

STAFF REPORT**Wenatchee Urban Growth Area Amendments**

FROM: Department of Community Development
TO: Chelan County Planning Commission
DATE: September 16, 2021
SUBJECT: Proposed 2021 Wenatchee Urban Growth Area Amendments

RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Wenatchee UGA Amendment to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050.

Adoption of the proposed amendments aligns with countywide planning policies, county planning policies, and the 1997 interlocal planning MOU and RCW 36.70A.100. Land use changes are not in conflict with Chelan County planning policies and proper public notice procedures have been followed. Please refer to Attachment A for the full text of each amendment, along with SEPA documentation. Suggested findings of fact and conclusions of law are included below in sections F and G.

A. Move to recommend **approval** of the Wenatchee UGA Amendments, given file number ZTA 21-353, based upon the findings of fact and conclusions of law contained within the September 16, 2021 staff report.

A. Introduction & Background

The City of Wenatchee has submitted 29 proposed amendments to its Urban Growth Area (UGA) Development Regulations. Six of these are capital facilities plan updates, which will be addressed separately. For the remaining 23 proposals:

- 8 are various land use changes amending Title 10 and Title 12 regulations, see Exhibit 1;
- 8 relate to housing and subdivision standards in Title 10 and Title 11, see Exhibit 2;
- 2 are comprehensive plan amendments, see Exhibit 3; and
- 11 are not recommended for adoption. They either do not relate to Wenatchee's UGA or the amendment is not required for adoption by the County's MOU, see Exhibit 4.

These are summarized in the tables below.

Exhibit 1: Land Use Regulation Changes, Wenatchee UGA

Topic	Ordinance or Resolution Number	Description
Technology-Related Uses	2017-31	Accommodations for Small Cell Regulations in Title 10
	2019-30	Amendments to Title 10 adopting regulations

Topic	Ordinance or Resolution Number	Description
		for cryptocurrency mining and data centers
Zoning Map	2019-49	Zoning Map Amendment: Rezone RL area to RF and RS in western portion of the UGA
Sign Code	2019-50	Sign Code Update in Title 10
	2019-51	Non-Conforming Signs (Billboards) in Title 10
Other Code Updates	2018-12	Adding artisanal industrial/manufacturing as a permitted use, commercial and industrial fencing standards, and adding tutoring as a personal service in Title 10
	2019-18	Revising an existing exemption for public or private utility work in an approved ROW in Title 12
	2020-11	Title 10 changes to add Transportation Center, Convention Center, and sports and entertainment venue as commercial uses; Language tweaks to off-street parking requirements to accommodate above uses; Revisions for auditoriums in residential zones

Exhibit 2: Housing Code and Subdivision Standard Changes, Wenatchee UGA.

Topic	Ordinance or Resolution Number	Description
Housing Code	2019-35	Housing code updates, focused on accommodating more missing middle housing types
	2019-43	Adoption of Residential Design Guidelines as part of the housing code update
	2020-07	Correcting errors in two previous ordinances related to housing updates (2019-35 and 2019-36)
	2020-35	Housing code updates, expanding on missing middle housing types

Topic	Ordinance or Resolution Number	Description
	2020-40	Amending the City of Wenatchee's Residential Design Guidelines
Subdivision Standards	2018-13	Alternatives for street standards for subdivisions
	2019-36	Subdivision street standards table, landscaping, and unit lot subdivisions
	2020-37	Subdivision design standards for lot design

Exhibit 3: Comprehensive Plan Amendments

Topic	Ordinance or Resolution Number	Description
Comprehensive Plan Amendments	2019-58	Comp plan updates to the future land use map incorporating zoning change in Ord 2019-49 and implementation table of land use element to reflect housing code updates.
Comprehensive Plan Amendments	2020-41	Comp plan updates to reflect housing code updates outlined in Ordinance 2020-35 and 2020-40.

Exhibit 4: Amendments not proposed for adoption, Wenatchee UGA.

