(7) All existing monuments and markers found and set.~~

~~(8) All blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block. Such lot and block numbers shall consist of consecutive numbers beginning with number "1." Parcels to be dedicated to the public may be shown by letter designation.~~

~~(9) The total number of lots.~~

~~(10) The location, names, width of all existing streets, roads, and easements within the proposed subdivision and adjacent thereto.~~

~~(11) The approximate boundaries of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all watercourses.~~

~~(12) The location and, where ascertainable, sites of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over, or under the land proposed to be subdivided.~~

~~(13) The smallest, largest, and average lot area in the tract.~~

~~(14) A statement of proposed provisions for water supply and sewage disposal.~~

~~(15) Contours at one foot intervals if required by the city engineer or administrator for zero percent to five percent cross slope, five foot intervals for five to 30 percent cross slope, 10 foot intervals for over 30 percent cross slope,~~

~~and slope elevations to determine the general slope of the land and high and low points thereof. Said contours and elevations shall be based upon datum acceptable to the city engineer.~~

~~(16) Scale, date, north arrow, and area in acres of the subdivision.~~

~~(17) A layout of proposed roads, alleys, utility mains, easements or parcels proposed to be dedicated or reserved for public or community school, park, playground, or other uses.~~

~~(18) A copy of the WSDOT access connection permit adjacent to state highway.~~

~~(19) A layout of proposed water distribution systems, sewage disposal systems, and drainage systems, including sizes and locations.~~

~~(20) A sketch of the general vicinity in which the land proposed for subdivision lies, and upon which are identified owners of land adjacent to the subdivision and the names of any adjacent subdivisions.~~

~~(21) Copies of all restrictive covenants proposed to be imposed upon land in the subdivision.~~

~~(22) The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map as appropriate.~~

~~(23) If it is contemplated that development proceed by dividing the original proposed subdivision into more than one subdivision, the probable boundaries of each such subdivision shall be shown on the preliminary plat.~~

16.12.120 Subdivision design and minimum requirements.

Every subdivision shall conform with design standards as provided for in Chapter 16.20 EMC.

16.12.130 Final plats.

(1) At any time ~~within 60 months~~ following ~~hearing examinereouncil~~ approval of a preliminary plat ~~and within the expiration timeline described in EMC 16.12.050~~, an applicant ~~may submit a final plat for approval. may cause the subdivision or any part thereof to be surveyed and a final plat to be prepared.~~ The original and ~~one digital copy in PDF format~~~~five copies~~ shall be filed with the administrator. Any failure to record the final plat within the time limit specified in EMC 16.12.050~~(3)~~ shall terminate all proceedings. Final plats prepared in accordance with the provisions in ~~this section~~~~EMC 16.12.150~~ shall be submitted to the administrator, ~~not less than 15 days prior to the date of the meeting at which time the council will be requested to act thereon.~~

(2) The administrator shall verify:

(a) That the final plat meets all standards established by state law and this code relating to final plats.

(b) That conditions imposed when the preliminary plat was approved have been met.

(c) That the proposed final plat bears the certificates and statements of approval required by this code.

(d) That a title report, from a title insurance company authorized to do business in the state of Washington, confirms that title of the land in the proposed subdivision is vested in the name of the owner(s) whose signature(s) appear(s) on the plat certificate.

(e) That the facilities and improvements required to be provided by the applicant have been completed or, alternatively, that the applicant has provided bonds in a form acceptable to the city attorney, and in an amount and with responsible sureties in the amount of 150 percent of the estimated cost of the improvements remaining to be done, securing to the city the construction and installation of the improvements within a fixed time set by the council.

