WHEREAS, Douglas County has adopted a Comprehensive Plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which covers all unincorporated areas within Douglas County, through a series of planning area Comprehensive Plans which were found to be consistent with each other and with the adopted GMA plans of adjoining jurisdictions; and

WHEREAS, the Douglas County Planning Commission has transmitted a recommendation of approval to this Board regarding amendments to Title 17 of the East Wenatchee Municipal Code; and

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

WHEREAS, these amendments are a component of the 2014 comprehensive plan review and amendment process for Douglas County. These components are being considered through a phased review process. Once the review process has been completed for all components, the 2014 review and amendment process will have concluded.

WHEREAS, these amendments constitute the final component of the 2014 comprehensive plan review and amendment process for Douglas County.

NOW, THEREFORE, the Board of County Commissioners hereby adopts the Findings of Fact and Conclusions as set forth in Exhibit A and incorporate them in this ordinance by this reference as though fully set forth herein.

BE IT FURTHER, hereby resolved and ordained that the Board of County Commissioners adopt the amendments as set forth in Exhibit B.

This resolution shall be effective immediately. Dated this 24th day of March 2015 in East Wenatchee, Washington.
BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Ken Stanton, Chair

Steven D. Jenkins, Vice Chair

Dale Snyder, Member

ATTEST:

Dayna Prewitt, Clerk of the Board
EXHIBIT A

Findings of Fact:

1. Amend the East Wenatchee Municipal Code within Chapter 17 - the Zoning Code and are intended to implement the amendments in the GEWA. The amendments include
   - New Section - 17.72.260 Required Use of Public Sanitary Sewer System.
   - New Chapter - Chapter 17.73 Open Space Standards
   - New Chapter - Chapter - 17.43 C-L Light Commercial District
   - Amendment to EWMC 17.38.060 Dimensional Standards for the NC - Neighborhood Commercial Zoning District.

2. The proposal will be applicable to properties within the city limits and in the unincorporated area within the urban growth area surrounding the city of East Wenatchee in Douglas County, Washington as well as properties that are immediately adjacent to the UGA since this proposal includes an expansion of the UGA.

3. Douglas County and East Wenatchee have adopted a comprehensive plan in accordance with the provisions of the Growth Management Act and RCW Chapter 36.70A.

4. RCW Chapters 36.70A authorize the adoption of amendments to comprehensive plans and development regulations.

5. The planning commissions are responsible for long-range planning matters and providing implementation recommendations to assure compliance with the GMA.

6. A threshold determination and environmental review pursuant to RCW 43.21C the State Environmental Policy Act was completed and a Determination of Nonsignificance including a comment period was issued on January 23, 2015. The comment period for the Determination of Non-significance expires on February 9, 2015.

7. A 60-day notice of intent to adopt amendments to the comprehensive plan and development regulations was submitted to Washington State Department of Commerce (Commerce) and other state agencies for review of the proposal on September 30, 2014. The deadline for comments was December 1, 2014. Commerce assigned Material ID 20671 to the proposal.

8. The notice of intent to adopt amendments to the comprehensive plan and development regulations was submitted to Douglas County, East Wenatchee Water District, Douglas County Sewer District, City of
Wenatchee, and Chelan County on September 30, 2014 requesting comments by December 1, 2014.


10. The proposed amendments to the GEWA and zoning code were presented to the Douglas County Planning Commission at their November 12, 2014 public meeting. Advance notice of the meeting was e-mailed to interested parties.

11. Douglas County and the City of East Wenatchee have adopted comprehensive plan goals and policies and development regulations to preserve, protect, and/or mitigate impacts to development within critical areas.

12. The East Wenatchee Planning Commission and Douglas County Planning Commission have reviewed the entire record including the goals and policies of the comprehensive plans, and public testimony (both written and oral) as it relates to the proposed comprehensive plan amendments.

13. Douglas County and East Wenatchee coordinate in long-range planning within the Greater East Wenatchee Area. The Douglas County Regional Policy Plan, as amended, established the protocol for comprehensive plan amendments.

Conclusions:

1. The City hereby finds that the proposed amendments to the text and maps of the Greater East Wenatchee Area Comprehensive Plan are consistent with the procedural requirements of the GMA in RCW 36.70A.

2. The proposal has been processed in compliance with the procedural and substantive requirements of the State Environmental Policy Act, RCW 43.21C.

