



Chelan County Planning Commission

Chair: Jesse Redell Vice Chair: Cherie Warren

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

Commissioners District 2: Cherié Warren, Mike Sines, Christopher Dye

Commissioners District 3: David Donovick, Jesse Redell, Doug England

Meeting Agenda

Wednesday, June 26, 2024 at 6:30 PM

Chelan County Community Development

400 Douglas Street, Wenatchee, WA

Or via Zoom- details listed below:

Join Zoom Meeting

<https://us02web.zoom.us/j/84378176420?pwd=Yf39MU1MMD1zTj8oDhfxKgWgWX3geJ.1>

Meeting ID: 843 7817 6420

Passcode: 391486

One tap mobile

+12532050468,,84378176420#,,,,*391486# US

+12532158782,,84378176420#,,,,*391486# US (Tacoma)

Meeting to Order

I. Administrative

- A. Review/Approval of Minutes from April 24, 2024 & May 22, 2024 Planning Commission Meetings

II. Public Comment Period

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

III. Old Business

- A. **Hearing:** Review of ZTA 23-260 Remanded Language: Titles 11 & 14 RE: Small-scale recreation and tourist use, new highway limited commercial use, with definitions.
- B. **Continued Workshop:** ZTA 2024 –105 Code text amendment for Titles 11 & 12, specifically regarding lot size reduction provisions and boundary line adjustment revisions. In addition, the District Use Chart (11.04.020) is proposed to be amended to include RV parks as a permitted use, with standards in the Rural Industrial (RI) zoning designation.

IV. New Business

V. Discussion, at the Chair's discretion

VI. Adjournment *Meeting will go no longer than 8:30 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>

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.

**Next Regular Meeting
July 24, 2024 at 6:30 PM**

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



CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission Chelan County Community Development Called to Order: 6:02 PM 400 Douglas St., Suite 201 Wenatchee, WA 98801	Date: April 24, 2024
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CALL TO ORDER

Meeting was called to order at 6:02 PM

COMMISSIONER PRESENT/ABSENT

Vicki Malloy	Present	James Wiggs	Present
Doug Englund	Present - Zoom	Christopher Dye	Present
Ryan Kelso	Present	Jesse Redell	Present
Cherie Warren	Present	David Donovick	Present - Zoom
Mike Sines	Present		

STAFF PRESENT

Jessica Thompson, Permit Clerk
 Deanna Walter, CD Director
 Alex White, Planner II
 Erin McKay – Natural Resources
 Hanne Beener – Natural Resources consultant

PUBLIC PRESENT VIA ZOOM: Mike Kirk, Brian Patterson, Lynette Grandy, Dan Beardslee, Tammy, Shawn Cox, Angela, Ray Schmitten, Kirvil Skinnarland, Cheryl Koenig.

Minutes:

Chairman Jesse Redell starts the meeting and takes roll. He proceeds, asking the commissioners if they had read the minutes from the April 16, 2024, meeting.

Not hearing any corrections, changes or additions, the minutes were approved.

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

None

Old Business

None

New Business

Public Hearing:

CPA 2024-145 - Parks and Recreation element update of Chelan County Comprehensive Plan – Facilitated by the Natural Resources Department.

Chelan County Department of Natural Resources Erin McKay reviews and presents additional updates of the County of Chelan Recreation Element (PROS Plan) Update with the planning commission members.

Commissioners asks further questions about the recreation element changes.

Continued discussion on how this recreation element update will benefit the community.

Natural Resources Department request that the planning commissioners move to adopt the CPA 2024-145 Parks and Recreation element update.

Motion:

Motion made by Commissioner Vicki Malloy, seconded by Commissioner Cherie Warren to approve, the CPA 2024-145 - Parks and Recreation element update of Chelan County Comprehensive Plan.

Vote- Unanimous

Motion Carries

Continued Workshop:

ZTA 2024 –105 Code text amendment for Titles 11 & 12, specifically regarding lot size reduction provisions in the rural zoning designations and boundary line adjustments revisions. In addition, the District Use Chart (11.04.020) is proposed to be amended to include RV parks as a permitted use, with standards in the Rural Industrial (RI) zoning designation.

Continued discussion and review of the April 16, 2024, meeting on proposed changes to Titles 11 & 12.

Director Walter presents the planning commission members with a summary packet to compare and contrast the current code text amendment versus the proposed changes.

Public Testimony:

Shawn Cox

Kirvil Skinnarland

Director Walter states there is no hurry to approve these amendments and requests the planning commission continue the workshop until next month, as well as welcoming additional public comments.

Commissioner Malloy requests the commissioners take a look at the trends within agriculture and expresses her concern about how expensive it is for farmers to farm.

Continued discussion on compromises for proposed changes, how proposed changes align with the current code, the impact of different zones, and substandard lots.

Discussion at the Chair's Discretion:

None

ADJOURNMENT

Meeting Adjourned at 8:14 pm.

Next Planning Commission Meeting to be held on May 22,
2024, at 6:30 pm

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

DRAFT



CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission Date: May 22, 2024
Chelan County Community Development
Called to Order: 6:31 PM
400 Douglas St., Suite 201
Wenatchee, WA 98801

CALL TO ORDER

Meeting was called to order at 6:31 PM

COMMISSIONER PRESENT/ABSENT

Vicki Malloy	Present - Zoom	James Wiggs	Present
Doug Englund	Present	Christopher Dye	Absent
Ryan Kelso	Present	Jesse Redell	Present
Cherie Warren	Present - Zoom	David Donovick	Present
Mike Sines	Present		

STAFF PRESENT

Jessica Thompson, Permit Clerk
Deanna Walter, CD Director
Celeste Barry, Planner I
Mike Kaputa, Natural Resources Director
Eric Pierson, Public Works Director

PUBLIC PRESENT VIA ZOOM: Nathan Newell, Kirvil Skinnarland, Brian Patterson, Kendall Newell, Eve Newell

Minutes:

Chairman Jesse Redell starts the meeting and takes roll.

The April 24, 2024 minutes will be reviewed at the June 26th PC meeting.

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

None

Old Business:

Continued Workshop:

ZTA 2024 –105 Code text amendment for Titles 11 & 12, specifically regarding lot size reduction provisions in the rural zoning designations and boundary line adjustments revisions. In addition, the District Use Chart (11.04.020) is proposed to be amended to include RV parks as a permitted use, with standards in the Rural Industrial (RI) zoning designation.

Continued discussion and review of the April 24, 2024, meeting on proposed changes to Titles 11 & 12.

Director Kaputa addresses questions from commissioners regarding different options used in the past and what has been successful for the county. He provided a packet to each planning commissioner regarding natural resources lands from Department of Commerce website - **Attachment A**

Director Kaputa states it would be constructive for the planning commission to review the Riverstone Ranch decision made by the Hearing Examiner in 2021. Commissioner Donovick emails the link (below) to the Riverstone Ranch decision to the commissioners.
<https://www.co.chelan.wa.us/files/community-development/archives/hearing-examiner/2021/10%20October%202021/October-12-2021-HE-P21-107-Riverstone-Ranch-Decision.pdf> - **Attachment B**

Director Pierson addresses questions from commissioners regarding what metrics prompted the task force creation to look at substandard lots and boundary line adjustments.

Continued discussion on compromises for proposed changes, current issues, the impact of roadways, and current review processes.

Public Testimony:

Kirvil Skinnarland

Brian Patterson

This workshop has been continued to June 26th planning commission meeting - ZTA

2024-105 Code text amendment for Titles 11 & 12

New Business

Public Hearing:

Hearing: Review of ZTA 23-260 Remanded Language: Titles 11 & 14 RE: Small-scale recreation and tourist use, new highway limited commercial use, with definitions.

Director Walter reviews the proposed changes previously made by the planning commissioners in 2023.

Public Testimony:

Kirvil Skinnarland

Commissioner Redell continues the public hearing to June 26th at 6:30 p.m.

Discussion at the Chair's Discretion:

None

ADJOURNMENT

Meeting Adjourned at 8:45 pm.

Next Planning Commission Meeting to be held on June 26,
2024, at 6:30 pm

**All Planning Commission meetings and hearings are open
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Natural Resource Lands

All local governments in Washington state need to determine where natural resource industries, including forestry, agricultural, mining, and fisheries industries, can productively operate. They must use land-use controls to designate and conserve the necessary lands and to avoid conflicts with these industries from other land uses.





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- Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.
- Forestlands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber.
- Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.

[RCW 36.70A.060](#) also requires that all fully planning jurisdictions adopt development regulations to conserve designated resource lands. Partially planning jurisdictions are required, at a minimum, to designate natural resource lands.

The requirements to classify, designate, conserve and protect these lands are in recognition of the essential role of these lands in supporting economic productivity and healthy ecological systems.

As part of the periodic review process required by [RCW 36.70A.130\(1\)](#), cities and counties should review and, if needed, revise policies and development regulations regarding natural resource lands.

Mineral Resource Lands

Mineral resources are sand, gravel, and valuable metallic substances ([WAC 365-190-070](#)). Sand, gravel, or crushed stone are also known as aggregate resources. Aggregate resources are necessary to manufacture concrete, cement, asphalt, and other similar products, of which our roads, cities, and homes are built.

As part of required periodic updates required under [RCW 36.70A.130\(1\)](#), jurisdictions must review their mineral resource lands designations. In their review, counties or cities shall take into consideration any new information made available since the adoption or most recent review of its designations or development regulations and any new or modified model development regulations for mineral resource lands.



