



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801  
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

December 1, 2020

TO: Planning Commission

FROM: Jim Brown, Director

**SUBJECT: PACKET—CONTINUING PUBLIC HEARING FOR REMAINING COMP  
PLAN AMENDMENT APPLICATIONS**

This packet of materials contains:

**Exhibits (4):**

- A: PC Agenda for December 16, 2020 meeting: Continuing public hearing for remaining comp plan amendment applications**
- B: Draft Minutes from the November 18, 2020 meeting**
- C: Documents for CPA 20-005 and CPA 20-007 (the remaining CPAs from the original hearing packet of last month)**
- D: Proposed PC schedule for 2021 (suggest holiday date avoidance pre-entered for discussion)**

NOTE: Catherine did create an “index” for both CPA documents per the request of the Vice-Chair during last month’s hearing. Hopefully this will help you navigate each document more efficiently.

# Exhibit A



## Chelan County Planning Commission

Chair: Ryan Kelso

Vice Chair: Carl Blum

Commissioners District 1: Vicki Malloy, Ryan Kelso, Will Wiggs

Commissioners District 2: Jim Newberry, Ed Martinez, Joel Walinski

Commissioners District 3: Carl Blum, Pat Hammersmith, Vacant

### Meeting Agenda

Wednesday, December 16, 2020 at 6:00 P.M.

Chelan County Community Development

***In response to the [Governor's Proclamation 20-28](#), the Planning Commission will hold all of their Regular and Special Meetings via Zoom Video Conference until further notice. Click the link below to join the meeting, beginning at 6:00 pm on November 18, 2020.***

Join Zoom Meeting

<https://us02web.zoom.us/j/84352217803?pwd=U3kzVmN6bDBVWmQ2ekN0b1Fuc01odz09>

Meeting ID: 843 5221 7803

Passcode: 587687

#### Call Meeting to Order

**I. Administrative**

A. Review/Approval of Minutes from November 18, 2020

**II. Public Comment Period**

Comment for any matters not identified on the agenda (limit 2 minutes per person)

**III. Old Business**

E. Hearing for CPA 20-005 Joya

F. Hearing for CPA 20-007 SSRT Text Amendment

**IV. New Business**

A. Proposed Planning Commission schedule for 2021

**V. Discussion, at the Chair's discretion**

**VI. Adjournment \*Meeting will go no longer than 8:00 PM.\***

Materials available on the Community Development website

Any person may join this meeting via Zoom Video conference, of which the link is provided on the Chelan County Website. A Copy of the Agenda may be reviewed online

<https://www.co.chelan.wa.us/community-development/pages/planning-commission> or requesting it by email at [CD.Director@co.chelan.wa.us](mailto:CD.Director@co.chelan.wa.us)

Chelan County has been recording Planning Commission meetings which will continue to be

accessible on the Community Development Planning Commission web page shortly after the meeting takes place. If you need special accommodations to view the meetings while they take place, please contact us immediately at 509-667-6225 to set up a place for you to do so on the County Campus. Keep in mind you would be required to wear personal protective equipment and maintain social distancing guide lines at all times.

**Next Regular Meeting  
January 27, 2021 at 6:00 pm via Zoom**

*\* All Planning Commission meetings and hearings are open to the public.*



# Exhibit B



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission  
Chelan County Community Development VIA ZOOM

Date: November 18, 2020

Called to Order: 6:02 PM  
316 Washington St., Suite 301  
Wenatchee, WA 98801

## CALL TO ORDER

Meeting was called to order at 6:02 pm.

## COMMISSIONER PRESENT/ABSENT

<b>Ryan Kelso</b>	Present	<b>Carl Blum</b>	Present
<b>Vicki Malloy</b>	Present	<b>Jim Newberry</b>	Present
<b>Pat Hammersmith</b>	Present	<b>Ed Martinez</b>	Present
<b>James Wiggs</b>	Present	<b>Joel Walinski</b>	Present

## STAFF PRESENT

**Jim Brown, Director**  
**Catherine Lorbeer, Assistant Director**  
**Wendy Lane, Permit Clerk**

## PUBLIC PRESENT

ZOOM MEETING – 36 PARTICIPANTS INCLUDING STAFF AND PC MEMBERS

Chairman Ryan Kelso asked the Planning Commission members if all had read the minutes from the October 28, 2020, meeting.

## MOTION:

Motion made by Commissioner Joel Walinski, second by Commissioner Vicki Malloy, to approve the minutes from the October 28, 2020, meeting.

Vote – Unanimous

## PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

None

## OLD BUSINESS:

None

**NEW BUSINESS:**

**Hearing for CPA 20-008 Economic Development Text Amendment**

Assistant Director Catherine Lorbeer explained the application. Economic Development Program Director Blake Baldwin followed with additional information regarding the application. Staff recommends approval.

Chairman Ryan Kelso opened the hearing for public testimony. There was none.

There was discussion among with Commissioners with input from Assistant Director Catherine Lorbeer and Economic Development Program Director Blake Baldwin as needed.

Chairman Ryan Kelso closed the public portion of the meeting for CPA 20-008.

**MOTION:**

Motion made by Commissioner Ed Martinez, second by Commissioner Vicki Malloy, to approve CPA 20-008 Economic Development Text Amendment.

Vote – Unanimous

**Hearing for CPA 20-001 Moon Beam Ranch**

Assistant Director Catherine Lorbeer explained the application. Staff recommends denial.

Chairman Ryan Kelso opened the public meeting. Anne Hessburg presented the application on behalf of the applicant. Several Commissioners had questions for Ms. Hessburg and she answered them.

Chairman Ryan Kelso opened the hearing for public testimony. There was none.

The Commissioners questioned the merits of the application. There was a back and forth among the group.

Chairman Ryan Kelso closed the public portion of the meeting for CPA 20-001 Moon Beam Ranch.

**MOTION:**

Motion made by Commissioner Jim Newberry, second by Commissioner James Wiggs, to approve CPA 20-001 Moon Beam Ranch.

Vote – Commissioners Malloy, Wiggs, Kelso, Newberry, Blum, Hammersmith approve; Commissioners Martinez and Walinski oppose.

Motion carries.

## **Hearing for CPA 20-003 Perry**

Assistant Director Catherine Lorbeer explained the application. Staff recommends denial.

Dan Beardslee presented the application on behalf of the applicant, by way of a PowerPoint presentation. Commissioners asked questions and Mr. Beardslee answered them.

Chairman Ryan Kelso opened the floor for public testimony. Amanda Zuluaga, Tony Zuluaga and Roxanne Giffin all testified that they owned neighboring properties and were opposed to the application.

There was a discussion among the Commissioners regarding the application.

Amanda Zuluaga continued her testimony with her concerns on what would transpire if the application was approved.

Dan Beardslee countered comments made by the Commissioners and the public.

Chairman Ryan Kelso closed the public portion of the hearing for CPA 20-003 Perry.

### **MOTION:**

Motion made by Commissioner Carl Blum, second by Commissioner Joel Walinski, to deny CPA 20-003 Perry.

Vote – Commissioners Walinski, Wiggs, Blum, Martinez and Hammersmith approve; Commissioners Malloy and Kelso oppose. At 7:41 pm, it was discovered that Commissioner Jim Newberry was no longer in attendance.

Motion carries.

## **Hearing for CPA 20-004 Smith**

Assistant Director Catherine Lorbeer explained the application. Staff recommends denial.

Brent and Rachel Smith explained their application. They answered questions from Commissioner Martinez.

Chairman Ryan Kelso opened the floor to public testimony. Michelle McCormick, owner of a neighboring property, spoke giving her thoughts and concerns of the application. She is opposed to it.

Brent and Rachel Smith countered Ms. McCormick's comments.

Chairman Ryan Kelso closed the public portion of the hearing on CPA 20-004 Smith.

There was a discussion among the Commissioners concerning the application.

### **MOTION:**

Motion made by Commissioner Ed Martinez, second by Commissioner Carl Blum, to approve CPA 20-004 Smith.

There was continued discussion among the Commissioners with Assistant Director Catherine Lorbeer assisting as needed.

Vote – Unanimous

**MOTION:**

Motion made by Commissioner Carl Blum, second by Commissioner Ed Martinez, to continue applications CPA 20-005 Joya and CPA 20-007 SSRT Text Amendment to the December 16, 2020 Planning Commission Meeting.

Vote – Unanimous

**Discussion, at the Chair’s discretion**

None

Commissioner Carl Blum expressed appreciation to staff for their work as of late. He also made a request that any future staff-reports, over 150 pages, be indexed for easier reference. Assistant Director Catherine Lorbeer stated that she would do her best to do so in the future.

**ADJOURNMENT**

**MOTON:**

Motion made by Commissioner Vicki Malloy, seconded by Commissioner Carl Blum, to adjourn the meeting.

Vote – unanimous

Meeting Adjourned at 8:10 pm.

Next Planning Commission Meeting to be held on December 16, 2020, at 6:00 pm, – a Zoom meeting.

**All Planning Commission meetings and hearings are open to the public.**

# Exhibit C



# CHELAN COUNTY

## DEPARTMENT OF COMMUNITY DEVELOPMENT

### 2020 Comprehensive Plan Map Amendment Staff Report

**TO:** Chelan County Planning Commission  
**FROM:** Chelan County Community Development  
**HEARING DATE:** November 18, 2020  
**FILE NUMBER:** CPA 20-005, Joya

---

#### RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report. Staff recommends:

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV), given file number CPA 20-005, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

#### GENERAL INFORMATION

<b>Planning Commission Workshop</b>	October 28, 2020
<b>Notice of Application to Surrounding Properties</b>	September 10, 2020
<b>Planning Commission Notice of Hearing Published</b>	November 7, 2020
<b>Planning Commission Hearing on</b>	November 18, 2020
<b>60-day State agency review</b>	Received September 17, 2020 with comment period ending November 16, 2020
<b>SEPA Determination</b>	November 5, 2020

#### SEPA Environmental Review

A Determination of Non-Significance (DNS) was issued under WAC 197-11-340(2) for CPA 20-005 on November 5, 2020 (Attachment 1). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency.

#### Agency Comments:

Department of Commerce provided comments, dated November 5, 2020, that the proposed amendment would violate the very strict Growth Management Act requirements for Limited Areas of More Intense Rural Development (LAMIRD). The proposed amendment is a clear expansion of the existing development pattern that will result in irregular LAMIRD boundaries and low-density rural sprawl. Refer to Attachment 2 for full comment letter.

Department of Ecology provided comments, dated September 22, 2020, stating that prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water.

The Confederated Tribes of the Colville Reservation provided comments, dated October 12, 2020, that states that the proposed amendment is within the Traditional Territory of the Wenatchi Tribe. If the project moves forward, conditions of development would be requested to manage inadvertent discoveries and post-review discoveries.

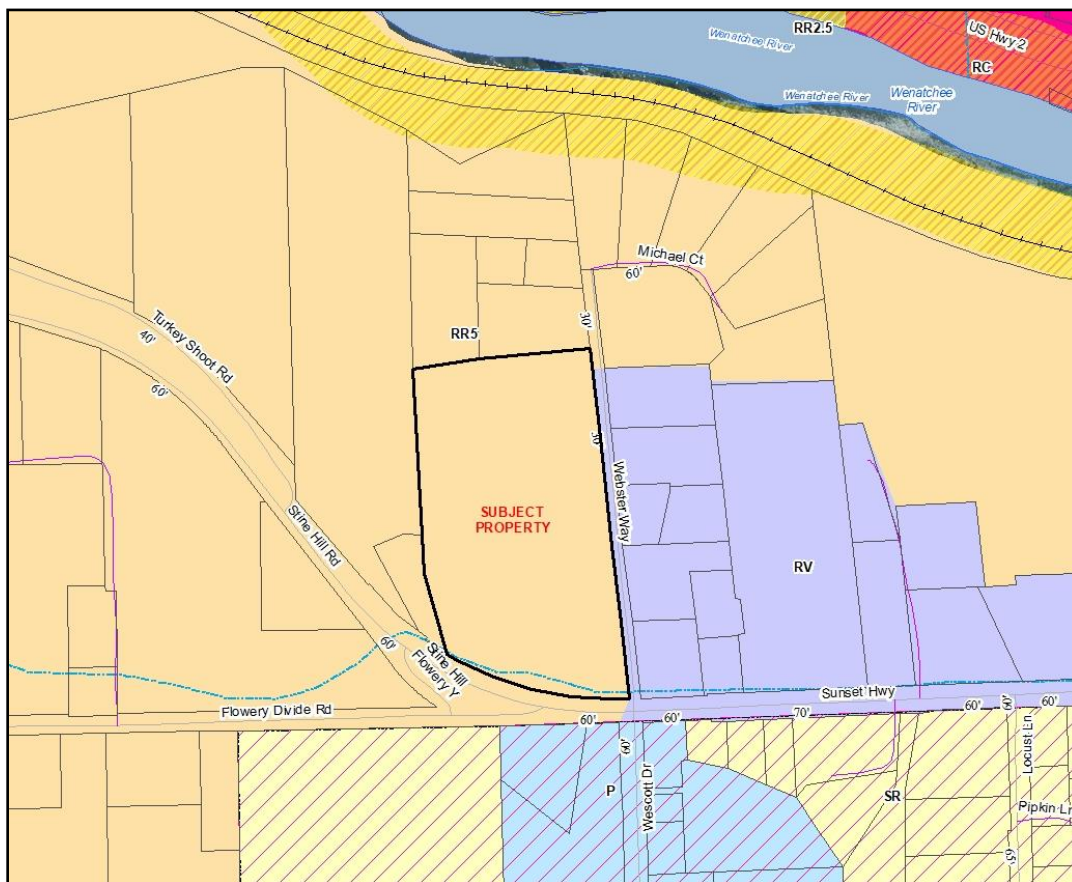
**Public Comment:**

Karen Carson provided comments, date stamped September 24, 2020, stating her concerns that the proposed land use change would adversely affect her orchard property that is currently in open space. Ms. Carson states that the proposed amendment would severely impact her ability to continue farming the land without interruption. Concerns were also expressed about how adjacent lands were described in the applicant's submitted materials.

**PROJECT DESCRIPTION – CPA 20-005 – JOYA**

**Proposal:** An application for a Comprehensive Plan Map Amendment was submitted by Rudy Joya (owners) to change the land use designation for the subject property (10 acres) from Rural Residential/Resource 5 (RR5) to Rural Village (RV). The subject property is located at 5900 Webster Way, Cashmere, WA 98815 and further identified by Assessor's Parcel No: 24-19-31-940-005. See Attachment 4 File of Record.

**Chelan County Land Use Designations**





Density: Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed amendment would potentially allow for an increased density of the RR5 parcel from 2 lots to a possible 36 lots in the RV zoning district.

## **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Applicants must demonstrate the merits of the requested change as being consistent with adopted goals and policies.

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-005:

LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.

LU 1.7: Consistent with the Growth Management Act, ensure provision of necessary public facilities and public services for the development, infill and redevelopment of existing residential and mixed-use centers outside urban growth areas, such as LAMIRDs or rural communities. Such services should not be extended in a manner that promotes low density sprawl in rural areas.

RE 2.6: To achieve a variety of rural densities and uses, allow for development clustering, density transfer, design guidelines, conservation easements, and other innovative techniques to accommodate growth consistent with rural character.

RE 3.9: Allow the infill, development, and redevelopment of existing intensely developed rural areas where consistent with the goals and policies of the comprehensive plan, including recreational, residential, mixed-use, and shoreline developments.

RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.

H 2.1: Promote a diversity of housing unit types and densities to meet the needs of all existing and future residents of the County, including both site-built and manufactured and modular homes.

## **REVIEW CRITERIA**

The proposals were analyzed based on information provided by the applicant or when readily available, within existing County resources. While each application may or may not have met all the criteria, the applications must be weighed by their individual and collective impacts. Additionally, agency and public comment play a role in understanding potential impacts to surrounding land uses, impacts to rural character, and how the amendment may serve the general public's interest.

Pursuant to Chelan County Code (CCC) Section 14.14.060(1), the following general review criteria were used to evaluate the proposed amendment.

- A. *The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies.*

Finding of Fact: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Transportation, 4) Housing, and 5) Economic Development. The proposed land use change would serve to promote a variety of residential densities and housing types.

The Growth Management Act (GMA) permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion

of these areas outside of logically set boundaries. Requirements of the GMA that allow more intense development in rural areas include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

Agency comments indicate that the proposed amendment would violate the very strict Growth Management Act requirements for LAMIRDs. The proposed amendment would be a clear expansion of the existing development pattern that would result in irregular LAMIRD boundaries and low-density rural sprawl.

County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.

Conclusion: The proposal would not be consistent with the GMA goals and with County-wide Planning Policies.

B. *The amendment is consistent with or supports the Chelan County comprehensive plan goals and policies.*

Finding of Fact: The proposed land use change would support Policy RE 2.6, by allowing for a variety of rural densities and uses to accommodate growth consistent with rural character. The amount of privately-owned developable land in the County is limited. Innovative techniques can provide for rural development while protecting the rural character of the County. The proposed amendment also supports Policy H 2.1 by promoting a diversity of housing unit types and densities. An adequate supply of appropriately zoned land will ensure that the GMA plan does not artificially create inflation in housing prices by restricting competition in the land market.

However, the proposed land use change would not support Policies LU 1.5, LU 1.7, RE 3.9 and RE 6.1. Many vacant and underdeveloped parcels of land are available within existing residential developments that can accommodate further development. The RV land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these RV areas outside of logically set boundaries. LAMIRDs include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

Conclusion: The proposed amendment would not be consistent with and does not support the goals and policies of the Chelan County Comprehensive Plan.

C. *The amendment complies with Comprehensive Plan land use designation/siting criteria.*

Finding of Fact: The subject site is currently used for a single-family residence, accessory structures, and pasture. The proposed amendment would change the 10 acres to the Rural Village (RV) designation, a Type 1 LAMIRD. The RV designation would provide additional development flexibility such as smaller lot sizes or construction of duplex dwellings to support growing housing demands.

Properties to the east across Webster Way are designated Rural Village (RV) and include residential uses. Webster Way currently serves as the boundary separating the existing RV development on the east side from rural residential land use designations on the west side.

The purpose of the RV designation is to provide the opportunity for the development, redevelopment and infill of existing, intensely developed rural residential areas for residential and other rural development. The predominant parcel size is less than 2.5 acres. LAMIRDs are designated to identify more intense areas of existing development, and to minimize and contain those existing developed areas within the rural lands. LAMIRDs are rural; they are contained and compact, and, with minor exceptions, were built before July 1, 1990.

Conclusion: Based on the designation/siting criteria for RV and LAMIRD designations, as outlined in the Comprehensive Plan, the proposed amendment would not be consistent because it would expand the boundary of the RV designation beyond its logical boundary instead of minimizing and containing the land use to existing developed areas.

- D. *The amendment is supported by and consistent with the capital facility element and the transportation element. Amendments that would alter existing provisions of the capital facilities or transportation elements shall demonstrate why existing provisions should not continue to be in effect or why existing provisions should be amended.*

Finding of Fact: Access is from Webster Way, a county right of way. No alteration of the Capital Facility Element or Transportation Element is expected as a result of the proposal. Future development of the site will be reviewed for potential impacts to existing roads and creation of new private or public roads.

Conclusion: No change in the Capital Facility Element or Transportation Element has been identified. The proposed amendment would be supported by and consistent with the existing capital facility element and transportation element.

- E. *The amendment does not adversely affect the surrounding land uses.*

Finding of Fact: The areas surrounding the subject properties are in agricultural and residential use. The properties to the north are designated Rural Residential/Resource 5 (RR5). Properties to the west are designated Rural Residential/Resource 5 (RR5). Properties to the south are designated Suburban Residential (SR) and Public (P) in the Cashmere Urban Growth Area (UGA). Properties to the east across Webster Way are designated Rural Village (RV).

Under the proposed RV land use designation, density may be less than one (1) dwelling unit per acre, when consistent with Health Districts standards; however, in no case may it be less than one (1) dwelling unit per 12,000 sf lot. Development clustering would offer the opportunity to protect the rural character by focusing lots in more buildable locations and placing open spaces near larger, neighboring parcels.

Public comment state concerns that the proposed land use change would adversely affect adjacent orchard property that is currently in open space and would severely impact the ability to continue farming the land without interruption.

Conclusion: The proposed amendment does adversely affect the surrounding land uses because it proposes an abrupt change in density and would inappropriately expand a LAMIRD land use boundary.

- F. *The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.*

Finding of Fact: The subject site is composed of one parcel that is currently in Rural Residential/Resource 5 (RR5) and is located in an Airport Overlay. The site is currently used for a single-family residence, accessory structures, and pasture. Physical characteristics include flat ground, in an area shown to have erosive soils, possible ground contamination from historic orchard use, and a ditch running parallel with the south property line.

Conclusion: The proposed amendment does not appear to adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.

- G. *The amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.*

Finding of Fact: The proposed amendment would make the subject property available for higher density development, thereby accommodating projected growth in the rural, unincorporated areas of Chelan County.

The potential development of 36 lots would modestly contribute to the projected growth of the Comprehensive Plan and would therefore not result in an adverse impact.

Conclusion: The proposed amendment would be unlikely to have an adverse impact on projected growth.

- H. *The proposed amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.*

Finding of Fact: The proposed amendment would increase the density of residential and other rural land uses to the area. However, many vacant and underdeveloped parcels of land are available within existing residential developments that can accommodate further development. But despite availability, the price of land is ever increasing and moderately priced rural properties are highly desired for residential building lots.

The proposed amendment is not anticipated to impact the general public negatively in regards to public health, safety, or welfare.

Conclusion: The proposed amendment specifically serves the applicant but the general public including public health, safety and welfare, is not anticipated to be negatively affected.

## **FINDINGS OF FACT**

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on November 5, 2020.
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on September 17, 2020, submittal ID No. 2020-S-1793 (Attachment 3), pursuant to RCW 36.70A.106.
6. A request for a Comprehensive Plan Map Amendment was submitted by Rudy Joya (owners) to change the land use designation for the subject property (10 acres) from Rural Residential/Resource 5 (RR5) to Rural Village (RV). The subject property is located at 5900 Webster Way, Cashmere, WA 98815 and further identified by Assessor's Parcel No: 24-19-31-940-005.
  - a. The location and characteristics are not consistent with Chelan County Comprehensive Plan designation for Rural Village (RV), as outlined in this staff report.

## **CONCLUSIONS OF LAW**

1. The amendment to the Chelan County Comprehensive Plan is not consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendment does not comply with the Comprehensive Plan designation/siting criteria.
3. The amendment does adversely affect the surrounding land uses.

4. The amendment does not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
5. The amendment does not adversely affect the supply of land for various purposes available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.
6. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
7. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
8. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, SEPA Rules have been satisfied.

## **STAFF RECOMMENDATION**

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report. Staff recommends:

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV), given file number CPA 20-005, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

## **ATTACHMENTS**

1. SEPA Determination, signed November 5, 2020
2. Agency Comment dated November 5, 2020 from the WA Dept. of Commerce
3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
4. File of Record for CPA 20-005



## CHELAN COUNTY

Department of Community Development  
316 Washington Street, Suite 301, Wenatchee, WA 98801  
Telephone: (509) 667-6225 Fax: (509) 667-6475

### SEPA NOTICE ISSUANCE OF DETERMINATION OF NON-SIGNIFICANCE (DNS)

**Project Description:** Amendment to the Chelan County Comprehensive Plan to change the land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV)

**File Number:** CPA 20-005  
**Parcel Number:** 24-19-31-940-005

**Site Address:** 5900 WEBSTER WAY, CASHMERE, WA 98815  
**Owner:** JOYA RUDY & BETHANY  
5900 WEBSTER WAY, CASHMERE, WA 98815  
**Agent:** JOYA RUDY & BETHANY  
5900 WEBSTER WAY, CASHMERE, WA 98815

**Lead Agency:** Chelan County Department of Community Development

Based on the lead agency's review of the proposed Comprehensive Plan Amendment, it is determined that there would not be adverse impacts due to the change of land use designation as no development is proposed at this time.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance is issued under WAC 197-11-355, Optional DNS. No additional comment period is required.

**Responsible Official:** Catherine Lorbeer, Assistant Director / SEPA Responsible Official  
**Address:** Chelan County Department of Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801  
**Phone:** (509) 667-6225

**Signature:**   
Catherine Lorbeer, SEPA Responsible Official

**Date:** 



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

November 5, 2020

Ms. Catherine Lorbeer, AICP  
Assistant Director  
Chelan County Community Development  
316 Washington Street, Suite 301  
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

**CPA-2020-001, 004 and 005**

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.<sup>1</sup> LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".<sup>2</sup> The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.<sup>3</sup> This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

---

<sup>1</sup> RCW 36.70A.070(5)(d)

<sup>2</sup> RCW 36.70A.070(5)(d)(iv)

<sup>3</sup> RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

### **CPA 2020-003**

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.<sup>4</sup> The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.<sup>5</sup> Counties "should not review resource lands designations solely on a parcel-by-parcel process".<sup>6</sup> Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

---

<sup>4</sup> United States Department of Agriculture

<sup>5</sup> RCW 36.70A.050 and .060

<sup>6</sup> WAC 365-190-050



Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.<sup>7</sup> The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.<sup>8</sup>

### **CPA-20-007**

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)<sup>9</sup>. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

---

<sup>7</sup> [Chelan County Comprehensive Plan – Resource Element](#)

<sup>8</sup> [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

<sup>9</sup> [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer

November 5, 2020

Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at [scott.kuhta@commerce.wa.gov](mailto:scott.kuhta@commerce.wa.gov), or 509-795-6884.

Sincerely,

A handwritten signature in blue ink that reads "Scott Kuhta". The signature is written in a cursive, flowing style.

Scott Kuhta, AICP

Senior Planner

Growth Management Services

cc: Jim Brown, CD Director, Chelan County  
Steve Roberge, Deputy Managing Director, Growth Management Services  
Dave Andersen, Managing Director, Growth Management Services



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

09/17/2020

Ms. Catherine Lorbeer  
Assistant Director  
Chelan County  
316 Washington Street Suite 301  
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2020-S-1793--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lorbeer:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

**1) Rural Residential/Recreational 5 acres and Rural Residential/Recreational 10 acres to Rural Recreational/Residential; 2) Commercial Agricultural Lands to Rural Residential/Recreational 2.5 acres; 3) Rural Residential/Recreational 5 acres to Rural Village; 4) Rural Residential/Recreational 5 acres to Rural Village; 5) Chapter 3 and 4 related to small-scale recreational tourist activities**

We received your submittal on 09/17/2020 and processed it with the Submittal ID 2020-S-1793. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/16/2020.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Scott Kuhta, (509) 795-6884.

Sincerely,

Review Team  
Growth Management Services



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801  
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

RECEIVED

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

**GENERAL LAND USE APPLICATION FORM**

Parcel Number (APN): 241931940005 Lot Size: 10 (Acres)  
Parcel Address: 5900 Webster Way City/Zip Code: Cashmere, WA 98815  
Property Owner(s): Rudy Joya Zoning: RR5  
Mailing Address: 5900 Webster Way Cashmere, WA 98815  
City/State/Zip Code: Cashmere, WA 98815  
Phone: 509-860-2602 E-mail: rudyajoya@gmail.com

Applicant/Agent (if different than owner): \_\_\_\_\_  
Company and Mailing Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

For multiple owners, applicants, or agents, provide additional sheets.

This General Land Use Application Form shall be completed unless specified below. Additional information and supplemental forms may be required. Please review all applicable statutes and regulations pertaining to the proposed development and provide information, documents, studies, and reports (such as a Traffic Impact Study or environmental forms) demonstrating compliance with all statutory and regulatory requirements and other applicable criteria.

**Application For:** (Check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Administrative Modification                 | <input type="checkbox"/> Open Space: Public Benefit Rating System        |
| <input type="checkbox"/> Administrative Determination                | <input type="checkbox"/> Major Subdivision                               |
| <input type="checkbox"/> Administrative Interpretation               | <input type="checkbox"/> Master Planned Development                      |
| <input type="checkbox"/> Binding Site Plan                           | <input type="checkbox"/> Planned Development                             |
| <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment | <input type="checkbox"/> Plat Alteration or Vacation                     |
| <input type="checkbox"/> Comprehensive Plan Text Amendment           | <input type="checkbox"/> Short Plat                                      |
| <input type="checkbox"/> Conditional Use Permit                      | <input type="checkbox"/> Variance (zoning or critical areas)             |
| <input type="checkbox"/> Forest Practice/Conversion                  | <input checked="" type="checkbox"/> Zoning Text Amendment/ Map Amendment |
|  | <input type="checkbox"/> Other: _____                                    |

**APPLICABILITY SECTION**

**The following have their own individual application. Do not use this form for:**

- Boundary Line Adjustments. Please use corresponding Boundary Line Adjustment Application Form.
- Certificate of Exemptions. Please use corresponding Certificates of Exemption Application Form.
- Shoreline Permits. Provide the JARPA form along with the corresponding Supplemental Form, as necessary.
- Building and Fire Permits.
- Pre-Applications.

**The following attachments are required for a complete application:**

- Copy of Deed or Proof of Ownership
- Supplemental Forms, if applicable
- Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist
- All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
- The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title 12, Title 14, and Title 15.

**GENERAL INFORMATION**

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed):

The purpose of this request is to rezone a single 10-acres parcel from RR5 to RV. The property is adjacent to existing property zoned RV (Attachment 1). Rezoning from RR5 to RV is consistent with zoning in the immediate area. This action would require a zoning map amendment.

Narrative attached

Please complete the following:

RECEIVED

1. Any related files (such as Pre-Applications): NA

2. Is the subject property located within an Urban Growth Area (UGA)?  No  Yes  
If "yes", which UGA? \_\_\_\_\_

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

3. Please describe adjacent land uses in all directions around the subject property:

North: RR5

South: RV

East: RR5

West: Public

4. What is the current use of the property? Vacant Lot

5. Sanitation Disposal:  N/A  Septic Permit  Sewer District: \_\_\_\_\_

6. Water Source:  N/A  Single Private Well  Shared Private Well  Group B  
 Public Water Supplier: \_\_\_\_\_

7. Irrigation Water:  
 N/A  Yes (Private)  Yes (Public) Irrigation District/Purveyor: \_\_\_\_\_

8. Fire District: Cashmere Fired Department School District: Cashmere

9. Power Service: Chelan PUD

10. Are there critical areas or critical area buffers on the property?

Airport Overlay: \_\_\_\_\_

Aquifer Recharge Area (see attached)

Floodplain / Floodway \_\_\_\_\_

Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:

Alluvial Fan (250')  Known Historic Hazardous Area (250')  Slopes > 40% (250')

Erosive soils (on-site)  Landslide  Snow Avalanche (500')

Habitat/Riparian Area, protected species/area: \_\_\_\_\_

Streams / Waterbodies: \_\_\_\_\_  Shoreline Environment Designation: \_\_\_\_\_

Drainage or Seasonal Stream: \_\_\_\_\_  Wetland, if so what category: \_\_\_\_\_

Cultural or Archeological: \_\_\_\_\_

11. Will landfill be required?  No  Yes, approximate \_\_\_\_\_ (cubic yards)

12. Will excavation be required?  No  Yes, approximate \_\_\_\_\_ (cubic yards)

13. Has site preparation been started on the site? If so, to what extent?  
No

14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?