(3) The council shall, ~~at its next public meeting,~~ determine:

~~(a) Whether the requirements of state law, this code, and Entiat zoning code and amendments thereto have been satisfied by the applicant.~~

- (~~a~~b) Whether conditions imposed on the preliminary plat when approved have been met.
- (~~b~~e) Whether the bond, if there be one, by its essential terms, assures completion of improvements within the stipulated time limits.
- ~~(d) Whether the public use and interest will be served by approving the proposed final plat.~~
- ~~(e) Whether adequate appropriate provisions are made for, but not limited to, the public health, safety and general welfare for open spaces, drainage ways, streets, alleys, or other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds.~~

The council shall thereupon authorize the mayor to sign the~~approve or disapprove the proposed~~ final plat. ~~The council may not, as a condition of approval of any plat, require a release from damages to be procured from other property owners. Every decision shall include written findings of fact and conclusions to support the decision. A subdivision shall be governed by the terms of approval of the final plat in the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final approval, unless the council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.~~

(4) After all signatures are received, the final plat shall be recorded with the Chelan County auditor. It shall be the responsibility of the applicant to record the plat with the county auditor and pay all recording fees.

~~(5)4~~ Immediately following ~~council approval and~~ the recording of the final plat, the applicant shall furnish the administrator with copies of the final plat as follows:

- (a) One printed copy~~duplicate tracing (reproducible).~~
- (b) ~~Two paper prints~~One copy in digital PDF format.

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

16.12.140 Surveys.

(1) The surveyor shall furnish the city engineer with a full set of survey notes which shall clearly show:

- (a) The ties to each permanent monument.
- (b) At least two durable, distinctive reference points or monuments.
- (c) Sufficient data to determine readily the bearing and length of each line.
- (d) The base meridian referred to.

(2) A traverse of the boundaries of the subdivision and all lots and blocks shall close within an error on one foot in 5,000 feet.

(3) Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown.

(4) Permanent control monuments shall be established at:

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

16.12.150 ~~Final plat standard format.~~Standard format.

(1) Every final plat shall consist of one or more sheets, each 18 by 24 inches, clearly and legibly drawn on ~~tracing cloth,~~ stable base mylar, polyester film, or equivalent approved material acceptable to the city engineer. All drawings and lettering on the final plat shall be in permanent black ink. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. The scale of the map shall be sufficient to show all details clearly, and in no case shall be smaller than one inch equals 100 feet, nor greater than one inch equals 50 feet, or such scale designated by the city engineer. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. Each sheet of the final plat shall contain the subdivision name, the graphic scale, and the north point. All signatures affixed to a final plat shall be the original signatures written in permanent black ink. Every final plat shall include an accurate map of subdivided land based on a complete survey thereof, which maps shall include:

- (a) All section, township, municipal, and county lines lying within or adjacent to the subdivision.
- (b) The location of all monuments or other evidence used as ties to establish the subdivision boundaries.
- (c) Location of all permanent control monuments found and established within the subdivision.
- (d) The dimensions and bearings of all recorded and measured surveyed lines using bearings, distances, and curve data as required, length and bearings of all straight lines; the radii, arcs, and semi-tangents of all surveys.
- (e) Boundaries of the subdivision with complete bearings and lineal dimensions.
- (f) The length of each lot line together with bearings and other data necessary for the location of any lot line in the field.
- (g) The location, width, centerline, and name or number of all streets within and adjoining the subdivision.
- (h) The location and width, shown with broken lines, and description of all easements.
- (i) The number assigned to all lots and blocks within the subdivision and the house numbering system proposed.
- (j) The names of any adjacent subdivision.
- (k) All proposed street names.

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

- (a) The name of the subdivision.
- (b) The legal description of land contained within the subdivision.
- (c) The certificate of the registered land surveyor who made, or under whose supervision was made, the survey of the subdivision, in substantially the following language:

I, _____, registered as a land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20____, through _____, 20____; that the distances, courses, and angles are shown thereon correctly; and that the monuments other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat.

- (d) A statement of approval signed by the city engineer as to survey data; layout of roads, alleys and easements, road names and numbers; and the design and/or construction of protective improvements, bridges, sewage, water and drainage systems.

~~(e) If any portion of this subdivision lies within a flood control zone, a statement of approval signed by the Director of the Department of Ecology, or its successor.~~

~~(ef)~~ A certificate or other instrument of dedication bearing the typed or printed names of all persons having ownership interests in the subdivided land, signed by the said persons, and acknowledged by them before a notary public, consenting to the subdivision of said land and reciting the dedication by them of all land shown on the plat to be dedicated to public use, and a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of public roads.