Topic	Ordinance or Resolution Number	Description
Parking Regulations	2017-33	Affected zones do not overlap with UGAs
Capital Facilities Plan Update	2017-68	Not required for adoption
SEPA	2018-14	Thresholds for SEPA exemptions: County does not need to adopt City regulations
Critical Areas Ordinance	2018-16	Critical Areas Ordinances: County does not need to adopt City regulations
Process Change – Plat	2018-45	Change to city processing procedures, does not

Topic	Ordinance or Resolution Number	Description
Approvals		affect County
Zoning Map Change	2018-47	Affected zones do not overlap with UGAs
Capital Facilities Plan Update	2018-51	Not required for adoption
Capital Facilities Plan Update	2019-59	Not required for adoption
Zoning Map Change	2020-36	Affected zones do not overlap with UGAs
Process Change – Administrative Application Review	2020-38	Change to city processing procedures, does not affect County
Capital Facilities Plan Update	2019-59	Not required for adoption

B. Chelan County Code Requirements

These regulations are evaluated in accordance with **Chelan County Code Section 14.13.040** Development Regulation Amendment evaluation criteria and **Chelan County Code Section 14.14.047** Amendment review criteria for comprehensive plan text changes. These criteria determine the process for approval, modification, or denial of regulation amendment applications and text amendments to county-adopted city comprehensive plans.

(1) The amendment/proposal is necessary to resolve a public land use issue or problem.

Finding: In the 1997 interlocal planning MOU, Chelan County establishes policies with the City of Wenatchee regarding land use regulations within its Urban Growth Area (UGA). Chelan County agrees to adopt the city’s “land use regulations, development standards and land use designations for the city’s UGA.” The County also agrees to implement the city’s “street, street lighting, curb, gutter and sidewalk design standards” within the UGA.

GMA requires comprehensive planning for counties and cities designated under its jurisdiction. RCW 36.70A.100 details that each city’s comprehensive plan must be coordinated and consistent with “other counties or cities with which the county or city has, in part, common border or related regional issues”.

Chelan County has not adopted relevant land use changes and comprehensive plan amendments for the city of Wenatchee’s UGA since 2016. This amendment is necessary to resolve this issue, including amendments from 2017-2021, and bring the County into alignment with the agreement outlined in the MOU and relevant state planning policies.

(2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

Finding: The GMA planning goals include but are not limited to the following:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (4) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (5) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

The adoption of the city's comprehensive plan amendments and land use regulations within the UGA is consistent with the first two GMA goals, to encourage development in urban areas and to reduce sprawl. Housing and subdivision related amendments included for adoption promote the variety of residential densities in housing types within the UGA. Other land use updates encourage economic development consistent with the adopted comprehensive plan. Updating standards within the UGA will also support the timely review and processing of development applications to ensure predictability.

(3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies, or how amendment of the comprehensive plans' goals or policies is supported by changing conditions or state or federal mandates.

Finding: The City of Wenatchee has reviewed and found the proposed amendments consistent with the City's Comprehensive Plan goals and policies. The County-wide Planning Policies support the use of the City regulations within the UGAs and adoption of city comprehensive plan amendments.

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

Finding: The proposed amendments do not change resource lands or critical area regulations which would be reviewed based on the site-specific development at the time of future permit.

(5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare. The comprehensive plan amendment would serve the interests of not only the applicant, but the public as a whole, including health, safety, or welfare.

Finding: The proposed amendments are the result of appropriate planning processes to reflect the community desire for development.

C. Procedural Requirements

Appropriate City procedures were followed for each amendment proposed for County adoption. Chelan County is performing its own SEPA review and hearing notice for this amendment. Several ordinances incorporated additional and detailed public engagement efforts, described below.