N/A

15. Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:

Subsequent subdivision development may occur if rezoned from RR5 to RV and after preliminary plat approval.

16. Are there any other applications pending for governmental approvals for this or other proposal affecting the property covered by this proposal?  No  Yes, please list:

RECEIVED

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

**AQUIFER RECHARGE AREA DISCLOSURE SECTION**

Exempt from this section only are Single Family Residences and their associated development per CCC 11.82.060. An applicant seeking to develop property which requires a development permit, shall submit with the permit application this certified statement, which lists each of the evaluation criteria and shall indicate whether the criteria "applies" or "does not apply" to the site or development. "Unknown" or similar responses will not be accepted.

If the development meets criteria A, B, C, or D or if the site or development meets any two of the remaining criteria, the Department will direct the applicant to determine the vulnerability rating for the development pursuant to Section 11.82.050 Aquifer Recharge Areas. If the development has a high or medium vulnerability rating, the development shall be subject to the performance standards of Section 11.82.060.

If an applicant's statement asserts that the criteria do not apply to the development, the Department will accept the statement and proceed with the permitting process. If any statement is incorrect, the applicant will be advised in writing to either; (a) provide an amended statement adding the evaluation criteria as being applicable and determine the vulnerability rating of the development pursuant to Section 11.82.050, or (b) present sufficient countering information clearly establishing that the basis for the Department's concern is incorrect. If the applicant selects to proceed under (b), upon receipt of the applicant's information, the Department shall review the information and obtain whatever additional assistance may be required to resolve the issue. The final determination as to whether a determination of vulnerability is required shall be made by the Administrator.

**EVALUATION CRITERIA**

The applicant is required to determine the vulnerability rating for **any development permit**, not otherwise exempted, if the site or development meets criteria A, B, C, or D or meets two or more of the remaining criteria below:

Please write the word(s) "**Applies**" or "**Does Not Apply**" on the lines before each of the following statements:

- Does Not Apply **A.** Within a wellhead protection area designated under WAC 246-290; **\*Wellhead Protection Area:** The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.
- Does Not Apply **B.** Within an aquifer recharge area mapped and identified by a qualified ground water scientist;
- Does Not Apply **C.** The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;
- Does Not Apply **D.** The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended;
- Does Not Apply **E.** The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; **\*\*Highly Permeable Soils:** Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand).
- Does not Apply **F.** Within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act (**None currently designated in Chelan County**);

- Does not apply **G.** Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (**None currently designated in Chelan County**);
- Applies **H.** The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;
- Does Not Apply **I.** The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;
- Does Not Apply **J.** The proposed use is as a commercial feedlot;
- Does Not Apply **K.** The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

Depending upon soil depths from the surface, the following soil series within Chelan County are considered to be highly permeable soils:

- Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam*
- Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam*
- Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly sandy loam; Bg, 0-10 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam*
- Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam*
- BsD, 26-60 inches (depth from surface), very gravelly sandy loam*
- Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; CIA, CIB, CIC, CID, CIE, 35-60 inches (depth from surface), very gravelly sandy loam*
- Jumpe: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam*
- Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam*
- Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam*
- Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam*
- Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam*
- Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam*
- Suplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam*
- Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; ThE 10-60 inches (depth from surface), very gravelly sandy loam*
- Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam*

**CANNABIS DISCLOSURE SECTION**

**SUB-SECTION I: Circle**

I AFFIRM there **IS NOT** or **IS** (circle one) an existing or pending Liquor and Cannabis Board (LCB) license or approval for cannabis production, processing, or retail located on the property that is the subject of the requested development permit or approval.

If you circled "IS NOT" above, proceed to Sub-Section III of this form.

If you circled "IS" above, proceed to Sub-Section II of this form.

RECEIVED

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT



SUB-SECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-Section III.

- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that all cannabis-related activities, development, uses and construction must comply with Chelan County regulations, including but not limited to Chelan County Code Section 11.100.
- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that only those cannabis-related uses authorized pursuant to Chelan County Code Section 11.100 are permitted within Chelan County. All other commercial and noncommercial licensed or registered cannabis uses, including but not limited to cannabis research facilities and medical cannabis cooperatives, are prohibited within all zones of Chelan County.
- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that pursuant to Chelan County Code Section 11.100 a conditional use permit is required to engage in the production or processing of cannabis within Chelan County, and that all cannabis producers and processors must register annually with Chelan County and pay the appropriate registration fee.
- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that it is the responsibility of the property owner to submit for and obtain all necessary development permits and approvals prior to engaging in cannabis-related activities, development, uses or construction, including but not limited to conditional use permits for the production or processing of cannabis, building permits, change of use/occupancy permits, shoreline permits, variances, and mechanical permits.

SUB-SECTION III: Please select one of the following:

- I certify with the signature below that the building or land use permit requested **IS NOT** related to or in any way supportive of existing or planned cannabis-related activities, development, uses or construction on the property. I further certify that any authorized activities, development, uses or construction **WILL NOT** be utilized to support or expand cannabis-related activities, development, uses or construction.
- I certify with the signature below that the building or land use permit requested **IS** related to or in support of existing or planned cannabis-related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction will be in strict compliance with LCB licensure requirements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter 69.50 RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and WAC Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW (Shoreline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.

### SITE PLAN CHECKLIST SECTION

- Two copies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. Indicate the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For large parcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient scale and the second page depicting an enlargement of the developed area at a larger scale.
- Label all property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
- Label the location, size, and use of all existing building(s). Identify the distance between property lines and buildings. Label structures with previous building permit number(s) issued if applicable.
- Label the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of all decks, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and stairs.
- Identify the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both above ground and underground, as well as setback from property lines.
- Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion.

- Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest distance between the ordinary high water mark and proposed/existing structures.
- Label the name and width of roads bordering the property and indicate whether they are public or private.
- Locate the width of existing and proposed driveways/accesses serving each structure. Include stormwater control facilities such as drains, detention ponds, connection lines, catch basins, etc.
- Label all existing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the front yard setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless required otherwise. If applicable, show handicapped parking and accessible routes to the structure and within the site to other structures and features.
- Identify and label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property, including but not limited to access, utilities, railroads, irrigation and overhead power. Include the Auditor's file number(s). *Before Any Development Occurs, Please Call 1-509-661-8400 To Locate Any PUD Easements!*
- Show the location of all existing and proposed overhead and underground utilities including, but not limited to water, sewer, gas, and electrical.
- Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site well may impact your project if it overlaps onto your parcel.
- Identify location of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed structure(s). Show the distance from proposed structure(s) to septic tank, drain field, drinking water well source(s), and any water body, wetland area and/or flood plain to ensure they meet the required horizontal setbacks from each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for details. If applicable, the approved Health District and County site plan must be identical.
- If drinking water wells, septic tank/drain field is off site, show the location of these systems on the adjacent property or properties and provide a copy of the easement agreement(s).
- If applicable, identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, size, spacing, and provisions for irrigation).
- If applicable, include outdoor lighting and signage. Label each as existing or proposed.

**ACKNOWLEDGEMENT SECTION**

If the Applicant is not the owner of the property, this application and acknowledgment shall also be executed (signed) by each property owner.

**By submitting this application, I acknowledge and certify the following:**

Initials

(Owner and, if applicable, Applicant)

- R   \_\_\_\_\_ 1. All applications will be reviewed for completeness and processed according to Chelan County Code Title 14. Each application may be denied if not consistent with all Chelan County Codes, adopted regulations, Comprehensive Plan and related plans or studies.
- B   \_\_\_\_\_ 2. This application does not constitute approval of the proposed development and Chelan County does not make any guarantee, either express or implied, that this application will be approved.
- A   \_\_\_\_\_ 3. False statements, errors and/or omissions in this application or information provided with or in regard to this application may be sufficient cause for denial of the request.
- R   \_\_\_\_\_ 4. Additional permit applications and approvals may be necessary to conduct specific activities.
- R   \_\_\_\_\_ 5. Application fees are non-refundable, except when approve by the Board.
- R   \_\_\_\_\_ 6. In the event of any legal proceeding to challenge this application, any environmental determination or any other aspect of the proposed development, the applicant/owner(s) shall be solely responsible to defend such challenge and pay all court costs and attorney's fees necessary for such defense.

- \_\_\_\_\_ 7. Chelan County is hereby given consent to enter the property(ies) listed above.
- \_\_\_\_\_ 8. I certify that I am the property owner, or authorized agent of the property owner, and I have familiarized myself with the rules and regulations of Chelan County with respect to making this application.
- \_\_\_\_\_ 9. I certify that I possess full legal authority and rights necessary to exercise control over the subject property.
- \_\_\_\_\_ 10. I certify that this application has been made with the consent of the lawful property owner(s).
- \_\_\_\_\_ 11. I certify that all Easements, Deed Restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property have been accurately disclosed and are shown on the site plan submitted with this application.
- \_\_\_\_\_ 12. This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Section 14.08.030.

I certify (or declare) under penalty of perjury and under the laws of the State of Washington that the foregoing and all information submitted with this application is true, correct and complete to the best of my knowledge.

Owner Signature: \_\_\_\_\_ Place: CASHMERE WA Date: 2/27/2020

Print Name: RUDY JOYA

Owner/Applicant/Agent Signature: \_\_\_\_\_ Place: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Owner/Applicant/Agent Signature: \_\_\_\_\_ Place: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

RECEIVED

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT



**Chelan County Code 14.14.050****Application for comprehensive plan map or urban growth area amendments****Submitted by: Rudy Joya, February 17, 2020**

RECEIVED

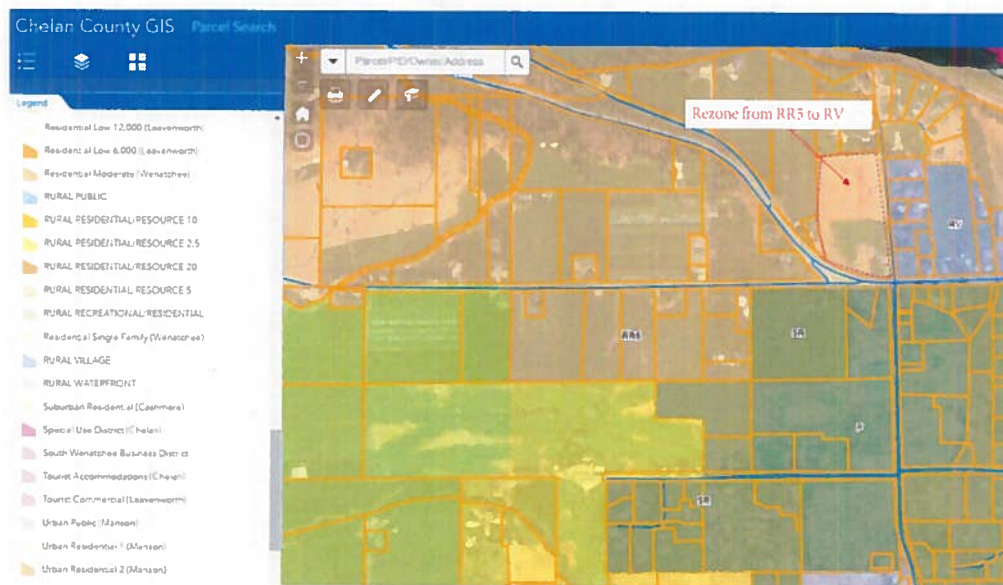
FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

**(A) Name:** Rudy Joya  
**Address:** 5900 Webster Way, Cashmere, WA 98815  
**Phone Number:** 1-509-860-2602  
**Owner:** Rudy Joya

**(B) Parcel/site information as outlined in the application:** 241931940005**(C) Comprehensive Plan amendment information as outlined in the application**

- (i) **Statement:** This proposal is to rezone a single 10 acre-parcel of land within Chelan County from RR5 to RV. There is RV zoned lands adjacent to this property. A rezone would provide future development flexibility by allowing for smaller building lots and the potential for duplex units; RR5 only supports two single family residential dwelling units (see map below).



- (ii) **Comprehensive Plan Consistency** - The amendment complies with the comprehensive goals and policies to “grow” while maintaining the rural character of the City of Cashmere; this request proposes a change from RR5 to RV to accommodate development flexibility with smaller building lots and/or duplex units.
- (iii) The adjacent land is zoned RV; this request is to extend the RV zoning and once approved would be compliant with the Comprehensive Plan land use designation for this area.
- (iv) The rezone request does not impact and/or apply to the capital facility or transportation element of the comprehensive plan. This is a non-project action.
- (v) Lands adjacent are zoned RR5, RV, and Public. This rezone would not affect lands designated as resource lands of long-term commercial significance and/or critical areas.

There are no critical areas or critical recharging aquifers in the area; fish and wildlife PHS database did not identify this area as priority habitat for a species. This is a non-project action that would not impact wildlife or their habitat; there are no water resources within the area – this proposal is consistent with GMA.

- (vi) This is a non-project action on private property. The proposed rezone request would not affect the supply of land that is available for other purposes; this area has been designated for residential development and would support projected growth by providing an additional dwelling unit.
- (vii) The rezone from RR5 to RV would provide additional development flexibility such as smaller lot sizes or construction of a duplex.
- (viii) This request is for a rezone not a request for UGA expansion and/or a UGA change.

**(D) SEPA Checklist:** Completed on February 16, 2020

**(E) Fee:** The fee will be paid when submitted

**(F) Additional Information:** Requesting RR5 be rezoned to RV, which requires a zoning map amendment to the Comprehensive Plan.

#### **Chelan County Code 14.14.60**

#### **Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.**

##### **(1) General Review Criteria**

- (A) GMA Consistency and applicable county-wide planning policies:** Yes. This proposal for a rezone is consistent with providing residential growth while maintaining rural character.
- (B) Chelan County comprehensive goals and policies consistency.** Yes. The amendment complies with the comprehensive goals and policies to grow while maintaining the rural character of the City of Cashmere; this request proposes a change from RR5 to RV to allow for smaller lot sizes and/or a duplex to support growing housing demands.
- (C) Compliance with comprehensive plan land use designation/siting criteria.** Yes. The adjacent land is zoned RV; this request is to extend the RV zoning and once approved would be compliant with the Comprehensive Plan land use designation for this area.
- (D) Supported by the capital facility and transportation element:** NA. This is a non-project action.
- (E) Amendment does not adversely affect the surround land uses:** Correct. Adjacent lands are zoned RV.
- (F) Amendment does not adversely affect lands designated as resource land of long-term commercial significance or critical areas in ways that cannot be mitigated.** Correct. Lands adjacent are zoned RV. This rezone would not affect lands designated as resource lands of long-term commercial significance and/or critical areas. There are no critical areas or critical recharging aquifers in the area; fish and wildlife PHS database did not identify suitable for priority species. This is a non-project action that would not impact wildlife or their habitat; there are no water resources within the area – this proposal is consistent with GMA.

CPA 20-005

**(G) Amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan.** Correct. This is a non-project action on private property. The proposed rezone request would not affect the supply of land that is available for other purposes; this area has been designated for residential development and would support projected growth by providing additional housing units by creating smaller building lots and allowing for duplex units.

**(H) Amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.** Yes.

**(2) Urban Growth Area Amendments – Does not Apply.** The proposal is for a rezone.

**(A) Contiguous to an existing urban growth boundary.** NA

**(B) Urban growth areas shall contain areas characterized by urban growth.** NA

**(C) Urban growth area shall be served by or planned to be served by urban growth governmental services.** NA

**(D) Urban growth areas shall be compatible with natural resources lands and the protection of designated critical areas.** NA

**(E) Expansion or an urban growth area should also:**

**(i) Insufficient land within the existing urban growth area?** NA.

**(ii) Overriding public interest?** NA.

RECEIVED

FEB 27 2021

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

FEB 27 2020

**SEPA ENVIRONMENTAL CHECKLIST**CHELAN COUNTY  
COMMUNITY DEVELOPMENT**Purpose of checklist:**

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

**Instructions for applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

**Instructions for Lead Agencies:**

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

**Use of checklist for nonproject proposals:** [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

**A. Background** [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)
  - Rezone a single 10-acre parcel of private property from RR5 to RV.
2. Name of applicant: [\[help\]](#)
  - Rudy Joya

Reviewed by Emily Morgan, Project Planner



CPA 20.005  
RECEIVED

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

3. Address and phone number of applicant and contact person: [\[help\]](#)

- 5900 Webster Way
- Cashmere, WA 98815

4. Date checklist prepared: [\[help\]](#)

February 26, 2020

5. Agency requesting checklist: [\[help\]](#)

Chelan County Community Development Department

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

The Zoning Amendment would take place in 2020.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

- A zoning map amendment will need to be prepared by and approved by Chelan County.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

- None that are known.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

- Zoning Amendment - Concurrence from the Planning Commission to approve the amendment and pass a resolution.
- Public Hearing
- Department of Commerce Review and Acceptance

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

- To rezone RR5 to RV for future development flexibility and consistency with adjacent RV property.



FEB 27 2020

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

- This proposal is to rezone a single 10 acre-parcel of land within Chelan County from RR5 to RV (Attachment 1).
- Parcel: 241931940005

## B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

### 1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

- Approximately 0%-8%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

- According to the U.S. Department of Agriculture, Natural Resources Conservation Service the following are soils generally located within the proposed rezone site: *Cashmont sandy loam, 0 to 3% slopes (63.7%) and Cashmont sand loam, 3 to 8 % slope (36.3%)*.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

- No. The area is identified for potential erosion concerns. *- geo hazard for erosive soils*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

- No.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan county Municipal Code and will be subject to additional compliance and/or approvals – which could include additional impervious surfaces after construction.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

**2. Air** [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

- NA. This is a proposal to update zoning from RR5 to RV.

**3. Water** [\[help\]](#)

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

- No.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described

waters? If yes, please describe and attach available plans. [\[help\]](#)

- NA.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)
  - No.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Code and will be subject to additional compliance and/or approvals.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

- NA

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

- NA

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

- NA

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

- NA.

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other (
- Water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

- There are no known threatened or endangered species known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)
- NA
- e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)
- Puncturevine
5. **Animals** [\[help\]](#)
- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)
- Birds: *Songbirds, crow, and hawks*
  - Mammals: *Mice*
- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)
- None known
  - The Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) interactive map was queried and results did not indicate the presence of any priority habitat and species in the project area.
  - There are no known federally listed threatened or endangered species near the project though the area northwest is a management buffer for NSO.
- c. Is the site part of a migration route? If so, explain. [\[help\]](#)
- None known.
- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- e. List any invasive animal species known to be on or near the site. [\[help\]](#)
- None known.
6. **Energy and Natural Resources** [\[help\]](#)
- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)
- NA
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)
- No.

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

CPA 20-005

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

- NA

## 7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

- NA. *Potential ground contamination from historic orchard use*

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

- None are known.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

- NA

- 4) Describe special emergency services that might be required. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

## b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)



FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT  
CPA 20-005

- NA. This is a proposal to update zoning from RR5 to RV.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

- NA.

#### 8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

- RR5 (Attachment A).
- It is not expected the rezone will affect land currently zoned RR5 or RV.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

- No.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

- No.

c. Describe any structures on the site. [\[help\]](#)

- No.

d. Will any structures be demolished? If so, what? [\[help\]](#)

- No.

e. What is the current zoning classification of the site? [\[help\]](#)

- RR5

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

- RR5

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

- NA.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

[\[help\]](#)

- geo hazard

- Airport Overlay - located in horizontal surface zone

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

CPA 20-005

- No.
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- j. Approximately how many people would the completed project displace? [\[help\]](#)
- NA.
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
- None.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)
- The proposed zone amendment would become incorporated as an element of the 2020 Comprehensive Plan Update.
- l. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

- NA

9. **Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- NA.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- NA.
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)
- NA.

10. **Aesthetics** [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
- NA.
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)



RECEIVED

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

CPA 20-005

- NA.

b. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

- NA

#### 11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

- NA.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

- NA

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

- None.

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

- None.

#### 12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

- None.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

- No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

- None.

#### 13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [\[help\]](#)

- A query of the WISSAARD database on the Department of Archaeology and Historic Preservation website did not reveal any registered historic properties (February 16, 2020).

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation?

FEB 27 2020

This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

CHELAN COUNTY  
COMMUNITY DEVELOPMENT  
CPA 20-005

- No.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)
- None. This is a proposal to update zoning from RR5 to RV.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

- NA

#### 14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)
- The rezone area can be accessed from Sunset Highway and Webster Way.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)
- NA.
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)
- No.
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)
- NA.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.

RECEIVED

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

CPA 20-005

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

- No.

h. Proposed measures to reduce or control transportation impacts, if any:

- NA. This is a proposal to update zoning from RR5 to RV.

**15. Public Services [\[help\]](#)**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

- No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

- None.

**16. Utilities [\[help\]](#)**

a. Circle utilities currently available at the site:

electrical, natural gas, refuse service, telephone, sanitary sewer, septic system, other

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed, if any

- Chelan County PUD provides electrical services to Chelan County, as well as fiber. This is a proposal to update zoning from RR5 to RV.

**C. Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_



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

2/27/2020

RECEIVED  
FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT  
CPA 20-005

## D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal to rezone a single 10 acre-parcel of land within Chelan County from RR5 to RV not expected to increase any discharge to water, emissions to air or release of toxic or hazardous materials. This non-project action complies with all health and safety regulations.

Proposed measures to avoid or reduce such increases are:

No impacts are expected so no measures are proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This non-project action will not have a direct impact on plants, animals, fish or marine life. Site-specific impacts for individual proposals will be addressed during permitting processes.

3. How would the proposal be likely to deplete energy or natural resources?

NA

Proposed measures to protect or conserve energy and natural resources are:

Measures needed to address or reduce impacts on energy or natural resources will be identified during site-specific project review and permitting processes.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed rezone will not have a direct impact on any environmentally sensitive areas or areas designated for government protection. Environmental impacts will be addressed as part of site-specific project review and will follow standard mitigation procedures, beginning with avoidance, then minimization of impacts to critical plants, animals and habitats. If there are unavoidable impacts to the environment then mitigation will be required.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

FEB 27 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

NA

Proposed measures to avoid or reduce shoreline and land use impacts are:

CPA 20-005

Individual proposals will be evaluated for compatibility with surrounding land uses as part of site-specific project review.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This is a non-project action that is consistent with adjacent lands is not expected to increase demands for transportation services or utilities.

Proposed measures to reduce or respond to such demand(s) are:

If requested, measures needed to address or reduce impacts on transportation and public utilities will be identified during site-specific project review and permitting processes but are unlikely to occur.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed rezone will be reviewed and approved by Chelan County for consistency with the Chelan Comprehensive Plan and GMA.



RECEIVED

FEB 27 2020

**ATTACHMENT A**  
**REZONING FROM RR5 to RV**

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

CPA 20-005







**Aerial**

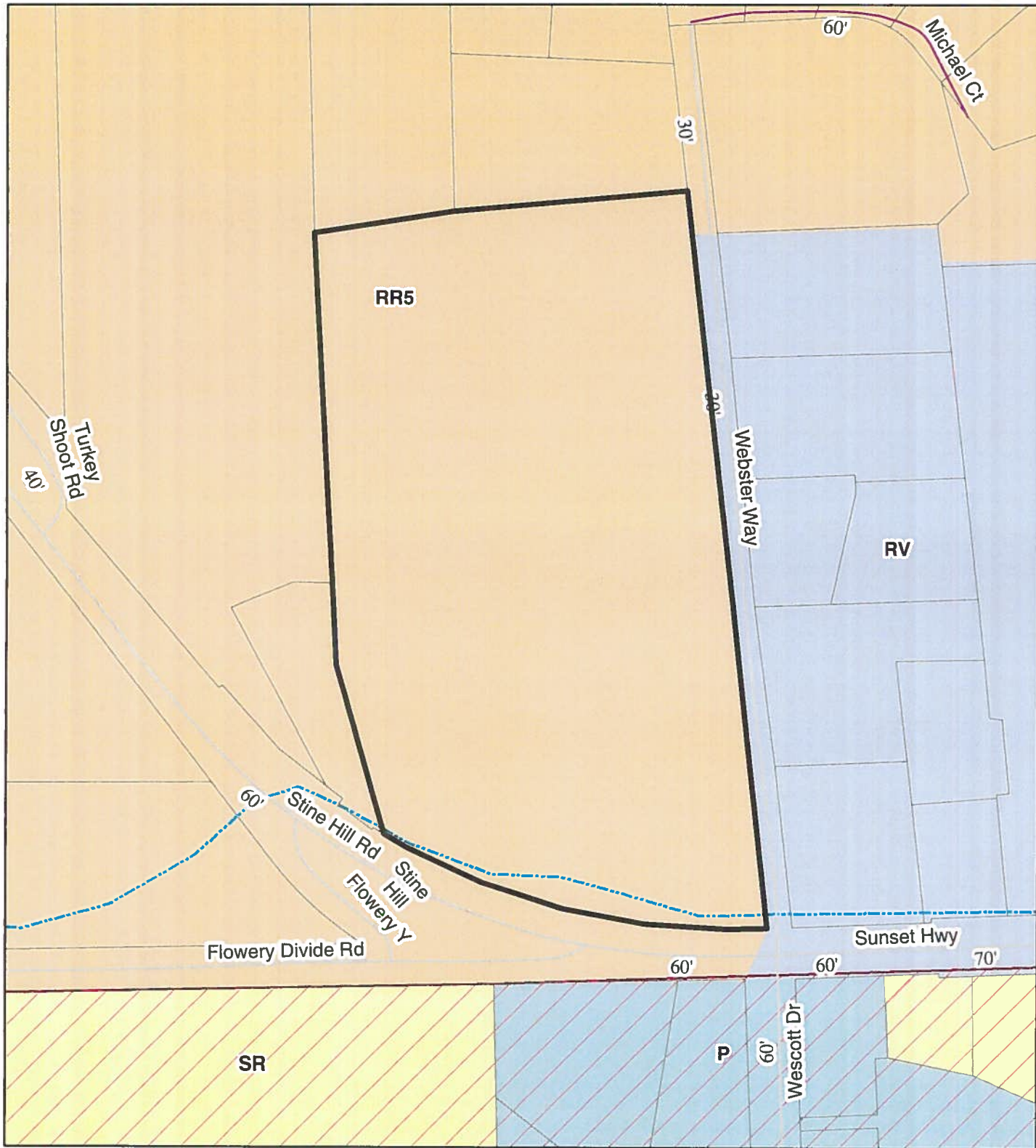
2/27/2020

CPA 20-005

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.







### Zoning

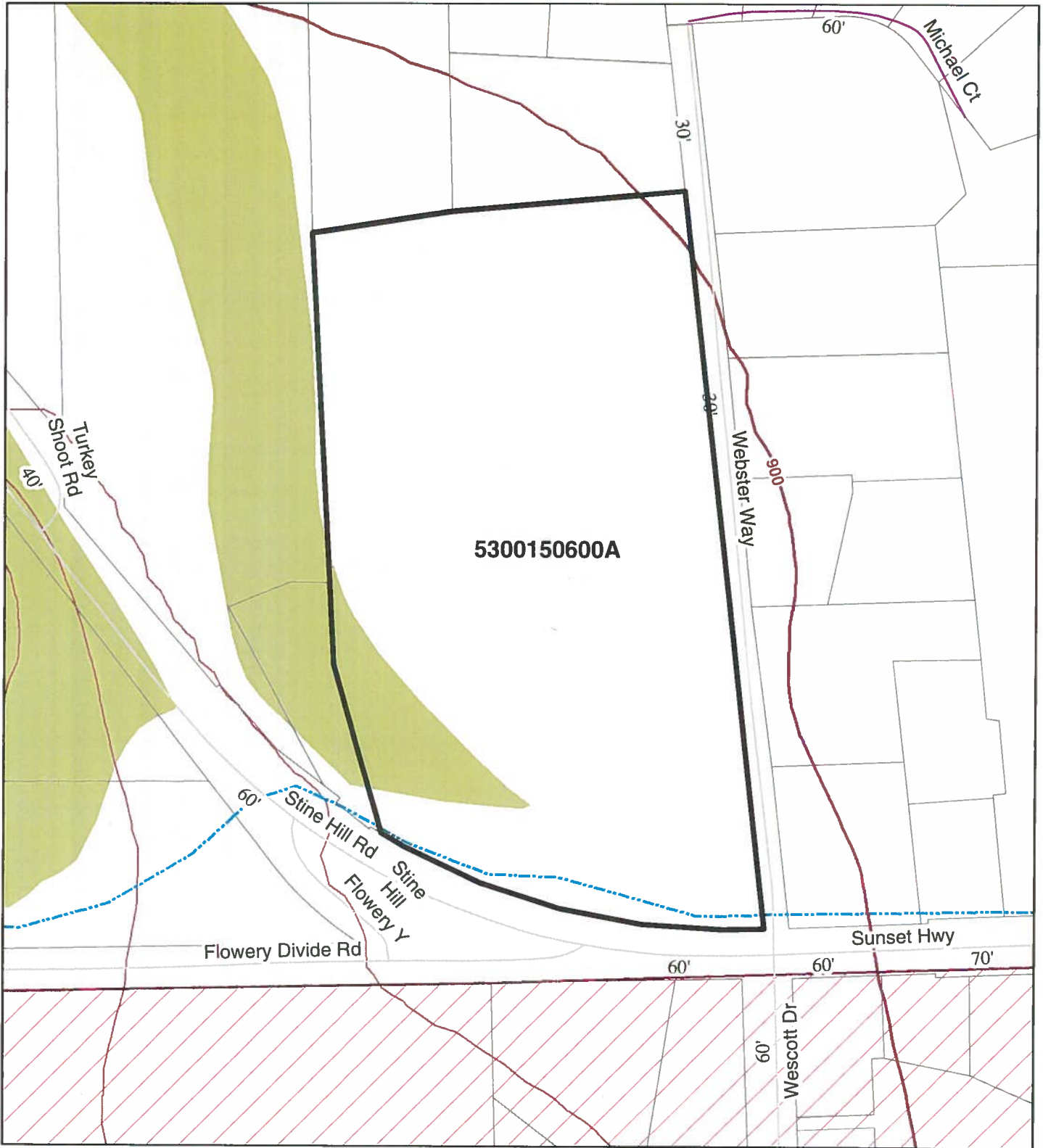
2/27/2020

CPA 20-005

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.





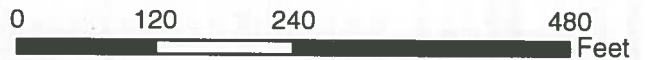


**Critical Areas**

2/27/2020

CPA 20-005

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.