~~(fg)~~ The following signature block must be printed on all mylars hereinafter presented for recording per Resolution No. 97-42, adopted April 1, 1997, by the board of Chelan County commissioners:

TREASURER'S CERTIFICATE

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

~~(gh) Space for the signature of approval by the mayor of the city of Entiat ~~and the chairman of the Entiat planning commission.~~~~

Chapter 16.20

SUBDIVISION DESIGN STANDARDS

Sections:

- 16.20.010 Provisions of the comprehensive plan and zoning regulations.
- 16.20.020 Design – Streets.
- 16.20.030 Blocks.
- 16.20.040 Lot design.
- 16.20.050 Easement provisions.
- 16.20.060 Fire protection standards.

16.20.010 Provisions of the comprehensive plan and zoning regulations.

All subdivisions shall conform to the design standards of this code, in addition to the comprehensive plan, other adopted city standards and all zoning regulations in effect at the time any preliminary plat of a subdivision is submitted for approval. Lots shall be of sufficient area, width, and length to satisfy zoning requirements.

16.20.020 Design – Streets.

The design for any streets within a subdivision shall meet the minimum requirements as stated in the Entiat [Standard Plan Guidebook and EMC Title 19](#)~~road design standards~~.

16.20.030 Blocks.

(1) In general, blocks shall be as long as is reasonable and consistent with the topography and the needs for convenient access, circulation, control, safety of street traffic, and the type of land use proposed. For residential subdivisions, the block length ordinarily should not exceed ~~800~~³²⁰ feet or be less than 400 feet.

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

16.20.040 Lot design.

(1) Every lot shall be provided with satisfactory access by a public street connecting to an existing public street, except as provided in Chapter 19.08 EMC, Streets.

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

(3) All single-family residential lots shall have a minimum width and depth sufficient to meet city of Entiat zoning code lot width and depth requirements for the particular zone the property is in.

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

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

(6) No residential lots shall have street frontage along two opposite boundaries unless topographical features or the need to provide separation of the lots from arterials, railways, commercial or industrial activities, justify the designing of reverse frontage lots.

(7) Side lot lines shall be straight lines running within 20 degrees of perpendicular to the road upon which the lots front. Side lot lines on curved roads should run at or near radially to the curve.

16.20.050 Easement provisions.

(1) 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 15 feet in width. Where possible, the width of rear and side lot line easements shall be equally shared by abutting lots, and easements shall be continuous and aligned from block-to-block within the subdivision and with adjoining subdivisions.

(2) 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 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 ~~hearing examiner council, upon recommendation from the planning commission,~~ so finds upon written evidence presented by the supplier of such utilities, may waive this requirement for underground utilities.

(4) Where a subdivision is traversed by a watercourse, a drainage easement conforming substantially to the line of such watercourse, drainage way, wasteway, channel or stream, and of such width for construction, maintenance and control as will be determined by the ~~hearing examiner council, upon recommendation from the planning commission,~~ adequate for the purpose shall be provided.

16.20.060 Fire protection standards.

(1) All subdivisions of lots containing less than one acre shall be required to provide water supplies for fire protection which shall be in addition to those water supplies required for domestic purposes. Water supplies for fire protection of lots over one acre in size may be required by the council as recommended by fire chief or city engineer. All requirements shall meet the minimum requirements as stated in the water standards.

(2) Water distribution mains on which fire hydrants are located shall be a minimum of eight inches in diameter. Minimum fire flows in one-family and two-family developments shall be 1,000 gallons per minute for two hours' duration in all cases where water supplies for fire protection are required by the ~~hearing examiner council, upon recommendation of the planning commission.~~

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

(4) Where it is determined that, in the future, additional developments will also be served by the distribution mains being installed as a part of the plat, the ~~hearing examiner council may, upon recommendation of the planning commission, may~~ require additional fire safety precautions, including, but not limited to, the provision of easements for access to adjacent lands, and the installation of larger than minimum distribution mains.