- 2017-31 Small cell regulations came after year-long moratorium on the placement of this type of facility for further policy review. The Historical Preservation Board, Planning Commission, and City Council held workshops and meetings on this topic. The Wireless Policy Group provided input on draft code language.
- 2019-30 Cryptocurrency and data mining center regulations outreach process incorporated coordination with the Chelan County Public Utilities District and consultation with local cryptocurrency stakeholders. Six public workshops were held to review policy and draft code language. The resulting language for this code was not adopted in January 2019, and a resulting workshop refined language that was passed in May 2019.
- 2019-50 Sign Code Updates incorporated a project website, local radio station advertisements, a community survey, a technical advisory committee with local stakeholders, 2 open house meetings, and 7 public meetings/workshops
- 2019-35, 35, & 43 Housing Code, Design Guidelines, and Subdivision Standards updates involved a project website, local media coverage, a technical advisory committee of local stakeholders, 4 public open houses, and 7 public meetings/workshops
- 2020-35, 37, & 40 Housing Code, Design Guidelines, and Subdivision Standards updates built upon 2019 efforts and included 5 public workshops as well as local media postings.

D. Ordinance Descriptions

Ordinance 2017-31

This ordinance allows the placement of small cell facilities, micro-cells, and Distributed Antenna Systems (DAS) within all zoning districts. A subsection for Small Cell Wireless Facilities and Networks is added to 10.48.230, providing design guidelines for associated structures. These facilities are added to the use table as a permitted use across all commercial, mixed use, and residential districts, as well as all overlay zones.

Ordinance 2018-12

This ordinance has three land use impacts within the UGA. First, it amends Chapter 10.08, 10.10, and 10.48 to add 'artisan industrial/manufacturing' as a use permitted in commercial and industrial zones and overlays. Second, it amends 10.48.180 to clarify separate fencing standards for commercial and industrial zones. Third, it amends 10.08 to add tutoring and instructional uses as part of the definition for 'personal services' allowed in commercial zoning districts.

Ordinance 2018-13

This ordinance amends Chapter 11.20.020 addressing alternatives for street standards. It allows for proposed alternatives for subdivision road standards on infill parcels where standard regulations cannot be achieved.

Ordinance 2019-18

This ordinance amends Chapter 12.08 to add public or private utility work as an exemption, an approved activity, in an improved ROW. This provides utility providers the sufficient flexibility and latitude to work within existing rights-of-way and improved surfaces.

Ordinance 2019-30

This ordinance adopts regulations for cryptocurrency mining and data centers, adding them as approved uses in industrial zones. The proposed standards provide a process for the Chelan PUD to verify that existing infrastructure is adequate to serve the proposed facility. Cryptocurrency mining is not allowed in any residential district. A new subsection was added to address issues of noise.

Ordinance 2019-35

This ordinance updates the housing code in Chapter 10 across all residential zones. These changes are designed to address identified housing needs (insufficient production to align with population growth targets, low vacancy rates, and down-renting) and facilitate the production of a variety of housing types. Greater accommodation for “missing middle” housing types, such as ADUs, townhomes, cottage housing, and smaller multifamily buildings are incorporated throughout residential districts.

Ordinance 2019-36

As part of the housing code update described in Ordinance 2019-35, this ordinance amends subdivision standards in Title 11. Updates include changes to the street standards table; landscaping, pedestrian circulation, private lanes, and easement regulations; and the addition of a unit lot subdivision ordinance.

Resolution 2019-43

As part of the housing code updates described in Ordinances 2019-35 and 2019-36, this ordinance adopts residential design guidelines. These guidelines focus on “missing middle” housing types such as ADUs, townhomes, cottage housing, and smaller multifamily buildings. The design guidelines establish character areas to describe various neighborhood types throughout the city and its UGA.

Ordinance 2019-49

This ordinance amends the zoning map. In the UGA, areas in the west previously zoned RL are rezoned as RF (Residential Foothills) and RL (Residential Low). The boundary of the Neighborhood Commercial Overlay is redrawn to avoid duplicity overlapping with the Neighborhood Commercial zone.

Ordinance 2019-50

This ordinance amends the sign code. The changes restrict the addition of new pole signs, address nonconforming signs, and update temporary signage regulations. These changes respond to community complaints of visual “clutter” and the overuse of banners, particularly at the entrance to the city along North Wenatchee Avenue.

Ordinance 2019-51

This ordinance also addresses the sign code. Nonconforming billboards are given a 10-year timeline for removal.