# CHELAN COUNTY

Department of Community Development  
316 Washington Street, Suite 301, Wenatchee, WA 98801  
Telephone: (509) 667-6225 Fax: (509) 667-6475

## SEPA NOTICE ISSUANCE OF DETERMINATION OF NON-SIGNIFICANCE (DNS)

**Project Description:** Amendment to the Chelan County Comprehensive Plan to change the land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV)

**File Number:** CPA 20-005

**Parcel Number:** 24-19-31-940-005

**Site Address:** 5900 WEBSTER WAY, CASHMERE, WA 98815

**Owner:** JOYA RUDY & BETHANY  
5900 WEBSTER WAY, CASHMERE, WA 98815

**Agent:** JOYA RUDY & BETHANY  
5900 WEBSTER WAY, CASHMERE, WA 98815

**Lead Agency:** Chelan County Department of Community Development

Based on the lead agency's review of the proposed Comprehensive Plan Amendment, it is determined that there would not be adverse impacts due to the change of land use designation as no development is proposed at this time.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance is issued under WAC 197-11-355, Optional DNS. No additional comment period is required.

**Responsible Official:** Catherine Lorbeer, Assistant Director / SEPA Responsible Official  
**Address:** Chelan County Department of Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801  
**Phone:** (509) 667-6225

**Signature:**   
Catherine Lorbeer, SEPA Responsible Official

**Date:** November 5, 2020



**CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
AFFIDAVIT OF POSTING**

STATE OF WASHINGTON           )  
  )  
COUNTY OF CHELAN            )

SP 20-013

RUDY & BETHANY JOYA, being first duly sworn, deposes and says:  
That at all times mentioned herein she/he was, and now is, a citizen of the United States, a resident of the State of Washington, and over the age of 21 years.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

That the general notice of land use action containing the permit #, applicant name and a description of the proposal for a Short Plat, SP 20-013, was maintained on the subject property, in accordance with the records of property ownership of the Chelan County Assessor, in good conditions from SEPTEMBER 10, 2020 (date of posting the project site by the Chelan County Department of Community Development), through SEPTEMBER 24, 2020 (the end of the public comment period), and the affidavit returned to the Chelan County Department of Community Development on 10/14/2020.

[Signature] [Signature]  
Signature

10/14/2020  
Date

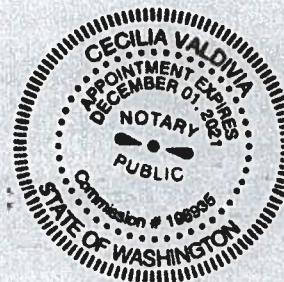
**ACKNOWLEDGEMENT**

This is to certify that on 14<sup>th</sup> day of OCTOBER, 2020.

Rudy Joya, Bethany Joya io me known to be the person(s), who executed the foregoing Affidavit of Posting and acknowledged to me that they signed the same as their free and voluntary act. WITNESS my hand and official seal the day and year last above written.

Cecilia Valdina  
Notary Public in and for the State of Washington,  
residing in Cashmere

My commission expires 12/01/21





# Affidavit of Publication

STATE OF WASHINGTON }  
COUNTY OF CHELAN } SS

## NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

The Wenatchee World is a legal newspaper published in the Chelan County, Washington, and approved as such by the Superior Court of said County and State. Serving the counties of Chelan, Douglas, Grant & Okanogan.

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process. Mitigation measures may be required regardless of whether an EIS is prepared, however possible mitigation measures are unknown at the issuance of this notice. A copy of the subsequent threshold determination for this proposal may be obtained upon request to this department. This may be the only opportunity to comment on the environmental impacts of this proposal.

That said newspaper was regularly issued and circulated on those dates.

CPA 20-001: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject properties from Rural Residential/Recreational 5 acres (RR5) and Rural Residential/Recreational 10 acres (RR10) to Rural Recreational/Residential (RRR). Project Location: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; & 27-18-32-330-060

September 10, 2020

CPA 20-003: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5). Project Location: 155 Upper Joe Creek Rd, Manson, WA 98831; and identified by Assessor's Parcel No(s): 28-21-23-440-075

CPA 20-004: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801; and identified by Assessor's Parcel No(s): 23-20-20-440-100

Subscribed to and sworn to me this 10th day of September 2020.

*Emily*

CPA 20-005: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100

On September 10, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends September 24, 2020. In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>

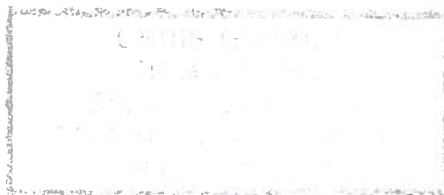
Chris Gerber, Notary Public, Chelan County, Washington

Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.

My commission expires: March 07, 2022

00002552 00094288 509-667-6475

CHELAN CO DEPT OF COMMUNITY DEVELOPMENT  
(CCDCD)  
316 WASHINGTON ST. #301  
WENATCHEE, WA 98801



**CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
AFFIDAVIT OF MAILING**

STATE OF WASHINGTON     )  
  )  
COUNTY OF CHELAN     )     SS

Wendy Lane, being first duly sworn, deposes and says:  
That at all times mentioned herein she/he was, and now is, a citizen of the United States, a resident of the State of Washington, and over the age of 21 years.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

That on September 10, 2020, I personally mailed true and correct copies of the hereto attached:

- Notice of Shoreline Application
- Notice of Application
- Other \_\_\_\_\_

to all property owners within 300 feet (excluding 60 feet of Street rights of way pursuant to Section 14.08.060 (1)(B), Chelan County Code) of the project boundary in accordance with the records of property ownership of the Chelan County Assessor and any other interested parties. A copy of the mailing list is attached to this affidavit.

Wendy Lane  
Signature

September 10, 2020  
Date

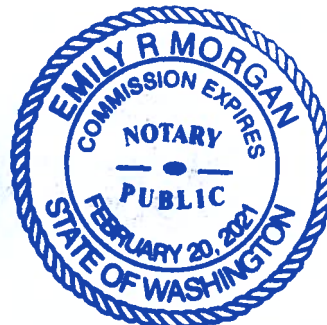
**ACKNOWLEDGEMENT**

This is to certify that on 10<sup>th</sup> day of Sept., 2020

Wendy Lane to me known to be the person who executed the foregoing Affidavit of Mailing and acknowledged to me that she signed the same as her free and voluntary act. WITNESS my hand and official seal the day and year last above written.

Emily R. Morgan  
Notary Public in and for the State of Washington,  
residing in Wenatchee

My commission expires Feb. 20, 2021



## Wendy Lane

---

**From:** Wendy Lane  
**Sent:** Wednesday, September 9, 2020 8:35 AM  
**To:** 'rudyjoya@gmail.com'  
**Cc:** Emily Morgan  
**Subject:** FW: Notice of Application for CPA20-005 Joya - Chelan County Dept. of Community Development  
**Attachments:** CPA 20-005 Joya NOA Optional.pdf; CPA 20-005 Joya NOA AoP.pdf

Greetings,

Please find the attached Notice of Application for a Comprehensive Plan Map Amendment, regarding Rudy Joya's property, File# CPA 20-005. This notice should be posted on the subject property by September 10, 2020, or as soon as possible. Please place in a prominent position on site and maintain it for 14 days starting from the first day of posting. If you need a sign for posting, you may pick one up at our office. Also attached is the Affidavit of Posting that needs to be filled out with the appropriate information after the 14 days of comment period, signed before a notary and the original returned to this office. If your affidavit of posting is found not to be in the file, it may place a hold on the processing of the file.

If you have any questions pertaining to your application please contact the Chelan County Planner associated with this file, Emily Morgan at 509-667-6225 or [Emily.Morgan@co.chelan.wa.us](mailto:Emily.Morgan@co.chelan.wa.us).

Sincerely,

**Wendy Lane**

Permit Clerk  
Community Development Department



316 Washington Street, Suite 301,  
Wenatchee, WA 98801  
Phone: (509) 667-6231 | Fax: (509) 667-6475  
[Wendy.Lane@co.chelan.wa.us](mailto:Wendy.Lane@co.chelan.wa.us)

*The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:*  
[CLICK HERE TO TAKE THE SURVEY!](#)

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

CPA 20-005

Name	Address_1	Address_2	City	State	County	Zip Code	PARCEL
VALDIVIA MARIO A & CECILIA	6030 SUNSET HWY		CASHMERE	WA		98815	241932330150
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA	USA	98815	231906110050
CLARK CHERYL J	6045 SUNSET HWY		CASHMERE	WA	USA	98815	231905220360
SOLLINGER GERALD V	6013 SUNSET HWY		CASHMERE	WA	USA	98815	231905220370
PARSONS PATTY J	6087 SUNSET HWY		CASHMERE	WA	USA	98815	231905220400
STROM KAREN TRTEE	320 PARK AVE APT C1		LEAVENWORTH	WA	USA	98826	241932330105
KRIEGL RICHARD A & KRISTI L	5995 WEBSTER WAY		CASHMERE	WA	USA	98815	241932330118
LIMBECK GREGORY K & MEGAN R	6095 WEBSTER WAY		CASHMERE	WA	US	98815	241932703010
DAHLSTROM PAUL	6075 WEBSTER WAY		CASHMERE	WA	USA	98815-9521	241932703020
WHITE ROBERT E JR & PAULA R	PO BOX 292		CASHMERE	WA	USA	98815	241932703030
MARTINEZ JOSEFINA	C/O SALVADOR MARTINEZ	6045 WEBSTER WAY	CASHMERE	WA	USA	98815	241932703040
HUNTER DONALD F & LYNNE M GIBSON JTROS	19220 168TH AVE NE		WOODINVILLE	WA	USA	98072	241932703050
HOLBEN BRENDA	6015 WEBSTER WAY		CASHMERE	WA	US	98815	241932703060
GUERRERO SILVERIO	6025 WEBSTER WAY		CASHMERE	WA	USA	98815	241932703070
DERUBERTIS BARBARA K LEHDE	10023 MANITOU BEACH DR		BAINBRIDGE ISLAND	WA	US	98810	2419331940090
CARSON LYLE N & KAREN A REVOC LIVING TRUST	C/O KAREN CARSON	100 CASCADE PL	CASHMERE	WA	USA	98815	2419331940050
ARMSTRONG ABRAHAM & LINDSAY J LEONHARD	6005 WEBSTER WAY		CASHMERE	WA	USA	98815	241932330100
MEHMEL CONSTANCE J	PO BOX 345		CASHMERE	WA	USA	98815	241932330110
FOX JAMES & SANDRA	5941 WEBSTER WAY		CASHMERE	WA	USA	98815	241932330120
SANCHEZ JOAQUIN	5925 WEBSTER WAY		CASHMERE	WA	USA	98815	241932330130
DEMORY ROBERT M & BETTINA W	6026 SUNSET HWY		CASHMERE	WA	USA	98815	241932330140
SCHMIDT HARRY	6010 SUNSET HWY		CASHMERE	WA	USA	98815-9528	241932330250
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA	USA	98815	231905221200
DERUBERTIS IRREVOCABLE TRUST	CORBIN PALMER DERUBERTIS TRUSTEE	10023 MANITOU BEACH DR	BAINBRIDGE ISLAND	WA	US	98110	241931940095
MARTINEZ SALVADOR	6045 WEBSTER WAY		CASHMERE	WA	USA	98815	241931940015
UTECHT DANIEL	6026 WEBSTER WAY		CASHMERE	WA	USA	98815-9521	241931940025
OVERBEY DEAN E & KAREN M	PO BOX 234		CASHMERE	WA	USA	98815	241931940060
HIATT CHARLES	6240 SUNSET HWY		CASHMERE	WA	USA	98815-9583	241931940045
JOYA RUDY & BETHANY	PO BOX 713		CASHMERE	WA	US	98815	241931940005
MARDEN JUSTIN T & KATHERINE	PO BOX 226		CASHMERE	WA	USA	98815	241931940010
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA	USA	98815	231905221250
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA	USA	98815	231905221400
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA	USA	98815	231905221450
HERNDON ANNEKA M & ETAL	6044 WEBSTER WAY		CASHMERE	WA	US	98815	241931940030
NOYD DAMON & JOLENE	6046 WEBSTER WAY		CASHMERE	WA	USA	98815	241931940031
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA	USA	98815	231906110300
DERUBERTIS BARBARA K LEHDE	10023 MANITOU BEACH DR		BAINBRIDGE ISLAND	WA	US	98810	231906110100



### Wenatchee World / Quincy Valley Post

# Order Invoice

PO Box 1511  
Wenatchee WA 98807-1511

Phone: 5096635161

URL: www.wenatcheeworld.com

CHELAN CO DEPT OF COMMUNITY  
DEVELOPMENT (CCDCD)  
316 WASHINGTON ST. #301  
WENATCHEE, WA 98801

Acct #: 00002552  
Phone: (509) 667-6225  
Date: 09/08/2020  
Ad #: 00094288  
Salesperson: LEGL Ad Taker: 340

Class: 0001

Ad Notes: Submitted by Wendy Lane, 9/8

Sort Line: CPA20-001MOONBEAM/WLane

Description	Start	Stop	Ins.	Cost/Day	Amount
01 The Wenatchee World	09/10/2020	09/10/2020	1	144.05	144.05
02 Wenatchee World Online	09/10/2020	09/10/2020	1	0.00	0.00

**Ad Text:**

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

**Payment Reference:**

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process.

Total:	144.05
Tax:	0.00
Net:	144.05
Prepaid:	0.00
<b>Total Due</b>	<b>144.05</b>

## NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process. Mitigation measures may be required regardless of whether an EIS is prepared, however possible mitigation measures are unknown at the issuance of this notice. A copy of the subsequent threshold determination for this proposal may be obtained upon request to this department. **This may be the only opportunity to comment on the environmental impacts of this proposal.**

**CPA 20-001:** An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject properties from Rural Residential/Recreational 5 acres (RR5) and Rural Residential/Recreational 10 acres (RR10) to Rural Recreational/Residential (RRR). Project Location: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; & 27-18-32-330-060

**CPA 20-003:** An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5). Project Location: 155 Upper Joe Creek Rd, Manson, WA 98831; and identified by Assessor's Parcel No(s): 28-21-23-440-075

**CPA 20-004:** An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801; and identified by Assessor's Parcel No(s): 23-20-20-440-100

**CPA 20-005:** An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100

**On September 10, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends September 24, 2020.**

**In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>**

Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801  
TELEPHONE: (509) 667-6225 FAX: (509)667-6475

**NOTICE OF APPLICATION & ENVIRONMENTAL REVIEW**

**Project File No.:** CPA 20-005  
**Project Location:** 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100  
**Applicant/Owner:** Rudy Joya  
**Application Date:** February 27, 2020  
**Determination of Complete:** March 9, 2020  
**Notice of Application Date:** September 10, 2020

**Proposed Project Description:** An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

**Existing Environmental Documents:** State Environmental Policy Act (SEPA) Checklist

**SEPA Review:** Chelan County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used.

**Permits Required:** None known.

**Public Review and Comment Period:** PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED and no action will be taken on the project until the Agency comment period ends on **September 24, 2020**. Agencies, tribes, and the public are encouraged to review and comment on the proposed project. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, and should be as specific as possible. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law. Written comments must be submitted to the Department of Community Development, 316 Washington St., Suite 301 Wenatchee, WA 98801; Attention: Emily Morgan or email [Emily.Morgan@co.chelan.wa.us](mailto:Emily.Morgan@co.chelan.wa.us) for additional information or to review application materials.

***In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link:***

***<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>***



# CHELAN COUNTY

Department of Community Development  
316 Washington Street, Suite 301, Wenatchee, WA 98801  
Telephone: (509) 667-6225 Fax: (509) 667-6475

## DETERMINATION OF APPLICATION STATUS

Pursuant to Title 14, Development Permit Procedures & Administration Section 14.08.030, Determination of Completeness, Chelan County Board of County Commissioners Resolution No. 2004-16, as amended.

**Project Description:** Proposed comprehensive map amendment to change the designation from Rural Residential/Resource – 1 dwelling unit per 5 acres (RR5) to Rural Village (RV)

**File Number:** CPA ~~20-002~~ 20-005  
**Parcel Nos.:** 5900 Webster Way, Cashmere, WA 98815  
**Parcel Zoning:** RR5  
**Applicant/Owner:** Rudy Joya  
**Mailing Address:** 5900 Webster Way, Cashmere, WA 98815  
**Date Submitted:** February 27, 2020  
**Date Completed:** March 9, 2020

Upon initial review, the above referenced application is found to be:

**COMPLETE**

The required components of an application are present and are judged by the review authority to be technically accurate and contain sufficient information necessary to allow the processing of the application(s). All submittal fees have been paid.

Your application has been determined to be complete as of the date of this letter. Pursuant to Chelan County Code Section 14.08.030(5), a Determination of Completeness shall not preclude the department from requesting additional information or studies if the need for more information becomes apparent during processing of the proposed development.

---

**Review Authority:** Kirsten Larsen  
Chelan County Department of Community Development  
316 Washington St., Suite 301, Wenatchee, WA 98801  
Email: kirsten.larsen@co.chelan.wa.us  
Ph.: 509-667-6246 Fax: 509-667-6475

Sincerely,

  
Kirsten Larsen

03/09/2020

## Complete Application Checklist

Sections 14.14.050 and 14.14.060

### COMPREHENSIVE PLAN MAP AMENDMENTS

Separate applications must be submitted for properties under separate ownerships and must contain the following information:

- Application information as outlined in the application including:
  - The name, address and phone number of each person submitting the application; and
  - The name, address and phone number of any agent acting on the owner's behalf, including a notarized authorization form; and
  - The name, address and phone number of all owners with an interest in the affected property;
- Parcel/site information;
- Narrative including:
  - A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended;
  - Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter [36.70A](#) RCW as amended) and any applicable county-wide planning policies;
  - A statement of how the amendment complies with or supports the comprehensive plan's goals and policies;
  - A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria;
  - A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required;
  - Identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation;
  - Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas;
  - How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan;
  - Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare;
- N/A* For any proposed urban growth area boundary changes submitted pursuant to Section [14.14.040](#), a detailed statement describing:
  - That the designated area of expansion is contiguous to an existing UGA; and
  - How the area is characterized by urban growth; and
  - The availability of or plans of urban governmental services; and
  - The compatibility of the proposal with designated natural resource lands and the protection of designated critical areas; and

☐ *That there is insufficient land within the existing urban growth area to permit the urban growth that is forecast to occur in the twenty-year time frame covered by the comprehensive plan, or there can be shown an overriding public interest which shall clearly demonstrate that the amendment of the urban growth area is necessary to protect the health, safety, and welfare;*

- A completed SEPA checklist;
- Application Fees.



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
www.commerce.wa.gov

November 5, 2020

Ms. Catherine Lorbeer, AICP  
Assistant Director  
Chelan County Community Development  
316 Washington Street, Suite 301  
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

**CPA-2020-001, 004 and 005**

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.<sup>1</sup> LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".<sup>2</sup> The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.<sup>3</sup> This is primarily determined by the built environment at that time. A core function of LAMIRDS is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

---

<sup>1</sup> RCW 36.70A.070(5)(d)

<sup>2</sup> RCW 36.70A.070(5)(d)(iv)

<sup>3</sup> RCW 36.70A.070(5)(d)(v)



Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

**CPA 2020-003**

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.<sup>4</sup> The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.<sup>5</sup> Counties "should not review resource lands designations solely on a parcel-by-parcel process".<sup>6</sup> Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

---

<sup>4</sup> United States Department of Agriculture

<sup>5</sup> RCW 36.70A.050 and .060

<sup>6</sup> WAC 365-190-050

Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.<sup>7</sup> The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.<sup>8</sup>

#### **CPA-20-007**

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)<sup>9</sup>. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

---

<sup>7</sup> [Chelan County Comprehensive Plan – Resource Element](#)

<sup>8</sup> [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

<sup>9</sup> [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDS may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer  
November 5, 2020  
Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at [scott.kuhta@commerce.wa.gov](mailto:scott.kuhta@commerce.wa.gov), or 509-795-6884.

Sincerely,



Scott Kuhta, AICP  
Senior Planner  
Growth Management Services

cc: Jim Brown, CD Director, Chelan County  
Steve Roberge, Deputy Managing Director, Growth Management Services  
Dave Andersen, Managing Director, Growth Management Services



**From:** Guy Moura (HSY) <Guy.Moura@colvilletribes.com>  
**Sent:** Monday, October 12, 2020 12:43 PM  
**To:** Wendy Lane; Emily Morgan; SEPA (DAHP)  
**Subject:** RE: Request for Comments – CPA 20-005 Joya – Chelan County Dept. of Community Development

**External Email Warning!** This email originated from outside of Chelan County.

Please be advised that CPA 20-005 Joya is in the Traditional Territory of the Wenatchi Tribe. The Wenatchi Tribe is a constituent tribe of the Confederated Tribes of the Colville Reservation. We are unaware of any archaeological sites on the parcel in question. As the project moves forward, please adhere to the following conditions:

- **Condition 1: Inadvertent Discoveries** - (RCW 68.50.645) - In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his authorized agent shall adhere to all of the requirements of RCW 68.50.645. They shall immediately cease any activity which may cause further disturbance and then take steps to protect the find from further damage or disruption. They shall then contact the county coroner, who will contact the Washington State Department of Archaeology and Historic Preservation (DAHP). DAHP shall contact the Confederated Tribes of the Colville Reservation Tribal Historic Preservation Officer (THPO) at (509) 634-2695 or the Resource Archaeologist at (509) 634-2744 as soon as possible to report the find. The State Physical Anthropologist may also make notification by email. No further work shall be allowed on the project until there is an approved a plan for managing or preserving the remains or items.
- **Condition 2: Post-Review Discoveries** - (RCW 27.53.060) - On the private and public lands of Washington state it is unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly remove, alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, or remove any archaeological object from such site, without having obtained a written permit from the DAHP for such activities. In the event that prehistoric artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, or flakes from the manufacture of tools, fire pits, peeled trees, etc.) or historic-period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or his authorized agent shall cease work immediately within 200 ft. of the find. Then they shall contact the Washington State DAHP to report the find. Then they shall contact the THPO at (509) 634-2695 or the Resource Archaeologist at (509) 634-2744. No further work shall be allowed on the project until there is an approved a plan for managing or preserving the artifacts or features.
- 
- **Condition 3:** Activities that have the potential to disturb cultural resources outside the specified project area should not proceed prior to a cultural resources review of potential adverse effects in the new area.

lim læmt, qeʔciéw'yew, thank you

Guy Moura  
 Manager, History/Archaeology Program  
 Tribal Historic Preservation Officer  
 Confederated Tribes of the Colville Reservation  
 (509) 634-2695



**From:** Wendy Lane [mailto:Wendy.Lane@CO.CHELAN.WA.US]

**Sent:** Thursday, September 10, 2020 9:17 AM

**To:** Bob Plumb; David Spencer; rosa.perez@cdhd.wa.gov; Karina.Alcantar@cdhd.wa.gov; Cindy Grubb; Hankins, Alicia; p\_mosher@ccfd6.net; gjohnson@cashmere.wednet.edu; sepa@dahp.wa.gov; enviroreview@yakama.com; Guy Moura (HSY)

**Subject:** Request for Comments – CPA 20-005 Joya – Chelan County Dept. of Community Development

Good Morning,

Chelan County has a **Comprehensive Plan Map Amendment** application in which we are requesting comments from agencies and special districts. Attached are all the materials for your review and the Notice of Application. Please respond by **5:00 pm on September 24, 2020**.

**Project File No.:** File # CPA 20-005  
**Project Location:** Address and Parcel Number: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100  
**Applicant/Owner:** Name: Rudy Joya  
**Application Date:** Date: February 27, 2020  
**Determination of Complete Date:** Date: March 9, 2020  
**Notice of Application Date:** Date: September 10, 2020

**Proposed Project Description:** An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

**SEPA Review:** The County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

**Application Materials:** Attached to this email or may be found on the Chelan County Public Notice Portal: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

**Return Comments To:** Emily Morgan

Chelan County Department of Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801  
Email: Emily Morgan

Sincerely,

**Wendy Lane**  
Permit Clerk  
Community Development Department



316 Washington Street, Suite 301,  
Wenatchee, WA 98801

Phone: (509) 667-6231 | Fax: (509) 667-6475

[Wendy.Lane@co.chelan.wa.us](mailto:Wendy.Lane@co.chelan.wa.us)

*[The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:](#)*

[CLICK HERE TO TAKE THE SURVEY!](#)

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

September 22, 2020

Emily Morgan  
Chelan County Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801

Re: CPA 20-005

Dear Emily Morgan:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Comprehensive Plan Map Amendment from Rural Residential/Recreational 5 acres to Rural Village, proposed by Rudy Joya. We have reviewed the documents and have the following comments.

**WATER RESOURCES**

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

Additionally, this proposal falls within the Boundaries of WAC 173-545. This basin was assigned reservations water for future beneficial uses as described in WAC 173-545-090. For more information about the reservation accounting please contact Chelan County.

If you have any questions or would like to respond to these Water Resources comments, please contact **Christopher Kossik** at 509-454-7872 or email at [christopher.kossik@ecy.wa.gov](mailto:christopher.kossik@ecy.wa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Gwen Clear".

Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
509-575-2012  
[crosepa@ecy.wa.gov](mailto:crosepa@ecy.wa.gov)

202004712



Karen Carson  
Lyle and Karen Carson Living Trust  
100 Cascade Pl  
Cashmere, WA 98815

RECEIVED

SEP 24 2020

CHELAN COUNTY  
COMMUNITY DEVELOPMENT

Emily Morgan  
County of Chelan Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801

Re: CPA 20-005

Dear Ms. Morgan,

Thank you for the opportunity to provide comment on the proposed Comprehensive Plan Amendment for 5900 Webster Way in Cashmere. I am writing on behalf of my family's interest in the adjacent parcel: 241931940050. This parcel is currently maintained as open space under the Open Space Taxation Act of 1970 and is used as an active commercial pear orchard.

In review of the SEPA checklist and application materials presented by the Joya family, I noticed two areas of concern:

1. Commercial use of the adjacent parcel – the application materials state that this “amendment does not adversely affect lands designated as resource land of long-term commercial significance or critical areas in ways that cannot be mitigated.” I disagree with this interpretation. As aforementioned, our commercial orchard is designated as open space and there are no intentions to remove it from said designation. Approval of this amendment would severely impact our ability to continue farming the land without interruption. Particularly as it relates to pesticide applications which need to be made in a timely fashion for adequate pest control. Increasing the density of the neighboring parcel also increases the notification requirements when spraying said pesticides, jeopardizing our ability to farm within the required timeframes. The RV designation is not clear on the density limitations.
2. Comprehensive Plan Consistency – while the application materials show that our parcel is zoned RR5, many of the questions are answered throughout the application as if the adjacent lands are all RV. This is misleading as only one of the adjacent property lines has the RV designation. The remainder are public or RR-5. A more appropriate zoning designation for the Joya parcel may be something like RR-2.5 or RR-1. This transition would be a more natural flow into the surrounding parcels with lower density requirements.

Thank you again for the opportunity to provide comment. I look forward to discussing this with you further should you have any questions.

Sincerely,



Karen Carson  
[Lncknc1@gmail.com](mailto:Lncknc1@gmail.com)  
(509) 470-7808

**Wendy Lane**

---

**From:** Wendy Lane  
**Sent:** Thursday, September 10, 2020 9:17 AM  
**To:** +DCE Bob Plumb; David Spencer; 'rosa.perez@cdhd.wa.gov'; 'Karina.Alcantar@cdhd.wa.gov'; Cindy Grubb; 'Hankins, Alicia'; 'p\_mosher@ccfd6.net'; 'gjohnson@cashmere.wednet.edu'; 'sepa@dahp.wa.gov'; 'enviroreview@yakama.com'; 'guy.moura.hsy@colvilletribes.com'  
**Subject:** Request for Comments – CPA 20-005 Joya – Chelan County Dept. of Community Development  
**Attachments:** CPA 20-005 Joya Application Materials.pdf

Good Morning,

Chelan County has a **Comprehensive Plan Map Amendment** application in which we are requesting comments from agencies and special districts. Attached are all the materials for your review and the Notice of Application. Please respond by **5:00 pm on September 24, 2020.**

**Project File No.:** File # CPA 20-005  
**Project Location:** Address and Parcel Number: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100  
**Applicant/Owner:** Name: Rudy Joya  
**Application Date:** Date: February 27, 2020  
**Determination of Complete Date:** Date: March 9, 2020  
**Notice of Application Date:** Date: September 10, 2020

**Proposed Project Description:** An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

**SEPA Review:** The County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

**Application Materials:** Attached to this email or may be found on the Chelan County Public Notice Portal: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

**Return Comments To:** Emily Morgan

Chelan County Department of Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801  
Email: Emily Morgan

Sincerely,

**Wendy Lane**



**Permit Clerk**  
Community Development Department



316 Washington Street, Suite 301,  
Wenatchee, WA 98801  
Phone: (509) 667-6231 | Fax: (509) 667-6475  
[Wendy.Lane@co.chelan.wa.us](mailto:Wendy.Lane@co.chelan.wa.us)

*The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:*  
[CLICK HERE TO TAKE THE SURVEY!](#)

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.



**Catherine Lorbeer**

---

**From:** Catherine Lorbeer  
**Sent:** Tuesday, October 20, 2020 8:30 AM  
**To:** Sheryl Stansell  
**Subject:** RE: CPA 20-005

Hi Sheryl,

We've added you to the Planning Commission (PC) agenda mailing list. The upcoming PC workshop is scheduled for October 28<sup>th</sup> starting at 6 PM. It's not the public hearing so it will entail staff describing each Comprehensive Plan Amendment request. The public hearing is tentatively scheduled for November 18<sup>th</sup>.

Here's the link to the October 28 PC packet:

<https://www.co.chelan.wa.us/files/community-development/archives/planning-commission/2020/10%20October%202020/October-28-2020-PC-Agenda-Packet.pdf>

Please let me know if you have any questions.

Sincerely,

**Catherine Lorbeer**

*Assistant Director, AICP*

*Chelan County Community Development*



*316 Washington Street, Suite 301  
Wenatchee, WA 98801  
Phone: (509) 667-6246  
Main office: (509) 667-6225  
[Catherine.Lorbeer@co.chelan.wa.us](mailto:Catherine.Lorbeer@co.chelan.wa.us)*

**From:** Sheryl Stansell <stansell253@gmail.com>  
**Sent:** Friday, October 9, 2020 5:55 AM  
**To:** Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>  
**Subject:** Re: CPA 20-005

---

**External Email Warning!** This email originated from outside of Chelan County.

---

Thanks Catherine,

Please email me when the planning commission has been scheduled.

Best,  
Sheryl

On Thu, Oct 8, 2020 at 11:06 AM Catherine Lorbeer <[Catherine.Lorbeer@co.chelan.wa.us](mailto:Catherine.Lorbeer@co.chelan.wa.us)> wrote:

Hi Sheryl,

Thank you for your email. The public hearing for CPA 20-005 has not yet been scheduled for Planning Commission review. However, upcoming agendas and meeting information may be found at this link: <https://www.co.chelan.wa.us/community-development/pages/planning-commission>

This webpage includes the details of the virtual meeting. Give us a call if you have questions about joining a Zoom meeting.