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

Chapter 16.24

REQUIRED IMPROVEMENTS

Sections:

- 16.24.010 Improvement procedures.
- 16.24.020 Approval by city engineer.
- 16.24.030 Inspection.
- 16.24.040 Utility installations.
- 16.24.050 Maps.
- 16.24.060 Minimum improvement standards.
- 16.24.070 Improvement agreement.
- 16.24.080 Bonds.
- 16.24.090 Forfeiture of surety.
- 16.24.100 Release of surety.

16.24.010 Improvement procedures.

All improvements shall be designed and constructed in conformance with the city's comprehensive plan, the applicable facility plans, Entiat city ordinances and codes and all engineering design standards. Prior to the construction of any improvements as required by the preliminary approval, the project proponent shall submit construction plans. These plans must be prepared, signed, dated and stamped by a Washington State licensed civil engineer and shall be in accordance with the city of Entiat engineering design standards. The construction plans must be reviewed and approved by the city prior to construction.

16.24.020 Approval by city engineer.

~~Upon receipt from the administrator of the approved preliminary plat and improvement plans required by EMC 16.12.040(15), Upon receipt of construction plans prepared in compliance with the approved preliminary plat, the city engineer shall review the construction plans same and shall inform the subdivider of any errors, omissions, or corrections to the data supplied which are required. When the city engineer finds the data submitted to be sufficient, and that all provisions of the city engineer have City of Entiat Standard Plan Guidebook and EMC Title 19 have been complied with, he the city engineer shall sign the construction plans and authorize construction to begin in accordance with EMC 19.02, shall then submit his certified approval to both the applicant and the administrator in accordance with EMC 16.12.040(8).~~

16.24.030 Inspection.

Improvements shall be constructed under the supervision and to the satisfaction of the city engineer or, ~~in the instance of subdivision containing 10 or more lots, and~~ if authorized or required by the city engineer, the developer may be compelled to provide his own engineer for the purpose of inspecting and certifying that all public improvements have been accomplished according to city standards. The city engineer may require changes in typical sections and details in the public interest if unusual conditions arise during the construction to warrant such changes. The city may decline to accept any responsibility for the maintenance of streets and utilities until all improvements are completed and accepted in writing by the city engineer.

16.24.040 Utility installations.

All utilities shall be underground where feasible. Sanitary sewers and storm drains installed in the street by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for all underground facilities and sanitary sewers shall be placed to the property line. Private facilities encountered within proposed or newly dedicated right-of-way, including but not limited to private irrigation systems, may be required to be removed, except for crossings, by the city engineer if he determines that their existing location in any way interferes, or could potentially interfere, with the public's full use and interest in lands so dedicated to the public. See also road design standards (EMC Title 19) as adopted.