3. The proposed text amendments are consistent with and implement the goals and policies in the Greater East Wenatchee Area Comprehensive Plan and the Douglas County Regional Policy Plan.

4. Proper legal requirements of RCW 36.70A.106 and EWMC Title 19 were met and the community was given the opportunity to comment on the proposal at a duly noticed public hearing.
17.38.060 Dimensional standards.
The following are dimensional standards in the NC district:

A. District Size and Location.
   1. Maximum district size: **two-five** acres, excluding public street rights-of-way;
   2. Location. The NC district shall be located on a road or street designated as a collector or arterial;
   3. An NC district shall be designed and located **in only one quadrant of primarily as a node at** intersecting roads. NC district sites shall be topographically suited to such use, without major earth movement which results in unsafe or unsightly cut or fill slopes;
   4. Sites should be located in residential areas at least one mile from a CBD district and one-half mile from any other NC district.

B. Minimum lot area: none, except as required by other provisions of the EWMC.

C. Area Requirements.
   1. Minimum lot width in the NC district shall be 70 feet for an interior lot and 150 feet of contiguous frontage in both directions as measured from the centerpoint of the intersection of public rights-of-way for corner lots;
   2. Maximum impervious surface coverage: 80 percent;
   3. Maximum Floor Area per Business Use. Each business enterprise, in either a single-occupancy building or multiple-occupancy building, shall not exceed 5,000 square feet of gross floor area;
   4. Floor area ratio: 1.5 square feet of building floor area, not including parking, for each one square foot of district size.

D. Building height: 30 feet.

E. Minimum Yards and Setbacks. No building or structure shall be erected closer than 10 feet from any side or rear property line that adjoins an R-L district.

17.12.010 List of zones.
A. The incorporated territory of the city is divided into the following land use districts:
   1. R-L residential low density district: R-L;
   2. R-M residential medium density district: R-M;
   3. R-H residential high density/office district: R-H;
   4. CBD central business district: CBD;
   5. G-C general commercial district: G-C;
   6. NC neighborhood commercial: NC;
   7. **C-L light commercial: C-L**
   8. WMU waterfront mixed use: WMU;
MU mixed use: MU;

P public district: P;

FH flood hazard zoning district: FH.

B. These use districts of the city are established and designated by a legend on the official zoning map of the city. The regulations listed in this title for each district shall be the minimum requirements.

C. For purposes of this title, the term “residential district” shall include only: R-L, R-M and R-H districts.

Section 17.72.060(G) of the East Wenatchee Municipal Code to read as follows:

<table>
<thead>
<tr>
<th>Zoning Classification</th>
<th>Percent of Minimum Gross Site Area to Be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-L, R-M</td>
<td>20%</td>
</tr>
<tr>
<td>R-H</td>
<td>15%</td>
</tr>
<tr>
<td>NC, G-C, CBD, C-L, WMU, MU</td>
<td>7%</td>
</tr>
<tr>
<td>FH, Planned Unit Development</td>
<td>To be determined by the planning commission</td>
</tr>
</tbody>
</table>

Section 17.72.080(A) of the East Wenatchee Municipal Code to read as follows:

17.72.080 Screening requirements.
In order to reduce the incompatible characteristics of abutting properties with different land use classifications, the following standards shall apply. This type of landscaping will be installed in planting strips on the interior property line according to the other requirements of this chapter, and the amount of landscaping shall not be counted towards meeting the minimum stated in EWMC 17.72.060.

A. Type I screening is intended to create a visual separation between incompatible uses. Type I requirements are as follows: landscaping shall be made up of evergreen trees planted at a maximum of 15 feet on center. Deciduous trees are also encouraged to add seasonal and textural variation. Up to 25 percent of required evergreen trees may be deciduous trees. Medium-sized shrubs (three to five feet maturity height) and groundcover plants shall be added at a density to form an effective barrier to cover 85 percent of the ground surfacing and horizontal separation within three years. Type I landscaping shall incorporate the use of either earth-berming or a six-foot-high sight-screening fence. If the earth-berming alternative is chosen, medium-sized shrubs shall be spaced at a maximum of four and one-half feet on center. If the fence option is selected, maximum spacing shall be six feet on center. Minimum width shall not be less than 10 feet.
1. Type I screening is required when the following land use districts abut:

<table>
<thead>
<tr>
<th>District in Which Development Is Proposed</th>
<th>District to Be Screened</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-M, R-H</td>
<td>R-L</td>
</tr>
<tr>
<td>NC, G-C, CBD, C-L, WMU, MU</td>
<td>R-L, R-M</td>
</tr>
</tbody>
</table>

2. Mobile home parks shall have Type I landscaping installed around the perimeter of the development in the required open space buffer, which shall not be less than 15 feet in width.