The Board of County Commission meeting link may be found here: <https://www.co.chelan.wa.us/board-of-commissioners/pages/join-the-commissioners-meeting>

We will also add your email to our list of interested parties. Please let me know if you have any questions or comments about the proposal. The application materials may be found here: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

Sincerely,

**Catherine Lorbeer**

*Assistant Director, AICP*

*Chelan County Community Development*



*316 Washington Street, Suite 301*

*Wenatchee, WA 98801*

*Phone: (509) 667-6246*

*Main office: (509) 667-6225*

*[Catherine.Lorbeer@co.chelan.wa.us](mailto:Catherine.Lorbeer@co.chelan.wa.us)*

**From:** Sheryl Stansell <[stansell253@gmail.com](mailto:stansell253@gmail.com)>  
**Sent:** Tuesday, October 6, 2020 12:12 PM  
**To:** Catherine Lorbeer <[Catherine.Lorbeer@CO.CHELAN.WA.US](mailto:Catherine.Lorbeer@CO.CHELAN.WA.US)>  
**Subject:** CPA 20-005

**External Email Warning!** This email originated from outside of Chelan County.



Hi there,

My name is Sheryl Carson and I am writing in regards to the proposed Comprehensive Plan Amendment 20-005. I would like to be made aware of the dates this amendment is being presented to the Planning Commission and subsequently, the County Board of Commissioners. Particularly, I would like to be instructed on how to attend these public meetings virtually and how to submit for public comment.

Thank you in advance for your assistance.

Sheryl



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**2020 Comprehensive Plan Text Amendment**  
**Staff Report**

**TO:** Chelan County Planning Commission  
**FROM:** Chelan County Community Development  
**HEARING DATE:** November 18, 2020  
**FILE NUMBER:** CPA 20-007, SSRT Text Amend

---

**RECOMMENDED MOTION**

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report.

Staff recommends Options 1 and 2 below:

Option 1: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 4 related to the allowances for small-scale recreational tourist activities, specifically in the Commercial Agricultural (AC) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

Option 2: Move to recommend **approval** of the Comprehensive Plan Amendment to change Chapter 3, specifically by replacing “intensification of existing development or new development” with “infill, development, or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Waterfront (RW) and Rural Recreational/Residential (RRR) land use designations/siting criteria; and by replacing “intensification of existing” with “infill, development, or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Village (RV) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

Option 3: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 3 and Chapter 4 related to the allowances for small-scale recreational tourist activities, and direct Staff to conduct additional research on Type 1 and Type 2 Limited Areas of More Intensive Rural Development (LAMIRDs) for consistency with the intent of the Growth Management Act (GMA) and with guidance in the Washington Administrative Code (WAC); and if necessary, bring back recommended language changes to the Comprehensive Plan and Chelan County Code in next year’s docket.

**GENERAL INFORMATION**

<b>Planning Commission Workshop</b>	October 28, 2020
<b>Notice of Application to Interested Parties</b>	September 10, 2020
<b>Planning Commission Notice of Hearing Published</b>	November 7, 2020
<b>Planning Commission Hearing on</b>	November 18, 2020



<b>60-day State agency review</b>	Received September 17, 2020 with comment period ending November 16, 2020
-----------------------------------	--

**SEPA Environmental Review**

The proposed Comprehensive Plan Text Amendment is exempt per WAC 197-11-800(19)(b).

**Agency Comments:**

The Department of Commerce provided comments, dated November 5, 2020, stating that given the complexity of the issue, they recommend that the County take more time to consider amendments to the comprehensive plan text. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations. Refer to Attachment 1 for full comment letter.

**Public Comments:**

Name	Date Received	Nature of Comment
Tyler and Raye Evans	September 29, 2020	Object to any re-interpretation of Comprehensive Plan that would allow Small Scale Recreation Tourist (SSRT) uses in areas zoned for Commercial Agriculture.
Frank McKenney	September 30, 2020	Whatever is changed in the Comprehensive Plan should not allow previous proposals for SSRT in Commercial Agriculture near his property.
Scot and Robyn Teichner	October 2, 2020	Oppose changing the Comprehensive Plan and expressed concerns about a previous proposal near their property.
Debbie and Bob Neudorfer	October 2, 2020	Object to any re-interpretation of Comprehensive Plan that would allow Small Scale Recreation Tourist (SSRT) uses in areas zoned for Commercial Agriculture and expressed concerns about a previous proposal near their property.
Comment submitted by 40 community members.	October 27, 2020	Do not support amending the Comprehensive Plan and ask that it prohibit new uses in areas zoned Commercial Agriculture. Protect our agriculture zoned properties.
Manson Community Council	October 27, 2020	Do not believe there is any error in the existing Comprehensive Plan or County Code. Existing zoning criteria is consistent and compatible with the goals of the Comprehensive Plan.

**PROJECT DESCRIPTION – CPA 20-007 – SMALL SCALE RECREATIONAL TOURIST USES TEXT AMENDMENT**

**Proposal:** Chelan County has initiated a Comprehensive Plan text amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations. Due to geographic limitations, it is common for rural areas to have isolated commercial or tourist activities. These areas provide residents and tourists with necessary services, reduce travel demands on limited roadways, and provide local areas with employment opportunities. This proposed text amendment will allow the public to evaluate the Comprehensive Plan for consistency as to how to support new small-scale recreation or tourist uses.

It is important to emphasize that the Comprehensive Plan is the tool that informs decisions and drives implementation of the Zoning Code, not vice versa. Depending on how the proposed CPA text amendment

is resolved, changes to the zoning code may be appropriate. Any changes to the Zoning Code must be consistent with the Comprehensive Plan.

The County land use designations are be grouped as Rural, LAMIRD, Resource and Urban Growth Area. Chapter 3 is the Rural Element of the Comprehensive Plan and addresses the siting criteria for Rural and LAMIRD designations that are implemented through the zoning map. Chapter 4 is the Resource Element and addresses siting criteria for Resource designations.

In each chapter, uses appropriate to each land use designation are listed. In particular, such uses may include intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include new residential component. However, some of the siting criteria contains the language “or new development” of small-scale recreational or tourist uses.

The table below shows how language is currently adopted and is also shown in Attachment 3 File of Record, along with background information. The underlined language in *italics* and with strike-throughs shows how the text might be amended.

Land Use Designation	Current Language in Chapter 3, Rural Element	Page No.
RR20	intensification of existing small-scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component;	7
RR10, RR5, RR2.5, RP	intensification of existing development or new development of small-scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component;	8, 9, 10
Type 1 LAMIRD	... are described as rural development consisting of existing and potential infill of commercial, industrial, residential, or mixed use, whether characterized as shoreline developments, villages, hamlets, rural activity centers, or crossroads developments.	11
Type 2 LAMIRD	...are an intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses that rely on a rural location and setting.	12
RW (Type 1 LAMIRD)	<del>intensification of existing development or new development</del> <u>infill, development, or redevelopment of existing areas</u> of small-scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component;	13
RRR (Type 1 LAMIRD)	<del>intensification of existing development or new development</del> <u>infill, development, or redevelopment of existing areas</u> of small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component;	14
RV (Type 1 LAMIRD)	<del>intensification of</del> <u>infill, development, or redevelopment of existing areas of</u> small-scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component;	15
RC (Type 1, 2 and 3 LAMIRD)	...; tourist or recreational uses;	16
Land Use Designation	Current Language in Chapter 4, Resource Element	Page No.
AC	intensification of existing small-scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component;	2
FC	intensification of existing development or the development of new small-scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development;	13

## COMPREHENSIVE PLAN

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. For the county-initiated text amendments, the merits of the requested change must be demonstrated as being consistent with adopted goals and policies.

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-007:

LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.

RE 2.3: Ensure that rural development (residential, commercial and industrial) near designated resource lands occurs in a manner that minimizes potential conflicts and reduces conversion of farm and forest land to non-resource uses. Develop mitigating measures to provide adequate protection against potential conflicts.

RE 3.9: Allow the infill, development, and redevelopment of existing intensely developed rural areas where consistent with the goals and policies of the comprehensive plan, including recreational, residential, mixed-use, and shoreline developments.

RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed- use areas, should be principally designed to serve the existing and projected rural population.

RE 6.2: Apply development standards in LAMIRDs to ensure the design of development or redevelopment is consistent with the character of the existing areas and the proposed use conforms to the intent of this Comprehensive Plan.

AL 1.4: Conserve agricultural lands for productive economic use by identifying and designating agricultural resource lands whose principal and preferred land use is commercial agricultural resource management.

## REVIEW CRITERIA

The proposals were analyzed based on information provided as background or when readily available, within existing County resources. While each application may or may not have met all the criteria, the applications must be weighed by their individual and collective impacts. Additionally, agency and public comment play a role in understanding how the amendment may advance the Comprehensive Plan goals and policies and how it may serve the general public's interest.

Pursuant to Chelan County Code (CCC) Section 14.14.047, the following general review criteria were used to evaluate the proposed text amendment. Agency and public comments have been incorporated as appropriate.

1. *The proposal is necessary to address a public land use issue or problem; and*

Finding of Fact: The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some land use categories allow "intensification" of existing small-scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses. The Comprehensive Plan description for Rural Waterfront (RW), Rural Recreational/Residential (RRR) and Rural Village (RV) designations, which are Type 1 LAMIRDs, allow for the "intensification of development". However, this is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

Conclusion: The proposed text amendment will allow the public to evaluate the Comprehensive Plan for consistency as to how to support new small-scale recreation or tourist uses.

2. *The proposed amendment is consistent with the requirements of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and*

Finding of Fact: The Growth Management Act allows counties to plan for isolated pockets of more intense development in the rural area. These are referred to in the Act as LAMIRDs. Existing LAMIRD designations in the Comprehensive Plan are updated as necessary to be consistent with the Growth Management Act (GMA) provisions for Rural Elements in RCW 36.70A.070(5) and Washington Administrative Code (WAC) 365-196-425.

The GMA permits the development, redevelopment and infill of existing intensely developed rural areas known as Type 1 LAMIRDs although new development may occur in some Type 2 and 3 LAMIRDs. Type 1 LAMIRDs are isolated areas that may be characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

To be consistent with the GMA provisions for Type 1 LAMIRDs, the recommended text change to Chapters 3 would specifically replace “intensification of existing development or new development” with “infill, development, or redevelopment of existing areas” of small-scale recreation or tourist uses within the Rural Waterfront (RW) and Rural Recreational/Residential (RRR) land use designations/siting criteria; and would replace “intensification of existing” with “infill, development, or redevelopment of existing areas” of small-scale recreation or tourist uses within the Rural Village (RV) land use designations/siting criteria.

Also, for consistency with GMA provisions concerning agricultural resource lands, no text changes are recommended to Chapter 4, related to the allowances of small-scale recreational tourist activities, specifically in the Commercial Agricultural (AC) land use designations/siting criteria.

Agency comments from the Department of Commerce explain that the Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations; however, Commerce advises that this is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDS may not allow for intensification of existing uses.

County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.

Conclusion: The proposal would be consistent with the GMA goals and with County-wide Planning Policies.

3. *The text amendment complies with or supports the comprehensive plan’s goals and policies, or how amendment of the plan’s goals or policies is supported by changing conditions or state or federal mandates; and*

Finding of Fact: The recommended text amendment to Chapter 3 would support Policies LU 1.5, RE 3.9, RE 6.1. and RE 6.2. Many vacant and underdeveloped parcels of land are available within existing intensely developed rural areas that can accommodate further infill or redevelopment. Infill within these areas will allow public facilities and services to be provided in a more efficient manner. LAMIRDs include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate. Requiring infill or redevelopment within LAMIRD designations to match the character of the existing areas ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.

The recommendation for no text changes to Chapter 4 would support Policy RE 2.3. The close proximity of rural lands to resource lands is unavoidable. The presence of these resource activities such as agricultural production adds to the character of these rural lands. However, many activities which take place on these agricultural resource lands are not compatible with other activities, especially residential uses. The conservation of these resource lands may be jeopardized by development which is not sensitive to the activities that characterize a resource-based land use; therefore, adding "new development" of small-scale recreational tourist uses would not be consistent with the GMA or Comprehensive Plan goals and policies.

Conclusion: As recommended by staff, the text amendment to Chapter 3 would be consistent with and support the goals and policies of the Chelan County Comprehensive Plan; and no text changes to Chapter 4 would also be consistent with and support the goals and policies of the Chelan County Comprehensive Plan.

4. *The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and*

Finding of Fact: The GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production. The Chelan County comprehensive plan allows for the intensification of existing small-scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs.

Agency comments emphasize that development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. Additionally, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes.

Numerous public comments expressed opposition to any re-interpretation of Comprehensive Plan text that would allow Small Scale Recreation Tourist (SSRT) uses in areas zoned for Commercial Agriculture (AC).

Conclusion: As recommended by staff, the text amendment to Chapter 3 and no text changes to Chapter 4 would not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.

5. *The proposed amendment would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare.*

Finding of Fact: The overarching objectives of the GMA and the County, with respect to rural land uses, are to protect rural character and to maintain the economic viability of agriculture, forestry and mining. Two critical factors of public interest to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands are: 1) Are the changes consistent with rural character as defined by the County? and 2) Will the changes interfere with resource lands production?

The proposed text amendment to Chapter 3 would be consistent with the Chelan County's rural character, where a pattern of rural living with larger lot sizes used for residential living and often agricultural activities or clustered lots with large areas of protected open space. Rural character includes isolated pockets of more intense commercial and recreational development. Making no changes to Chapter 4 would avoid interference with resource land production.

Conclusion: As recommended by staff, the text amendment to Chapter 3 and no text changes to Chapter 4 would serve the public interest.



## FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 SEPA Rules have been satisfied. The proposed Comprehensive Plan Text Amendment is exempt per WAC 197-11-800(19)(b).
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on September 17, 2020, submittal ID No. 2020-S-1793 (Attachment 2), pursuant to RCW 36.70A.106.
6. A request for a Comprehensive Plan Text Amendment was submitted by Chelan County has initiated a Comprehensive Plan text amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations.
  - a. As recommended by staff, the proposed changes are consistent with the Chelan County Comprehensive Plan as outlined in this staff report.

## CONCLUSIONS OF LAW

1. The amendments to the Chelan County Comprehensive Plan are consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendments are necessary to address a public land use issue or problem.
3. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
4. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
5. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
6. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11 SEPA Rules have been satisfied.

## STAFF RECOMMENDATION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report.

Staff recommends Options 1 and 2 below:

- Option 1: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 4 related to the allowances for small-scale recreational tourist activities, specifically in the Commercial Agricultural (AC) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.
- Option 2: Move to recommend **approval** of the Comprehensive Plan Amendment to change Chapter 3, specifically by replacing “intensification of existing development or new development” with “infill, development, or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Waterfront (RW) and Rural Recreational/Residential (RRR) land use designations/siting criteria; and by replacing “intensification of existing” with “infill, development,

or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Village (RV) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

Option 3: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 3 and Chapter 4 related to the allowances for small-scale recreational tourist activities, and direct Staff to conduct additional research on Type 1 and Type 2 Limited Areas of More Intensive Rural Development (LAMIRDs) for consistency with the intent of the Growth Management Act (GMA) and with guidance in the Washington Administrative Code (WAC); and if necessary, bring back recommended language changes to the Comprehensive Plan and Chelan County Code in next year’s docket.

## **ATTACHMENTS**

1. Agency Comment dated November 5, 2020 from the WA Dept. of Commerce
2. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
3. File of Record for CPA 20-007



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

November 5, 2020

Ms. Catherine Lorbeer, AICP  
Assistant Director  
Chelan County Community Development  
316 Washington Street, Suite 301  
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

**CPA-2020-001, 004 and 005**

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.<sup>1</sup> LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".<sup>2</sup> The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.<sup>3</sup> This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

---

<sup>1</sup> RCW 36.70A.070(5)(d)

<sup>2</sup> RCW 36.70A.070(5)(d)(iv)

<sup>3</sup> RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

### **CPA 2020-003**

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.<sup>4</sup> The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.<sup>5</sup> Counties "should not review resource lands designations solely on a parcel-by-parcel process".<sup>6</sup> Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

---

<sup>4</sup> United States Department of Agriculture

<sup>5</sup> RCW 36.70A.050 and .060

<sup>6</sup> WAC 365-190-050

Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.<sup>7</sup> The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.<sup>8</sup>

### **CPA-20-007**

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)<sup>9</sup>. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

---

<sup>7</sup> [Chelan County Comprehensive Plan – Resource Element](#)

<sup>8</sup> [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

<sup>9</sup> [RCW 36.70A.070](#) and [WAC 365-196-425](#)



Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer

November 5, 2020

Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at [scott.kuhta@commerce.wa.gov](mailto:scott.kuhta@commerce.wa.gov), or 509-795-6884.

Sincerely,

A handwritten signature in blue ink that reads "Scott Kuhta". The signature is written in a cursive, flowing style.

Scott Kuhta, AICP

Senior Planner

Growth Management Services

cc: Jim Brown, CD Director, Chelan County  
Steve Roberge, Deputy Managing Director, Growth Management Services  
Dave Andersen, Managing Director, Growth Management Services



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

09/17/2020

Ms. Catherine Lorbeer  
Assistant Director  
Chelan County  
316 Washington Street Suite 301  
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2020-S-1793--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lorbeer:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

**1) Rural Residential/Recreational 5 acres and Rural Residential/Recreational 10 acres to Rural Recreational/Residential; 2) Commercial Agricultural Lands to Rural Residential/Recreational 2.5 acres; 3) Rural Residential/Recreational 5 acres to Rural Village; 4) Rural Residential/Recreational 5 acres to Rural Village; 5) Chapter 3 and 4 related to small-scale recreational tourist activities**

We received your submittal on 09/17/2020 and processed it with the Submittal ID 2020-S-1793. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/16/2020.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Scott Kuhta, (509) 795-6884.

Sincerely,

Review Team  
Growth Management Services

## Chapter 3 RURAL ELEMENT

### I. Introduction

The Growth Management Act (GMA) requires a Rural Element in the County's comprehensive plan. The Rural Element contains goals and policies to guide the development of rural land including the identification of the general types of uses to be permitted. Rural lands are all lands not designated for urban growth, or agriculture, forest or mineral resource lands.

The GMA recommends providing for a variety of residential densities at levels that are consistent with the preservation of rural character and the requirements of the Rural Element. The Rural Element provides guidance on appropriate land uses and densities for Chelan County's rural areas. Rural governmental services should be provided at a level necessary to support and sustain the land use pattern planned for rural areas. Rural governmental services should not provide the level of service which promotes growth or sprawl in rural areas. The Growth Management Act provides the following definitions of rural development, rural character and rural governmental services:

- A. Rural development refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.
- B. Rural governmental services or rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).
- C. Rural character refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:
  1. In which open space, the natural landscape, and vegetation predominate over the built environment;
  2. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;



3. That provide visual landscapes that are traditionally found in rural areas and communities;
4. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
5. That generally do not require the extension of urban governmental services; and
6. That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

## II. Intent

It is the intent of this Rural Element to preserve the rural character and way of life in the rural area, and to protect private property rights while considering impacts to the environment of Chelan County.

As noted in the Land Use Element, the majority of land within the County is in Federal or State ownership, and is therefore considered unbuildable within the planning horizon of this plan.

As documented in the Parks and Recreation Element, the Federal and State lands provide the County with one of the largest rural and natural park lands, these include: Glacier Peak Wilderness, Lake Chelan Sawtooth Wilderness, Wenatchee National Forest, Alpine Lakes Wilderness, Henry M Jackson Wilderness, North Cascades National Park and Lake Chelan National Recreation Area. These very large wilderness and park areas are not expected to develop but rather enhance the character of the County as a recreation and natural resource to locals and visitors.

In addition to Chelan County's rural character being dominated by park lands, Chelan County has a history of agricultural uses - primarily orchards of various sizes, residential rural living; forest practices, rural industrial activities, mining and small town settlements. Over the last ten years, some areas have transitioned to vineyards, wineries, smaller-scale agricultural production and agricultural and recreational tourism.

Within the Land Use Element each region of the County has been defined by the unique characteristics and rural character, including innovative tools for development. The goals and policies in the Rural Element are to guide land use activities in and surrounding rural lands. Goals and policies have been developed for the preservation of the rural character by:

- Containing or otherwise controlling rural development;
- Assuring visual compatibility of rural development with the surrounding rural area;
- Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- Protection of critical areas, surface water and ground water resources; and,
- Protecting against conflicts with the use of agricultural, forest, and mineral resource lands of long-term commercial significance, see Resource Element.

The County land use designations can be grouped as Rural, LAMIRD, Resource and Urban Growth Area. This Element addresses the siting criteria and Goals and Policies of the Rural and LAMIRD designations. Additionally, each designation is broadly defined with intended uses and densities under the siting criteria. Services for the rural lands are addressed in the Capital Facilities and Utilities Elements.

*Rural designations include: Rural Residential/Resource 2.5, 5, 10 and 20*

*LAMIRD designations include: Rural Waterfront; Rural; Rural Village; Rural Recreational/Residential; Rural Commercial; and, Rural Industrial*

### III. Goals and Policies – Rural Designations

#### **Goal RE 1: Maintain a balance between human uses and the natural environment in rural areas of the County.**

Rationale: Residents who choose to live in the rural areas need to realize that their lifestyle has an impact on the natural environment and efforts need to be made to find and maintain a balance between human activity and the natural environment.

Policy RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.

Rationale: Wildlife habitat and open space are all land uses which are typically located in rural areas and are an important part of the reason why people choose to live in a rural setting. Therefore, development may occur when suitable mitigation is provided to address impacts to Critical Areas existing in rural lands.

Policy RE 1.2: Uses not specifically addressed or prohibited in the comprehensive plan are not automatically allowed and should be reviewed on their own merits for compatibility with existing goals and policies.

Rationale: Should there be a new land use or an innovative technique towards the management of growth, they can be reviewed during the annual review process to analyze their compatibility with existing goals and policies of the plan.

Policy RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.

Rationale: The rural areas of Chelan County contain a variety of land uses and densities that comprise the rural character of the area. Continuing this pattern, will help to maintain and enhance this rural character.

Policy RE 1.4: Essential public facilities and/or services should be sited and developed in a manner that maintains the rural character of the area. Essential public facilities and/or services are appropriate for location in rural areas when suitable mitigation is provided.

Rationale: Essential public facilities and/or services should not compromise the goal of the Rural Lands.

#### **Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.**

Rationale: There is value in rural lands that have in the economic vitality, rural lifestyles, and healthy environments.

Policy RE 2.1: Review rural development applications to determine the potential for groundwater contamination.

Rationale: Preventing groundwater contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm.

Policy RE 2.2: Rural development should not preclude use of rural lands for agriculture and timber production and should avoid or mitigate impacts on existing agriculture or timber operations.

Rationale: Productive agriculture and timber lands exist in the rural areas. Potential negative impacts to these lands from more intense land uses should be avoided through the application of appropriate mitigation measures and/or the use of innovative techniques.



Policy RE 2.3: Ensure that rural development (residential, commercial and industrial) near designated resource lands occurs in a manner that minimizes potential conflicts and reduces conversion of farm and forest land to non-resource uses. Develop mitigating measures to provide adequate protection against potential conflicts.

Rationale: The close proximity of rural lands to resource lands is unavoidable. The presence of these resource activities such as forests and agricultural production adds to the character of these rural lands. However, many activities which take place on these resource lands are not compatible with other activities, especially residential uses. Since the conservation of these resource lands may be jeopardized by development which is not sensitive to the activities that characterize a resource based land use; it is important to provide mitigating measures that will provide an adequate transition area between potentially conflicting land uses.

Policy RE 2.4: Encourage the preservation and protection of unique, rare and fragile natural features, scenic vistas, unstable bluffs, and culturally significant features.

Rationale: These features contribute to the character and attractiveness of the rural area. Their preservation enhances the openness and aesthetic quality of the area. The use of voluntary incentives including the Chelan County Public Benefit Rating System used in evaluating applications for current use taxation of property under the Open Space Program and clustering provisions will help to encourage the preservation and protection of these areas.

Policy RE 2.5: When open space areas are provided in a development, provisions shall be made to identify: who owns the open space, what uses or activities will be permitted on it, how the area will be maintained, and whether public access will be provided. This information shall be contained on the face of the plat.

Rationale: One of the drawbacks of providing open space is determining how it should be managed. It is important to establish this at the design stage so everyone is clear on their responsibilities. When the information is noted on the face of the plat, all subsequent property owners will be aware of the open space provisions.

Policy RE 2.6: To achieve a variety of rural densities and uses, allow for development clustering, density transfer, design guidelines, conservation easements, and other innovative techniques to accommodate growth consistent with rural character.

Rationale: The amount of privately owned developable land in the County is limited. Innovative techniques can provide for rural development while protecting the rural character of the County.

Policy RE 2.7: Protect local environmental and visual resources in hillside areas by encouraging development to locate on existing benches and terraces and by applying appropriate development standards and performance criteria.

Rationale: Hillside residential development offers a number of potential advantages, if properly established. If hillsides are to be both used and enjoyed by present and future residents of the area, development policies must include soundly based standards and performance criteria, yet have sufficient flexibility to fit varied environmental conditions.

Policy RE 2.8: Protect hillside areas from erosion by requiring development to adequately capture storm drainage and avoid duplication of road systems.

Rationale: Road cuts impact on the visual quality of hillsides and are a source of erosion and shall be minimized.

**Goal RE 3: Develop at densities such that demands will not be created for urban levels of public services and facilities in rural areas.**

Goal Rationale: Development in rural areas should not be at densities which require urban levels of service. Development at lower densities will also help protect the rural quality of life.

Policy RE 3.1: Provide government services in non-urban areas at a limited level appropriate to the rural setting, including police, fire, roads, and general utilities.

Rationale: Limited public facilities and services will be provided to persons living and working in rural areas. Urban levels of services should not extend beyond urban growth areas, except where provided for under the Growth Management Act.

Policy RE 3.2: Permit development of rural areas adjacent to urban growth areas at densities that will allow for orderly extension of urban utilities and services as urban growth areas expand in the future.

Rationale: Land that is immediately adjacent to an urban growth area is unique in that it has a greater potential to eventually develop at higher densities. Therefore, it is appropriate that these lands develop at an appropriate rural density so that when they do obtain the opportunity to develop in an UGA, they will permit the orderly extension of public utilities.

Policy RE 3.3: Promote orderly expansion of urban facilities and infrastructure by including rural areas adjacent to urban growth areas with capital facilities and transportation plans. These plans should try to anticipate, where appropriate, where future additional infrastructure and facilities will be sited.

Rationale: Anticipation of future siting needs for facilities and infrastructure will help ensure the orderly expansion of urban growth areas.

Policy RE 3.4: Promote use of innovative site designs that employ alternatives to conventional on-lot wastewater disposal systems.

Rationale: Innovative site designs can take advantage of alternative wastewater systems such as community drain-fields within open space areas which may be effective in reducing potential failures and contamination of water sources.

Policy RE 3.5: Where consistent with State and local requirements, encourage innovative site designs that utilize community water systems.

Rationale: Innovative site designs can provide an affordable option for rural residential development since many of the site improvement costs and restrictions associated with individual wells can be distributed equally between all the home sites.

Policy RE 3.6: Develop fire protection standards for all commercial, industrial and residential development in rural areas, including, but not limited to, use of fire retardant building materials, access to on-site water bodies (lake, ponds, cisterns, pools, etc), and firewise vegetation removal or fire breaks.

Rationale: Rural development depends upon adequate safety standards to protect life and property in rural areas.

Policy RE 3.7: Seek input from rural fire districts and the County Fire Marshal on design standards for adequate ingress and egress to new developments to address fire safety issues.

Rationale: To provide adequate escape routes for residents and emergency vehicles.

Policy RE 3.8: Appropriate rural densities and designations should be applied which maintain the rural character, accommodate rural population projections and can be provided with rural services within the constraints of the County Budget and Capital Facility Plan.

Rationale: In order to plan for and fund the proper size and extent of supporting public facilities, utilities and services, the density and extent of future development areas must be specified.

Policy RE 3.9: Allow the infill, development, and redevelopment of existing intensely developed rural areas where consistent with the goals and policies of the comprehensive plan, including recreational, residential, mixed-use, and shoreline developments.

Rationale: Rural recreational developments provide the opportunity for residential development, multiple uses of a recreational area, and innovative techniques to meet the needs and desires of the public to live and recreate in rural areas, with access or close proximity to natural amenities.

Policy RE 3.10: Necessary public facilities and public services may be provided for the development, infill, and redevelopment of existing intensely developed residential, mixed use, shoreline, commercial and industrial areas outside of urban growth areas. Provision of such services shall not be provided in a manner which permits low density sprawl outside of the boundary of the designation area.

Rationale: This policy recognizes the existence of intensely developed areas in rural lands and provides for the provision of necessary public facilities and services.

**Goal RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.**

Rationale: The comprehensive plan provides for a range of rural economic activities including: rural agriculture, forestry, and mineral resource industries as well as a range of rural development opportunities consistent with the Growth Management Act.

Policy RE 4.1: Permit rural development of small scale recreational, tourist, and resort uses that rely on a rural location and setting, including commercial facilities to serve such uses, provided they do not include new residential development and are otherwise consistent with other goals and policies of this plan.

Rationale: These uses are appropriate in rural areas when it can be demonstrated that they are compatible with the goals and policies of the comprehensive plan. Public services and public facilities shall be limited to those necessary to serve the recreational or tourist use and shall be provided in a manner that does not permit low density sprawl.

Policy RE 4.2: Additional commercial centers or activities may be considered in existing rural activity centers, villages, hamlets, or crossroad developments in the rural area during the yearly amendment process for the comprehensive plan when consistent with RCW 36.70A.070(5) and the goals and policies of the comprehensive plan.

Rationale: Limited commercial development may be appropriate in some rural areas to meet the needs of residents and visitors.

Policy RE 4.5: Encourage new visitor facilities and services, consistent with the national mandate for recreation and visitors in the Lake Chelan National Recreation Area and in coordination with the General Management Plan for the Lake Chelan National Recreation Area.

Rationale: Growth of the state and all associated areas indicates increased visitor use for Stehekin. Tastefully constructed and environmentally sensitive installations to support the increased number of visitors are required and desired.

Policy RE 4.6: MPRs may be considered within rural areas when consistent with the provisions of the comprehensive plan and RCW 36.70A.360.

Rationale RCW 36.70A.040 requires all land use regulations to be consistent with and implement the adopted comprehensive plan.

**Goal RE 5: Support RCW 17.10 purpose to limit economic loss and adverse effects to Washington's agriculture, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the State.**

Policy RE 5.1: Encourage public awareness and removal of noxious weeds through the Chelan County Noxious Weed Department and Control Board.