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Once lands are designated, fully planning counties and cities act must adopt development regulations that assure the conservation of agricultural resource lands. Recommendations for those regulations are found in [WAC 365-196-815](#).

Forest lands

Criteria for classifying, designating, and de-designating forest resource lands of long-term commercial significance is provided in [WAC 365-190-060\(2\)](#). Again, counties must approach the effort as a county-wide or regional process. Cities are encouraged to coordinate their forest resource lands designations with their county and any adjacent jurisdictions. Counties and cities must have a program for the transfer or purchase of development rights prior to designating forest resource lands in urban growth areas.

Legal Basis

- [Chapter 36-70A-060 RCW – Natural Resource Lands](#)
- [Chapter 365-190 WAC – Minimum Guidelines \(recently updated\)](#)
- [Chapter 365-195 WAC – Best Available Science \(recently updated\)](#)
- [Chapter 365-196-480 WAC – Natural Resource Lands \(recently updated\)](#)
- [Chapter 365-196-815 WAC – Conservation of Natural Resource Lands](#)

Commerce Resources

- [Designation of Agricultural Lands in Chelan, King, Lewis, and Yakima Counties, 2004 \(PDF\)](#)
- [Designation of Mineral Resource Lands under the Growth Management Act \(PDF\)](#)

Additional Resources



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- Example:
 - [Benton County Agricultural Land Reclassification Memorandum \(2018\) \(PDF\)](#)

Forest Lands

DNR's Forest Regulation program administers the rules that protect Washington's state-owned and private forestlands. The program also assists Washington's family forest owners through its Small Forest Landowner Office, by providing technical and financial assistance.

- [MRSC – Forest Lands in Washington Counties](#)
- [Forest Regulation – WA DNR](#)
- [Small Forest Landowner Office – WA DNR](#)

Quick Links

- [↪ Growth Management](#)
- [↪ Governor's Smart Communities Awards](#)
- [↪ Climate Program](#)
- [↪ Planning for Housing](#)
- [↪ Laws and Rules - Growth Management Act](#)
- [↪ Periodic Updates - Growth Management Act](#)
- [↪ Growth Management Grants](#)
- [↪ Growth Management Topics](#)
- [↪ Guidebooks and Resources](#)
- [↪ Civilian-Military Compatibility](#)
- [↪ Defense Community Compatibility](#)
- [↪ Ecosystem Services Program](#)
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Top Menu

- [About Us](#)
- [Contact Us](#)
- [Program Index](#)
- [Media Center](#)
- [Site Selectors/Investors Site](#)
- [Public Records Request](#)
- [Privacy Policy](#)
- [Accessibility Statement](#)
- [Employee Resources](#)

Search



Main Menu

- [Serving Communities](#)
- [Building Infrastructure](#)
- [Growing the Economy](#)
- [Promoting Washington](#)

Other State Sites

- [Business.wa.gov](#)
- [Office of the Governor](#)
- [Secretary of State](#)
- [Department of Revenue](#)
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WAC 365-190-050 Agricultural resource lands. (1) In classifying, designating and de-designating agricultural resource lands, counties must conduct a comprehensive countywide analysis consistent with WAC 365-190-040(10). Counties and cities should not review resource lands designations solely on a parcel-by-parcel basis. Counties and cities must have a program for the transfer or purchase of development rights prior to designating agricultural resource lands in urban growth areas. Cities are encouraged to coordinate their agricultural resource lands designations with their county and any adjacent jurisdictions.

(2) Once lands are designated, counties and cities planning under the act must adopt development regulations that assure the conservation of agricultural resource lands. Recommendations for those regulations are found in WAC 365-196-815.

(3) Lands should be considered for designation as agricultural resource lands based on three factors:

(a) The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC 365-196-310.

(b) The land is used or capable of being used for agricultural production. This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.

(i) Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation. The intent of a landowner to use land for agriculture or to cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production. Land enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land.

(ii) In determining whether lands are used or capable of being used for agricultural production, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service as defined in relevant Field Office Technical Guides. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys, and are based on the growing capacity, productivity and soil composition of the land.

(c) The land has long-term commercial significance for agriculture. In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:

(i) The classification of prime and unique farmland soils, and farmlands of statewide importance, as mapped by the Natural Resources Conservation Service;

(ii) The availability of public facilities, including roads used in transporting agricultural products;

(iii) Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;

(iv) The availability of public services;

(v) Relationship or proximity to urban growth areas;

(vi) Predominant parcel size, which may include smaller parcels if contiguous with other agricultural resource lands;

(vii) Land use settlement patterns and their compatibility with agricultural practices;

(viii) Intensity of nearby land uses;

(ix) History of land development permits issued nearby;

(x) Land values under alternative uses; and

(xi) Proximity to markets.

(4) When designating agricultural resource lands, counties and cities may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.

(5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.

(6) Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include, in addition to general public involvement, consultation with the board of the local conservation district and the local committee of the farm service agency. It may also be useful to consult with any existing local organizations marketing or using local produce, including the boards of local farmers markets, school districts, other large institutions, such as hospitals, correctional facilities, or existing food cooperatives.

These additional lands may include designated critical areas, such as bogs used to grow cranberries or farmed wetlands. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.

[Statutory Authority: RCW 36.70A.050 and 36.70A.190. WSR 23-08-037, § 365-190-050, filed 3/29/23, effective 4/29/23; WSR 10-22-103, § 365-190-050, filed 11/2/10, effective 12/3/10; WSR 10-03-085, § 365-190-050, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050. WSR 91-07-041, § 365-190-050, filed 3/15/91, effective 4/15/91.]



[Home](#) > [Explore Topics](#) > [Planning & Growth Management](#)
> [Agricultural Lands - Laws, Regulations, and Court Decisions](#)

Agricultural Lands - Laws, Regulations, and Court Decisions

This page provides information on Washington State laws related to agricultural lands, as well as selected court and Growth Management Hearings Board decisions.

On this Page [hide] ▲

[Federal Laws](#)

[State Statutes and Regulations](#)

[Growth Management Hearings Board Decisions](#)

[Selected Court Decisions](#)

[Recommended Resources](#)

Federal Laws

The federal Farmland Protection Policy Act (FPPA), codified in [7 U.S.C. Ch. 73](#), is intended to minimize the impact of federal programs on the conversion of farmland to nonagricultural uses by addressing the compatibility of federal programs with state, local, and private programs and policies to protect farmland.

For more information, see the U.S. Department of Agriculture Natural Resources Conservation Service page on the [Farmland Protection Policy Act](#).

State Statutes and Regulations

These statutes and regulations relate to agricultural land uses, agricultural marketing, and farmland protection in Washington State.

- [Title 15 RCW](#) – Specific laws related to agricultural products, marketing, agricultural commodity boards and commissions.
 - [Ch. 15.64 RCW](#) – Statute addressing farm marketing.
 - [Ch. 15.66 RCW](#) – Provides requirements for Washington State Agricultural Commodity Commissions.
 - [Ch. 15.92 RCW](#) – Establishes Center for Sustaining Agriculture and Natural Resources at Washington State University.
- Growth Management Act
 - [RCW 36.70A.030\(3\)](#) – Definition of "agricultural land"
 - [RCW 36.70A.040](#) – Requires cities and counties planning under GMA to designate agricultural lands and adopt development regulations conserving designated agricultural lands.
 - [RCW 36.70A.050](#) – Provides guidelines to classify agriculture, forest and mineral lands and critical areas. [WAC 365-196-480](#) and [WAC 365-196-815](#) also addresses this.
 - [RCW 36.70A.060](#) – Requires cities and counties planning under GMA to adopt development regulations to assure conservation of agricultural and other natural resource lands. [WAC 365-196-815](#) also addresses this.
 - [RCW 36.70A.170](#) – Requires designation of agricultural lands with long-term significance for the commercial production of food or other agricultural products.
 - [RCW 36.70A.177](#) – Describes innovative zoning techniques and accessory uses in agricultural lands.
- [RCW 7.48.300-.310](#) – Statutes related to nuisances and agricultural activities and forest practices, presumed reasonable and not a nuisance (Right to Farm).
- [Ch. 43.362 RCW](#) – Regarding Regional Transfer of Development Rights Program.
- [RCW 64.04.130](#) – Statute related to conservation easement.
- [Ch. 84.34 RCW](#) – Statutes relating to open space, agricultural and timber lands (Current Use and Conservation Futures).
- [Ch. 89.08 RCW](#) – Addressing conservation districts.

- [Ch. 89.10 RCW](#) – Statute related to farmland preservation.
- [Ch. 365-190 WAC](#) – Describes minimum guidelines to classify agriculture, forest, mineral lands and critical areas.
- [Ch. 458-30 WAC](#) – Provides Open Space Taxation Act rules.

Growth Management Hearings Board Decisions

The three regional Growth Management Hearings Boards were consolidated into a single board in 2010. This section includes links to the hearings board digests, including decisions related to agricultural lands.

- [Digest of Decisions, 2010-Present](#) – See various listings for “Agricultural Lands” under key holdings.
- [Digest of Decisions Prior to 2010, Eastern Washington](#)
- [Digest of Decisions Prior to 2010, Western Washington](#)
- [Digest of Decisions Prior to 2010, Central Puget Sound](#)

Selected Court Decisions

Kittitas County v. E. Wash. Growth Mgmt. Hearings Board, 172 Wn.2d 144 (2011) – A zoning technique that allows nonfarm uses on designated agricultural lands constitutes an impermissible “innovative zoning technique” within the meaning of [RCW 36.70A.177](#) of the Growth Management Act. The innovative zoning techniques allowed by [RCW 36.70A.177](#) should be designed to conserve agricultural lands and encourage the agricultural economy. Despite the allowance for innovative zoning techniques under [RCW 36.70A.177](#), the Growth Management Act requires that agricultural lands be protected.