3. Churches, community clubhouses and other conditional uses in the R-L district shall install Type I screening seven feet in width on any interior property line.
Chapter 17.43
C-L LIGHT COMMERCIAL DISTRICT

Sections:
17.43.010 Intent.
17.43.020 Permitted uses.
17.43.030 Accessory Uses.
17.43.040 Conditional Uses.
17.43.050 Prohibited Uses
17.43.060 Development standards.
17.43.070 Off-street parking requirements.
17.43.080 Landscaping.
17.43.090 Signs.
17.43.100 Site plan review.
17.43.110 Design standards and guidelines

17.43.010 Intent.
The intent and objective of this classification and its application is to provide for the location of a grouping of uses which are considered compatible uses having common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail activities. This zone represents the primary commercial designation for small to moderate scale commercial activities and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers.

17.43.020 Permitted uses.
Hereafter all buildings, structures or parcels of land shall only be used for the following, unless otherwise provided for in this title:

A. Arcades for games;
B. Art, music and photography studios;
C. Automobile parking facilities;
D. Automobile sales and leasing, new and/or used, including light pickup trucks and vans but not including recreational vehicles or heavy trucks, provided the following requirements are met:
   1. The business shall be located on an arterial;
   2. No repairing, painting or body work shall be conducted outside of a building and no parts storage or inoperable vehicles may be stored outside of a building;
   3. If abutting a residential zone, a Type 1 screening shall be required meeting the requirements of EWMC 17.72.080(A) along all property lines abutting a residential zoning district;
   4. A minimum of a 25-foot setback shall be required of any building abutting any residential zone;
5. Other landscaping or architectural improvements may be required to ensure compatibility with present and potential C-L uses in the vicinity; and

6. Vehicle storage may not occupy more than 60 percent of the site that is not covered by structures;

E. Automobile service stations, provided they are located at the intersection of two streets, one of which must be an arterial;

F. Bakery and pastry shops, products made must be sold at retail on premises;

G. Banking and related financial institutions, including drive-in facilities;

H. Bowling alleys;

I. Brew pubs;

J. Child daycare facilities, including Group 1 and 2 child day care centers and family day care homes;

K. Civic, social and fraternal clubs;

L. Dance studio;

M. Delicatessens;

N. Dry cleaning and laundry services;

O. Funeral homes;

P. Government facilities;

Q. Grocery stores;

R. Hobby shops;

S. Hospitals and Medical and dental clinics;

T. Hotels;

U. Household goods mini-storage, provided the following requirements are met:

1. No more than two main entrances and/or exits to the building and access to the individual storage areas shall be from the inside of the building;

2. Landscaping and architectural improvements required to ensure compatibility with present and potential C-L uses in the vicinity.

V. Laundry, self service;

W. Massage parlors;

X. Meeting rooms and/or reception facilities;

Y. Motels;

Z. Nursing home, or assisted living facility;

AA. Personal service shops;

BB. Pharmacies;
Exhibit B

CC. Printing and publishing;
DD. Professional offices;
EE. Radio and television broadcasting studios;
FF. Residential structures, existing: Existing residential structures, legally established before the effective date of this zoning district, are permitted to continue as a place of habitation; provided, if the structure housing the residential use obtains an occupancy permit for any other use established in this section, the residential status protected under this provision is revoked.
GG. Retail stores and shops, including department and variety stores
HH. Religious institutions;
II. Restaurant, including outdoor seating and drive-in facilities. Sale of alcoholic beverages is a secondary use and is limited to on-premises consumption;
JJ. Schools - commercial, including art, business, barber, beauty, dancing, martial arts and music;
KK. Secretarial services;
LL. Theaters, except drive-in;
MM. Veterinary services and clinics for small animals, no outside runs or kennels are permitted.