#### **IV. Designations/Siting Criteria – Rural:**

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

##### ***A. RR20, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 20 ACRES***

Purpose: To allow for low intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure. These areas provide greater opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per twenty (20) acres.

Locational Guidelines:

1. Geographical and Geological Characteristics. These areas tend to be remote or have been historically rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Large tracts of undeveloped, open space exist.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require extension or provision of urban level services. In many cases public roads or infrastructure are not available to serve the area, and may not be available in the 20 year planning period.

4. Existing Land Uses. Dispersed single family residences, farms or forest management activities, and other low intensity rural development may be present. Predominant parcel sizes are 20 acres or greater.

#### ***B. RR10, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 10 ACRES***

Purpose: To allow for rural development, forestry and agricultural uses consistent with the rural character and rural development provisions outlined in the goals and policies of the comprehensive plan. These areas can function as areas of transition between resource lands and areas of more intense rural or urban development. These areas also provide opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide for job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per ten (10) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics. The area is predominantly rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Significant areas of undeveloped open space may exist.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require the extension or provision of urban level services. These areas are rural in character and may have access or limited access to rural governmental services and infrastructure. These areas may have the potential to be provided with rural governmental services within the 20 year planning period.
4. Existing Land Uses. Dispersed single family residences, farms or forest management activities and other rural development may be present. Predominant parcel sizes are 10 acres or larger.

#### ***C. RR5, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 5 ACRES***

Purpose: Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth

areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per five (5) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics. The area is predominantly rural in character. Soil characteristics or other physical constraints to development may also be present. Some areas of undeveloped, open space may exist. The area may also be adjacent to designated urban growth areas.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require extension or provision of urban level services. Rural governmental services are available or may be provided for within the 20 year planning period.
4. Existing Land Uses. Dispersed single family residences, farms or forestry uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are 5 acres or larger.

#### ***D. RR2.5, RURAL RESIDENTIAL: 1 DWELLING UNIT PER 2.5 ACRES***

Purpose: To maintain the range of rural development opportunities consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas can provide buffering or transitions between existing rural developments and areas of higher or lower densities. This designation should not function as an urban reserve area, although these areas may someday be incorporated into an urban growth area.

Uses appropriate for these areas include: residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not



principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 2.5 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be immediately adjacent to existing residential or rural developments. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has limited resource management potential. The area may be adjacent to resource lands.
3. **Public Services.** Uses do not require extension or provision of urban levels of services. Rural governmental services and infrastructure are typically available, planned and or funded for.
4. **Existing Land Uses.** Single family residences, agricultural uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are currently 2.5 acres or greater in size but typically less than 5 acres.

#### ***E. RURAL PUBLIC LANDS AND FACILITIES (RP):***

Purpose: To provide open space, recreational opportunities, sites for necessary public facilities, utilities and services, and protection of critical areas. Encourage joint public/private ventures, where consistent with the rural development and rural character provisions, and goals and policies of this comprehensive plan.

Uses appropriate for these areas include: public facilities and services, open space and developed open space; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include new residential development; and intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** These lands are in public ownership and may contain critical areas. The County has no jurisdiction over federal lands.
2. **Natural Resources:** Public lands may contain resource lands.

**Public Services:** Services should be limited to the needs of the public agencies. Extension of public services can be considered for joint public/private ventures if consistent with the provisions of the comprehensive plan. Development in these areas shall not create a need for urban governmental services.

## V. Limited Areas of More Intensive Rural Development (LAMIRD)

### Introduction

Generally, the rural element is to provide for a variety of rural densities, uses and facilities and services, and to recognize that a variety of developments already exist in rural areas. This includes some development that is more compact than the surrounding rural lands, which are considered to be Limited Areas of More Intensive Rural Developments (LAMIRD). There are three distinct types of LAMIRDs that may be designated pursuant to RCW 36.70A.070(5)(d). Type 1 can either be commercial, industrial, residential, or mixed-use. Type 2 delineates existing commercial tourist or recreational commercial uses as well as allowing some new commercial tourist uses that rely on a rural location. The Type 3 LAMIRD identifies isolated small-scale businesses. Generally, limited areas of more intensive rural development include necessary public facilities and public services to serve that area.

### Intent

LAMIRDs are designated to identify more intense areas of existing development, and to minimize and contain those existing developed areas within the rural lands. LAMIRDs are not intended by the Legislature to be mini-UGAs, suburbs or areas for significant future development. LAMIRDs are rural; they are contained and compact, and, with minor exceptions, were built before July 1, 1990. Though the LAMIRD will recognize existing development, it cannot promote sprawl or low-density growth in the rural area. In designating LAMIRDs, the County has established clear criteria to address each type of LAMIRD. Those criteria generally address the need to contain and control existing development, and the need to preserve the character of the community, its physical boundaries and prevent abnormally irregular boundaries. The criteria will also determine how public facilities and services will be provided in a manner that does not permit low density sprawl.

### General LAMIRD Criteria

Lands designated as LAMIRDs will not extend beyond the logical outer boundary of the existing area or use. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but may also include limited undeveloped lands within the LAMIRD. Generally, future development may occur as infill or redevelopment, although new development can occur in some LAMIRD types. In establishing the logical outer boundary, the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl. Upon the initiation or update of a community and/or sub-area plan in the rural areas of the County, future LAMIRDs will be evaluated and existing LAMIRD designations will be updated as necessary to be consistent with the Growth Management Act provisions in RCW 36.70A.070(5) for Limited Areas of More Intensive Rural Development (LAMIRDs).

### *Type 1 LAMIRD- commercial, industrial, residential, or mixed-use.*

Type 1 LAMIRDs are described as rural development consisting of existing and potential infill of commercial, industrial, residential, or mixed use, whether characterized as shoreline developments, villages, hamlets, rural activity centers, or crossroads developments. These LAMIRDs must meet the general criteria listed above, and must be principally designed to serve the existing and projected rural population (with the exception of industrial LAMIRDs and/or industrial uses within a mixed use LAMIRD, which are not required to meet this standard). It is also important that these designations are consistent with the character of the existing uses, particularly in terms of building size, scale, use or

intensity. Changes in use from vacant land or some previous use may be allowed, provided the new use complies with these above requirements.

***Type 2 LAMIRD- existing commercial tourist or recreational commercial uses as well as some new commercial tourist uses in a rural location.***

Type 2 LAMIRDs are an intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses that rely on a rural location and setting. This type of LAMIRD designation is not required to only serve the existing and projected rural population, but it also may not include new residential development. Public services and public facilities are limited to those necessary to serve the recreation or tourist use and will be provided in a manner that does not permit low-density sprawl.

***Type 3 LAMIRD- isolated non-residential, cottage industries and small-scale businesses.***

Type 3 LAMIRDs are the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses. This type of LAMIRD is not principally designed to serve the existing and projected rural population and nonresidential uses, but does provide job opportunities for rural residents. The County may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the County through a process consistent with RCW 36.70A.030(14). The County may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the County. Public services and public facilities are limited to those necessary to serve the isolated nonresidential use and will be provided in a manner that does not permit low-density sprawl.

## **VI. Goals and Policies – LAMIRDs**

Where applicable, existing policies identified within the Comprehensive Plan which are consistent with LAMIRD designations should be considered when addressing LAMIRD development.

**GOAL RE 6: Designate limited areas of more intensive rural development (LAMIRDs) for infill, development or redevelopment of existing commercial, industrial, residential or mixed use areas.**

Policy RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.

Rationale: Requirements of the Growth Management Act allowing more intense development in rural areas include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

Policy RE 6.2: Apply development standards in LAMIRDs to ensure the design of development or redevelopment is consistent with the character of the existing areas and the proposed use conforms to the intent of this Comprehensive Plan.

Rationale: Requiring new and/or redevelopment within LAMIRD designations to be consistent with the provisions of this element ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.

## VII. Designations/Siting Criteria – LAMIRDs:

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. Comprehensive Plan Land Use Designation for the Rural areas are identified and discussed in the Land Use Element. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

### A. RURAL WATERFRONT (RW):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

**Purpose:** This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed shoreline areas for residential, and water related/water dependent recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct water related lifestyle. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural shorelines; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: ~~intensification of existing development or new development~~ **infill, development, or redevelopment of existing areas** of small scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

**Density:** May allow for less than 1 acre per dwelling unit, when consistent with the Health District standards. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary. Existing urban governmental services in some areas, may allow for higher densities than those with rural governmental services.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** Parcels are located on or near shorelines identified by the Chelan County Shoreline Master Program. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. **Natural Resources:** This designation shall not be applied on resource lands of long term commercial significance.
3. **Public Services:** Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. There may be some existing urban

governmental services. Rural governmental services are typically available, planned and or funded for.

4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

### ***B. RURAL RECREATIONAL/RESIDENTIAL (RRR)***

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural recreational/residential areas for residential, recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Chelan County. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural recreational development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: ~~intensification of existing development or new development~~ infill, development, or redevelopment of existing areas of small scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 1 acre per dwelling unit, when consistent with Health District standards. The provision of necessary public facilities and services shall not permit or encourage low-density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics: Developments are closely associated with natural amenities found within Chelan County. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. Natural Resources: This designation shall not be applied on resource lands of long term commercial significance.
3. Public Services: Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. Rural governmental services are typically available, planned and/or funded for.
4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

### **C. RURAL VILLAGE (RV):**

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation recognizes the existence of intensely developed rural residential developments and communities, with densities less than 2.5 acres per dwelling unit, which typically will not have sewer service. This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural residential areas for residential and other rural development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural residential development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: ~~intensification of~~ infill, development, or redevelopment of existing areas of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 2.5 acres per dwelling unit. The establishment of densities shall consider pre-existing development patterns, Health District standards, proximity to resource lands, existence of critical areas and the availability of necessary public facilities and services. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

#### Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development, and areas with varying residential densities. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has low resource management potential. The area may be adjacent to resource lands.
3. **Public Services:** Sewer service is typically not available. Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment, or infill of these areas may be provided.
4. **Existing Land Uses.** Single family residences and other rural development may be present. Predominant parcel sizes are less than 2.5 acres.



### ***E. RURAL COMMERCIAL (RC):***

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act where it is applied to existing mixed use areas. Additionally, this designation is considered an implementation of Type 2 and Type 3 LAMIRDs as described above, consistent with the Growth Management Act where the existing uses consist of only commercial activities, whether general retail or tourist recreational in nature.

Purpose: To provide for a range of commercial uses to meet the needs of local residents, and small scale tourist or recreational uses including commercial facilities to serve those recreational or tourist uses within the rural areas to meet the needs of local residents and visitors. This designation will provide the opportunity for the development, redevelopment and infill of commercial uses in existing rural commercial developments, mixed use areas or intensely developed residential areas consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing rural commercial developments, mixed use areas or intensely developed residential developments; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage new rural commercial development outside of these boundaries.

Uses appropriate for these areas include: commercial facilities and services; developed open space; above ground floor residential housing; agriculture; forestry; natural resource support facilities and services, tourist or recreational uses; home occupations; bed and breakfasts; and community facilities.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development.
2. **Natural Resources.** These areas have low resource management potential. The area may be adjacent to resource lands.
3. **Public Services:** Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided.
4. **Existing Land Uses.** Commercial, or higher intensity residential uses may be present, in addition to other rural development.

### ***F. RURAL INDUSTRIAL (RI):***

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: To recognize the need for rural industrial and resource based industrial activities within the rural areas. This designation will provide the opportunity for the development, redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing rural industrial developments or former industrial sites; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage new industrial development outside of these boundaries.

Uses appropriate for these areas include: industrial facilities and services; intensification of development on lots containing isolated nonresidential uses; agriculture; forestry; caretaker residence for industrial facilities; and natural resource support facilities and services. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: mineral resource activities.

New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan. Such a new industrial area would be designated as an urban growth area and have the potential to receive urban services.

#### Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development.
2. **Natural Resources.** Existing rural industrial sites have low resource management potential. The area may be adjacent to resource lands. Future industrial sites may be located in areas with agricultural or forestry uses if consistent with the criteria outlined in RCW 36.70A.365.
3. **Public Services:** Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment, or infill of these areas may be provided. Some industrial sites may currently have sewer service. Industrial sites designated pursuant to RCW 36.70A.365, as urban growth areas, would have access to urban services.
4. **Existing Land Uses.** Industrial developments currently exist or the area may have been utilized in the past for an industrial use. Areas identified as having potential for infill for industrial uses may be currently utilized for a variety of rural development and resource activities. Future industrial sites designated pursuant to RCW 36.70A.365, may presently have a variety of rural development and resource activities.

## Chapter 4 Resource Element

### I. Introduction

This Resource Element provides a concise overview of the Agricultural, Forest and Mineral Resources and critical areas within Chelan County consistent with the Goals of the Growth Management Act, in accordance RCW 36.70A, WAC 365 and with the County-Wide Planning Policies. Furthermore, it has been integrated with all other planning elements to ensure consistency throughout the comprehensive plan.

The goals and policies contained in the Resource Element form the basis of the land use strategy to support long-term resources:

- Providing for a supply and distribution of land use types to accommodate the population and employment growth projected for the planning area;
- Reducing development pressures and patterns of sprawl within rural areas;
- Conserving agricultural, forest and mineral resource lands of long-term commercial significance; and
- Preserving and protecting critical areas and areas of rural character.

### II. Overview of Chelan County

Chelan County is divided by mountains and rolling hills which form several valley and basins areas where agricultural and mineral resources compete with growing rural and urban land uses. It is not uncommon for development and resource lands to be intermixed or in close proximity to each other.

This Element summarizes the current resource lands, provides guidance for locating and protecting resources and specific goals and policies for managing these resources to “assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.”<sup>1</sup>

Overall, two key issues, land ownership and access, currently restrict the County for accessing the vast potential for resources. First, as discussed in the Land Use Element, most of Chelan County is in federal or state ownership. Ownership has less of an impact on Forest/Timber resource management than on Agriculture and Mineral Resources.

*The State legislature found that it is in the public interest to identify and provide long-term conservation of those productive natural resource lands that are critical to and can be managed economically and practically for long-term commercial production of food, fiber, and minerals. Successful achievement of the natural resource industries' goal set forth in RCW 36.70A.020*

*requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses*

<sup>1</sup> RCW 36.70A.060

Secondly, as discussed in the Transportation Element, the road network provides major trucking routes which support related resources industries. Hauling routes are limited, in part, due to topography. For the three types of resources reviewed in this Element, mineral, agriculture and forestry, the current primary economic exports are agriculture and forestry products.

### **III. Chelan County Agricultural Lands**

Chelan County contains agricultural lands that are important to the economy of the area. It must be recognized that in order to continue to exist, orchards must remain profitable. In an attempt to encourage existing and future agricultural development as a viable land use and a significant economic activity within the County, agricultural lands of long term commercial significance have been designated according to the U.S. Soil Conservation Service's classification for prime and unique farmland soils, and criteria outlined in WAC 365-190-050. These areas have been identified on the land use map designated as Commercial Agricultural Lands (AC). The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

Typically the most successful agricultural land conservation programs in the United States have been ones that combine incentive and regulatory techniques chosen according to the needs and conditions of a community. The opportunity for differential tax assessment for orchardists in Chelan County, helps to provide landowners an incentive to remain in an agricultural use. Buffers, parcel size, and a clustering development option provide regulatory techniques to retain agricultural land. This combination of conservation techniques provides property owners the flexibility for some non-farm development, helps reduce conflict between non-farm development and agricultural operations, and preserves farmable orchard parcels in support of retaining a viable orchard industry.

Chelan County participates in the Voluntary Stewardship Program (VSP) program. The VSP is an optional, incentive-based approach to protecting critical areas while promoting agriculture. The VSP is allowed under the Growth Management Act (RCW 36.70A.700-760) as an alternative to traditional approaches to critical areas protection, such as "no touch" buffers. Chelan County is one of 28 counties that has "opted in" to VSP.

#### ***Land Use Designation/Siting Criteria: Commercial Agricultural Lands***

**Purpose:** To assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses.

Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

**Density:** One (1) dwelling unit per 10 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan

may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographic and Geological Characteristics: The area contains farmland soils classified as prime or unique by the Natural Resource Conservation Service. Soil characteristics, moderate slopes or other physical constraints to development may be present. The area should not be adjacent to intensive urban or incompatible rural development. The predominant land use in the area is agriculture.
2. Natural Resources: The area should contain or have the potential to contain agricultural or agriculture support activities. The area should meet the criteria under WAC 365-190-050, as agricultural lands of long term commercial significance.
3. Public Services: Uses should not require extension or provision of urban level services. These areas may have access to rural governmental services and infrastructure or have the potential to be provided with rural governmental services within the 20 year planning period. Urban services should not be present.
4. Existing Land Uses: The prevailing land use pattern consists of agricultural operations and agricultural support facilities and services. Dispersed single family residences and low intensity rural uses may be present. The predominant parcel size is typically 5 acres or larger.

***Agricultural Resource Lands: Goals & Policies***

While developing goals and policies and designating agricultural resource lands, many issues and concerns were identified during the public participation process and addressed during the development of the goals and policies for the agricultural section of the Land Use Element including: Agriculture vs. residential development

- o Who is responsible for mitigation measures (developer of incompatible use)
- o Where should development occur
- o Recognize as a significant economic activity
- o Agricultural uses vs. compatible and incompatible uses
- o Availability of irrigation water
- o Protecting farmers options
- o Periodic re-examination of the Commercial Agriculture designations

Areas not designated as agricultural resource lands of long term commercial significance that do not meet the designation criteria can still play an important part in the local agricultural industry. Rural designations and buffers between orchards and non-farm development may be beneficial in retaining much of the rural area's current orchards. Future expansion of long term agriculture into rural undeveloped areas is a possibility, but will heavily depend upon the availability of water, water rights, and market conditions.

***GOAL AL 1: Support the viability of agriculture and encourage the continued use of rural and resource lands for agriculturally related land uses.***

Goal Rationale: The County benefits from a commercially significant and viable agricultural industry.

Policy AL 1.1: Encourage air quality standards and policies that accommodate necessary agricultural practices.

Rationale: Burning is essential to orchard renewal.

Policy AL 1.2: The farmer shall have the right to farm, consistent with appropriate local, state and federal requirements.

Rationale: Agriculture plays a significant role in the welfare of the County and its residents, and should be supported.

Policy AL 1.3: Encourage the maintenance of agricultural lands in current use property tax classification consistent with RCW 84.34, the Open Space Taxation Act.

Rationale: Open space taxation allows property owners to be assessed at current use rather than highest and best use. This provides an incentive for the property owner to continue to use land for resource production.

Policy AL 1.4: Conserve agricultural lands for productive economic use by identifying and designating agricultural resource lands whose principal and preferred land use is commercial agricultural resource management.

Rationale: Activities in designated agricultural resource lands should be discouraged that would limit or eliminate the ability to continue agricultural operations.

Policy AL 1.5: Agricultural resource lands should be classified and designated based on the criteria and procedures established in WAC 365-190-040, and 050, with special consideration given to long-term viability commercially significant agricultural land.

Rationale: Agricultural Resource lands should be identified based on the best available information at the time of the designation.

Policy AL 1.6: Support public and private programs and efforts to ensure the viability of the agricultural industry.

Rationale: Strong agricultural markets and a supportive regulatory environment are two of the necessary components of a healthy agricultural industry. Attempts to secure these will be beneficial to the general welfare of the County.

Policy AL 1.7: In rural and resource lands, permit facilities and services that support Chelan County's natural resource industries, provided such facilities are compatible with surrounding uses and potential impacts can be mitigated.

Rationale: The agricultural industry in Chelan County is a significant economic activity. Necessary support services and facilities should be accommodated.

Policy AL 1.8: Protect the economic viability of the agricultural industry by supporting construction of agricultural worker housing near orchard areas. Where permitted by state agencies, consider the reduction of site development and fire protection standards for temporary housing units for migrant workers.

Rationale: This will assist the agricultural industry to remain economically viable, reduces transportation needs, and provides adequate housing for agricultural workers.

Policy AL 1.9: Develop regulations promoting agriculture-related accessory uses on existing farms to supplement farm income, improve farming efficiency, and provide employment for farm family members.

Rationale: Regulatory opportunities for limited enterprises such as direct marketing of unprocessed and value added agricultural products and agriculturally related small scale tourist



operations can help supplement the agricultural industry and maintain the primary use of agriculture.

***Goal AL 2: Conserve agricultural lands of long-term significance by controlling encroachment of incompatible uses.***

Goal Rationale: Limiting the encroachment of incompatible uses will help to insure that agricultural lands remain viable.

Policy AL 2.1: All plats, short plats, binding site plans, development permits and building permits issued for development activities on or within five hundred feet of lands designated as agricultural resource lands, shall contain a notice that the subject property is within or near designated agricultural resource lands. The notice shall further state that a variety of commercial activities may occur on these designated lands that are not compatible with the development.

Rationale: Such notification will help property owners and purchasers to make educated decisions.

Policy AL 2.2: Encourage clustering of residential development on lands adjacent to agricultural resource lands provide open space buffers between uses and address incompatibility issues.

Rationale: Clustering can provide for open space adjacent to the resource use and may help to minimize conflicts.

Policy AL 2.3: Require new non-farm development in rural areas, adjacent to an existing orchard operation, to provide appropriate buffers and/or mitigation measures to minimize potential conflicts.

Rationale: Orchard operations in rural lands account for a significant amount of the agriculture within Chelan County. It is important to protect the farmer's ability to continue to farm by minimizing potential conflicts.

Policy AL 2.4: Development on or adjacent to designated agricultural resource lands, including plats, short plats, and binding site plans, should avoid and minimize potential conflicts with agricultural operations through appropriate siting and mitigation measures, such as buffers, screening, dust control, and pest control.

Rationale: Buffers can reduce the potential for conflicts between agricultural operations and other land uses.

Policy AL 2.5: Designated agricultural resource lands should be protected from inappropriate infrastructure improvement assessments. Deferral programs or other measures should be considered that would protect the farmer's ability to continue farming.

Rationale: Additional taxes would impact the viability of agricultural operations. Infrastructure improvements or assessments inconsistent with the comprehensive plan should not be supported.

#### **IV. Chelan County Mineral Lands<sup>2</sup>**

Chelan County has a Mineral Resource Lands Overlay (MRLO) which identifies and protects lands that have the potential to contain mineral resource deposits of long-term commercial significance, to recognize the importance of preserving mineral lands to ensure the future supply and to ensure compatibility between mineral resource lands and surrounding land uses.

---

<sup>2</sup> Mineral Resource data contained within this Element reflects work completed by BERK Consulting, Inc with grant funds from the Department of Commerce, July 26, 2017.

Mineral resources in Chelan County are classified into two tiers of commercial importance. This MRLO focuses on Primary resources:

Primary: Sand, gravel, and rock/stone (either solid or crushed for use in aggregate). The Mineral Resource Lands Overlay (MRLO) is generally applied to areas of existing production and those rural lands with high potential for production. It should be noted that large areas of potential mineral production are under federal ownership and therefore not considered available or mapped but may be designated if the site meets the MRLO criteria.

Secondary: All other metallic, non-metallic, and petroleum mineral resources occurring in Chelan County. Historically, mining was a major component of the regional economy, including extraction of copper, zinc, silver and gold. The MRLO is not generally applied to areas where these resources occur, but property owners may apply for designation if the site meets the MRLO criteria.

### **Surface Mineral Extraction Sites**

In 2017, the Washington State Department of Natural Resources (DNR) records documented eleven active surface mining sites in Chelan County. Three of these mines are rock/stone quarries, and the remaining eight are sand and gravel extraction sites. Morrill Asphalt and Paving, the recorded owner of two pits in Wenatchee, appears to be out of business, reducing the number of active permitted surface mining sites in the County to nine.

In addition to DNR-permitted surface mines, mineral extraction also occurs in Chelan County at smaller scales. Mines with surface disturbance of less than three acres or a depth of less than 30 feet may operate without a DNR surface mining permit, and DNR does not track these operations. The Chelan County Assessor documents an additional 12 locations with a current land use classification of "Mining Activities." Of these, one is owned by a land conservation organization, four are owned by the federal government and one appears to be a single-family residence.

Mining operations occur near agriculture, forestry, manufacturing/industrial, single-family residential, government service, and undeveloped land, by the County Assessor. Of the eleven active mines in the County, five<sup>3</sup> are adjacent to or located on land classified as single-family residential. This is consistent with Exhibit 1 which identifies high-potential mineral sources lands within the Rural Residential/Resource zoning district, covering nearly 57,000 acres. Current and potential impacts to residential development may occur and should be reflected in mitigation measures.

### **Current Mining Operations**

A review of DNR permits, in 2017, indicated that five of the 11 permits estimated a total lifetime deposit sizes between 1 million and 1.5 million cubic yards of material. Tunnel Hill Granite estimated their lifetime extraction volume at 3 million cubic yards, and R&P Rock estimated theirs at 6 million cubic yards. Three producers, Wenatchee Rock Products, Morrill Asphalt, and Chelan Concrete, had much smaller deposits at 660,000 cubic yards, 200,000 cubic yards, and 150,000 cubic yards, respectively. Public information on the acreage permitted for mining and permitted depth indicates that a volume of approximately 71,987 acre-feet (116,138,787 cubic yards) is permitted for mining in Chelan County; this is inclusive of overburden and any other waste material that must be excavated to access the mineral deposits themselves.

---

<sup>3</sup> Two Rivers Quarry, the R&P Rock Blewett Pass Quarry, the Pipkin Construction Entiat Mine, the Wenatchee Rock Products Rock Pit, and the Chelan Sand and Gravel Howard Flats Mine

## Demand

Past sales<sup>4</sup> indicate that during most of the previous decade, sales associated with mining varied between \$300,000 and \$600,000, but sales dipped slightly in 2009 before rising again, likely due to effects of the recent recession. The average annual sales between 2006-2015 were approximately \$454,000.<sup>5</sup>

Making detailed predictions about future mineral product demand from this data would be difficult, but the information available provides an estimate of baseline mineral product production value in Chelan County and reinforces the idea that the mineral products market is potentially subject to periodic spikes in demand.

## Mineral Resource Lands Overlay

Based on review of available mineral resources data, information gained from local businesses and agencies, the requirements of the Growth Management Act, and designation frameworks employed by other jurisdictions, the Mineral Resource Lands Overlay (MRLO), shown on Exhibit 1, covers the following areas:

- Properties housing active mining operations and adjacent parcels under unified ownership;
- Lands classified by NRCS as “good” sources of sand, gravel, or road fill material; and
- Lands classified by NRCS as “fair” sources of sand, gravel, or road fill material and which are located outside cities and urban growth areas.

The following areas are excluded from the overlay:

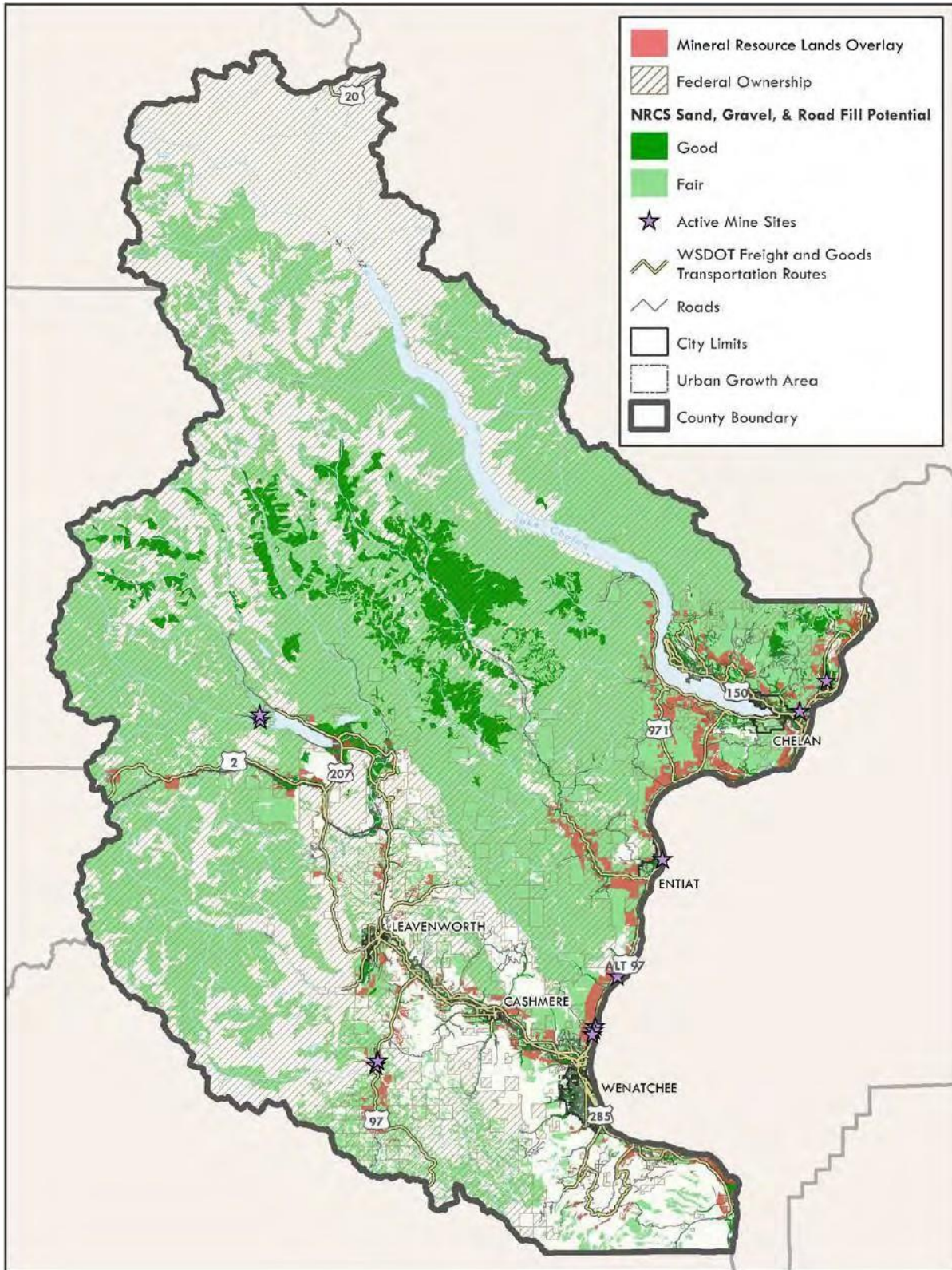
- Properties currently developed for single-family residential or commercial uses.  
Rationale: Mining on or near these lands poses a possibility of adverse impacts that must be mitigated.
- Properties zoned for commercial or residential uses at urban intensities.
- Land zoned for a minimum lot size smaller than 10 acres.
- Developed properties less than 20 acres in size.  
Rationale: Large properties are better able to accommodate buffers from surrounding uses.
- Properties under Federal ownership.
- Lands designated as Natural by the Chelan County Shoreline Master Program.  
Rationale: The SMP prohibits mining activities in these areas for the protection of valuable shoreline natural resources.
- Lands more than one mile from a designated WSDOT Freight and Goods Transportation route.  
Rationale: WAC 365-190 requires consideration of the availability of roads and public infrastructure, as well as the distance from mineral deposits to market. Mining operations have the potential to generate significant truck traffic, which will require roads designated to handle high volumes of freight trips.