Clark County v. West. Wash. Growth Mgmt. Hearings Board, 161 Wn. App. 204 (2011), *vacated in part*, 177 Wn.2d 136 (2013) – A challenge was brought against the county’s determination that certain agricultural properties were no longer agricultural lands of long-term commercial significance (ALLTCS). The court of appeals concluded that the county committed error in de-designating certain parcels from ALLTCS status. Where a county has designated a land area as ALLTCS and the designation has been confirmed by a growth management hearings board as being consistent with the goals and requirements of the GMA, the county may not remove the designation if

the land area continues to meet the definition of “agricultural land” under the GMA. Absent a showing that the original designation was erroneous and improperly confirmed by the hearings board or that a substantial change in the land area has occurred since the original designation, the original designation should remain. The 2013 state supreme court review of this decision resulted in the court vacating a separate part of the court of appeals decision.

Feil v. Eastern Wash. Growth Mgmt. Hearings Board, 153 Wn. App. 394 (2009) – The state sought to place a bike/pedestrian trail through an area devoted to agricultural uses. To accomplish the placement, the state applied for approval under the county’s recreational overlay district. Adjacent orchardists objected and appealed. The orchardists objected to the overlay district and raised a number of legal and factual challenges to the county commissioners’ decision to approve the overlay. The court concluded, however, that the recreational overlay district was not an amendment to the county’s comprehensive plan and that, even if it was, any challenge to the comprehensive plan came too late. The court further concluded that the recreational overlay district did not run afoul of state statutes that encourage the preservation of agricultural land. And it concluded that the decision to permit the overlay was amply supported by the findings of the commissioners, including those they adopted from the hearing examiner. Affirmed by the Supreme Court.

City of Arlington v. Cent. Puget Sound Growth Mgmt. Hearings Board, 164 Wn.2d 768 (2008) – The state supreme court affirmed an earlier court of appeals decision, and adopted the decision as its own. The court upheld Snohomish County’s amendment of its comprehensive plan, concluding that the area in question was properly redesignated from agricultural to urban commercial.

Thurston County v. Western Washington Growth Management Hearings Board, 164 Wn.2d 329 (2008) – A party may challenge a county’s failure to revise a comprehensive plan only with respect to those provisions that are directly affected by new or recently amended GMA provisions, meaning those provisions related to mandatory elements of a comprehensive plan that have been adopted or substantively amended since the previous comprehensive plan was adopted or updated, following a seven-year update. If a county fails to revise its comprehensive plan to comply with new

or amended GMA requirements, a party must be able to challenge the comprehensive plan or GMA amendments. A board should not reject urban densities based on a bright-line rule for maximum rural densities, but must consider local circumstances and whether these densities are not characterized by urban growth and preserve rural character. The GMA does not dictate a specific manner of achieving a variety of rural densities.

Futurewise v. Central Puget Sound Growth Management Hearings Board, 141 Wn. App. 202 (2007) – Pierce County, when amending its comprehensive plan, amended the plan to exclude land parcels less than five acres from lands designated as agricultural lands of long-term commercial significance. The county's decision was based upon the argument that soil sampling for smaller parcels was not reliable and upon the predominant size of farms within the county. Futurewise challenged the county's designations. On appeal, the court concluded that the county could categorize land by size but that it erred in determining that a minimum five-acre parcel size correlated to soil sample accuracy. Nevertheless, the court agreed with the county's actions based upon the county's reliance on reports of the predominant parcel size of a small farms. The predominant size of farms, the court concluded, was instructive on determining whether land has "long-term commercial significance" for agriculture.

Lewis County v. Western Washington Growth Management Hearings Board, 157 Wn.2d 488 (2006) – In determining whether the county had adequately designated agricultural land, the court provided the following definition of agricultural land: "Agricultural land is land: (a) not already characterized by urban growth, (b) that is primarily devoted to the commercial production of agricultural products enumerated in [RCW 36.70A.030\(2\)](#), including land in areas used or capable of being used for production based on land characteristics, and (c) that has long-term commercial significance for agricultural production, as indicated by soil, growing capacity, productivity, and whether it is near population areas or vulnerable to more intense uses." The court also added that counties may consider the development-related factors enumerated in [WAC 365-190-050\(1\)](#) in determining which lands have long-term commercial significance. The court further found that it was not "clearly erroneous" for the county to weigh the industry's anticipated land needs above all else. The court further found that it was clearly erroneous for the county to exclude from designated agricultural lands up to five acres on every farm (for farm centers and farm homes), without regard to soil, productivity or other specified factors in each farm area. The court

upheld a decision by the hearings board that county development regulations allowing certain non-farm uses of agricultural lands failed to comply with the GMA requirement to conserve designated agricultural lands.

City of Redmond v. Central Puget Sound Growth Management Hearings Board, 116 Wn. App. 48 (2003) – When reviewing a challenge to a zoning ordinance, a growth management hearings board must presume the comprehensive plans and development regulations are valid and the challenger has the burden of establishing otherwise. Because the land at issue in this case was never property designated for agricultural use; consequently, the urban recreational designation established by the city is valid.

King County v. Central Puget Sound Growth Management Hearings Board, 142 Wn.2d 543 (2000) – 1997 amendments to King County's comprehensive plan and zoning code, which allow active recreational uses on properties located within a designated agricultural area, do not qualify for innovative zoning techniques under [RCW 36.70A.177](#) and therefore violate the Growth Management Act.

City of Redmond v. Central Puget Sound Growth Management Hearings Board, 136 Wn.2d 38 (1998) – Unless a municipality has first enacted a transfer or purchase of development rights program, the municipality may not designate land within an urban growth area as agricultural.

Recommended Resources

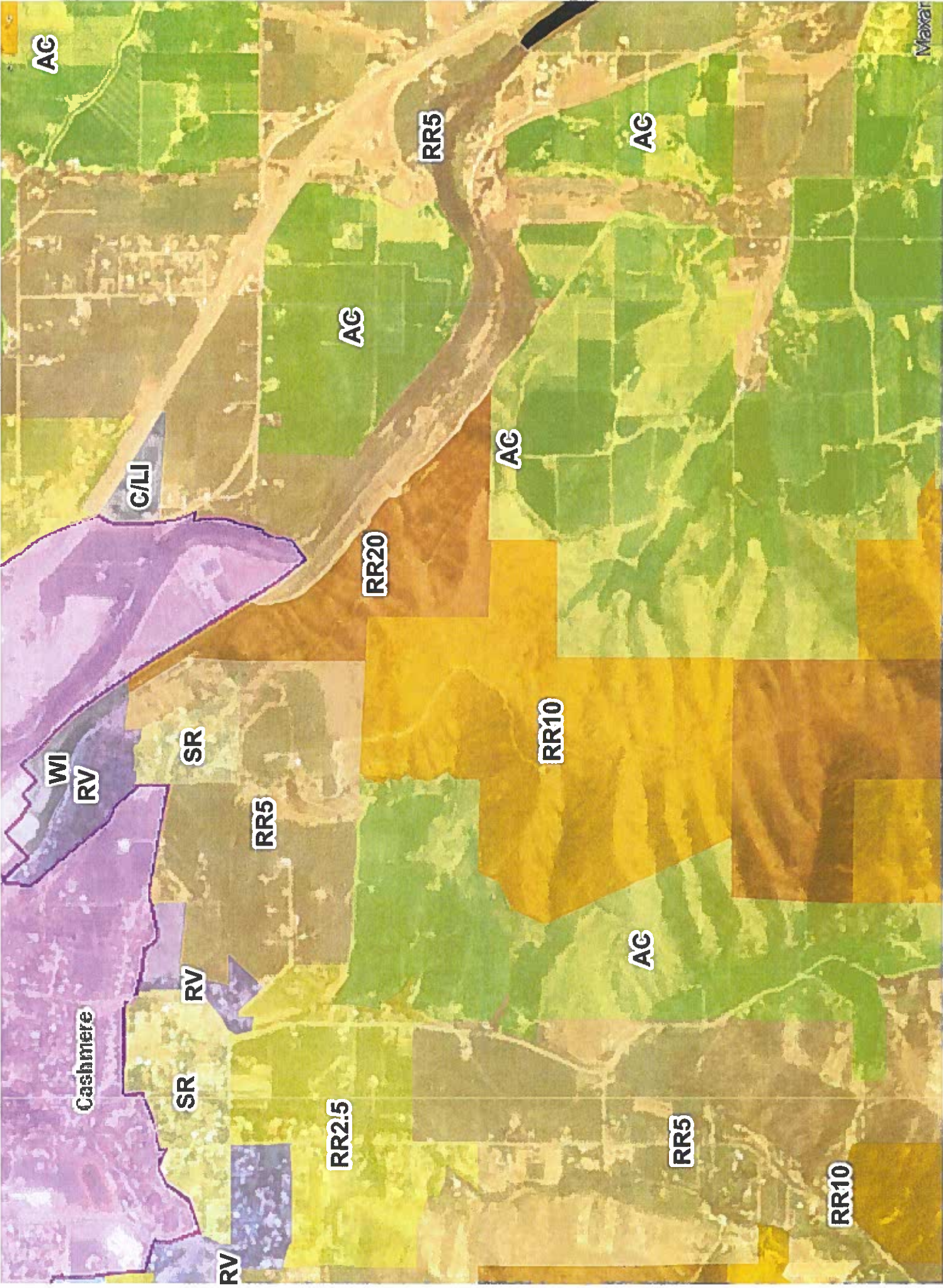
- [Farmland Information Center](#) – Clearinghouse for information about farmland protection for people working to save farmland and ranchland for agriculture. It is a project of the American Farmland Trust (AFT) maintained on behalf of and with support from the USDA Natural Resources Conservation Service (NRCS).