17.43.030 Accessory uses.
A. Caretaker or owner residence;
B. Mixed-use development; provided, that each use is a permitted or conditional use within the zone. Multiple-family dwellings or duplexes as part of a mixed-use development; provided, that compliance to all of the following is demonstrated:
   1. Multiple-family dwellings or duplexes shall only occur concurrent with or subsequent to the development and construction of nonresidential components of the mixed-use development;
   2. Applications for mixed-use development inclusive of multiple-family residential dwellings and duplexes shall include transportation and traffic analyses appropriate to the type and scale of the proposed development based on the concurrent determination of the city engineer. The city engineer may require the analysis to address, including, but not limited to, a.m. or p.m. traffic impacts; and/or area circulation planning for motorized and nonmotorized modes of travel and connectivity; and/or transportation demand management (TDM) strategies;
   3. Applications for the mixed-use development inclusive of multifamily residential dwellings or duplexes shall include written and plan information demonstrating compliance to applicable design standards for mixed-use development contained in the Greater East Wenatchee Area Design Standards and Guidelines;
   4. Mixed-use development comprised of a maximum of one building on a development site must have the entire ground floor comprised of one or more commercial retail, entertainment or office uses. Uses normal and incidental to the
building, including, but not limited to, interior entrance areas, elevators and associated waiting areas, mechanical rooms, and garbage/recycling areas, may be allowed on the ground floor and are permitted. Non-street frontage vehicle garages located on the ground floor together with all other normal and incidental uses shall occupy a maximum of 50 percent of the ground floor space; and

5. Mixed-use development that is geographically distributed on a development site amongst two or more buildings must have a minimum of 50 percent of the cumulative building ground floor square footage comprised of one or more commercial retail, entertainment or office uses that are permitted outright or conditionally.

17.43.040 Conditional uses.
The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of chapters 17.64 and 17.92 EWMC, including all future amendments:

A. Utility substations or facilities.

B. Duplexes or multi-family housing when not an accessory use in accordance with the provisions of EWMC 17.64.140, including all future amendments.

17.43.050 Prohibited uses.
All uses not listed above as permitted uses, accessory uses, or conditional uses shall be prohibited uses. Upon application to the hearing examiner, the hearing examiner may rule that a use not specifically named in the permitted uses of a district shall be included among the allowed uses if the use is of the same general type and is similar to the permitted uses; however, this section does not authorize the inclusion of a use in a district where it is not listed when the use is specifically listed in another district.

Prohibited uses include but are not limited to:

A. Adult entertainment or adult entertainment facility;

B. General industrial uses;

C. Marijuana-related business

D. Residential uses, except as specifically permitted in this chapter;

E. Storage of explosives or materials of such character or in such quantities as to constitute a significantly greater hazard to persons, property or environmental health than that posed by materials commonly used or stored in the ordinary retail and service establishments permitted in this district;

F. Vehicle wrecking yards including junk, scrap metal, and other material salvage operations, with the exception of recycling centers, or as provided in this chapter;

17.43.060 Development standards.
A. Minimum lot area: none required.

B. Minimum lot width: none required.

C. Minimum lot depth: none required.

D. Maximum lot coverage: 65% for all buildings.
E. Maximum building height: 50 feet.

F. Minimum setbacks:
   1. Front: 10 feet.
   2. Side, interior: none required.
   3. Side, street: 10 feet.
   4. Rear: none required.
   5. Notwithstanding the foregoing, side and rear yards shall be 20 feet when the lot abuts a residential district.

G. All uses shall be conducted entirely within a building or structure except:
   1. Automobile parking lots;
   2. Automobile sales and leasing;
   3. Display or sales of goods that do not extend eight feet past the front of the building, do not block entrances or interfere with pedestrian travel, do not interfere with the parking areas and do not encroach upon public property;
   4. Outdoor seating for restaurants, theaters or other entertainment;
   5. Unloading and loading areas;
   6. Utility substations or facilities;
   7. Refuse containers;
   8. Play areas for daycares.

H. Any repairing done on the premises shall be incidental only, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed 30 percent of the total floor area occupied by the particular enterprises, except that the limitations of this subsection shall not apply to shoe, radio, television or other small appliance repair services.

I. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises. No outside storage is permitted.

J. All storage shall be within an enclosed building or entirely enclosed with a view-obscuring fence supplemented with a landscape strip located between the fence and the property line. Said landscaping strip shall comply with the requirements of EWMC 17.72.080(A) for Type I landscaping, including all future amendments.

K. The display of products or outdoor exhibits for public view or show is permitted; provided, that products for sale or rent are stored or displayed outdoors only during business hours and that such products are not located within any pedestrian walkway, parking areas or rights-of-way. Displays of automobiles, boats, farm equipment, and recreational vehicles intended for sale are exempt from this provision provided they are located within an approved display area.
L. Operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, odor, fumes, gases, smoke, vibration, hazard or other causes.

M. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter 70.105 RCW).

17.43.070 Off-street parking requirements.
Off-street parking space shall be required in accordance with the provisions set forth in Chapter 17.72 EWMC, including all future amendments.

17.43.080 Landscaping.
Landscaping shall be required pursuant to the terms of Chapter 17.72 EWMC, including all future amendments.

17.43.090 Signs.
Signs shall comply with the requirements of Chapters 15.24 and 17.74 EWMC, including all future amendments.

17.43.100 Site plan review.
Site plan review and approval pursuant to Chapter 17.80 EWMC shall be required prior to the use of land for the location of any commercial activity and for the location of multiple dwelling units.

17.43.110 Design standards and guidelines
Development within this district shall comply with the applicable sections of the Greater East Wenatchee Urban Growth Area Design Standards and Guidelines which are adopted by this reference as if fully set forth herein, including all future amendments.
Chapter 17.73 OPEN SPACE STANDARDS

Sections:

17.73.010 Purposes.
17.73.020 Applicability.
17.73.030 Exemptions.
17.73.040 Standards for dedication.
17.73.050 Implementation.
17.73.060 Improvements.
17.73.070 Stormwater detention facilities.
17.73.080 Rights and duties.
17.73.090 Voluntary payment in lieu of dedication.

17.73.010 Purposes.
The purposes of this chapter are:

A. To ensure the general health, safety and welfare of the citizens of the City East Wenatchee and the residents of Douglas County, living within the East Wenatchee Urban Growth Area;

B. To establish a means of setting aside areas of land for basic recreation, parks and open space needs created by new subdivisions, short plats, and binding site plans;

C. To equitably distribute the cost of providing parks and open space;

D. To mitigate any adverse impacts on neighborhoods without adequate parks, open space and recreational facilities when approving new development;

E. To ensure compliance with the purposes of chapters 16.16 and 16.18 of the East Wenatchee Municipal Code and RCW 58.17.110, as amended, which require that local governments make appropriate provision for the establishment of parks, open space and recreational areas at the time it considers approval of a proposed subdivision;

F. To implement the goals and policies regarding open space and recreation in the Greater East Wenatchee Area Comprehensive Plan.

17.73.020 Applicability.
This chapter applies to every subdivision, short plat or binding site plan of contiguous land where any one of the following conditions is met:

A. The land to be divided equals 10 acres or more and is located wholly or in part within the East Wenatchee Urban Growth Area;

B. Within the East Wenatchee Urban Growth Area, residential or mixed-use subdivision or binding site plan creating 10 or more lots.

C. Projects meeting the standards provided in this chapter are not required to comply with EWMC 17.72.230, as amended.

D. Open space created to comply with this chapter may be incorporated with the requirements in the Greater East Wenatchee Urban Growth Area Design Standards & Guidelines, as amended.
17.73.030 Exemptions.
Re-division of lots created after the adoption of the standards in this chapter are exempt from any additional dedications of open space provided that future lots have access, as required by this chapter, to the open space areas dedicated in the original project.

17.73.040 Standards for dedication.
The minimum usable open space/park area dedicated for residential subdivisions must be at least 10 percent of the total gross site area. For commercial or industrial subdivisions, short plats and binding site plans, the minimum usable open space/park area dedicated shall be 5 percent of the total site. Required open space/park area must meet the following standards:

A. For the purpose of calculating the open space/park requirement, the open space/park area must be separate and distinct from required yards, setbacks, and landscaped areas. Up to 50 percent of the required open space may consist of areas of native vegetation that are also allowed to fulfill the critical areas buffer requirements in chapters 18.12 and 18.12A-F EWMC or stormwater facilities that are designed for active and/or passive recreation opportunities in accordance with this chapter and chapter 13.30 EWMC, as amended.

B. All open space/park areas must include 2 or more facilities for active and/or passive recreation, selected from the lists below. At least 1 of the required recreation facilities must be from the list of active recreation facilities. This area may include stormwater facilities that are designed for active and/or passive recreation opportunities in accordance with chapter 13.30 EWMC, as amended.