---

<sup>4</sup> Taxable Retail Sales data from the Washington State Department of Revenue

<sup>5</sup> Washington Department of Revenue, 2017

Exhibit 1. Draft Proposed Mineral Resource Lands Overlay



### ***Land Use Designation/Siting Criteria: Commercial Mineral Lands***

The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations.

#### ***Designation Guidelines:***

1. Geographic and Geologic Characteristics: The designated property should be at least 20 acres in size, and the estimated deposit size should be sufficient to meet both of the following:
  - a. Depth of overburden should be no more than 25 feet, and
  - b. The ratio of the amount of resource to be extracted to the amount of overburden to be removed should be at least 3:1.
2. Natural Resources: The designated property does not contain environmentally critical areas, including wetlands, riparian areas, threatened or endangered species, geological hazards, and critical aquifer recharge areas, or adequate mitigation can be provided.
3. Transportation Infrastructure: Extraction and processing sites have adequate access to the regional transportation network:
  - a. Mineral Resource Lands should be located within one mile of a designated WSDOT Freight and Goods Transportation System route; and
  - b. Truck haul routes from the site should avoid areas of residential development or employ appropriate mitigation measures to avoid impacts to residences.
4. Existing Land Uses: Adjacent land uses are generally compatible with mineral extraction and processing activities – examples include mining, agriculture, commercial forestry, industrial development, and undeveloped land. Designation of land adjacent to large-lot residential (no more than 1 dwelling per 5 acres) is conditional on mitigation of impacts from any future mineral extraction or processing activities on nearby residences.

### ***Mineral Resource Lands: Goals & Policies***

#### ***Goal ML 1: Protect Chelan County's mineral resource lands of long-term commercial significance and allow for short-term mineral resource extraction opportunities in unincorporated areas, where appropriate.***

Rationale: Conservation of these resources must be assured through measures designed to prevent incompatible development in or adjacent to designated mineral resource lands, and to mitigate impacts of mineral extraction activities on adjacent land uses.

Policy ML 1.1: Assure conservation of designated mineral resource lands through land use regulations that prevent incompatible development on or adjacent to mineral resource lands.

Rationale: Mineral resource extraction, such as sand and gravel, pits are typically incompatible with residential and other types of land uses due to noise, dust and heavy equipment traffic. Therefore, it is important to develop appropriate land use regulations that protect mineral resource lands as well as adjacent land uses.

Policy ML 1.2: Require the reclamation of land after the completion of gravel and mineral extraction.

Rationale: Effective reclamation of mining sites can insure future redevelopment of the site and prevent impacts from erosion and visual impacts.

Policy ML 1.3: Require mining and extraction operations to be sited and designed to avoid and mitigate conflicts with surrounding land uses. Screening, buffers, the provision of open space and other mitigation measures should be considered and required where necessary.

Rationale: The careful design and siting of mining operations can prevent or minimize impacts to surrounding land uses.

Policy ML 1.4: Require mining sites to be served by roadways, adequate to handle industrial traffic and not endanger public health and safety.

Rationale: Transportation system impacts and public health and safety issues must be addressed.

Policy ML 1.5: Encourage development locating adjacent to designated mineral resource lands to incorporate screening, buffers, open space, or other design features to prevent conflicts with existing or future mineral resource extraction activities.

Rationale: The minimization of potential conflicts helps to maintain the viability of mineral resource extraction operations.

Policy ML 1.6: Protect water quality and prevent sedimentation through use of settling ponds, retaining basins, ditches, diking and re-vegetation of slopes and other measures for mining and production operations.

Rationale: Water resources must be protected.

Policy ML 1.7: Surface mining should not lower the ground water table of surrounding properties in a manner that directly impacts their use.

Rationale: Lowering of the ground water table could have serious effects on domestic water supplies.

Policy ML 1.8: Clustering of residential development on adjacent non-resource lands is encouraged.

Rationale: Clustering will provide for open space adjacent to the resource use and will minimize conflicts.

Policy ML 1.9: Designated mineral resource lands not included in urban growth areas should be protected from infrastructure improvement assessments such as, but not limited to, local improvement districts and local utility districts with deferral programs or other measures.

Rationale: Additional taxes would pressure the property owner into converting resource land into other uses.

Policy ML 1.10: Support the maintenance and development of mineral resource extraction that is consistent with the comprehensive plan to provide necessary materials for the development of roads, structures and other projects.

Rationale: Materials provided by mineral extraction operations are vital to the community, and are a significant economic activity and supports broader economic development.

Policy ML 1.11: Protection of mineral resources under the MRLO shall occur in two tiers:

- Lands actively being mined for commercial production of sand, gravel, or rock/stone are designated as mineral resource lands of long-term commercial significance. Owners of these properties may request an amendment to remove the MRLO once mineral production has permanently ceased.



- For lands not currently in active mineral production, the MRLO shall act as an interim measure to protect mineral resources until the presence of a commercially viable mineral deposit can be verified through a geologic study. Property owners who wish to finalize designation of their property and undertake mining activities may submit a study by a qualified geologist indicating the presence of commercially significant, accessible mineral resources. Likewise, property owners may request removal of their property from the MRLO by submitting a study from a qualified geologist confirming the absence of such resources.

Rationale: Sand, gravel, and rock are the primary mineral products in Chelan County and are therefore given the highest protection. Mineral resources not currently under production can be evaluated and added to the overlay as more detailed information becomes available.

Policy ML 1.12: Inclusion of a property under the MRLO does not imply approval for a specific mineral extraction activity and does not substitute for any necessary local or state mining permit required.

Rationale: The MRLO is designed to protect and preserve mineral lands, but permitting is necessary to ensure mineral extraction is conducted consistent with applicable laws and regulations.

Policy ML 1.13: As part of the periodic comprehensive plan update process under the Growth Management Act, the County shall regularly review the criteria for economic viability of a mineral resource and update the criteria for designation as appropriate.

Rationale: Economic conditions, market trends, and demand for mineral products can change over time, and the MRLO designation criteria may need to be periodically revised to reflect current conditions. The regular GMA plan review cycle is an appropriate time to review this information.

Policy ML 1.14: All plats, short plates, development permits, and building permits issued on properties within 500 feet of lands designated as part of the MRLO shall include a notice to that effect. The notice shall disclose that development of the nearby MRLO lands may include uses and activities that are not compatible with residential development.

Rationale: This notice is required under the Growth Management Act (RCW 36.70a.060(1)(b)). Additionally, such notification will allow potential real estate purchasers to make educated decisions.

Policy ML 1.15: Mineral extraction and processing activities in the MRLO shall be required to implement best management practices (BMPs) to avoid, reduce, or mitigate environmental impacts associated with mining activities. Such BMPs shall be designed to protect the natural environment, adjacent land uses, and the long-term viability of mineral lands.

Rationale: Mineral resource extraction operations are intensive land uses that can involve large amounts of ground disturbance, noise, dust, and heavy equipment traffic. BMPs are necessary to prevent unnecessary impacts on sensitive natural resources and nearby development.

Policy ML 1.16: Once mining activities have commenced on a MRLO-designated property, development of said property under the rules of the underlying zoning may apply in conjunction with the restoration of the mining activities.

Rationale: Postponing development of any part of the site until after reclamation is complete ensures that the property is safe for use and that no incompatible land uses are introduced while mining operations are ongoing.

Policy ML 1.17: At the time of permitting, the County should coordinate with property owners and the Department of Natural Resources to identify post-reclamation uses for MRLO properties that are consistent with the County’s comprehensive plan and zoning code, both for the mine site itself and for planned adjacent uses.

**Rationale:** Coordination on future use of the property will help ensure that County plans recognize post-mining conditions in these areas and reduce the potential for future development that is incompatible with surrounding uses.

## V. Chelan County Forest/Timber Lands

Forestland is defined as “land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production...and has long-term commercial significance,” RCW 36.70A.030.

Timber harvesting is a type of natural resource industry with a long history in Chelan County. The following outlines the declining trend of timber harvesting, as documented by the Department of Natural Resources.<sup>6</sup> The following table denotes “thousand board feet” of harvested timber.

Year	1990	1995	2000	2005	2010	2015
<b>Ownership</b>						
Private Industrial	5,710	18,192	1,800	-	-	19,820
Private Large		7,486	636	9,482	1,866	-
Private Small	866	31,286	6,698	2,780	882	2,374
Private Unknown					186	719
Total Private	6,576	56,964	9,134	12,262	2,934	22,913
State	7,989	5,921	897	2,455	1,100	43
Federal	68,382	6,703	8,990	15,913	6,200	-
Other Public	13,035	9,708		588	-	9,091
Total Public	89,406	22,332	9,887	18,956	7,300	9,134
<b>Total All:</b>	<b>95,982</b>	<b>79,296</b>	<b>19,021</b>	<b>31,218</b>	<b>10,234</b>	<b>32,047</b>

### ***Land Use Designation/Siting Criteria: Commercial Forest Lands***

The growth management process requires identification of forest lands of long-term commercial significance as part of the growth management process. The identification of these lands is an attempt to conserve and encourage existing and future forest practice land uses as a viable, permanent land use and a significant economic activity within the County. Forest land also provides recreational opportunities, scenic value and wildlife habitat. In addition, the identification and land use regulations of the commercially significant forest lands will provide protection for forest lands from encroachment and incompatible land uses. The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial

<sup>6</sup> Industry – companies and individuals operating wood, using plants; private large – non-industrial companies and individuals not operating wood-using plants but with statewide holdings totaling 1,000 or more acres; private small – non-industrial companies and individuals not operating wood-using plants and owning less than a total of 1,000 acres.

production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations.

Purpose: To assure the long-term conservation of commercial forest lands; to preserve and encourage existing and future forest land uses as a viable, permanent land use and a significant economic activity within the community; and to protect forest lands of long term commercial significance not already characterized by urban development from encroachment of incompatible uses.

Uses appropriate for these areas include: forestry, open space; residential; and agriculture. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 20 acres.

Locational Guidelines:

1. **Geographic and Geological Characteristics:** Soil characteristics, steep slopes or other physical constraints to development may be present. The area should not be adjacent to intensive urban or incompatible rural development. Large tracts of land oriented to forest resource management exist.
2. **Natural Resources:** The area should contain or have the potential to contain commercial forest resource management operations and commercial forest support facilities and services. The area should meet the criteria under WAC 365-190-060, as forest resource lands of long term commercial significance.
3. **Public Services:** Uses should not require extension or provision of urban level services. These areas may have access to rural governmental services and infrastructure or have the potential to be provided with rural governmental services within the 20 year planning period. Urban services should not be present.
4. **Existing Land Uses:** The prevailing land use pattern consists of commercial forest resource management operations and commercial forest support facilities and services. Dispersed single family residences and low intensity rural uses may be present. The predominant parcel size is typically 20 acres or larger. Recreational and small scale tourist commercial opportunities may be present.

### ***Forest/Timber Resource Lands: Goals & Policies***

***Goal FL 1: Conserve forest lands of long term commercial significance. Encourage sustainable timber production in rural and resource lands as a viable, permanent land use and a significant economic activity within the community.***

Goal Rationale: Timber production remains an important aspect of the County's economy.

Policy FL 1.1: Conserve forest lands for productive economic use by identifying and designating forest resource lands where the principle and preferred land use is commercial resource management.

Rationale: Timber production remains an important aspect of the County's economy and the productive capacity of area forests cannot be ignored. Activities in designated forest resource lands that would limit or eliminate the ability to continue commercial forest resource management should be discouraged.

Policy FL 1.2: Promote multiple uses of forest resource lands where such uses do not eliminate or limit commercial forest resource management.

Rationale: Forest resource lands provide unique opportunities and locations for land uses such as natural resource extraction and open space and recreation development.

Policy FL 1.3: Protect designated forest resource lands from inappropriate infrastructure improvement assessments through deferral programs or other measures that would protect the ability to continue long-term commercial forest resource management.

Rationale: Additional taxes would impact the viability of commercial forest resource management operations. Infrastructure improvements or assessments inconsistent with the comprehensive plan should not be supported.

Policy FL 1.4: Classify and designate forest resource lands based on the criteria and procedures established in WAC 365-190-040, and 060 with special consideration given to the determination of whether forest resource lands considered for designation are viable as long term commercial significant forest resource lands.

Rationale: Resource lands should be identified based on the best available information at the time of the designation.

Policy FL 1.5: Support maintenance of forest lands in timber and current use property tax classification consistent with RCW 84.28, 84.33, and 84.34.

Rationale: Open space taxation assists the property owner in maintaining property in commercial forest production.

Policy FL 1.6: Promote cooperative resource management between government agencies and private entities.

Rationale: This policy would provide for equal representation and efficient management regarding forest issues.

Policy FL 1.7: Use the permit review process to promote implementation of forest management practices that minimize the potential for catastrophic wildfires.

Rationale: The potential for catastrophic forest fires as in 1994 should be reduced.

***Goal FL 2: Icicle River Valley: Where appropriate, encourage sustainable timber production in the Icicle Valley.***

Goal Rationale: Timber production remains an important aspect of Chelan County's economy, and the productive capacity of forest in the Icicle Valley cannot be ignored. Consideration of visual management to maintain the scenic quality of the Icicle Valley should be encouraged, while at the same time providing for the growing, management, and harvesting of timber resources.

Policy FL 2.1: Promote timber production in the Icicle Valley, subject to appropriate conditions for protection of the area's scenic qualities and water resources.

Rationale: It is important to maintain the environmental and scenic qualities of the Icicle Valley.

Policy FL 2.2: Protect the visual character of the Icicle Valley by discouraging clear cutting, except where such cuts can be designed in the form of small, irregular patch cuts that take advantage of natural variations in the vegetation and topography.

Rationale: Such measures will help to mitigate the visual impact of clear cutting.

Policy FL 2.3: Minimize logging road construction; approval of new logging roads should be conditional on evaluation of visual and environmental impacts.

Rationale: Minimizing the construction of logging roads will help to preserve the environmental quality of the area.

## **VI. Chelan County Natural Systems/Critical Areas**

The Growth Management Act states that counties should “protect critical area.” Critical areas include the following areas and ecosystems: (a) wetland; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

The County has completed the planning process for developing these goals and policies and corresponding regulations following an extensive citizen participation process.

### ***Natural Systems: Critical Area Goals & Policies***

#### ***GOAL CL 1: Identify and protect critical areas from adverse environmental impacts while providing for reasonable use of private property.***

Goal Rationale: Preservation of critical areas will help protect the environment and maintain and enhance the quality of life. Implementation regulations should provide for reasonable use of private property.

Policy CL 1.1: Promote residential, commercial, and industrial development regulations that protect the availability of potable water by preventing contamination of ground water sources.

Rationale: The maintenance of a safe potable water supply is vital to the County.

Policy CL 1.2: Encourage restoration of contaminated ground water sources.

Rationale: The restoration of contaminated ground water helps to meet County needs for potable water and is beneficial to the environment.

Policy CL 1.3: Classify, designate and protect all critical areas, including frequently flooded areas, wetlands, fish and wildlife habitat conservation areas, aquifer recharge areas and geologically hazardous areas using best available science, pursuant to RCW 36.70A.172 and WAC 365-190.

Rationale: Critical areas add to the quality of life within a community, as well as performing important natural functions that assist with protecting private property from damage from natural disasters and events. Identifying critical areas and protection measures for those areas are important steps in ensuring that those functions and values are preserved for future generations’ enjoyment and protection.

Policy CL 1.4: Regulate development in floodplains to protect property and mitigate the loss of floodplain storage capacity.

Rationale: The loss of floodwater storage results in a potentially greater level of destruction to downstream properties from the resultant higher flood elevations and water flow velocities.

Policy CL 1.5: Discourage development on unstable soils or steep slopes and in areas susceptible to landslide, flood, or avalanche.

Rationale: Discouraging development in natural hazard areas helps to protect the public health, safety and general welfare.

Policy CL 1.6: Adopt an excavation and grading ordinance to regulate excavation, grading and earthwork construction activities.

Rationale: Uncontrolled filling and grading can cause erosion and siltation of streams, rivers and ponds. These activities can also be detrimental to adjacent properties.

Policy CL 1.7: Support the purchase of critical areas by public or private organizations for purposes of preservation or conservation.

Rationale: This option allows interested private and public organizations to purchase lands they wish to put into a long term conservation or preservation programs.

Policy CL 1.8: Critical area regulations shall not preclude reasonable use of property or affect a taking in violation of the U.S. Constitution, the Constitution of the State of Washington, or substantive due process.

Rationale: Private property rights must be protected.

Policy CL 1.9: Allow for open space and recreational use of critical areas where such use does not negatively impact critical areas.

Rationale: Open space and recreational use of critical areas provides an opportunity for residents and visitors to enjoy the natural amenities of the County.

Policy CL 1.10: When reviewing development proposals, the County shall apply appropriate conditions to avoid or mitigate negative impacts to critical areas. Proposal review should also include evaluation of the cumulative impacts of development proposals in critical areas.

Rationale: It is important to take a comprehensive approach to development in a critical area since there is often a compounding effect resulting from changes to natural systems

Policy CL 1.11: Protect water quality and fish habitat by requiring dredging and filling activities to minimize introduction of suspended solids, leaching of contaminants, or habitat disturbance.

Rationale: Uncontrolled dredging and filling activities can negatively impact fish habitat and water quality.

Policy CL 1.12: Encourage the restoration and enhancement of critical areas.

Rationale: The enhancement and restoration of critical areas improves the functions and values they provide.

Policy CL 1.13: Encourage the use of innovative techniques to protect critical areas, such as purchase of development rights, transfer of development rights, clustering, conservation easements, land trusts, and the Public Benefit Rating System.

Rationale: Innovative techniques can benefit the public, land owner, and help to protect critical areas.



Policy CL 1.14: In designating and protecting critical areas, the County shall use best available science to develop policies and development regulations. The County should also give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Rationale: Inclusion and consideration of best available science ensures that the best available information and protection measures are utilized.

Policy CL 1.15: Critical area regulations and designations shall be reviewed when adopting a comprehensive plan under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may be altered to ensure consistency. In addition, subsequent studies and information will be reviewed when drafting development regulations.

Rationale: Consistency between the comprehensive plan and development regulations is required. Additional studies may constitute best available science.

Policy CL 1.16: The goals and policies of the Chelan County Shoreline Master Program, as amended, are considered an element of the comprehensive plan, and are included by reference as if fully set forth herein.

Rationale: The goals and policies of the Shoreline Management Act, as set forth in RCW 90.58.020, are considered one of the goals of the Growth Management Act. The Growth Management Act requires that shoreline master programs be integrated as an element of the comprehensive plan.

Policy CL 1.17: Support ongoing watershed planning efforts.

Rationale: Watershed planning is essential to address a variety of issues including endangered and threatened species listings and water quantity issues.

### ***Natural Systems: Air Goals & Policies***

#### ***GOAL NS 1: Protect and maintain air quality.***

Goal Rationale: The protection of air quality is important for the public health, the local economy, the environment, and helps to maintain the high quality of life enjoyed by County residents and visitors alike.

Policy NSL 1.1: Support future and ongoing air quality monitoring programs.

Rationale: Monitoring of air quality helps to determine the impacts of growth and development to air quality. Should air quality problems arise, determining the sources of air quality degradation, and educational and regulatory tools to maintain or improve air quality would be necessary.

Policy NS 1.2: Promote industrial development that meets air quality standards and is compatible with adjacent property.

Rationale: Air pollution can cause health problems, obscure visibility, create unpleasant odors and damage animal and plant life.

Policy NS 1.3: Support public awareness of air quality, including wood stove standards and burning restrictions as adopted by the Department of Ecology.

Rationale: Federal and state agencies set air quality standards for outdoor air. The purpose of these standards is to prevent air pollution from reaching levels that hurt human health. When an area does not meet an air quality standard, the state must develop a plan to clean up the air.

## ***Natural Systems: Icicle Valley Goals & Policies***

### ***Goal NS 2: ICICLE RIVER VALLEY: Encourage retention of the scenic character and environmental quality of the Icicle Valley.***

Goal Rationale: The preservation of the scenic and environmental qualities of the Icicle Valley, ensures the retention of significant open space and recreational opportunities, and critical areas.

Critical Area Policy CL 2.1: Continue to utilize the Icicle Valley Design Review Overlay District or design guidelines to retain the scenic and environmental qualities of the Icicle Valley.

Rationale: The Icicle Valley Design Review Overlay District provides additional standards to ensure that development does not negatively impact the scenic and environmental qualities of the Icicle Valley.

Critical Area Policy CL 2.2: Residential development should occur at a very low density, and in a scattered, diffused pattern in the Icicle Valley Design Review Overlay District.

Rationale: Dispersed very low density development will help to limit negative visual and environmental impacts.

Critical Area Policy CL 2.3: Implement visual quality standards within the Icicle Valley Design Review Overlay District to protect scenic resources.

Rationale: These standards will allow for continued recreational use of the Icicle Valley and avoid or mitigate visual and environmental impacts.

Critical Area Policy CL 2.4: Private property within the Icicle Valley Design Review Overlay District should continue to be designated as an environmentally sensitive area under the provisions of the State Environmental Policy Act.

Rationale: This designation helps assure that environmental aspects are properly considered.

Critical Area Policy CL 2.5: Protect both wilderness values and reserved rights within the Alpine Lakes Wilderness so that clean and reliable water resources and water supply continue into the future.

Rationale: A variety of users, including wilderness recreationists and water suppliers (municipal, irrigation and fish hatchery) rely on the cold, clean and clear water resources of the Icicle Valley for people, farms and fish.



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**ADMINISTRATIVE MODIFICATION**

**To:** Deanna Walter, Interim Community Development Director  
**From:** RJ Lott, Planning Manager  
**Date:** April 16, 2020  
**File Number:** AI 2020-001  
**Request:** Dwight J. Hume of Land Use Solutions and Entitlement is requesting an Administrative Interpretation of the Chelan County Comprehensive Plan as it relates to the use of small scale recreational and tourist uses.

**FINDINGS OF FACT:**

1. On March 19, 2020, Dwight J. Hume submitted a request for an Administrative Interpretation of Chelan County Comprehensive Plan and the District Use Chart as it relates to the use of small scale recreational and tourist uses.
2. Pursuant to Chelan County Code Section 14.02.020, any person may request in writing an administrative interpretation of any development regulation. The county official charged with the responsibility of enforcing and interpreting the applicable regulation shall provide the requested interpretation in writing with supporting documentation within thirty calendar days of receipt of the request.
3. The Chelan County Comprehensive Plan, Chapter 3, Part IV, RR20, Rural Residential/Resource: 1 Dwelling Unit Per 20 Acres, page 7 of 17, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
  - 3.1 The Chelan County Comprehensive Plan, Chapter 3, Part VII, Designations/Siting Criteria – LAMRIDs, Section C, Rural Villages, page 15 of 17 states: *Such uses may include: intensification of existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing*

*isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

- 3.2 The Chelan County Comprehensive Plan, Chapter 4, Part III, Land Use Designation/Siting Criteria: Commercial Agricultural Lands, page 2 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include A new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
- 3.3 The Chelan County Comprehensive Plan, Chapter 4, Part V, Forest/Timber Lands, page 3 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
4. Chelan County Code Section 11.04.020, District Use Chart, states that Recreation/Tourist Uses are allowed in the following zoning districts: RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart as to permitting no new Recreation/Tourist Uses in these zones.
5. Chelan County Code Section 11.93.040(9), Conditional Use Permit Criteria, states that: *The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.*
6. Chelan County Code Section 14.98.1795, Definitions, Small scale recreation and tourism is defined as: *"Small scale recreation and tourism" means a land use that relies on a setting to provide recreational or tourist use, including recreational center and commercial facilities to serve those uses, but that does not include new residential development. It includes activities and facilities such as, but not limited to, cultural/religious camps, retreat centers, campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities, and similar uses. Small scale recreational and tourist uses are of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure and public service.*



**CONCLUSIONS OF LAW:**

1. The Director of Community Development is the Administrator of the Chelan County Code and has authority to render this interpretation, pursuant to Chelan County Code Section 14.02.020.
2. The application was determined complete and processed consistent with the requirements of Chelan County Code Title 11 and Title 14.

**ANALYSIS:**

The Chelan County Comprehensive Plan is not consistent throughout Chapter 3 and Chapter 4 as it relates to the allowances of new small scale recreational tourist activities in locations throughout the County. A small scale tourist activity is identified as being a compatible activity in the Forest/Timber Lands but not in areas such as Rural Residential 20, Rural Villages and Commercial Agriculture Lands.

The Chelan County District Use Chart identifies that Recreational/Tourist Uses RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart to disallow new Recreation/Tourist Uses in these zones.

Chelan County Code states that the granting of a conditional use permit must be compatible with the intent, goals, objectives and policies of the comprehensive plan.

**INTERPRETATION:**

According to the above analysis and based on the file of record, the Chelan County Comprehensive Plan is inconsistent as to how to support new small scale tourist recreational or tourist uses in the same zoning districts that allow for Recreational/Tourist uses in Chelan County's District Use Chart. Additional work is needed to determine that the Comprehensive Plan and the District Use Chart are compatible. This item is not appropriate to be determined via the Administrative Interpretation as it is inconsistent, not an oversight or omission. The appropriate remedy is through the public amending the Comprehensive Plan.

**DECISION:**

- Concur  
 Do not concur

*Deanna Walter*

*4/17/20*

Deanna Walter

Date

*Interim Director of Chelan County Community Development*

RECEIVED

A1 20-001

File(s) No. \_\_\_\_\_

CPA 20-007



MAR 19 2018

# CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT  
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801  
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475  
COMMUNITY DEVELOPMENT

## GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): N/A Lot Size: N/A (Acres)  
 Parcel Address: N/A City/Zip Code: N/A  
 Property Owner(s): N/A Zoning: AC  
 Mailing Address: N/A  
 City/State/Zip Code: N/A  
 Phone: N/A E-mail: N/A

Applicant/Agent (if different than owner): Dwight J Hume  
 Company and Mailing Address: Land Use Solutions and Entitlement 9101 N Mt. View Lane  
 City/State/Zip: Spokane WA 99218 Phone: 509-435-3108  
 E-mail: dhume@spokane-landuse.com

For multiple owners, applicants, or agents, provide additional sheets.

This General Land Use Application Form shall be completed unless specified below. Additional information and supplemental forms may be required. Please review all applicable statutes and regulations pertaining to the proposed development and provide information, documents, studies, and reports (such as a Traffic Impact Study or environmental forms) demonstrating compliance with all statutory and regulatory requirements and other applicable criteria.

**Application For:** (Check all that apply)

- |   |   |
|---|---|
| <input type="checkbox"/> Administrative Modification                  | <input type="checkbox"/> Open Space: Public Benefit Rating System |
| <input checked="" type="checkbox"/> Administrative Determination      | <input type="checkbox"/> Major Subdivision                        |
| <input checked="" type="checkbox"/> Administrative Interpretation     | <input type="checkbox"/> Master Planned Development               |
| <input type="checkbox"/> Binding Site Plan                            | <input type="checkbox"/> Planned Development                      |
| <input type="checkbox"/> Comprehensive Plan Map Amendment             | <input type="checkbox"/> Plat Alteration or Vacation              |
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Short Plat                               |
| <input type="checkbox"/> Conditional Use Permit                       | <input type="checkbox"/> Variance (zoning or critical areas)      |
| <input type="checkbox"/> Forest Practice/Conversion                   | <input type="checkbox"/> Zoning Text Amendment/ Map Amendment     |
|   | <input type="checkbox"/> Other: _____                             |

### APPLICABILITY SECTION

The following have their own individual application. Do not use this form for:

- Boundary Line Adjustments. Please use corresponding Boundary Line Adjustment Application Form.
- Certificate of Exemptions. Please use corresponding Certificates of Exemption Application Form.
- Shoreline Permits. Provide the JARPA form along with the corresponding Supplemental Form, as necessary.
- Building and Fire Permits.
- Pre-Applications.

The following attachments are required for a complete application:

- Copy of Deed or Proof of Ownership
- Supplemental Forms, if applicable
- Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist
- All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
- The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title 12, Title 14, and Title 15.

SEPA exempt per WAC 197-11-800(19)(b)



**GENERAL INFORMATION**

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed):

Non-Project Administrative Determination Request

Narrative attached

Please complete the following:

1. Any related files (such as Pre-Applications): \_\_\_\_\_
2. Is the subject property located within an Urban Growth Area (UGA)?  No  Yes  
If "yes", which UGA? \_\_\_\_\_
3. Please describe adjacent land uses in all directions around the subject property:  
North: \_\_\_\_\_  
South: \_\_\_\_\_  
East: \_\_\_\_\_  
West: \_\_\_\_\_
4. What is the current use of the property? \_\_\_\_\_
5. Sanitation Disposal:  N/A  Septic Permit  Sewer District: \_\_\_\_\_
6. Water Source:  N/A  Single Private Well  Shared Private Well  Group B  
 Public Water Supplier: \_\_\_\_\_
7. Irrigation Water:  
 N/A  Yes (Private)  Yes (Public) Irrigation District/Purveyor: \_\_\_\_\_
8. Fire District: \_\_\_\_\_ School District: \_\_\_\_\_
9. Power Service: \_\_\_\_\_
10. Are there critical areas or critical area buffers on the property?  
 Airport Overlay: \_\_\_\_\_  
 Aquifer Recharge Area (see attached)  
 Floodplain / Floodway \_\_\_\_\_  
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:  
 Alluvial Fan (250')  Known Historic Hazardous Area (250')  Slopes > 40% (250')  
 Erosive soils (on-site)  Landslide  Snow Avalanche (500')  
 Habitat/Riparian Area, protected species/area: \_\_\_\_\_  
 Streams / Waterbodies: \_\_\_\_\_  Shoreline Environment Designation: \_\_\_\_\_  
 Drainage or Seasonal Stream: \_\_\_\_\_  Wetland, if so what category: \_\_\_\_\_  
 Cultural or Archeological: \_\_\_\_\_
11. Will landfill be required?  No  Yes, approximate \_\_\_\_\_ (cubic yards)
12. Will excavation be required?  No  Yes, approximate \_\_\_\_\_ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?

14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

15. Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:

N/A

16. Are there any other applications pending for governmental approvals for this or other proposal affecting the property covered by this proposal?  No  Yes, please list:

N/A

### AQUIFER RECHARGE AREA DISCLOSURE SECTION

Exempt from this section only are Single Family Residences and their associated development per CCC 11.82.060. An applicant seeking to develop property which requires a development permit, shall submit with the permit application this certified statement, which lists each of the evaluation criteria and shall indicate whether the criteria "applies" or "does not apply" to the site or development. "Unknown" or similar responses will not be accepted.