Last Modified: February 23, 2024

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BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
P 2021-107)	DECISION AND CONDITIONS
Riverstone Ranch)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on October 6, 2021, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This is an application was submitted to cluster subdivide approximately 63 acres into (9) lots with (1) dedicated open space tract. The smallest lot is proposed at approximately (1) acre and the largest lot is proposed at approximately (1.8) acres. The dedicated open space tracts are to be privately owned and retained as agricultural production, totaling 55.3 acres. Domestic water would be provided by a Group B water system using a permit exempt well with sanitation proposed as individual on-site systems.
2. The Applicants/owner is Riverstone Ranch, LLC, c/o Taylor Orchards, 3748 Hwy 97A, Wenatchee, WA 98801. The agent/surveyor is Dan Beardslee, PLS, 325 32nd St. NW, East Wenatchee, WA 98802.
3. The subject property is located at 3580 Bainard Rd., Malaga, WA.
4. The parcel number for the subject property is 22-21-28-440-180.
5. The subject property is located outside of the Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Commercial Agricultural Lands (AC).
7. The subject property is currently a Pear orchard with worker and orchard operation facilities.
8. The property is situated between the western shores of the Wenatchee River and US Hwy 2. The property is currently an orchard with fruit trees. The topography on the property slopes downhill south to north towards the Wenatchee River with slopes of 5-12% from the highway bench and is 65.8 acres.
9. The property to the north is the Wenatchee River, a shoreline of the state; 'Rural' shoreline designation.
10. The property to the south is US Hwy 2 and Commercial Agricultural Lands (AC).
11. The property to the west is Rural Residential/Resource 5 (RR5), Wenatchee River and US Hwy 2.
12. The property to the east is Rural Residential/Resource 2.5 (RR2.5), Rural Waterfront, Lone Pine Orchards Road and the Wenatchee River.
11. The applicant submitted an Aquifer Recharge Area Disclosure Form, date stamped March 17, 2021. Pursuant to Chelan County Code (CCC) Section 11.82.040, the aquifer recharge measure does not apply.

12. Pursuant to the Federal Emergency Management Agency, FIRM map panel FIRM map panel 5300150800A, the property may contain 100 or 500-year flood plain or associated floodway; therefore, CCC Chapter 11.84, Frequently Flooded Areas Overlay District would apply.
13. Pursuant to the Chelan County Geographical Information system, the property contains potential geologic hazardous areas. The applicant submitted a Geological Site Assessment, dated February 21, 2021. Pursuant to CCC Chapter 11.86, a note on the final plat mylar should be required, identifying this subdivision as being located in a potential geologically hazardous area..
14. Pursuant to the National Wetlands Inventory Map, the property does not contain any known wetlands. Therefore, the provisions of CCC Chapter 11.80, do not apply.
15. Pursuant to CCC Chapter 11.78, Fish and Wildlife Overlay District, the subject property does not contain any know habitat conservation areas; therefore, the provisions of CCC Chapter 11.78 do not apply.
16. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation and other agencies is required to ensure information regarding the possible impact of construction activities on the state’s archaeological resources is maintained. A letter from the Confederated Tribes of the Colville Reservation, dated April 27, 2021, states the probability of an archaeological site being on the landform is the highest possible and recommend a complete cultural resource survey. Yakama Nation Archaeologist submitted an email dated May 4, 2021, that support Confederated Tribes of the Colville Reservation recommendations. The Hearing Examiner sets as a condition a cultural resource survey with subsurface testing prior to final plat approval.
17. On January 7, 2021 a pre-application meeting was held to discuss the feasibility of the proposed development.
18. The property is accessed from US Hwy 2 a 60’ right-of-way and is classified as a State Highway in the county road system. US Hwy 2 provides single lanes for traffic in both direction with no curb, gutter or sidewalk. Pursuant to the CCC Chapter 15.30, the design and construction of the new proposed internal private road would be required to be constructed to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) with Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) for this subdivision.
19. The comment letter from Chelan County Public Works, dated April 26, 2021, states a private stormwater drainage system is required with an Operation and Maintenance Agreement of the drainage system and recorded with the final plat.
20. The Washington State Department of Ecology comment letter, dated May 6, 2021, states based on historical aerial photos indicate the development is located on property that was/is occupied by orchard during the time period when lead arsenate was applied as a pesticide. Prior to development, the project is required to conduct soil sampling under the Model Toxics Control Act.
21. Sanitation availability letters from Chelan-Douglas Health District, dated May 16, 2021, states: “Domestic water service would be by a new public water supply, individual service would be available to each lot. The new public water supply shall be reviewed and approved by the Chelan-Douglas Health District/State Department of Health”. All lots meet state minimum lot size based upon soil type.
22. Line extensions would be necessary for the development and that additional easements would be needed for the PUD primary lines if not dedicated on the face of the Plat.

23. The comment letter from the Chelan County Fire Marshal, date stamped May 11, 2021, states the subject property is located within an established fire district #3.
24. The comment letter from Chelan County Assessor, dated stamped April 30, 2021, states the legal description appears to be correct and there are no delinquent taxes.
25. Noise impacts are addressed in Chelan County Code Chapter 7.35.
26. The applicant submitted an environmental checklist on March 4, 2019. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed. A Determination of Non-Significance (DNS) was issued on September 21, 2021. The SEPA Checklist and DNS are included with the file of record and adopted by reference.
27. The Notice of Application was referred to agencies and departments on April 23, 2021 and surrounding property owners within 300 feet, excluding 60 feet of right-of-way with comments due May 8, 2021. Agency comments are included, as appropriate, within this staff report and in the recommended Conditions of Approval. The following agencies and County departments were sent referral packets:

Agencies Notified	Response Date	Agencies Notified	Response Date
Chelan County Public Works	April 26, 2021	Confederated Tribes of the Colville Nation	April 27, 2021
Chelan County Fire Marshal	May 7, 2020	Yakama Nation	May 4, 2021
Chelan County Assessor	May 11, 2021	WDFW Region 2	May 7, 2021
Chelan-Douglas Health District	April 16, 2021	Department of Ecology	May 6, 2021
Chelan County Building Official	May 3, 2021		

28. No public comments were received.
29. Application and Public Hearing Notice Compliance:

Application Submitted:	March 17, 2021
Determination of Completeness issued:	March 31, 2021
Notice of Application:	April 24, 2021
SEPA Notice:	September 21, 2021
Notice of Hearing:	September 23, 2021
Public Hearing:	October 6, 2021

30. The Comprehensive Plan has been reviewed for consistency To assure the long-term conservation of commercial agricultural lands, to protect and preserve the 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 impartible 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 rural setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential use; home occupations; bed and breakfasts; and community facilities.

30.1 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.

30.1.1 Rationale: Activities in designated agricultural resource lands should be discouraged that limit or eliminate the ability to continue agricultural operations.

30.2 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 stat that a variety of commercial activities may occur on these designated lands that are not compatible with the development.

30.2.1 Rationale: Such notification will help property owners and purchasers to make educated decisions.

30.3 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.

30.3.1 Rationale: Buffers can reduce the potential for conflicts between agricultural operations and other lands uses.

31. APPLICABLE LAND USE REGULATIONS & PERMIT REQUIRMENTS: Commercial agricultural lands (AC) zoning code:

31.1 The proposal is within the Commercial Agricultural Lands (AC) zoning district, as delineated on the zoning map, as adopted by Chelan County.

32. Commercial Agricultural Lands (AC) Zoning Code 11.30.020(1)(A) Development Standards:

32.1 Development in this district shall meet all applicable provisions of this title and all other rules, regulations and provisions of the Chelan County Code (CCC), including the following:

32.2 Development Standards applicable in the Commercial Agricultural Lands (AC) zoning districts are:

Commercial Agricultural Lands (AC) Zoning District	
Minimum Lot Dimensions	10 acres

Lot Width	150 feet at the front lot line
Maximum Lot Coverage	35 percent
Setback	100' from all property lines

- 32.3 Hearing Examiner Finding: The site plan of record, date stamped April 21, 2020, indicates that all minimum dimensional standards have been met. Setbacks from all property lines shall be 100' or approved per an Ag Waiver to reduce the setbacks.
33. Chelan County Code 14.08.010 Pre-application meetings:
- 33.1 Prior to the filing of a preliminary plat, the sub-divider shall submit to the administrator plans and other information sufficient to describe essential features of the property and the proposed or contemplated uses and development for the purposes of scheduling a formal pre-application meeting in accordance with CCC 14.08.010.
- 33.2 Hearing Examiner Finding: The applicant participated in a pre-application meeting with Chelan County Community Development on January 7, 2021.
34. Chelan County Code 12.02.060 Concurrency of public infrastructure:
- 34.1 After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the proposed land division have been given adequate notice to provide comment regarding adequate capacity or arrangements for adequate services for the development, concurrently with the demand for such services and facilities.
- 34.2 No county facilities will be reduced below adopted levels of service as a result of the proposed land division.
- 34.3 Hearing Examiner Finding: The subject property would be served by a Group B well and would utilize on-site septic systems. Extensions of the existing lines would be required for power.
35. Chelan County Code 12.08 defines the standards for all subdivisions:
- 35.1 No land division shall be approved which bears a name using a work which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words which contain the following "town," "county," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the land division bearing the same name.
- 35.2 Hearing Examiner Finding: Review of the name would be required prior to final plat approval to determine that it does not match or is not similar to an existing plat name.
36. Chelan County Code 12.08.030 Easement:
- 36.1 Utilities, whenever feasible, shall be located outside the established road prism, as defined in Title 15, but within the right-of-way. When location within the public right-of-way is not feasible or practical, as determined by the county or local utility purveyor, the following provisions shall be adhered to:
- 36.1.1 Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the county or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.