1. Active Recreation Facilities.
   a. Children's play equipment, such as slides, swings and play structures;
   b. A paved hard court for activities such as basketball, tennis, pickleball, etc.;
   c. A flat, open lawn area that may serve as a ball field for active play;
   d. Other active recreation facility if approved by approval authority.

   a. Facilities for walking, such as trails, benches, etc.;
   b. Picnicking facilities, such as picnic tables, shelters, etc.;
   c. Public plazas;
   d. Year-round water features such as a fountain, pond, stream, etc.;
   e. Other passive recreation facility if approved by the approval authority.

C. The open space/park area must have convenient access for residents and for employees of the development. Access is considered convenient if there is a paved, ADA accessible route to the facility. The open space/park area should be consolidated to provide maximum accessibility, visibility, to minimize impacts to residential uses, and ease of maintenance. The requirement that the open space/park area be consolidated may be waived by the approval authority if it finds that the residents of the development would receive a greater benefit if the required open space/park area were provided in another configuration due to the unique topographic conditions or critical areas requirements.
D. The open space/park area should be designed and located in consideration of existing and potential open space/park areas on adjacent parcels. This would facilitate consolidation with an existing facility or provide future opportunities for consolidation of open space/park areas that are created on adjacent properties.

E. Except where removal is required to meet active recreation requirements in this chapter, existing trees and significant vegetation must be retained in open space/park areas. This requirement may be waived if an alternate landscaping plan for such areas is required or approved by the approval authority.

17.73.050 Implementation.
The required open space/recreation area must comply with the requirements of EWMC 17.72.250, as amended.

17.73.060 Improvements.
All improvements to the open space and recreation area proposed for dedication must be completed or bonded for prior to final approval of the plat, short plat or binding site plan.

17.73.070 Stormwater detention facilities.
Stormwater detention/retention facilities may be allowed as open space subject to the provisions of this chapter and the criteria contained in chapter 13.30 EWMC. The design of such facilities must minimize adverse impacts on the function (e.g., tree preservation, play area, etc.) and quality of the open space.

17.73.080 Rights and duties.
The owners of open space have the following rights and duties subject to restrictive covenants or other restrictions:

A. The right to locate recreational facilities, such as tennis courts, swimming pools, picnic tables and fireplaces accessory to picnic tables designed to be used exclusively for the use of residents of the development and their guests;

B. The right to locate pedestrian paths, bicycle paths and bridle paths;

C. The right to cover up 10 percent of the land dedicated to the open space/recreation facility with impervious surfaces reasonably necessary to exercise the rights provided in subsections (A) and (B) of this section. An increase in the 10 percent limit may be granted by the administrator if the developer provides justification that the additional impervious surface is needed to create a useable recreation area;

D. The right to take whatever measures are reasonably necessary to protect and maintain such land, or land or property adjacent thereto, or to correct a hazardous condition posing a threat to life or limb;

E. The right to regulate access to or entry on the open space land; and

F. The duty to maintain the open space and recreation area in good useable condition.

17.73.090 Voluntary payment in lieu of dedication.
In lieu of providing the open space/park facility required by this section, the developer may elect to voluntarily provide a cash donation to the Eastmont Metropolitan Park District, Douglas County or the city of East Wenatchee.
A. The request must be made in writing by the developer at the time of application for the project.

B. The donation must be formalized in an agreement that will be recorded and become a covenant on the land.

C. The legislative authority of the jurisdiction receiving the payment in lieu of dedication must take formal action to accept the donation.

D. The amount of the donation will be determined using a formula based upon the estimated cost that the developer would incur by creating the open space/recreational facility required by this chapter. The cost should include the value of the land that would be required and cost of the proposed facilities.

E. The donated funds must be used for a park and recreation facility meeting the following criteria:
   1. The facility must be a public facility accessible to the residents of the new development.
   2. The location of the facility must bear a reasonable relationship to the use of the facility by future inhabitants of the development.
   3. The park facility must satisfy the adopted level of service standards and planned improvements described in the Eastmont Metropolitan Park District Parks and Recreation Comprehensive Plan.
17.72.260 Required Use of Public Sanitary Sewer System.

A. Purpose. The purpose of this section is to protect the public health by providing rules establishing when connection to public sewers, within the urban growth area (UGA), is required as a condition of development. Nothing in this section authorizes any violation of regulations for on-site sewage disposal systems adopted by the State Department of Health or by the Chelan-Douglas Health District.

B. Permanent Sewer Facilities. The primary means of wastewater collection and disposal in the urban growth area shall be construction and extension of permanent sanitary sewer facilities connecting to the Douglas County Sewer District. All such construction shall be in accordance with the rules, regulations, and requirements prescribed by the Douglas County Sewer District and by the State of Washington.