If the development meets criteria A, B, C, or D or if the site or development meets any two of the remaining criteria, the Department will direct the applicant to determine the vulnerability rating for the development pursuant to Section 11.82.050 Aquifer Recharge Areas. If the development has a high or medium vulnerability rating, the development shall be subject to the performance standards of Section 11.82.060.

If an applicant's statement asserts that the criteria do not apply to the development, the Department will accept the statement and proceed with the permitting process. If any statement is incorrect, the applicant will be advised in writing to either; (a) provide an amended statement adding the evaluation criteria as being applicable and determine the vulnerability rating of the development pursuant to Section 11.82.050, or (b) present sufficient countering information clearly establishing that the basis for the Department's concern is incorrect. If the applicant selects to proceed under (b), upon receipt of the applicant's information, the Department shall review the information and obtain whatever additional assistance may be required to resolve the issue. The final determination as to whether a determination of vulnerability is required shall be made by the Administrator.

### EVALUATION CRITERIA

The applicant is required to determine the vulnerability rating for **any development permit**, not otherwise exempted, if the site or development meets criteria A, B, C, or D or meets two or more of the remaining criteria below:

Please write the word(s) "**Applies**" or "**Does Not Apply**" on the lines before each of the following statements:

- DNA **A.** Within a wellhead protection area designated under WAC 246-290; **\*Wellhead Protection Area:** The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.
- DNA **B.** Within an aquifer recharge area mapped and identified by a qualified ground water scientist;
- DNA **C.** The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;
- DNA **D.** The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended;
- DNA **E.** The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; **\*\*Highly Permeable Soils:** Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand).
- Does not Apply **F.** Within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act (**None currently designated in Chelan County**);



- Does not apply **G.** Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (**None currently designated in Chelan County**);
- DNA **H.** The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;
- DNA **I.** The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;
- DNA **J.** The proposed use is as a commercial feedlot;
- DNA **K.** The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

Depending upon soil depths from the surface, the following soil series within Chelan County are considered to be highly permeable soils:

- Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam*
- Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam*
- Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly sandy loam; Bg, 0-10 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam*
- Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam*
- BsD, 26-60 inches (depth from surface), very gravelly sandy loam*
- Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; CIA, CIB, CIC, CID, CIE, 35-60 inches (depth from surface), very gravelly sandy loam*
- Jumpe: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam*
- Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam*
- Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam*
- Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam*
- Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam*
- Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam*
- Supplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam*
- Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; The 10-60 inches (depth from surface), very gravelly sandy loam*
- Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam*

**CANNABIS DISCLOSURE SECTION**

**SUB-SECTION I: Circle**

I AFFIRM (there IS NOT) **IS** (circle one) an existing or pending Liquor and Cannabis Board (LCB) license or approval for ~~cannabis~~ production, processing, or retail located on the property that is the subject of the requested development permit or approval.

If you circled "IS NOT" above, proceed to Sub-Section III of this form.

If you circled "IS" above, proceed to Sub-Section II of this form.



SUB-SECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-Section III.

- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that all cannabis-related activities, development, uses and construction must comply with Chelan County regulations, including but not limited to Chelan County Code Section 11.100.
- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that only those cannabis-related uses authorized pursuant to Chelan County Code Section 11.100 are permitted within Chelan County. All other commercial and noncommercial licensed or registered cannabis uses, including but not limited to cannabis research facilities and medical cannabis cooperatives, are prohibited within all zones of Chelan County.
- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that pursuant to Chelan County Code Section 11.100 a conditional use permit is required to engage in the production or processing of cannabis within Chelan County, and that all cannabis producers and processors must register annually with Chelan County and pay the appropriate registration fee.
- \_\_\_\_\_ I ACKNOWLEDGE AND UNDERSTAND that it is the responsibility of the property owner to submit for and obtain all necessary development permits and approvals prior to engaging in cannabis-related activities, development, uses or construction, including but not limited to conditional use permits for the production or processing of cannabis, building permits, change of use/occupancy permits, shoreline permits, variances, and mechanical permits.

SUB-SECTION III: Please select one of the following:

- I certify with the signature below that the building or land use permit requested **IS NOT** related to or in any way supportive of existing or planned cannabis-related activities, development, uses or construction on the property. I further certify that any authorized activities, development, uses or construction **WILL NOT** be utilized to support or expand cannabis-related activities, development, uses or construction.
- I certify with the signature below that the building or land use permit requested **IS** related to or in support of existing or planned cannabis-related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction will be in strict compliance with LCB licensure requirements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter 69.50 RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and WAC Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW (Shoreline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.

### SITE PLAN CHECKLIST SECTION

- Two copies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. Indicate the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For large parcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient scale and the second page depicting an enlargement of the developed area at a larger scale.
- Label all property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
- Label the location, size, and use of all existing building(s). Identify the distance between property lines and buildings. Label structures with previous building permit number(s) issued if applicable.
- Label the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of all decks, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and stairs.
- Identify the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both above ground and underground, as well as setback from property lines.
- Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion.



- Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest distance between the ordinary high water mark and proposed/existing structures.
- Label the name and width of roads bordering the property and indicate whether they are public or private.
- Locate the width of existing and proposed driveways/accesses serving each structure. Include stormwater control facilities such as drains, detention ponds, connection lines, catch basins, etc.
- Label all existing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the front yard setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless required otherwise. If applicable, show handicapped parking and accessible routes to the structure and within the site to other structures and features.
- Identify and label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property, including but not limited to access, utilities, railroads, irrigation and overhead power. Include the Auditor's file number(s). *Before Any Development Occurs, Please Call 1-509-661-8400 To Locate Any PUD Easements!*
- Show the location of all existing and proposed overhead and underground utilities including, but not limited to water, sewer, gas, and electrical.
- Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site well may impact your project if it overlaps onto your parcel.
- Identify location of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed structure(s). Show the distance from proposed structure(s) to septic tank, drain field, drinking water well source(s), and any water body, wetland area and/or flood plain to ensure they meet the required horizontal setbacks from each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for details. If applicable, the approved Health District and County site plan must be identical.
- If drinking water wells, septic tank/drain field is off site, show the location of these systems on the adjacent property or properties and provide a copy of the easement agreement(s).
- If applicable, identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, size, spacing, and provisions for irrigation).
- If applicable, include outdoor lighting and signage. Label each as existing or proposed.

**ACKNOWLEDGEMENT SECTION**

If the Applicant is not the owner of the property, this application and acknowledgment shall also be executed (signed) by each property owner.

**By submitting this application, I acknowledge and certify the following:**

Initials

*(Owner and, if applicable, Applicant)*

- \_\_\_\_ *[Signature]* 1. All applications will be reviewed for completeness and processed according to Chelan County Code Title 14. Each application may be denied if not consistent with all Chelan County Codes, adopted regulations, Comprehensive Plan and related plans or studies.
- \_\_\_\_ *[Signature]* 2. This application does not constitute approval of the proposed development and Chelan County does not make any guarantee, either express or implied, that this application will be approved.
- \_\_\_\_ *[Signature]* 3. False statements, errors and/or omissions in this application or information provided with or in regard to this application may be sufficient cause for denial of the request.
- \_\_\_\_ *[Signature]* 4. Additional permit applications and approvals may be necessary to conduct specific activities.
- \_\_\_\_ *[Signature]* 5. Application fees are non-refundable, except when approve by the Board.
- \_\_\_\_ *[Signature]* 6. In the event of any legal proceeding to challenge this application, any environmental determination or any other aspect of the proposed development, the applicant/owner(s) shall be solely responsible to defend such challenge and pay all court costs and attorney's fees necessary for such defense.

- N/A 7. Chelan County is hereby given consent to enter the property(ies) listed above.
- N/A 8. I certify that I am the property owner, or authorized agent of the property owner, and I have familiarized myself with the rules and regulations of Chelan County with respect to making this application.
- N/A 9. I certify that I possess full legal authority and rights necessary to exercise control over the subject property.
- N/A 10. I certify that this application has been made with the consent of the lawful property owner(s).
- N/A 11. I certify that all Easements, Deed Restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property have been accurately disclosed and are shown on the site plan submitted with this application.
- N/A 12. This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Section 14.08.030.

I certify (or declare) under penalty of perjury and under the laws of the State of Washington that the foregoing and all information submitted with this application is true, correct and complete to the best of my knowledge.

Owner Signature: \_\_\_\_\_ Place: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Owner/Applicant/Agent Signature: Dwight J Hume Place: 9101 N Mt View Lane Date: 3-18-20

Print Name: Dwight J Hume Spokane WA 99218

Owner/Applicant/Agent Signature: \_\_\_\_\_ Place: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_



71 20-001  
RECEIVED  
CPA 20-007

MAR 19 2020

CHELAN COUNTY

# Land Use Solutions & Entitlement

Land Use Planning Services COMMUNITY DEVELOPMENT  
9101 N. MT. VIEW LANE Spokane, WA 99218  
509-435-3108 (V)

3-18-20

Deanna Walter, AICP  
Interim Director  
Chelan County  
Dept. of Community Development  
316 Washington St. Suite 301  
Wenatchee WA 98801

Ref: Administrative Determination Request

Dear Ms Walter:

I have been reviewing the Chelan County Zone Code as it relates to Small Scale Recreation Tourist (SSRT) aka Recreation/Tourist (RT) within the Commercial Agricultural Lands (AC) zone and while the District Use Chart allows Recreation/Tourist Uses by CUP (11.04.020), the CUP criteria at 11.93.040 (9) requires that it be consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan.

However, while the District Use Chart allows Recreation/Tourist uses by CUP within the AC and FC zones, there seems to be an error when addressing this use within Chapter 4 Resource Lands of the Chelan County Comprehensive Plan. That error is as follows:

- 1) Chapter 4 Resource Lands, Part III Chelan County Agricultural Lands at page 2 of 18 under Land Use Designations states: "Such uses may include... intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component.."
- 2) Chapter 4 Resource Lands Part V Chelan County Forest/Timber Lands at page 13 of 18 under Land Use Designations states: "Such use may include... intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development...." (emphasis mine).

So, while the Use Chart allows Recreation/Tourist Use by CUP in both the AC and FC zones, it differs within the guidance and language of the Comprehensive Plan Text by saying you can only "intensify" an existing SSRT within the AC zone but, in contrast, can build a new SSRT

A1 20-001  
CPA 20-007

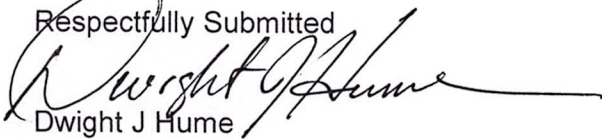
within the FC zone. Really? Intensify an existing SSRT but not build a new one? What is this protecting, if it doesn't matter within the FC zone?

The same contradiction occurs within the Rural Village and Rural Residential 20 zones where it is limited to existing use expansion. The one is within a LAMIRD and the other is the lowest density of the rural residential categories. Again, what is the purpose of limiting an SSRT to intensification within a LAMIRD and a Rural Village category? The same question is generated when the Rural Residential 20 cannot do what the RR-10, RR-5 and RR-2.5 can do.

If, in fact, the Zone Code intended to create this limitation, then why didn't the Use Matrix footnote those three zones and reference this peculiar limitation to intensification only? If limitations to existing SSRT's in those three zones was intended, then why didn't the Matrix leave them out and declare them legal non-conforming uses? The obvious answer is that there was no intent to limit SSRT's in these three zones, so why not have the option of expansion or new in all eleven zones?

I can only conclude that the text variation in these three categories is an editorial error and the Zone Code reflects the intent of the comprehensive plan to allow both intensification or new SSRT's within each of these eleven zones. I trust you will make the same determination.

Respectfully Submitted



Dwight J Hume

Enclosure: General Application with attachments  
Application Fee

Copy: R J Lott Planning Manager



District Use Chart

A1 20-001  
CPA 20-007

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Accessory Dwelling Unit	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Agricultural Structure	P	P	P	P	A	A	P	A	P	P	P	P	P
Accessory Use/Structure <sup>1</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A
Electric Vehicle Charging Station	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Fences	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Isolated Cottage Industries		CUP	CUP	CUP						CUP			
Isolated Nonresidential Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP			CUP	CUP	CUP	
Isolated Small-Scale Businesses		CUP	CUP	CUP						CUP			
Recreation/Tourist Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP	
Planned Developments		P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
Sign, Agricultural Identification								P			P		
Signs	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)
Land Division	P	P	P	P	P	P	P	P	P	P	P	P	P
Cluster Subdivision	P(1)	P(1)	P(1)	P(1)							P(1)	P(1)	
Indoor Cannabis Production/Processing	CUP	CUP							CUP		CUP		
Outdoor Cannabis Production/Processing	CUP												
<b>RESIDENTIAL USES</b>													
Adult Family Home	P	P	P	P	P	P	P	A(1)					
Bed and Breakfast (3 or Fewer Rooms)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Caretaker Dwelling Unit								A(1)	A(1)				
Detached Garages	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)			P(2)	P(2)	
Dock/Pier, Single or Joint Use	P	P	P	P	P	P					P	P	
Dock/Pier, Community for Residential Development	A	A	A	A	A	A	A	A	A	A	A	A	
Dock/Pier, Community for Commercial Development	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Duplex Dwellings							P						
Guest Inn—4 to 6 Rooms	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP		
Home-Based Business	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
Home Occupations	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
In-Home Daycare	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)			A(1)	A(1)	
Mobile/Manufactured Home Park			CUP	CUP	CUP	CUP	CUP						

Rationale: Growth of the state and all associated areas indicates increased visitor use for Stehekin. Tastefully constructed and environmentally sensitive installations to support the increased number of visitors are required and desired.

Policy RE 4.6: MPRs may be considered within rural areas when consistent with the provisions of the comprehensive plan and RCW 36.70A.360.

Rationale RCW 36.70A.040 requires all land use regulations to be consistent with and implement the adopted comprehensive plan.

**Goal RE 5: Support RCW 17.10 purpose to limit economic loss and adverse effects to Washington's agriculture, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the State.**

Policy RE 5.1: Encourage public awareness and removal of noxious weeds through the Chelan County Noxious Weed Department and Control Board.

#### **IV. Designations/Siting Criteria - Rural:**

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

##### ***A. RR20, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 20 ACRES***

Purpose: To allow for low intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure. These areas provide greater opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per twenty (20) acres.

Locational Guidelines:

1. **Geographical and Geological Characteristics.** These areas tend to be remote or have been historically rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Large tracts of undeveloped, open space exist.
2. **Natural Resources.** The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. **Public Services.** Uses do not require extension or provision of urban level services. In many cases public roads or infrastructure are not available to serve the area, and may not be available in the 20 year planning period.



4. Existing Land Uses. Dispersed single family residences, farms or forest management activities, and other low intensity rural development may be present. Predominant parcel sizes are 20 acres or greater.

***B. RR10, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 10 ACRES***

Purpose: To allow for rural development, forestry and agricultural uses consistent with the rural character and rural development provisions outlined in the goals and policies of the comprehensive plan. These areas can function as areas of transition between resource lands and areas of more intense rural or urban development. These areas also provide opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide for job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per ten (10) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics. The area is predominantly rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Significant areas of undeveloped open space may exist.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require the extension or provision of urban level services. These areas are rural in character and may have access or limited access to rural governmental services and infrastructure. These areas may have the potential to be provided with rural governmental services within the 20 year planning period.
4. Existing Land Uses. Dispersed single family residences, farms or forest management activities and other rural development may be present. Predominant parcel sizes are 10 acres or larger.

***C. RR5, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 5 ACRES***

Purpose: Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth



areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per five (5) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics. The area is predominantly rural in character. Soil characteristics or other physical constraints to development may also be present. Some areas of undeveloped, open space may exist. The area may also be adjacent to designated urban growth areas.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require extension or provision of urban level services. Rural governmental services are available or may be provided for within the 20 year planning period.
4. Existing Land Uses. Dispersed single family residences, farms or forestry uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are 5 acres or larger.

***D. RR2.5, RURAL RESIDENTIAL: 1 DWELLING UNIT PER 2.5 ACRES***

Purpose: To maintain the range of rural development opportunities consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas can provide buffering or transitions between existing rural developments and areas of higher or lower densities. This designation should not function as an urban reserve area, although these areas may someday be incorporated into an urban growth area.

Uses appropriate for these areas include: residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not

principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 2.5 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be immediately adjacent to existing residential or rural developments. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has limited resource management potential. The area may be adjacent to resource lands.
3. **Public Services.** Uses do not require extension or provision of urban levels of services. Rural governmental services and infrastructure are typically available, planned and or funded for.
4. **Existing Land Uses.** Single family residences, agricultural uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are currently 2.5 acres or greater in size but typically less than 5 acres.

*E. RURAL PUBLIC LANDS AND FACILITIES (RP):*

Purpose: To provide open space, recreational opportunities, sites for necessary public facilities, utilities and services, and protection of critical areas. Encourage joint public/private ventures, where consistent with the rural development and rural character provisions, and goals and policies of this comprehensive plan.

Uses appropriate for these areas include: public facilities and services, open space and developed open space; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include new residential development; and intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** These lands are in public ownership and may contain critical areas. The County has no jurisdiction over federal lands.
2. **Natural Resources:** Public lands may contain resource lands.

**Public Services:** Services should be limited to the needs of the public agencies. Extension of public services can be considered for joint public/private ventures if consistent with the provisions of the comprehensive plan. Development in these areas shall not create a need for urban governmental services.



## VII. Designations/Siting Criteria – LAMIRDs:

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. Comprehensive Plan Land Use Designation for the Rural areas are identified and discussed in the Land Use Element. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

### A. RURAL WATERFRONT (RW):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

**Purpose:** This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed shoreline areas for residential, and water related/water dependent recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct water related lifestyle. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural shorelines; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

**Density:** May allow for less than 1 acre per dwelling unit, when consistent with the Health District standards. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary. Existing urban governmental services in some areas, may allow for higher densities than those with rural governmental services.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

#### Locational Guidelines:

1. **Geographical and Geological Characteristics:** Parcels are located on or near shorelines identified by the Chelan County Shoreline Master Program. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. **Natural Resources:** This designation shall not be applied on resource lands of long term commercial significance.
3. **Public Services:** Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. There may be some existing urban

governmental services. Rural governmental services are typically available, planned and or funded for.

4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

#### ***B. RURAL RECREATIONAL/RESIDENTIAL (RRR)***

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural recreational/residential areas for residential, recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Chelan County. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural recreational development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 1 acre per dwelling unit, when consistent with Health District standards. The provision of necessary public facilities and services shall not permit or encourage low-density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics: Developments are closely associated with natural amenities found within Chelan County. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. Natural Resources: This designation shall not be applied on resource lands of long term commercial significance.
3. Public Services: Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. Rural governmental services are typically available, planned and/or funded for.
4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.



*C. RURAL VILLAGE (RV):*

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation recognizes the existence of intensely developed rural residential developments and communities, with densities less than 2.5 acres per dwelling unit, which typically will not have sewer service. This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural residential areas for residential and other rural development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural residential development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 2.5 acres per dwelling unit. The establishment of densities shall consider pre-existing development patterns, Health District standards, proximity to resource lands, existence of critical areas and the availability of necessary public facilities and services. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development, and areas with varying residential densities. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has low resource management potential. The area may be adjacent to resource lands.
3. **Public Services:** Sewer service is typically not available. Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment, or infill of these areas may be provided.
4. **Existing Land Uses.** Single family residences and other rural development may be present. Predominant parcel sizes are less than 2.5 acres.



Secondly, as discussed in the Transportation Element, the road network provides major trucking routes which support related resources industries. Hauling routes are limited, in part, due to topography. For the three types of resources reviewed in this Element, mineral, agriculture and forestry, the current primary economic exports are agriculture and forestry products.

### III. Chelan County Agricultural Lands

Chelan County contains agricultural lands that are important to the economy of the area. It must be recognized that in order to continue to exist, orchards must remain profitable. In an attempt to encourage existing and future agricultural development as a viable land use and a significant economic activity within the County, agricultural lands of long term commercial significance have been designated according to the U.S. Soil Conservation Service's classification for prime and unique farmland soils, and criteria outlined in WAC 365-190-050. These areas have been identified on the land use map designated as Commercial Agricultural Lands (AC). The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

Typically the most successful agricultural land conservation programs in the United States have been ones that combine incentive and regulatory techniques chosen according to the needs and conditions of a community. The opportunity for differential tax assessment for orchardists in Chelan County, helps to provide landowners an incentive to remain in an agricultural use. Buffers, parcel size, and a clustering development option provide regulatory techniques to retain agricultural land. This combination of conservation techniques provides property owners the flexibility for some non-farm development, helps reduce conflict between non-farm development and agricultural operations, and preserves farmable orchard parcels in support of retaining a viable orchard industry.

Chelan County participates in the Voluntary Stewardship Program (VSP) program. The VSP is an optional, incentive-based approach to protecting critical areas while promoting agriculture. The VSP is allowed under the Growth Management Act (RCW 36.70A.700-760) as an alternative to traditional approaches to critical areas protection, such as "no touch" buffers. Chelan County is one of 28 counties that has "opted in" to VSP.

#### ***Land Use Designation/Siting Criteria: Commercial Agricultural Lands***

**Purpose:** To assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses.

Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include A new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

**Density:** One (1) dwelling unit per 10 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan

Policy ML 1.17: At the time of permitting, the County should coordinate with property owners and the Department of Natural Resources to identify post-reclamation uses for MRLO properties that are consistent with the County’s comprehensive plan and zoning code, both for the mine site itself and for planned adjacent uses.

Rationale: Coordination on future use of the property will help ensure that County plans recognize post-mining conditions in these areas and reduce the potential for future development that is incompatible with surrounding uses.

## V. Chelan County Forest/Timber Lands

Forestland is defined as “land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production...and has long-term commercial significance,” RCW 36.70A.030.

Timber harvesting is a type of natural resource industry with a long history in Chelan County. The following outlines the declining trend of timber harvesting, as documented by the Department of Natural Resources.<sup>6</sup> The following table denotes “thousand board feet” of harvested timber.

Year	1990	1995	2000	2005	2010	2015
<b>Ownership</b>						
Private Industrial	5,710	18,192	1,800	-	-	19,820
Private Large		7,486	636	9,482	1,866	-
Private Small	866	31,286	6,698	2,780	882	2,374
Private Unknown					186	719
Total Private	6,576	56,964	9,134	12,262	2,934	22,913
State	7,989	5,921	897	2,455	1,100	43
Federal	68,382	6,703	8,990	15,913	6,200	-
Other Public	13,035	9,708		588	-	9,091
Total Public	89,406	22,332	9,887	18,956	7,300	9,134
<b>Total All:</b>	<b>95,982</b>	<b>79,296</b>	<b>19,021</b>	<b>31,218</b>	<b>10,234</b>	<b>32,047</b>

### ***Land Use Designation/Siting Criteria: Commercial Forest Lands***

The growth management process requires identification of forest lands of long-term commercial significance as part of the growth management process. The identification of these lands is an attempt to conserve and encourage existing and future forest practice land uses as a viable, permanent land use and a significant economic activity within the County. Forest land also provides recreational opportunities, scenic value and wildlife habitat. In addition, the identification and land use regulations of the commercially significant forest lands will provide protection for forest lands from encroachment and incompatible land uses. The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial

<sup>6</sup> Industry – companies and individuals operating wood, using plants; private large – non-industrial companies and individuals not operating wood-using plants but with statewide holdings totaling 1,000 or more acres; private small – non-industrial companies and individuals not operating wood-using plants and owning less than a total of 1,000 acres.



production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations.

Purpose: To assure the long-term conservation of commercial forest lands; to preserve and encourage existing and future forest land uses as a viable, permanent land use and a significant economic activity within the community; and to protect forest lands of long term commercial significance not already characterized by urban development from encroachment of incompatible uses.

Uses appropriate for these areas include: forestry, open space; residential; and agriculture. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 20 acres.

Locational Guidelines:

1. Geographic and Geological Characteristics: Soil characteristics, steep slopes or other physical constraints to development may be present. The area should not be adjacent to intensive urban or incompatible rural development. Large tracts of land oriented to forest resource management exist.
2. Natural Resources: The area should contain or have the potential to contain commercial forest resource management operations and commercial forest support facilities and services. The area should meet the criteria under WAC 365-190-060, as forest resource lands of long term commercial significance.
3. Public Services: Uses should not require extension or provision of urban level services. These areas may have access to rural governmental services and infrastructure or have the potential to be provided with rural governmental services within the 20 year planning period. Urban services should not be present.
4. Existing Land Uses: The prevailing land use pattern consists of commercial forest resource management operations and commercial forest support facilities and services. Dispersed single family residences and low intensity rural uses may be present. The predominant parcel size is typically 20 acres or larger. Recreational and small scale tourist commercial opportunities may be present.

### ***Forest/Timber Resource Lands: Goals & Policies***

***Goal FL 1: Conserve forest lands of long term commercial significance. Encourage sustainable timber production in rural and resource lands as a viable, permanent land use and a significant economic activity within the community.***

Goal Rationale: Timber production remains an important aspect of the County's economy.

Policy FL 1.1: Conserve forest lands for productive economic use by identifying and designating forest resource lands where the principle and preferred land use is commercial resource management.



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
www.commerce.wa.gov

November 5, 2020

Ms. Catherine Lorbeer, AICP  
Assistant Director  
Chelan County Community Development  
316 Washington Street, Suite 301  
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

**CPA-2020-001, 004 and 005**

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.<sup>1</sup> LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".<sup>2</sup> The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.<sup>3</sup> This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

<sup>1</sup> RCW 36.70A.070(5)(d)

<sup>2</sup> RCW 36.70A.070(5)(d)(iv)

<sup>3</sup> RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

**CPA 2020-003**

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.<sup>4</sup> The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.<sup>5</sup> Counties "should not review resource lands designations solely on a parcel-by-parcel process".<sup>6</sup> Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

---

<sup>4</sup> United States Department of Agriculture

<sup>5</sup> RCW 36.70A.050 and .060

<sup>6</sup> WAC 365-190-050



Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.<sup>7</sup> The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.<sup>8</sup>

#### **CPA-20-007**

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)<sup>9</sup>. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

---

<sup>7</sup> [Chelan County Comprehensive Plan – Resource Element](#)

<sup>8</sup> [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

<sup>9</sup> [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDS may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer  
November 5, 2020  
Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at [scott.kuhta@commerce.wa.gov](mailto:scott.kuhta@commerce.wa.gov), or 509-795-6884.

Sincerely,

A handwritten signature in blue ink that reads "Scott Kuhta". The signature is written in a cursive, flowing style.

Scott Kuhta, AICP  
Senior Planner  
Growth Management Services

cc: Jim Brown, CD Director, Chelan County  
Steve Roberge, Deputy Managing Director, Growth Management Services  
Dave Andersen, Managing Director, Growth Management Services

**From:** [Raye Evans](#)  
**To:** [Catherine Lorbeer](#)  
**Cc:** [Tyler Evans](#)  
**Subject:** CPA 20-007 - Comment of Opposition  
**Date:** Tuesday, September 29, 2020 5:18:39 PM

---

**External Email Warning!** This email originated from outside of Chelan County.

Dear Catherine,

We would like to comment on the proposed Comprehensive Plan Text Amendment being considered related to allowances of small-scale recreational tourist activities in certain locations. We object to any reinterpretation of the Comp Plan or new language that would allow SSRTs in areas zoned for commercial agriculture. This change would drastically change the provisions in place when we purchased our property and is an over-reach to allow SSRTs in this zoning.

We specifically oppose Magic Earth's attempt to implement a loop hole to push their proposal forward when it was previously denied for such use. Please hold up our rights as property owners and the premise under which ownership was promised.

Sincerely,

Tyler and Raye Evans  
210 Griffith Ranch Road  
Manson, WA. 98816  
509-470-1819

Sent from [Mail](#) for Windows 10

## Catherine Lorbeer

---

**From:** Deanna Walter  
**Sent:** Thursday, October 1, 2020 3:25 PM  
**To:** f.mckenney@yahoo.com  
**Cc:** Catherine Lorbeer  
**Subject:** RE: Antheia at Chelan

**Categories:** CPAs

We can certainly make sure you are on the distribution list for this particular file (CPA 20-007).

One thing I need to clarify is that the Comp Plan Text Amendment file is not site specific. Your comments regarding any former or future development of a particular site aren't really relevant to the proposed comp plan amendment. The amendment request was due to an alleged lack of consistency between the County Comp Plan and County Zoning Code. That is the issue at hand, and any resolution from this application would be a county wide language change in the Comprehensive Plan, not for one parcel or development.

I am transitioned out of the Planning Department as they have a new Director and Assistant Director. I've copied Catherine Lorbeer (Asst Director) into this response as she will be the point of contact for the Community Development department.

Thank you for your comments.  
Deanna

*Deanna C. Walter*

Chelan County Assessor  
350 Orondo St  
Wenatchee, WA 98801  
(509) 667-6367  
Fax (509) 667-6664  
[Deanna.walter@co.chelan.wa.us](mailto:Deanna.walter@co.chelan.wa.us)

---

**From:** f.mckenney@yahoo.com <f.mckenney@yahoo.com>  
**Sent:** Thursday, October 1, 2020 2:32 PM  
**To:** Deanna Walter <Deanna.Walter@CO.CHELAN.WA.US>  
**Subject:** Re: Antheia at Chelan

---

**External Email Warning!** This email originated from outside of Chelan County.

---

Sorry for the delay...actually I didn't receive a notice but our entire community was involved in the first effort to create an MPR at this site and continue to be involved in this latest attempt..I'd love to be cc'd on any future communications.

File. cpa 20-007

Thanks,  
Frank McKenney [f.mckenney@yahoo.com](mailto:f.mckenney@yahoo.com)

On Wednesday, September 30, 2020, 09:15:56 AM PDT, Deanna Walter <[deanna.walter@co.chelan.wa.us](mailto:deanna.walter@co.chelan.wa.us)> wrote:



Mr. McKenney,

What protect application are you referring to? Can you please give me the file number, as I'm assuming you receive a notice of a pending application.

Thanks,  
Deanna

Deanna C. Walter  
Chelan County Assessor  
350 Orondo St  
Wenatchee, WA 98801  
(509) 667-6367  
Fax (509) 667-6664  
[Deanna.walter@co.chelan.wa.us](mailto:Deanna.walter@co.chelan.wa.us)

-----Original Message-----

From: [f.mckenney@yahoo.com](mailto:f.mckenney@yahoo.com) <[f.mckenney@yahoo.com](mailto:f.mckenney@yahoo.com)>  
Sent: Wednesday, September 30, 2020 9:00 AM  
To: Deanna Walter <[Deanna.Walter@CO.CHELAN.WA.US](mailto:Deanna.Walter@CO.CHELAN.WA.US)>  
Subject: Antheia at Chelan

External Email Warning! This email originated from outside of Chelan County.