- 36.1.2 The widths of the easements shall be the minimum necessary as determined by the utility purveyor, unless the administrator determines a small or larger width is appropriate based on-site conditions. Whenever possible, public utilities shall be combined with driveways, pedestrian access ways and other utility easements.
- 36.2 Hearing Examiner Finding: Electrical services are available from the Chelan County PUD No. 1. However, line extension would be required.
- 36.3 Private road easements shall be shown.
- 36.4 Hearing Examiner Finding: The applicant is proposing access by a private road and private driveways. Private road standards, as detailed in Title 15, apply to this development and require an approved maintenance agreement.
- 36.5 Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final land division or separate instrument.
- 36.6 Hearing Examiner Finding: All easement locations are required to be shown on the final plats, pursuant to CCC 12.08.030. Separate instruments recorded with the Chelan County Auditor should be referenced on the face of the final plat. Required easements, shall be reviewed with the blue line submittal.
- 36.7 Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards.
- 36.8 Easement locations and purpose(s) should be indicated on the final plat. Easements shall be reviewed with blue line submittal.
37. Chelan County Code 12.08.040 Fire protection standards:
- 37.1 The fire protection standards contained in Title 15 and adopted International Fire Code are required in all divisions of land. Modifications are allowed though the adopted fire credit options when approved by the Chelan County fire marshal.
- 37.2 Hearing Examiner Finding: The Chelan County Fire Marshal requires conformance with the International Fire Code. The nearest fire station is within 3 miles of the subject property. Pursuant to CCC Section 3.04.010, State Building Code, all building permits require compliance with the International Fire Code(s), as adopted or amended by Chelan County.
38. Chelan County Code 12.08.050:
- 38.1 All land division creating new impervious surfaces shall meet the following requirements: (1) Storm drainage shall be provided in accordance with the adopted standards. (2) All infrastructure within the right-of-way shall become the property of, maintained and operated by, Chelan County.
- 38.2 Hearing Examiner Finding: A private stormwater drainage system would be required for the proposed preliminary plat. Operation and maintenance of the private drainage system would require a Maintenance Agreement. The Maintenance Agreement must include an operational and annual maintenance criteria. Said Maintenance Agreement shall but submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.
39. Chelan County Code 12.08.060:
- 39.1 Where a division of land is traversed by a watercourse, a drainage easement adequate for the purpose and conforming to the line of such watercourse, drainage way, waste-way,

channel or stream and of such width for construction, maintenance and protection as determined by the decision body shall be provided.

- 39.2 Hearing Examiner Finding: The property is not impacted by a watercourse.
40. Chelan County Code 12.08.080:
- 40.1 Road Standards: All land divisions shall comply with Title 15.
41. Chelan County Code 12.08.090:
- 41.1 Permanent survey monuments shall be provided for all final land divisions as required in Section 15.30.825.
- 41.2 Hearing Examiner Finding: Per Title 15 of the CCC, monuments should be required prior to submittal of the final plat or as approved by Chelan County Public Works Department. Compliance with CCC 15.30.825 shall be a condition of approval. Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the county or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.
42. Chelan County Code 12.08.100:
- 42.1 No land division shall be approved if related improvements such as levees, fills, roads, or other features will individually or collectively significantly increase flood flows, heights, or velocities.
- 42.2 If a determination is made that part of a proposed land division lies within the one-hundred-year flood plain or the floodway, the requirements of the Chelan County flood hazard development resolution shall apply.
- 42.3 Hearing Examiner Finding: If the subject property is impacted by a flood plain a Flood Plain Development Permit is required.
43. Chelan County Code 12.24.015 All final land division review and approval requirements
- 43.1 The approval given to a preliminary plat shall expire pursuant to Revised Code of Washington (RCW) 58.17.140 unless, within the allowed timeframe, a proposed final plat in proper form is filed with the administrator.
- 43.2 Hearing Examiner Finding: The applicant shall have five (5) years to final the plat from the date of preliminary approval.
44. Chelan County Code 11.10.020:
- 44.1 All subdivisions shall conform to the design standards of this title, in addition to the comprehensive plan, and all zoning regulations in effect at the time any preliminary subdivision of a subdivision is submitted for approval. Lots shall be of sufficient area and width to satisfy zoning requirements.
- 44.2 Hearing Examiner Finding: Pursuant to the review within this decision, the proposed development is consistent with the applicable chapters of the zoning code for the Commercial Agricultural Lands (AC) zoning districts, together with Chelan County Comprehensive Plan.
45. Chelan County CODE Critical areas - Chelan County Code 11.86 Geologically Hazardous Areas:
- 45.1 Hearing Examiner Finding: Pursuant to the Chelan County Geologically Hazardous Areas map data and submitted Geological Site Assessment, dated February 21, 2021, the subject property does contain potential geologically hazardous areas. Therefore, the

provisions of CCC Chapter 11.86, Geologically Hazardous Areas Overlay District do apply.

46. Chelan County CODE stormwater:
 - 46.1 Stormwater would be required to meet the standards of Chelan County Code Title 13. Stormwater would be required for the entire subdivision and all required infrastructure improvements placed prior to final plat approval.
47. The subject property was rezoned to Rural Residential/Resource 2.5 (RR2.5) last year, although the zoning designation was appealed and the rezone was rescinded by the Chelan County Commissioners. The rezone is now under appeal in Superior Court. The property is currently zoned AC for the purposes of this application.
48. Due to the fact that the subject property is zoned AC, which requires a hundred-foot setback from all the property lines, the future property owner would have to obtain a Commercial Agricultural Waiver to reduce the setbacks.
49. This proposal is to develop a 9-lot cluster subdivision with 1, 55.3-acre open space tract within the subdivision. The property is situated between US Hwy 2 and the Wenatchee River near the City of Leavenworth. Critical areas on the property are potential geological hazard areas and flood zones.
50. Access to the lots would be from a US Hwy 2, a WSDOT Approach Permit and an internal access easement. Potable water would be provided by a Group B well and all the lots would utilize on-site septic systems.
51. The proposed open space tract would be approximately 55.3 acres, which exceeds the required 70% per the code. Calculating lot numbers as follows:
$$65.8 \text{ AC} / 10 \text{ AC minimum} = 6.58 \text{ base density}$$
$$150\% \text{ (CCC Section 12.12.040(1))} + 10\% \text{ (Public Benefit/Ag productions)} = 160\%$$
$$\underline{6.58 \text{ zoning base density} \times 1.60\% = 10.528}$$

Round 10.528 up to 11 possible lots on the subject property although the applicant is only requesting 9 lots.
52. An open record public hearing after due legal notice was held using Zoom video conferencing on October 6, 2021.
53. At this hearing the entire Planning staff file was entered into the record.
54. Appearing and testifying was Dan Beardslee. Mr. Beardslee testified that he was an agent of the property owner and Applicant and has authorization to appear and speak on their behalf. Mr. Beardslee testified that the project was not being built within a flood plan and so he did not believe a Flood Plain Permit would be required. He also identified language on page 8 of the staff report referencing a "resolution" when a Board of Commissioners resolution is not required for approval of this permit. He also asked that the language "strict accordance" be stricken from the staff report and replaced with "substantial accordance". The Hearing Examiner would not that this language did not carry over into the Hearing Examiner's decision. Mr. Beardslee requested that the last sentence of proposed Condition of Approval No. 10.2 be removed and that proposed Condition of Approval No. 20.1 be removed because it was only recommendation from WDFW and not a requirement. Other than those proposed conditions referenced in his testimony, Mr. Beardslee had no objection to any of the other proposed Conditions of Approval.
55. No member of the public testified at this hearing.

56. The Hearing Examiner has reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code, the Hearing Examiner provides the attached conditions of approval.
57. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Chelan County Hearing Examiner has been granted the authority to render this decision pursuant to Chelan County Code Section 1.61.080 Duties and Powers.
2. The subject application demonstrates consistency with the development standards and procedural requirements of Chelan County Code Title 11 Zoning, Title 12 Land Divisions, Title 14 Development Permit Procedures and Administration, and Title 15 Development Standards.
3. The application, as conditioned, demonstrates consistency with the goals and policies as set forth in the Chelan County Comprehensive Plan.
4. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. The public interest will be served by the subdivision.
6. The application, as conditioned, is compatible with adjacent uses and will not harm or change the character of the surrounding area.
7. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

III. DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use P 21-107 is hereby **APPROVED**, subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to RCW 58.17, the development shall conform to all applicable local, state, and federal regulations, statutes, rulings, and requirements. The proposal shall be subject to approval that may be required under permits licenses or approvals by any other local, state, or federal jurisdictional agency.
2. All conditions imposed herein shall be binding on the Applicant. "Applicant" shall mean terms, which include the owner or owners of the property, heirs, assigns and successors.
3. Pursuant to CCC Section 11.30.020, the proposal shall comply with the Commercial Agricultural Lands (AF) Zoning District's dimension and/or development standards.