16.24.050 Maps.

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

16.24.060 Minimum improvement standards.

- (1) For all land divisions authorized by this code, the following basic improvements shall be required and implemented concurrent with development of the land division. All land divisions shall provide public streets, water utility service and wastewater utility service to each lot created that is adequate to serve future development at the density authorized by the applicable comprehensive plan and zoning classification and that meets the applicable ordinances, standards of all the Entiat design standards manuals and the Entiat comprehensive plan.
- (2) All streets and alleys shall have all standing trees, brush, downed timber, and snags cleared and removed from the right-of-way. However, this requirement shall not prohibit the ~~council, upon recommendation of the hearing examiner upon recommendation of the administrator, planning commission,~~ from allowing or requiring at the time of preliminary plat approval that certain plant materials not be removed from the boulevard areas of particular streets.
- (3) All streets and alleys shall be grubbed by the removal of all large rocks, roots, snags, brush, etc., upon the surface of the ground. All excavation and holes left by such grubbing shall be refilled.
- (4) All culverts, trestles, or bridges over waterways, draws, or gulches shall conform to the city engineer's specifications for structures of this nature. Where streets or roads of subdivisions connect to, or intersect with, existing roadways, there shall be installed drains of metal or concrete pipe approved by the city engineer.
- (5) All lot corners, street intersections, boundary angle points, and points in curves in streets shall be marked by three-quarter-inch galvanized iron pipe 24 inches long or equivalent approved by the city engineer. Street monuments shall be set between six inches and one foot below finished street grades, and shall be enclosed in a standard monument case acceptable to the city engineer. See also the road design standards as adopted.
- (6) All street and alleys shall be graded and surfaced from curb to curb, or roadbed widths specified in Chapter 16.20 EMC, and shall be crowned and surfaced to a depth complying with the standards of the city engineer. See also the road design standards (EMC Title 19) as adopted.
- (7) All subdivisions shall be served by public, private, or community water supply systems approved by and installed to meet the requirements and standards of the city of Entiat.
- (8) The proposed subdivision shall be provided with a complete sanitary sewer system designed to serve the subdivision, and to connect the subdivision with the existing trunk sanitary sewer system if feasible from an engineering perspective.
- (9) Surface drainage from streets and other areas within the proposed subdivision shall be provided with a complete drainage system designed to serve the subdivision and to retain or detain stormwaters on site that discharge at levels that do not exceed historic rates of runoff for the land in question. All drainage analysis shall conform to the Stormwater Management Manual for Eastern Washington, current version and EMC Chapter 19.20~~to the storm drainage standards and guidelines adopted by the Chelan County public works department.~~
- (10) The capacities and dimensions of all improvements shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the subdivision and the capacities to serve the vicinity.
- (11) Traffic control and street name signs, as recommended by the city engineer, shall be installed by the subdivider.
- (12) The subdivider shall provide adequate measures to mitigate for any adverse environmental impacts as identified by the city's environmental and critical area plans and regulations, and the State Environmental Policy Act.
- (13) The standards and requirements established or referenced by this chapter are minimum requirements. These standards may be increased and additional requirements may be imposed for the purpose of mitigating identified probable significant adverse environmental impacts pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, as now established or hereafter amended. Such additional requirements may include, but shall not be limited to, off-site improvements to any public facility, the dedication and/or improvement of parks and open spaces, and

monetary contributions to any city fund established to finance the provision of public services required by the subdivision.

16.24.070 Improvement agreement.

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

- (1) For the construction of all improvements in units.
- (2) For the extension of time under conditions specified therein.
- (3) For the termination of the agreement upon the completion of the construction of improvements deemed by the city engineer and administrator to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.
- (4) For progressive remittances to the subdivider for any deposit money which the subdivider may have in lieu of providing a surety bond, as provided in EMC 16.24.080; providing, however, that no such progress payments shall be made for more than 90 percent of the value of any installation work; and provided, that each installment of work shall be completed to the satisfaction of the city engineer and administrator.

16.24.080 Bonds.

The subdivider shall file with the improvement agreement required in EMC 16.24.070 a performance bond in an amount deemed sufficient by the city engineer to cover the estimated costs of said improvements, and to cover the estimated costs of setting monuments and lot corner markers that are to be set after the improvements are completed. Upon completion of the improvements, the city engineer shall fix an amount deemed necessary to cover the costs of failure of any of the improvements or work done occurring within 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. In lieu of a faithful performance bond, the subdivider may deposit with the city clerk-treasurer, in the form of cash, bonds, savings deposit books, certificates of deposit, or any other surety acceptable to the city attorney in an amount fixed by the city engineer.

16.24.090 Forfeiture of surety.

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

16.24.100 Release of surety.

No progress payments from such deposit or release of surety bond or cash deposit shall be made except upon certification of the city engineer that work covered thereby has been satisfactorily completed. Surety bonds or cash deposits to cover the costs of failure of any improvement or work shall be released by the end of one year after completion of such work or improvements upon certification of the city engineer, if such improvement or work has not failed. In the event of failure during such period of one year following completion, the procedure utilized in EMC 16.24.090 shall be implemented so as to restore the work so failing.