Resolution 2019-58

This resolution updates the Wenatchee Urban Area Comprehensive Plan to reflect the zoning changes

adopted in Ordinance 2019-49. This includes the Future Land Use Map and the Transportation Circulation Map. The “Our Valley Our Future Action Plan” is also adopted as a guidance document for the Comprehensive Plan. The implementation table in the Land Use Element is updated to reflect adopted housing code changes.

Ordinance 2020-07

This ordinance corrects scrivener errors in Title 10 and 11 introduced in Ordinance 2019-35 and 36. Errors were introduced between PC recommendation and City council adoption and therefore covered by the SEPA and Commerce notices for Ordinances 2019-35 and 36.

Ordinance 2020-11

This ordinance amends land use regulations in the UGA, particularly pertaining to places of public assembly. First, Transportation Center, Convention Center, and sports and entertainment venues are added as commercial uses. Second, language adjustments are made to off-street parking requirements to accommodate above uses. Third, revisions for how auditoriums are regulated within residential zones.

Ordinance 2020-35

This ordinance amends the Chapter 10 housing code, building on updates from 2019-35. Revisions include updates to the RF zone, reinstating a minimum lot width at street frontage standard, and clarification to code relating to missing middle housing types.

Ordinance 2020-37

This ordinance amends Chapter 11 subdivision updates related to lot design, building on updates from 2019-36. The proposed amendment provides guidance to the shape of lots (a preference for generally rectangular lots and avoiding flag lots), minimizing the number of angles, and requiring side lot lines to be within 20 degrees of perpendicular to the street for at least half the minimum lot depth requirement.

Ordinance 2020-40

This ordinance amends residential design guidelines, building on the housing code updates in Ordinance 2019-43. Updates include corrections and clarifications to the guidelines for various housing types and character areas to better communicate the intent of the regulations.

Resolution 2020-41

This resolution adopts comprehensive plan amendments aligned with changes to the housing code. Specific to the UGA, the land use implementation chart for the residential foothills low and residential sing-family districts is updated.

E. Staff Conclusions

Adoption of the proposed amendments aligns with county planning policies, per the 1997 interlocal planning MOU and RCW 36.70A.100. Land use changes are not in conflict with Chelan County planning policies and proper public notice procedures have been followed. Please refer to Attachment A for the full text of each amendment, along with SEPA documentation. Suggested findings of fact and conclusions of law are included below.

F. Suggested Findings of Fact

1. Chelan County and the City of Wenatchee have adopted Comprehensive Plans per the requirements of RCW 36.70A.040 (4) (d), the Growth Management Act.

2. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
3. Chelan County has made a determination of non-significance issued on September 3, 2021, published on September 7, 2021. The DNS relates to all amendments included for adoption.
4. The City of Wenatchee (with Chelan County, for all ordinances except 2017-31 which was sent on the City's behalf) sent notices to Department of Commerce for a 60-day review.
5. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
6. Chelan County Code, Title 14, provides review criteria for the consideration of adopting amendments to Comprehensive Plans and Development Regulations. Chelan County followed the procedures required for amendments.
7. A workshop was held with the Chelan County Planning Commission on June 23, 2021 to review and discuss related amendments.
8. A Public Hearing was held with the Chelan County Planning Commission on September 22, 2021. Public testimony was taken and included in the file of record.
9. A Public Hearing with the Board of County Commissioners is expected to occur October 2021.

G. Suggested Conclusions of Law

1. The proposed amendments to the City of Wenatchee UGA zoning code and development regulations address a public need or a land use issue.
2. The proposed amendments are consistent with the City of Wenatchee Urban Area Comprehensive Plan and the County-wide Planning Policies.
3. The proposed amendments are consistent with the goals of the Growth Management Act, Chapter 26.70A RCW.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 have been satisfied.
5. The proposed amendments do not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.
6. The required State agency review with the Department of Commerce (COM) and other State agencies was completed through the review of Wenatchee's adoption process.
7. Public notice was provided pursuant to Chelan County Code Title 14.
8. The adoption of these amendments is in the best interest of the public and furthers the health, safety, and welfare of the citizens of Chelan County.

H. Attachments

ATTACHMENT A

Full text and SEPA documentation for Wenatchee Ordinances