4. Pursuant to CCC Section 12.08.030 and 12.24.020(3) and Chapter 15.30, all easement locations are required to be shown on final plats.
5. Pursuant to RCW 84.56.345, all taxes, delinquent taxes, and assessments that are required by the Chelan County Treasurer are to be paid prior to final Plat recording.
6. Pursuant to CCC Section 11.10.020(1), the minimum lot size may be modified one time for a cluster subdivision. The following note shall be placed on the final plat:
 - 6.1. **“The lots associated with this plat shall not be further subdivided utilizing the provisions of Chelan County Code Section 11.30.020(1)(A-D), as amended.”**
7. Pursuant to CCC Section 12.12.050, the open space accumulated shall be clearly labeled and numbered as a tract with an approved open space management plan; the following language shall be inserted on the final plat filed for record under this chapter:
 - 7.1. **“This tract is held in reserve as open space designated for agricultural use on which a variety of activities may occur that are not compatible with residential development for certain periods of limited duration. Open space set aside for agricultural purposes may allow improvements that are associated with the agricultural operations, such as barns, outbuildings, storage facilities and other related facilities provided they are incidental and do not take up more than ten (10) percent of the open space. Commercial operation associated with agricultural activities shall be prohibited. This tract is held in reserve as open space with provision for building consistent with the approved open space management plan AFN: _____, or as legally amended.”**
8. Pursuant the CCC Section 12.02.010(1), the following note shall be placed on the final plat mylar:
 - 8.1. **“Chelan County is not responsible for notification or enforcement of covenants or deed restriction or reservations affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant/owner assume all risk and liability for any claims and liabilities for covenants or deed restrictions or reservations.”**
9. Pursuant to RCW 27.53.020, the applicant shall stop work and contact Community Development and the Department of Archaeology and Historic Preservation and other agencies as required, regarding the possible impact of construction activities on the state’s archaeological resources.
10. **The Washington State Department of Ecology requires that the soils be sampled and analyzed for lead and arsenic and for organochlorine pesticides. If these contaminants are found at concentrations above the MTCA cleanup levels, the Washington State Department of Ecology recommends that the potential buyers be notified of their occurrence.”**
 - 10.1. Historical aerial photos indicate that the subject property is located on property that was occupied by orchard during the time period when lead arsenate was applied as a pesticide, often resulting in shallow soil contamination from lead and/or arsenic. Before proceeding, your development is required to conduct soil sampling under the Model Toxics Control Act (Chapter 173-340 WAC).
 - 10.2. If sampling indicates elevated levels of lead and arsenic, cleanup would be required. The Department of Ecology plans to use Model Remedies for lead and arsenic pesticide contamination in historical orchards of Central Washington.

- 10.3. Compliance with a Model Remedy ensures your development meets the minimum standards of the Model Toxics Control Act, and if implemented as described, your property would be successfully cleaned up to Washington State standards.
11. 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.
12. Pursuant to CCC Section 12.24.015, the following note shall be placed on the final plat mylar:
- 12.1. **“Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development.”**
13. Pursuant to the Revised Code of Washington (RCW), the following notes shall be placed on the final plat:
- 13.1. **“Noxious weed control is the responsibility of the individual lot owners, per RCW 17.10.140, as amended.”**
- 13.2. **“If any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archaeology and Historic Preservation in conformance with RCW 27.53.020.”**
- 13.2.1. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan may be obtained from Chelan County Community Development.
14. Pursuant to CCC Section 11.86.080, the following note shall be placed on the final Plat:
- 14.1. **“All development shall be consistent with Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, as amended; and the Geotechnical Engineering Evaluation and Geologic Hazard Assessment prepared by Anderson Geological Consulting, LLC dated February 21, 2021 or with a site-specific geological site assessment.”**

CHELAN COUNTY BUILDING OFFICIAL

15. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Building Official comments dated May 3, 2021.
- 15.1. Flood Plain Development requirements and permits may be necessary as part of the permitting and plan review process.
- 15.2. The Geohazard Assessment does not serve as a Geotechnical Report and further soil evaluation may be necessary during the development phase.

CHELAN COUNTY FIRE MARSHAL

16. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal Agency Comments dated May 11, 2021.

- 16.1. The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. Applicant is encouraged to contact this office to ascertain how the attached fire protection credits options apply to their development. A note on the face of the final short plat shall state:
- 16.1.1. *“Without the installation of a fire hydrant that has the capabilities of delivering the required fire flow and within the required distance to the lots in question, the applicant may choose one or any combination of the fire protection credits to satisfy 100% Fire Protection Credits needed.”*
- 16.2. Class A roofing/noncombustible roof covering, as defined in the International Building Code, shall be used in all of Chelan County. A note on the face of the final mylar shall state that:
- 16.2.1. *“All buildings that require a building permit within this short plat shall have Class A roofing materials.”*
- 16.3. New construction permitted after February 1, 2021 is subject to WAC 51-54A-8200 International Wildland-Urban Interface Code. These include possible def space (Firewise) requirements for the property landscape and possible construction requirements for new buildings. A note on the final mylar shall state that:
- 16.3.1. *“All buildings that require a building permit within this plat shall comply with the portions of the International Wildland-Urban Interface Code adopted by the State of Washington and Chelan County.”*

CHELAN-DOUGLAS HEALTH DISTRICT

17. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan-Douglas Health District memorandum dated May 16, 2021.
- 17.1. Domestic water service shall be by a new public supply that has yet to be developed. Individual service shall be available to each lot. This system must be reviewed and approved by the Health District/State Department of Health, and construction of the system certified as per State Board of Health Regulations prior to final plat approval.
- 17.2. A Group A and B public water systems using a well point must show and describe the sanitary control area/radius around the well. All necessary easements and covenants for access and protection of the public water supply must be shown or described on the final plat drawing. The Washington State Dept. of Health has more information and examples of the following protective covenants (DOH publication 331-048b). A Restrictive Covenant is necessary for that part of the 100’ sanitary control radius that falls outside the well owner’s property and is recorded to the neighboring property owner’s parcel(s). A Declaration of Covenant is necessary for that part of the 100’ sanitary control radius that falls completely within the well owner’s property and is owned in fee simple by the well owner. Some wells would have both protective covenants. The Health District recommends the plat developer consult an attorney about these covenants. Protective covenants for each public well points much be declared in the dedicatory language on the plat as follows:
- 17.2.1. *“A Declaration of Covenant recorded as a notice to title with Chelan County as AFN: _____ establishes a sanitary control area with a 100’ radius around the public well shown (as well tag # _____). No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health.”*

- 17.2.2. ***“The Declaration of Covenant and Restrictive Covenant(s) recorded as a notice to title with Chelan County as AFN: _____ establishes a sanitary control area with a 100’ radius around the public well shown (as well tag # _____). No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the specific recorded permission of the well owner(s) and the Washington State Dept. of Health.”***
- 17.3. The dedicatory language on the final plat shall carry these notes:
- 17.3.1. ***“The Health District has not reviewed the legal availability of water to this development.”***
- 17.3.2. ***“The combined water use by all the wells in this development may not exceed 5,000 gallons per day or be used to irrigate more than ½ acre unless ground water withdrawal permit is obtained from the Department of Ecology (RCW 90.44.050).”***
- 17.4. Subject to specific application approval and issuance of permits by the Health Officer, the property is generally suitable for placement of individual on-site sewage disposal system. Test holes have been examined on the subject property by Tower Designs via a report dated March 12, 2021.
- 17.5. The dedicatory language on the final plat shall contain this statement:
- 17.5.1. ***“Site evaluations may be required at the time of application for individual septic system construction permits.”***

CHELAN COUNTY PUBLIC WORKS DEPARTMENT

18. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Public Works memorandum dated April 26, 2021.
- 18.1. The applicant would be required to demonstrate or obtain a WSDOT Approach Permit showing approval of this subdivision. If improvements are required to the access, the applicant shall construct the new access to US Hwy 2 to meet WSDOT Approach Design Details.
- 18.2. Pursuant to CCC Section 12.02.020, the applicant must demonstrate a legal and perpetual access for the proposed lots on the subdivision.
- 18.3. Pursuant the Chelan County Code Chapter 15.30, the design and construction of the new proposed internal private road would be required to be constructed to meet a Rural Emergency Vehicle Access Road (Standard Plan PW-22) with Emergency Vehicle Turnaround (Standard Plan PW-23 A or B) for this subdivision)
- 18.4. Pursuant to CCC Section 15.30.340, the applicant shall file a Private Road Maintenance and Upgrading Agreement appurtenant to all the property owners having a vested interest in the private shared/common access road and must contain working of maintenance of the road sign within the development. Said agreement must be provided simultaneously with the Preliminary Mylar(blue) submission. Said agreement shall be recorded with the final plat.
- 18.5. Pursuant to CCC Chapter 15.30, the applicant would be required to provide snow storage areas to place snow accumulated from the new internal private road.
- 18.6. Pursuant to CCC Section 15.30.650, required the following language on the face of the plat:
- 18.6.1. ***“Chelan County has no responsibility to build, improve, maintain, or otherwise service any private road for this plat.”***
- 18.7. Pursuant to CCC Section 15.30.310, the applicant is required to submit a lot access/addressing plan. The lot access/addressing plan shall demonstrate how all lots and