Chapter 16.28

~~REPEALED~~ ~~MODIFICATION AND APPEALS~~

~~Sections:~~

~~16.28.010—Exemption in case of large scale development.~~

~~16.28.020—Variances.~~

~~16.28.030—Action of variances.~~

~~16.28.040—Appeals.~~

~~**16.28.010—Exemption in case of large scale development.**~~

~~The standards and requirements of this code may be modified by the city council, upon recommendation of the planning commission, in the case of a development plat approved as a planned development (PD) zone change or other creative design, under authority contained in the city of Entiat zoning code, provided the modifications are not detrimental to the public health, safety and welfare, and provided the council, upon recommendation of the planning commission, determines there are provisions for the circulation, light, air, recreation, public space, and service needs of the developed tract and its relation to adjacent areas, and for such covenants or other legal provisions as will assure conformity and achievement of the comprehensive plan.~~

~~**16.28.020—Variances.**~~

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

~~(a) That there are special circumstances or conditions affecting the property that are not common to all other properties in the area.~~

~~(b) That the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by the other properties in the same vicinity and that extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.~~

~~(c) That the granting of a variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the vicinity of the property involved.~~

~~(d) That the necessity for the variance is not a result of the applicant's own actions.~~

~~(2) When variances are sought concerning the administration of the requirements rather than restrictions on physical improvements or design, the petitioner shall apply for the variance in the above manner but is not required to meet the requirements as set forth above. The planning commission may recommend approval or denial of a variance only after a public hearing on the variance application has been held by them.~~

~~(3) Notification of the hearing shall be in the same manner as outlined in EMC 16.12.040(14), and the scope and continuance of the hearing shall be in accordance with EMC 16.12.040. Action by the commission on a variance application shall be in accordance with this section.~~

~~**16.28.030—Action of variances.**~~

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

~~16.28.040 — Appeals.~~

~~Any decisions approving or disapproving any plat shall be reviewable for unlawful, arbitrary, capricious, or corrupt action or nonaction by writ of review before the superior court of Chelan County. The action may be brought by any property owner who deems himself aggrieved thereby; provided, that the application for a writ of review shall be made to the court within 21 days from any decisions to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant. (Ord. 701 § 1 (Exh. A), 2009; Ord. 572 § 1, 2001)~~

Chapter 16.32

REPEALED PENALTIES

Sections:

~~16.32.010—Action to restrain violations.~~

~~16.32.020—Enforcement—Compliance with this chapter.~~

~~16.32.030—Permits prohibited.~~

~~16.32.040—Conditional offers of sale.~~

~~16.32.050—Penalties.~~

~~16.32.060—Discontinuance of violation.~~

~~16.32.070—Violation defined.~~

16.32.010—Action to restrain violations.

~~Whenever any parcel of land is divided into two or more lots, tracts, or parcels of land, and any person, firm, or corporation or any agent of any of them sells, leases, transfers, or offers or advertises for sale, lease, transfer of any such lot, tract, or parcel without having a final plat of such subdivision filed for record, or, in the case of a short plat, approval as specified in EMC 16.08.060, the city attorney shall commence an action to restrain and enjoin further subdivisions or sale, lease, transfer, or offers of sale, lease or transfer, and compel compliance with all provisions of this act on those lands which previously have been subdivided, sold, leased, transferred or offered for sale, lease or transfer in noncompliance with this code. Earnest money may be taken and held in escrow toward the purchase of a lot or lots in a plat or short plat prior to final approval, but title may not be transferred until final plat approval has been secured. The costs of such action shall be taxed against the person, firm, corporation or agent selling, leasing or transferring the property.~~

16.32.020—Enforcement—Compliance with this chapter.

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

16.32.030—Permits prohibited.

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

16.32.040—Conditional offers of sale.

~~If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under Chapter 58.17 RCW and this code, the offer or agreement is not subject to EMC 16.32.010 and 16.32.020, and does not violate any provision of Chapter 58.17 RCW or this code. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account, and no disbursement to the seller shall be permitted until the final plat is recorded.~~

16.32.050—Penalties.

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

~~16.32.060 — Discontinuance of violation.~~

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

~~16.32.070 — Violation defined.~~

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