C. Connection Required. Inside the UGA, connection to a public sanitary sewer is required for all development projects under the following criteria:

1. For the purposes of this section, "Development" means
   a. The construction of a residence, structure, or facility resulting in the production of sewage.
   b. The substantial modification or alteration of an existing structure if the modification or alteration increases the sewage generated from the structure and would require installation of a larger capacity on-site sewage disposal system.
   c. Any new land division project, including but not limited to subdivision, short subdivision, or binding site plan,

2. Development of any parcel located within the UGA that directly abuts a public sewer system that is located within a public right of way or easement.

3. Development of any parcel of real property located within 200 feet of any Douglas County Sewer District sanitary sewer facility is required, at his/her expense, to extend the sewer main and connect all applicable plumbing outlets from such buildings or structures directly to the public sewer. The distance between the property and the public sanitary sewer facility is measured along the usual or most feasible route of access to the nearest property line of the subject property.

4. Additionally, the owner of a residence or other facility served by an on-site system that has failed, as determined by the local health officer, must connect if the parcel abuts a public sewer system.

D. Exceptions. Connection to a public sewer is required unless one of the following exceptions applies:

1. The building permit application is for an alteration, expansion, or replacement of an existing structure already utilizing an on-site sewage disposal system that has been tested and is certified to be functioning properly and the proposal does not require installation of a larger capacity on-site sewage disposal system.
2. The building permit application is for a new structure, consistent with the requirements of the Chelan-Douglas Health District codes, that lawfully incorporates no sewerage effluent facility.

3. The parcel is located more than 200 feet from any Douglas County Sewer District sanitary sewer facility as measured along the usual or most feasible route of access to the nearest property line of the subject property and meets one of the following conditions:
   a. The land division is planned and designed to be provided with a full range of urban level services.
   b. The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities.
   c. If the property is located within 500 feet of a sewer service facility, the District, at its discretion, may require dry sewers and/or side sewer stub outs to be constructed. In determining the location and grade of the dry lines, future ultimate development of property in the vicinity must be considered in designing the system to accommodate all properties which may subsequently require the use of the facility.
   d. The land division is configured in a manner which provides reasonable assurance that subsequent redevelopment will comply with the minimum urban densities when public sewer service becomes available. A site plan for subsequent redevelopment is required to be filed and recorded. The site plan under this section shall be vested in the same manner as any land division.
   e. The plat, short plat or binding site plan includes as a condition of approval a prohibition of further division of the property until public sewer becomes available.

4. Approval of any building permit or land division application utilizing one of the exceptions above is contingent upon submittal of a legally binding agreement with the District in which the property owner and successors in interest agree to:
   a. connection to sanitary sewers within 24 months of notification by the District that sanitary sewer service is available for all parcels containing an existing building,
   b. participation without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), and
   c. agreement to pay any connection fees and monthly charges assessed by the District, LID, or ULID.

The agreement must be in a form acceptable to the Administrator and to the District and must be recorded with the property records of the county. Lots that are vacant at the time the notice is provided as described above, will be required to connect when a building permit application is submitted.
E. Douglas County Sewer District Service Boundary. If the property proposed for development is located outside of the Douglas County Sewer District service boundary, a legally binding agreement with the District, in which the property owner and successors in interest agree to annexation of the property into the District boundary when proposed by the District must be recorded with the property records of the county in a form acceptable to the Administrator and to the District.

F. Utility Local Improvement District – No Protest Agreement. The Douglas County Sewer District has the authority to establish Utility Local Improvement Districts (ULIDs) for the purpose of constructing or reconstructing sewer systems, by the method and manner prescribed in State Law within their service area boundary and to levy special assessments to pay in whole the cost of any improvements. The city and county may collectively work with the District to extend services in conjunction with a road improvement project. For any development proposed within the District in an area not currently served by existing service lines, the property owner must execute a legally binding agreement with the District. As part of the agreement, the property owner and successors in interest must agree to:

1. prompt connection with sanitary sewers when they become available,

2. participation without protest in any sewer Local Improvement District (LID), Road Improvement District (RID), or Utility Local Improvement District (ULID), and

3. an agreement to pay any connection fees and monthly charges assessed by the District, LID, RID, or ULID. The agreement must be in a form acceptable to the Administrator and must be recorded with the property records of the county.