- any existing driveway easement would be constructed and how they meet county road approach standards.
- 18.8. Pursuant to CCC Chapter 10.20, submit with the Preliminary Mylar (blue-line), a lot access/addressing plan. The lot access/addressing plan shall demonstrate how all lot and any existing driveway easements would be constructed and how they meet Chelan County Road approach standards. **Submit three (3) proposed private road names to be approved by the Public Works Department and by Rivercom for the proposed new roads and the joint access easement in accordance with Title 10.20.**
 - 18.9. Pursuant to CCC Chapter 10.20, the applicant shall add the following note to the Final Mylar for addressing:
 - 18.9.1. *“Addresses are assigned to each lot based on given driveway locations. Any and all modifications to the location of the driveway(s) shall result in a change to the address previously assigned to said lot(s).”*
 - 18.10. Pursuant to CCC Section 15.30.610, Construction Plans: The applicant shall submit construction plans and reports for all required improvements on the internal private road improvements. The applicant would be required to have the Construction Plans shall include, but are not limited to:
 - 18.10.1. Drainage Report and Plan
 - 18.10.2. Roadway Improvement Plan (showing location of utilities and roadway curve data)
 - 18.10.3. Lot Access Plan (Profiles, Topography)
 - 18.10.4. Erosion and Sedimentation Control Plan
 - 18.10.5. Signage Plan
 - 18.11. Pursuant to CCC Section 15.30.650, a Pre-Construction Meeting is required with the owner, contractor, and the Chelan County Public Works Department prior to commencing any construction.
 - 18.12. Pursuant to CCC Section 15.30.650, As-Built Plans shall be submitted, reviewed and approved by the Public Works Department upon completion of all required improvements and prior to the County Engineer's signature on the Final Mylar.
 - 18.13. Pursuant to CCC Section 15.30.660, As-Built Plans shall be submitted, reviewed and approved by the Public Works Department upon completion of all required improvements and prior to County Engineer signature on the Final Mylar.
 - 18.14. Pursuant to CCC Section 15.30.820, the applicant shall not obstruct sight distance with a centralized mailbox or locate centralized mailbox on a road right-of-way that would hinder Road Maintenance. Should a centralized mailbox be required, provide details on construction plans. Minimum information shall include location, installation details, and pull-out detail.
 - 18.15. The final plat shall include any easements necessary to provide and maintain all utilities to and within the proposed preliminary plat.
 - 18.16. Pursuant to CCC Section 13.18.030(9), On the Final Plat, show the necessary easements and tracts in accordance with the approved drainage plan.
 - 18.17. Preliminary Plat must comply with stormwater standards, CCC Chapter 13.12; 13.14; 13.16 and 13.18 of Chelan County Code.
 - 18.18. A private stormwater drainage system would be required for the proposed preliminary plat. Operation and maintenance of the private drainage system would require a Maintenance Agreement. The Maintenance Agreement must include an operational and annual maintenance criteria. Said Maintenance Agreement shall be submitted to the Public Works Department with the Preliminary Mylar (blue lines) and shall be recorded with the final plat.
 - 18.19. The following note shall be placed on the final plat Mylar:

18.19.1. *“The area within this plat contains a private storm drainage system designed to control runoff originating from this site. This site shall burden and benefit the parties’ successors and assigns; that its contents are binding upon the parties’ successors in interest and runs with the land. The Drainage Plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works Department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner’s expense. This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system. Stormwater Maintenance & Operation Agreement AFN: _____.”*

- 18.20. The applicant shall submit Lot Closure calculations with the Preliminary Mylar (blue line) submission.
- 18.21. The plat must identify all roads as public or private.
- 18.22. The plat must identify centerlines and easement dimensions on any new proposed roads.
- 18.23. The plat shall show all easements that benefit or burden the development.
- 18.24. Lot closure calculations must be submitted with Pre-Final (blue lines).

**CONFEDERATED TRIBES OF THE COLVILLE RESERVATION AND YAKAMA NATION
ARCHAEOLOGIST**

- 19. The subject property and final plat shall conform to the comments and conditions of approval as found in the Confederated Tribes of the Colville Reservation dated April 27, 2021 and Yakama Nation Archaeologist dated May 4, 2021.
 - 19.1. A professional archaeological survey of the development area shall be conducted prior to ground disturbing activities. Both Colville and Yakama also recommend consultation with the concerned Tribes’ cultural committees and staff regarding cultural resource issues.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

- 20. The subject property and final plat shall conform to the comments and conditions of approval as found in the WDFW memorandum dated May 7, 2021.
 - 20.1. The Applicant shall coordinate with WDFW to develop a stewardship plan/covenants/deed restrictions for homeowners to ensure that measures to lessen the impacts of development to the riparian habitat and Wenatchee River carried into the future.

Dated this 11th day of October, 2021

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.


The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2024 Development Text Amendments to Titles 11, 12, 14 Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development 
HEARING DATE: March 27, 2024
FILE NUMBER: ZTA 2024-105 Development Regulation Text Amendments

PROJECT DESCRIPTION – ZTA 2024-105

Proposal: The Board of County Commissioners formed a Task Force in the fall of 2022, wrapping up in early spring of 2023, to review and propose recommendations on the provisions of the Chelan County Code that allow for substandard lot creation and the BLA provisions that also allow/encourage the revision of existing conforming properties to substandard lots. The Task Force was comprised of representatives from the 3 Community Councils (Malaga, Peshastin and Manson), a representative from the builder/realtor coalition, a representative from the agricultural community, at-large representatives from each of the Commissioner districts and representatives from Chelan County agencies of jurisdiction. The Task Force was facilitated by an outside contract consultant – Berk Associates. Berk provided the County Commissioners with a summary of the work group discussions, sections of code reviewed and recommendation for code amendments, including Titles 11 & 12. The County Commissioners directed staff to proceed with the Task Force recommendations, resulting in this draft document (Attachment 1).

The Task Force Summary and Recommendation Report is included as Attachment 2.

GENERAL INFORMATION

Applicant	Chelan County
Planning Commission Notice of Hearing Published	March 14, 2024
Planning Commission Hearing on	March 27, 2024
60-day State agency review	Initiated: March 11, 2024
SEPA Determination	March 11, 2024

SEPA Environmental Review

A Determination of Non-Significance was issued under WAC 197-11-340 for ZTA 2024-105 on March 11, 2024 (Attachment 3). 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 a review of a completed environmental checklist and other information on file with the lead agency.

Agency Comments:

None received to date. (If received prior to hearing, will be Attachment 5.)

Public Comment:

None received to date. (If received prior to hearing, will be Attachment 6.)

WASHINGTON STATE GROWTH MANAGEMENT ACT (GMA)

RCW 36.70A.030 Definitions:

- (35) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:
- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
 - (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
 - (c) That provide visual landscapes that are traditionally found in rural areas and communities;
 - (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
 - (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
 - (f) That generally do not require the extension of urban governmental services; and
 - (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.
- (36) "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.
- (44) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d) (LAMIRDs), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

RCW 36.70A.020 Planning goals:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW [36.70A.040](#) and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW [36.70A.210](#) and chapter [47.80](#) RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans, development regulations, and, where specified, regional plans, policies, and strategies:

- (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.***

- (4) Housing. Plan for and accommodate housing affordable 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.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Retain open space and green space, enhance recreational opportunities, enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- (10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- (14) Climate change and resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

RCW 36.70A.070(5)

- (5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:
 - (a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.
 - (b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.
 - (c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:
 - (i) Containing or otherwise controlling rural development;
 - (ii) Assuring visual compatibility of rural development with the surrounding rural area;
 - (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
 - (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
 - (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

- (i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
 - (A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.
 - (B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.
 - (C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:
 - (I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and
 - (II) Any included retail or food service space must not exceed 2,500 square feet for a new use;
- (ii) The 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, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;
- (iii) The 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, but do provide job opportunities for rural residents. Rural counties 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 local government according to *RCW [36.70A.030](#)(23). Rural counties 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 local government according to *RCW [36.70A.030](#)(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

- (iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall 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;
- (v) For purposes of this subsection (5)(d), an existing area or existing use is one that was in existence:
 - (A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;
 - (B) On the date the county adopted a resolution under RCW **36.70A.040(2)**, in a county that is planning under all of the provisions of this chapter under RCW **36.70A.040(2)**; or
 - (C) On the date the office of financial management certifies the county's population as provided in RCW **36.70A.040(5)**, in a county that is planning under all of the provisions of this chapter pursuant to RCW **36.70A.040(5)**.

CHELAN COUNTY COMPREHENSIVE PLAN

Chelan County conducts a 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 goals and policies are relevant to the request:

CHAPTER 2 - LAND USE ELEMENT

The goals and policies contained in the Land Use Element form the basis of the land use strategy for development within the County and address the following general planning goals:

- provide for a supply and distribution of land use types to accommodate the population and employment growth projected for the planning area;
- reduce development pressures and patterns of sprawl within rural areas;
- conserve agricultural, forest and mineral resource lands of long-term commercial significance; and
- Preserve and protect critical areas, open space, and the areas of rural character.

It is common to find development occurring adjacent to built infrastructure, such as roads and power lines, and where travel to services (such as grocery stores, churches or schools) is easily accessible. This type of development is not sprawl but rather follows the pattern of rural living in Chelan County with larger lot sizes used for residential living and often agricultural activities or clustered lots with large areas of protected open space. The County will continue to experience growth pressures on developable land.

RURAL CHARACTER

The remaining County land is able to meet current and projected population needs; however, due to constrained transportation facilities and funding resources for rural utilities, it is common to find development occurring adjacent to built infrastructure, such as roads and power lines, and where travel to services (such as grocery stores, churches or schools) is easily accessible. This type of development is not sprawl but rather follows the pattern of rural living in Chelan County with larger lot sizes used for residential living and often agricultural activities or clustered lots with large areas of protected open space. The County will continue to experience growth pressures on developable land.