Good morning Deanna,

We thought this issue/ problem was behind us after the Superior Court ruling but unfortunately here we go again. Our neighborhood community are overwhelming opposed to this project. I noticed in WAC 365-196-425 when referring to the rural element in counties comprehensive plans "This element shall include lands that are not designated for urban growth, agriculture..." Antheia is on ag land. The water use problems of this project have not been overcome. The placement of the two communal bathrooms on each side of the lane to the Evans residence is a non-starter. The olive grove died. I believe they have attempted phytoremediation with sunflowers but at the end of the season the EPA requires that the plants be pulled, incinerated, bagged, and delivered to a hasmat official for final disposal. The entire project lacks focus, and a strong visual concept that is identifiable. Whatever adjustments the county has to make to its zoning for ssrp's this shouldn't make Antheia a qualified candidate for inclusion.

Thanks  
Frank McKenney

## Catherine Lorbeer

---

**From:** Robyn <rteichen@frontier.com>  
**Sent:** Friday, October 2, 2020 5:34 PM  
**To:** Catherine Lorbeer  
**Cc:** nk@ryankuehler.com  
**Subject:** Project File #CPA 20-007

**Categories:** CPAs

---

**External Email Warning!** This email originated from outside of Chelan County.

---

Good morning,

We are writing to you this morning to voice our opposition to the proposed amendment which relates to small-scale recreational tourist activities.

An amendment would be made for the purpose of making an improvement, however in this case it would be doing the opposite. Increased traffic on Klate Road would create safety issues for pedestrians and agricultural activity in the neighborhood. Noise is another issue to be considered in this rural community of single family homes. Homes in this area rely on well water and a commercial venue could have an effect on groundwater levels.

The Chelan and Manson communities rely greatly on tourism for revenue and welcome visitors but it is also important to support the quality of life for residents, as they have a long term interest in the health of the region.

Thank you for hearing our concerns in this matter,

Scot and Robyn Teichen  
50 Snuffy Smith Road  
Manson, WA 98831  
206-786-0031  
425-883-4013

## Catherine Lorbeer

---

**From:** Debbie Neudorfer <debneudorfer@gmail.com>  
**Sent:** Friday, October 2, 2020 6:09 PM  
**To:** Catherine Lorbeer  
**Subject:** Project CPA 20-007

**Categories:** CPAs

---

**External Email Warning!** This email originated from outside of Chelan County.

---

Dear Catherine,

I have been informed by our neighbors about this above mentioned project being reviewed.

I am sure you are aware of the very long history of this project, and the fact that there are numerous reasons it was rejected in the past. Those reasons still stand today, along with the fact that seven more parcels of land have now been sold or are pending sales within very close proximity to this project.

This is truly a neighborhood of families with more moving in and absolutely not the correct location for this project. To consider a reinterpretation of the Comp Plan or any new language that would allow SSRT's in areas that are zoned for commercial agriculture does not make sense for this location.

I strongly urge you and your team to come visit our neighborhood to be able to understand what a negative impact this project would be.

Thank you for your consideration. If you have any questions, we would welcome the opportunity to speak with you.

Best Regards,  
Debbie and Bob Neudorfer  
105 Meraki Lane  
Manson, WA 98831  
425-765-7048

## Catherine Lorbeer

---

**From:** Catherine Lorbeer  
**Sent:** Monday, October 5, 2020 8:18 AM  
**To:** 'Debbie Neudorfer'  
**Subject:** RE: Project CPA 20-007

**Categories:** CPAs

Good morning Debbie and Bob,

Thank you for your feedback. As you mentioned, the proposed county wide language change is not project or site specific. The County has technically initiated the amendment request to consider whether there is a lack of consistency within the Comprehensive Plan as it relates to small-scale recreational tourist uses.

You may reach me at the contact information below should you have any additional questions or comments.

Sincerely,

**Catherine Lorbeer**

*Assistant Director, AICP*

*Chelan County Community Development*



*316 Washington Street, Suite 301  
Wenatchee, WA 98801  
Phone: (509) 667-6246  
Main office: (509) 667-6225  
[Catherine.Lorbeer@co.chelan.wa.us](mailto:Catherine.Lorbeer@co.chelan.wa.us)*

---

**From:** Debbie Neudorfer <debneudorfer@gmail.com>  
**Sent:** Friday, October 2, 2020 6:09 PM  
**To:** Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>  
**Subject:** Project CPA 20-007

**External Email Warning!** This email originated from outside of Chelan County.

---

Dear Catherine,

I have been informed by our neighbors about this above mentioned project being reviewed.

I am sure you are aware of the very long history of this project, and the fact that there are numerous reasons it was rejected in the past. Those reasons still stand today, along with the fact that seven more parcels of land have now been sold or are pending sales within very close proximity to this project.

This is truly a neighborhood of families with more moving in and absolutely not the correct location for this project. To consider a reinterpretation of the Comp Plan or any new language that would allow SSRT's in areas that are zoned for commercial agriculture does not make sense for this location.

I strongly urge you and your team to come visit our neighborhood to be able to understand what a negative impact this project would be.

Thank you for your consideration. If you have any questions, we would welcome the opportunity to speak with you.

Best Regards,  
Debbie and Bob Neudorfer  
105 Meraki Lane  
Manson, WA 98831  
425-765-7048



## Catherine Lorbeer

---

**From:** Jim Brown  
**Sent:** Tuesday, October 27, 2020 9:49 AM  
**To:** Catherine Lorbeer  
**Subject:** FW: CPA 20-007

**Categories:** CPAs

He sent this to me, presumably because there is no email box for the PC on the webpage. ??

Not sure what you want to do with this.

### Jim Brown

Director

Chelan County Community Development

316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: Direct (509) 667-6228 Main office (509) 667-6225

[Jim.Brown@co.chelan.wa.us](mailto:Jim.Brown@co.chelan.wa.us)



**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

---

**From:** Raye Evans <Raye.Truenorth@outlook.com>  
**Sent:** Tuesday, October 27, 2020 9:43 AM  
**To:** Jim Brown <Jim.Brown@CO.CHELAN.WA.US>  
**Subject:** CPA 20-007

**External Email Warning!** This email originated from outside of Chelan County.

---

Chelan County, Washington  
Planning Commission  
316 Washington Street, Suite #201  
Wenatchee, WA 98801  
Email: [jim.brown@co.chelan.wa.us](mailto:jim.brown@co.chelan.wa.us)

VIA EMAIL AND MAIL

Re: [Protect Our Agriculturally Zoned Areas!](#)

Dear Planning Commission Members:

We have been notified that the Planning Commission is considering amendments to Chelan County's comprehensive plan that would allow small scale recreational or tourist uses, and urge you strongly to prohibit such new

uses in areas currently zoned as Commercial Agricultural Lands (AC). Chelan’s Comprehensive Plan recognizes that agricultural lands are important to the economy of the area, and has identified areas zoned as AC for the specific purpose of ensuring the following goals: (i) to assure their long-term conservation; (ii) to encourage existing and future agricultural land uses; and (iii) to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses.

The Comprehensive Plan correctly explains that the appropriate use for these areas is agriculture, open space, residential, and forestry, and – with additional limitations – intensification of certain pre-existing uses. New small scale recreational or tourist uses (SSRTs) are not allowed in areas zoned as AC, and they should not now be allowed. We believe that allowing new SSRTs will impede agriculture by encouraging the development of parcels currently being productively farmed and adding vehicular traffic on already overburdened roads. SSRTs will also interrupt quiet residential enjoyment of these areas and depress property values in neighborhoods prized for their quiet, agricultural feel, while benefitting only the family or corporation planning to develop SSRTs.

Turning the Chelan Comprehensive Plan on its head to allow new tourism uses in prized agricultural zones would destroy the very areas that make Chelan County such a beautiful place to live, work, and visit. Please protect our agricultural neighborhoods and continue Chelan’s valued and proven practice of prohibiting the development of new SSRTs in areas identified and zoned as Commercial Agricultural Lands.

Sincerely,

Raye Evans on behalf of Klate Road Neighbors and  
the Undersigned Citizens of Chelan County

<b>PRINT NAME</b>	<b>ADDRESS</b>	<b>I AM 18 OR OLDER</b>
Raye Evans	210 Griffith Ranch Road, Manson	Yes
Tyler Evans	210 Griffith Ranch Road, Manson	Yes
Kristen Sather Nolen	411 W. Columbia, Chelan	Yes
Jon Sather	11 Keupkin Ave, Manson	Yes
Norma Sather	11 Keupkin Ave, Manson	Yes
Delores Kinsman	223 Meraki Lane, Manson	Yes
Bob Neudorfer	105 Meraki Lane, Manson	Yes
Debbie Neudorfer	105 Meraki Lane, Manson	Yes
Donald Coleman	215 S. Washington, Chelan	Yes
Kristin Ayling	26 Big Boulder Lane, Chelan	Yes
Kristopher Ayling	26 Big Boulder Lane, Chelan	Yes

Jaxon Ayling	26 Big Boulder Lane, Chelan	Yes
Colt Corrigan	210 Griffith Ranch Road, Manson	Yes
Cash Corrigan	210 Griffith Ranch Road, Manson	Yes
Gary Shively	117 Fairway, Chelan	Yes
Kristin Shively	117 Fairway, Chelan	Yes
Sierra Shively	117 Fairway, Chelan	Yes
Don & Lynn Holdings, LLC	120 Howard Flats Road, Chelan	Yes
Scott Sandum	497 Boyd Road, Manson	Yes
Sandi Sandum	497 Boyd Road, Manson	Yes
<b>PRINT NAME</b>	<b>ADDRESS</b>	<b>I AM 18 OR OLDER</b>
Sarah Cushing	387 Ridgewood Drive, Manson	Yes
Mike Cushing	387 Ridgewood Drive, Manson	Yes
Frank McKenney	563 Klate Road, Manson	Yes
Vickie McKenney	563 Klate Road, Manson	Yes
Tim Evans	360 Gobblers Lane, Manson	Yes
Autumn Evans	360 Gobblers Lane, Manson	Yes
Rebekah Escoto	202 Barkley Road, Manson	Yes
Efrain Escoto	202 Barkley Road, Manson	Yes
Mac Riggan	1915 Broadview, Wenatchee	Yes
Tyler Rogers	1025 Sunny Brooke, Chelan	Yes
Stephanie Rogers	1025 Sunny Brooke, Chelan	Yes
Reggie Collins	23824 Hwy 97A, Chelan	Yes

Carole Collins	23824 Hwy 97A, Chelan	Yes
Casey Collins	25 Hugo Road, Chelan	Yes
Kristi Collins	25 Hugo Road, Chelan	Yes
Bill King	24 Hugo Road, Chelan	Yes
Heather King	24 Hugo Road, Chelan	Yes
Edward Corrigan	2203 Howard Flats Road, Chelan	Yes
Dinah Corrigan	2203 Howard Flats Road, Chelan	Yes
Kaylin Boykin	2490 Auvil Avenue, Entiat	Yes

## Catherine Lorbeer

---

**From:** Kathy Blum <kathleenb.mcc@gmail.com>  
**Sent:** Tuesday, October 27, 2020 2:48 PM  
**To:** Catherine Lorbeer; Jim Brown  
**Cc:** Doug England; Kari Sorensen  
**Subject:** Manson Community Council Response to CPA 2020-007  
**Attachments:** Respne to CPA2020-007a.pdf

---

**External Email Warning!** This email originated from outside of Chelan County.

---

Ms Lorbeer

Attached is our response to the subject CPA. We do not believe there is an error in the Comprehensive Plan or the Zoning Code.

Please remember we are volunteers, not professionals. Any help on this or other matters is greatly appreciated!

Kathy Blum  
Vice Chair  
Manson Community Council



# **Manson Community Council**

***"Building a better community, through our community!"***

Catherine Lorbeer  
Assistant Director  
Chelan County Community Development

Re: CPA 2020-007

Dear Ms. Lorbeer,

The Manson Community Council believes there is no error in the Chelan County Comprehensive Plan (CCCP) or the Chelan County Code as it relates to zoning. We believe the criteria at 11.93 is, in fact, consistent and compatible with the intent, goals, and objectives of the CCCP.

The statement in Chapter 4, Part III Chelan County Agricultural Lands (AL) under Land Use Designations, "Such uses may include... intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component." is intended to allow for existing recreational/tourist (essentially farmer owned and operated fruit stands) but **NOT** to promote new recreational/tourist uses as this is incompatible with Agricultural/Commercial zoning.

In fact, the goals and policy statements for agricultural resource lands support this position.

"GOAL AL 1: Support the viability of agriculture and **encourage the continued use of rural and resource lands for agriculturally related land uses.** (our emphasis)."

"Policy AL 1.4: Conserve agricultural lands for productive economic use by identifying and designating agricultural resource lands whose principal and preferred land use is commercial agricultural resource management.

Rationale: **Activities in designated agricultural resource lands should be discouraged that would limit or eliminate the ability to continue agricultural operations.** (our emphasis)"

Policy AL 1.9 addresses the tourist uses, which are limited to "...enterprises such as direct marketing of unprocessed and value added agricultural products and agriculturally related small scale tourist operations can help supplement the agricultural industry and maintain the primary use of agriculture." The small scale tourist use is intended **ONLY** to allow farmers to have fruit stands, etc. that support directly benefits the farmer.

"Goal AL 2: Conserve agricultural lands of long-term significance by **controlling encroachment of incompatible uses.** (our emphasis)" This explains why no new small scale recreational or tourist uses are allowed.

The statement in Chapter 4, Part V Chelan County Forest/Timber Lands, "Such uses may include... intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development." allows for adding recreational/tourist uses in areas that are highly unlikely to conflict with existing uses (primarily residential).

Additionally, the goals of the Forest/Timber Lands also support potentially new small scale tourist use.

"Policy FL 1.2: Promote multiple uses of forest resource lands where such uses do not eliminate or limit commercial forest resource management.

Rationale: Forest resource lands provide unique opportunities and locations for land uses such as natural resource extraction and **open space and recreation development.** (our emphasis)"

Finally, the district use chart is also correct, as a CUP is required for intensification in agricultural commercial lands and for intensification or new in forest/timber lands. If anything is done, a note should be added to the CUP of AC indicating no new recreation/tourist will be allowed.

We believe the language of the Chelan County Comprehensive Plan was intentional and no error exists. We believe the CCCP should be left as written and the district use chart updated. Please feel free to contact the Manson Community Council through myself, at [KathleenB.MCC@gmail.com](mailto:KathleenB.MCC@gmail.com) or by telephone, 509-687-9179.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen A. Blum". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kathy Blum  
Vice Chair  
Manson Community Council

## Catherine Lorbeer

---

**From:** Susan Hinkle  
**Sent:** Wednesday, September 16, 2020 1:57 PM  
**To:** Deanna Walter; Jim Brown; Catherine Lorbeer  
**Cc:** Marcus Foster  
**Subject:** Fw: Magic Earth/Antheia - Ustanik

**Categories:** CPAs

Hello all:

this would be a question for community development at this time. It is in the Manson area. Thank you. Susan

---

**From:** Raye Evans <Raye.Truenorth@outlook.com>  
**Sent:** Tuesday, September 15, 2020 12:43 PM  
**To:** Doug England; Susan Hinkle; Natalie Kuehler; deanna.walterCD@co.chelan.wa.us  
**Subject:** RE: Magic Earth/Antheia - Ustanik

**External Email Warning!** This email originated from outside of Chelan County.

---

Hello all,

Can I please get an update on the Ustanik file? Are there any hearings or workshops on the schedule for September for plan or code changes that may affect this project?

Please keep me in the loop as new movement happens.

Best Regards,

Raye L. Evans  
210 Griffith Ranch Road  
Manson, WA. 98816  
(509)470-1819

Sent from Mail for Windows 10

---

**From:** robin Werner <robinnjimw@msn.com>  
**Sent:** Tuesday, August 18, 2020 8:54:35 PM  
**To:** Doug England <Doug.England@co.chelan.wa.us>; susan.hinkle@co.chelan.wa.us <susan.hinkle@co.chelan.wa.us>; Natalie Kuehler <nk@ryankuehler.com>; deanna.walterCD@co.chelan.wa.us <deanna.walterCD@co.chelan.wa.us>; rj.lott@co.chelan.wa.us <rj.lott@co.chelan.wa.us>  
**Cc:** Raye.truenorth@outlook.com <Raye.truenorth@outlook.com>  
**Subject:** Magic Earth/Antheia - Ustanik

Hi.

## RJ Lott

---

**From:** Susan Hinkle  
**Sent:** Friday, May 22, 2020 10:58 AM  
**To:** CD Director; RJ Lott; Deanna WalterCD; Jim Brown  
**Subject:** RE: AI 2020-001 Dwight Hume request

**Sensitivity:** Confidential

Hello Again All:

Can I have a copy of the application for the comp plan amendment? Is it a request to amend just text or is it also a request to amend a map/designation? Is it site specific or county wide? Does it impact the AC zone permitted uses? Please also confirm timelines for a comp plan amendment; goes to PC and is governed by CCC ch. 14.14. Is it on the PC agenda yet for a specific hearing date? Neighbors of Magic Earth/Ustanik/Anteia of Chelan want notice of anything and everything. [robinnjimw@msn.com](mailto:robinnjimw@msn.com) Robin Werner. Please add her to the notice list for all things re: the comp plan amendment.

Thanks. Susan

---

**From:** Susan Hinkle  
**Sent:** Thursday, May 21, 2020 5:03 PM  
**To:** CD Director <CD.Director@CO.CHELAN.WA.US>; RJ Lott <RJ.Lott@CO.CHELAN.WA.US>; Deanna WalterCD <Deanna.WalterCD@CO.CHELAN.WA.US>; Jim Brown <Jim.Brown@CO.CHELAN.WA.US>  
**Subject:** RE: AI 2020-001 Dwight Hume request  
**Sensitivity:** Confidential

Thank you for the update. Susan

---

**From:** CD Director  
**Sent:** Thursday, May 21, 2020 5:01 PM  
**To:** RJ Lott <RJ.Lott@CO.CHELAN.WA.US>; Susan Hinkle <Susan.Hinkle@CO.CHELAN.WA.US>; Deanna WalterCD <Deanna.WalterCD@CO.CHELAN.WA.US>; Jim Brown <Jim.Brown@CO.CHELAN.WA.US>  
**Subject:** RE: AI 2020-001 Dwight Hume request  
**Sensitivity:** Confidential

He did not appeal, but instead due to the acknowledged inconsistency, we took in an application for the comp plan amendment to make it go through the public process.

### Deanna Walter, AICP

Interim Assistant Director  
Chelan County Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801  
Phone: Direct (509) 667-6246 Main office (509) 667-2225  
[deanna.walterCD@co.chelan.wa.us](mailto:deanna.walterCD@co.chelan.wa.us)



**NOTICE OF APPLICATION**

Notice is hereby given that the Chelan County Department of Community Development, 316 Washington Street, Suite 301, Wenatchee, WA 98801, has received and found the following land use application to be complete and ready for processing, public review and comment.

**CPA 20-007:** Chelan County has initiated the proposed Comprehensive Plan Map Amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations. Project Location: Chelan County

**On September 19,, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends October 3, 2020.**

All reports and file of record are available at 316 Washington St., Suite 301 Wenatchee, WA 98801 for review. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.



### Wenatchee World / Quincy Valley Post

# Order Invoice

PO Box 1511  
Wenatchee WA 98807-1511

Phone: 5096635161

URL: [www.wenatcheeworld.com](http://www.wenatcheeworld.com)

CHELAN CO DEPT OF COMMUNITY  
DEVELOPMENT (CCDCD)  
316 WASHINGTON ST. #301  
WENATCHEE, WA 98801

Acct #: 00002552  
Phone: (509) 667-6225  
Date: 09/17/2020  
Ad #: 00094615  
Salesperson: LEGL Ad Taker: 340

Class: 0001

Ad Notes: Submitted by Wendy Lane 9-16

Sort Line: CPA20-007/WLane

Description	Start	Stop	Ins.	Cost/Day	Amount
01 The Wenatchee World	09/19/2020	09/19/2020	1	63.90	63.90
02 Wenatchee World Online	09/19/2020	09/19/2020	1	0.00	0.00

**Ad Text:**

NOTICE OF APPLICATION

**Payment Reference:**

Notice is hereby given that the Chelan County Department of Community Development, 316 Washington Street, Suite 301, Wenatchee, WA 98801, has received and found the following land use application to be complete and ready for processing, public review and comment.

CPA 20-007: Chelan County has initiated the proposed Comprehensive Plan Map Amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations. Project Location: Chelan County

Total:	63.90
Tax:	0.00
Net:	63.90
Prepaid:	0.00

<b>Total Due</b>	<b>63.90</b>
------------------	--------------

Name	Address_1	Address_2	City	State	Count	Zip Code	PARCEL
KLUDT-WALDRON ORCHARDS INC	463 SNUFFY SMITH RD		MANSON	WA	USA	98831	282229607225
KLUDT-WALDRON ORCHARDS INC	463 SNUFFY SMITH RD		MANSON	WA	USA	98831	282229607195
LEWIS HANSON AND COMPANY INC TRUSTEE	GRIFFITH PARK LOT LOANS	PO BOX 766	ALBANY	OR		97321	282229607200
MAGIC EARTH LLC	PO BOX 337		MANSON	WA		98831	282229607133
KLUDT-WALDRON ORCHARDS INC	463 SNUFFY SMITH RD		MANSON	WA	USA	98831	282229607175
DOEDE TERRANCE P	2648 SWEET CLOVER CT		MINDEN	NV	USA	89423	282229320150
APPLE EYE LAND LLC	PO BOX 1390		CHELAN	WA	US	98816	282229140050
APPLE EYE LAND LLC	PO BOX 1390		CHELAN	WA	US	98816	282229310100
TEICHEN SCOT A & ROBYN J	22433 NE MARKET PLACE DRIVE G3042		REDMOND	WA	US	98053	282229607105
STOVER APRIL & KEVIN	211 VILLAGE DR		MANSON	WA		98831	282229607110
LORD ALLISON R & CHRISTOPHER J	415 10TH AVE W		KIRKLAND	WA		98033	282229607120
RADIANCE WINERY LLC	546 KATE RD		MANSON	WA	US	98831	282229607170
LEWIS HANSON AND COMPANY INC TRUSTEE	GRIFFITH PARK LOT LOANS	PO BOX 766	ALBANY	OR		97321	282229607265
EIGNER ERICK D & EVA T	2809 155TH ST SE		MILL CREEK	WA		98012	282229320050
VYBORNY CHRISTOPHER A & JANICE M	950 KATE RD		MANSON	WA		98831	282229320100
EVANS TYLER N & RAYE L	210 GRIFFITH RANCH RD		MANSON	WA		98831	282229607190
MAGIC EARTH LLC	PO BOX 337		MANSON	WA		98831	282229607135
GRIFFITH EARL ETAL	87 MERAKI LN		MANSON	WA	USA	98831	282229607140
MAGIC EARTH LLC	PO BOX 337		MANSON	WA		98831	282229607155
HELISSA J & DASHIELL	714 KATE RD		MANSON	WA		98831	282229607160
CROWDER GARY LEE & JULIE JOY	546 KATE RD		MANSON	WA		98831	282229607165

dhume@  
 Spokane - landuse  
 .com  
 Dwight Hume

Dwight Hume  
 Hume Land Use  
 Solutions & Entitlements  
 9101 N Mt. View Lane  
 Spokane, WA 99218

Documents for  
 CPA 20-007 SSRT  
 Text Amend  
 Should you need them.  
 Wendy J.

CPA 20-007



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801  
TELEPHONE: (509) 667-6225 FAX: (509)667-6475

**NOTICE OF APPLICATION**

**Project File No.:** CPA 20-007  
**Project Location:** Chelan County  
**Applicant/Owner:** Chelan County  
**Agent:** Catherine Lorbeer, AICP, Assistant Director  
**Application Date:** April 17, 2020  
**Determination of Complete:** Not applicable  
**Notice of Application Date:** September 19, 2020

**Proposed Project Description:** Chelan County has initiated the proposed Comprehensive Plan Text Amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations.

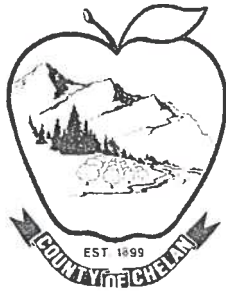
**SEPA Review:** The proposed Comprehensive Plan Text Amendment is exempt per WAC 197-11 (6)(19).

**Permits Required:** None known.

**Public Review and Comment Period:** PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED and no action will be taken on the project until the Agency comment period ends on **October 3, 2020**. Agencies, tribes, and the public are encouraged to review and comment on the proposed project. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, and should be as specific as possible. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law. Written comments must be submitted to the Department of Community Development, 316 Washington St., Suite 301 Wenatchee, WA 98801; Attention: Catherine Lorbeer or email Catherine.Lorbeer@co.chelan.wa.us for additional information or to review application materials.

***In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link:***

**<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>**.



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**ADMINISTRATIVE MODIFICATION**

**To:** Deanna Walter, Interim Community Development Director  
**From:** RJ Lott, Planning Manager  
**Date:** April 16, 2020  
**File Number:** AI 2020-001  
**Request:** Dwight J. Hume of Land Use Solutions and Entitlement is requesting an Administrative Interpretation of the Chelan County Comprehensive Plan as it relates to the use of small scale recreational and tourist uses.

**FINDINGS OF FACT:**

1. On March 19, 2020, Dwight J. Hume submitted a request for an Administrative Interpretation of Chelan County Comprehensive Plan and the District Use Chart as it relates to the use of small scale recreational and tourist uses.
2. Pursuant to Chelan County Code Section 14.02.020, any person may request in writing an administrative interpretation of any development regulation. The county official charged with the responsibility of enforcing and interpreting the applicable regulation shall provide the requested interpretation in writing with supporting documentation within thirty calendar days of receipt of the request.
3. The Chelan County Comprehensive Plan, Chapter 3, Part IV, RR20, Rural Residential/Resource: 1 Dwelling Unit Per 20 Acres, page 7 of 17, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
- 3.1 The Chelan County Comprehensive Plan, Chapter 3, Part VII, Designations/Siting Criteria – LAMRIDs, Section C, Rural Villages, page 15 of 17 states: *Such uses may include: intensification of existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing*

*isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

- 3.2 The Chelan County Comprehensive Plan, Chapter 4, Part III, Land Use Designation/Siting Criteria: Commercial Agricultural Lands, page 2 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include A new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
- 3.3 The Chelan County Comprehensive Plan, Chapter 4, Part V, Forest/Timber Lands, page 3 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
4. Chelan County Code Section 11.04.020, District Use Chart, states that Recreation/Tourist Uses are allowed in the following zoning districts: RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart as to permitting no new Recreation/Tourist Uses in these zones.
5. Chelan County Code Section 11.93.040(9), Conditional Use Permit Criteria, states that: *The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.*
6. Chelan County Code Section 14.98.1795, Definitions, Small scale recreation and tourism is defined as: *"Small scale recreation and tourism" means a land use that relies on a setting to provide recreational or tourist use, including recreational center and commercial facilities to serve those uses, but that does not include new residential development. It includes activities and facilities such as, but not limited to, cultural/religious camps, retreat centers, campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities, and similar uses. Small scale recreational and tourist uses are of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure and public service.*



**CONCLUSIONS OF LAW:**

1. The Director of Community Development is the Administrator of the Chelan County Code and has authority to render this interpretation, pursuant to Chelan County Code Section 14.02.020.
2. The application was determined complete and processed consistent with the requirements of Chelan County Code Title 11 and Title 14.

**ANALYSIS:**

The Chelan County Comprehensive Plan is not consistent throughout Chapter 3 and Chapter 4 as it relates to the allowances of new small scale recreational/tourist activities in locations throughout the County. A small scale tourist activity is identified as being a compatible activity in the Forest/Timber Lands but not in areas such as Rural Residential 20, Rural Villages and Commercial Agriculture Lands.

The Chelan County District Use Chart identifies that Recreational/Tourist Uses RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart to disallow new Recreation/Tourist Uses in these zones.

Chelan County Code states that the granting of a conditional use permit must be compatible with the intent, goals, objectives and policies of the comprehensive plan.

**INTERPRETATION:**

According to the above analysis and based on the file of record, the Chelan County Comprehensive Plan is inconsistent as to how to support new small scale tourist recreational or tourist uses in the same zoning districts that allow for Recreational/Tourist uses in Chelan County's District Use Chart. Additional work is needed to determine that the Comprehensive Plan and the District Use Chart are compatible. This item is not appropriate to be determined via the Administrative Interpretation as it is inconsistent, not an oversight or omission. The appropriate remedy is through the public amending the Comprehensive Plan.

**DECISION:**

- Concur
- Do not concur

Deanna Walter

4/17/20

Deanna Walter

Date

*Interim Director of Chelan County Community Development*

Pursuant to 14.12.010 Administrative appeals, an administrative appeal to the hearing examiner shall be filed with the department within ten (10) working days of the issuance of the decision appealed, together with the applicable appeal fee. The notice of appeal shall contain a concise statement identifying: (A) The decision being appealed; (B) The name and address of the appellant and his/her interest(s) in the application or proposed development; (C) The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous; (D) The specific relief sought by the appellant; (E) The appeal fee.

# Exhibit D

**CHELAN COUNTY PLANNING COMMISSION  
SCHEDULE - 2021**

<p style="text-align: center;"><b><u>January</u></b></p> <p style="text-align: center;"><b>January 27</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on January 15</p>	<p style="text-align: center;"><b><u>February</u></b></p> <p style="text-align: center;"><b>February 24</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on February 12</p>	<p style="text-align: center;"><b><u>March</u></b></p> <p style="text-align: center;"><b>March 24</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on March 12</p>	<p style="text-align: center;"><b><u>April</u></b></p> <p style="text-align: center;"><b>April 28</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on April 16</p>
<p style="text-align: center;"><b><u>May</u></b></p> <p style="text-align: center;"><b>May 26</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on May 14</p>	<p style="text-align: center;"><b><u>June</u></b></p> <p style="text-align: center;"><b>June 23</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on June 11</p>	<p style="text-align: center;"><b><u>July</u></b></p> <p style="text-align: center;"><b>July 28</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on July 16</p>	<p style="text-align: center;"><b><u>August</u></b></p> <p style="text-align: center;"><b>August 25</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on August 13</p>
<p style="text-align: center;"><b><u>September</u></b></p> <p style="text-align: center;"><b>September 22</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on September 10</p>	<p style="text-align: center;"><b><u>October</u></b></p> <p style="text-align: center;"><b>October 27</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on October 15</p>	<p style="text-align: center;"><b><u>November</u></b></p> <p style="text-align: center;"><b>November 17</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on November 5</p>	<p style="text-align: center;"><b><u>December</u></b></p> <p style="text-align: center;"><b>December 15</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on December 3</p>