RESIDENTIAL DEVELOPMENT PATTERNS

Development among the hills and hilltops is relatively new but is consistent with the rural area, especially when developed in a manner which reduces road cuts and visual impacts, preserves open space, provides agriculture and/or recreational opportunities and protects critical areas.

Sprawl is defined, by Webster's Dictionary, as "to spread or develop irregularly or without restraint" and "to cause to spread out carelessly or awkwardly". The negative effects associated with sprawl are a reduction in environmental and human health. Chelan County does not support sprawl rather development of rural land is consistent with the historic density patterns; provide for the protection of the natural and critical environment and habitat; supports the Federal and State natural wilderness and park lands; protects the small rural communities; allows for recreation throughout the County; and, encourages orderly growth of populated areas through adoption of subarea plans, LAMIRD designations, and city urban growth areas in a manner consistent with the State population forecasting and Chelan County's rural character.

Growth Patterns: The County anticipates growth to occur in a manner consistent with the land use designations planned for and implemented by the zoning map and regulations. Growth is expected to occur in areas identified as vacant and underutilized by the County Assessor's primary land use classification code.

GOALS AND POLICIES FOR LAND USES

Goal LU 1: Residential designations shall provide for an adequate supply of land to accommodate the housing needs and strategies outlined by the comprehensive plan. Implementation regulations shall provide for a variety of residential opportunities to serve a full range of income levels.

GOAL LU 4: Preserve the integrity of significant natural, historic, and cultural features by minimizing the impacts of development.

Policy LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.

Rationale: The design of development proposals should consider the relationship with the natural environment from both aesthetic and environmental perspectives. Capitalizing on natural features can enhance the quality of new development while minimizing potential adverse impacts and exposure.

Policy LU 4.3: Promote the use of land preserves and conservation areas to protect important natural area from inappropriate development.

CHAPTER 3 - RURAL ELEMENT

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

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.

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.

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.

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.

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.

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.

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

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

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 2.6: 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 2.8: 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.

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 3.5: 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.

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.

IV. Designations/Siting Criteria – Rural:

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

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.

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.

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.

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.

CHAPTER 4 – RESOURCE ELEMENT

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.

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

- Who is responsible for mitigation measures (developer of incompatible use)
- Where should development occur
- Recognize as a significant economic activity
- Agricultural uses vs. compatible and incompatible uses
- Availability of irrigation water o Protecting farmers options
- 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 1.2: 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 1.4: 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.

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

CHAPTER 5 – HOUSING ELEMENT

Affordable housing options and supportive housing (for seniors and special needs) within the County are limited primarily due to three factors:

1. The County’s role within the Growth Management Act is the preservation of rural lands which limits development options and higher density development.
2. The County is limited in its ability to provide infrastructure, primarily water and sewer, which are necessary to development more affordable housing.
3. Affordable housing in rural areas becomes less “affordable” when factoring in transportation costs.

Despite these limitation, the County has incorporated several regulatory options to support housing alternatives, including permitting of accessory dwelling units, subdivisions options for existing housing, bonus density associated with cluster development or planned developments and allowance of manufactured home parks.

Goal H 2: Promote a variety of residential densities and housing types.

Policy 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.

Rationale: 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.

Policy H 2.2: Encourage development of housing types that meet the needs of the elderly, physically challenged, mentally impaired, and special needs segments of the population (e.g., congregate care facilities).

Rationale: Housing needs should represent the diversity of County residents.

Goal H 4: Support regulatory changes and economic programs that promote affordable housing options.

Policy H 4.6: Major concentrations of housing should be located in areas with access to existing and projected transportation systems to minimize expansion of road systems.

Rationale: Supporting the placement of development which minimizes the development of extensive road systems and/or reduces the transportation (travel) costs of residences may result in less impact to the road system and reduce living costs to residents

AFFORDABILITY OPTIONS

Countywide, there is an assumption that the market place will guarantee adequate housing for those in the upper economic brackets, but adequate provisions for the needs of middle and lower income persons will be necessary to ensure affordable housing

Affordable housing options are supported through the zoning code which provides opportunities for clustering of lots, bonus densities with some types of development, planned unit developments, master planned resorts, segregation of residential homes, and accessory dwelling units. The County adopts regulations for the urban growth areas which reflect the associated City housing goals and densities.

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 14.13.040 and Section 14.14.047, the following review criteria were used to evaluate the proposed amendments:

1. *The amendment is necessary to resolve a public land issue or problem (CCC 14.13.040(1)) (code text amendment)*

Discussion: Code revisions in the past that have allowed for the creation and/or revision of substandard parcels have yielded no evidence of the benefit used as justification for the change. The impact of these provisions have led to undue stress on existing infrastructure, with no development review for concurrency of services. Lots have been created and revised through "stacking" or "tiling" of Certificates of Exemption and Boundary Line Adjustments to avoid the concurrency requirements of the GMA.

Many substandard lots were created prior to GMA through old plats and irrigated tracts. The creation of these lots made provisions for appropriate access. The revision, and in many cases, total relocation of the lot requires new access, which is not reviewed for public safety, fire/emergency accessibility, water availability and irrigation shares. Reconfiguring existing lots to redirect access via an additional private easement or changing the access point on an existing public road, should be reviewed for compliance with the county road plans and existing levels of service. These reconfigurations also avoid proper review for infrastructure improvements, which should be completed at the time of development, not deferred to other taxpayers through an exempt process.

The research and summary provided by Berk and the Task Force identified a large percentage of the parcels within each zoning designation as substandard. While they may exist, we should not be promoting, encouraging or facilitating the practice of creating additional substandard lots/parcels. This practice has compromised the primary goal of preserving agriculture in Chelan County. The smaller the lots and the more density we site in the rural areas, the more our farming community is impacted.

Finding of Fact: The practice of creating substandard lots, through either existing provisions in Title 11, or exempt actions in Title 12 have not rendered property more affordable in Chelan County. Creating more high value rural lots through a lot reduction provision does not increase affordability, nor does it provide needed workforce housing. These provision in the code proposed to be amended will align, once again, with the goals of the GMA, and the Chelan County Comprehensive Plan.

Specific to the addition of RV Parks in the Rural Industrial (RI) zoning:

Chelan County has existing provisions for siting RV parks. There is a considerable amount of Rural Industrial zoning in areas with appropriate services (water systems, ample area for septic, public roads/access, etc). Chelan County Code, District Use Chart (11.04.020) currently permits RV parks, with development standards, in some Rural designations, including Rural Commercial. With the Rural Industrial zoned properties being

located in areas with some limited public services and close to recreational amenities (parks, rivers), it seems a natural progression to include additional transient type RV parks in the Rural Industrial zoning district.

Conclusion: The amendments are necessary to resolve a public land use issue or problem.

1. *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.*

The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW. [\(CCC 14.13.040\(2\)\)](#).

The amendment complies with or supports the county-wide planning policies. [\(CCC 14.13.040\(3\)\)](#) (code text amendments)

Finding of Fact: RCW 36.70A.020 describes 15 planning goals to guide the adoption of comprehensive plans and development regulations for counties and cities planning under the Growth Management Act. These goals include, but are not limited to:

2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Conclusion: The proposal is more consistent with the goals of the Growth Management Act and any applicable county-wide planning policies than the existing procedures and code language.

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;*

The amendment complies with or supports comprehensive plan goals and policies... [\(CCC 14.13.040\(3\)\)](#) (code text amendment)

Finding of Fact: The proposed amendments to Titles 11 and 12 (development regulations) are supported by various goals and policies identified within the Land Use, Rural, Resource and Housing Elements of the Chelan County Comprehensive Plan identified above in staff report analysis, specifically:

LU Goals: 1, 4

LU Policies: 4.1, 4.3

RE Goals: 1, 2, 3, 4

RE Policies: 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 2.6, 2.8, 3.2, 3.2, 3.5, 3.6, 3.7, 3.8, 4.1

AL Goals: 1, 2

AL Policies: 1.2, 1.4, 2.1, 2.2, 2.3, 2.4

H Goals: 2, 4

H Policies: 2.1, 2.2, 4.6

Conclusion: The proposed amendments support the Chelan County comprehensive plan goals and policies.

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; [CCC 14.13.040\(4\)](#) (code text amendment)*

Finding of Fact: This amendment would stop the degradation and further conversion of our agricultural resources and existing farm land to sprawling residential use through numerous existing means of creating

substandard lots and relocating existing lots in a manner that is inconsistent with sustainable farming practices.

Conclusion: This amendment does not adversely affect lands designated as resource lands of longterm commercial significance or designated critical areas in ways that cannot be mitigated.

5. *The development regulation amendment is based on sound land use planning practices and would further the general public health, safety and welfare. (CCC 14.13.040 (5)) (code text amendment)*

Finding of Fact: The applicant is Chelan County. The proposed Development Regulation Code amendments respect the work of the Task Force members, their review of existing code sections, consideration of alternatives and recommendations, and were forwarded to Community Development Staff by the Board of County Commissioners for processing as an amendment following the Task Force Recommendations.

Conclusion: The proposed amendment serves the interest of the general public, including public health, safety, and welfare.

RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Development Regulation Text Amendment 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. Suggested motion if the Planning Commission intends to move said proposed amendments forward with a recommendation for approval:

- A. Move to recommend **approval** of the Development Regulation Text Amendment(s) to provide regulatory support and clarification, given file number ZTA 2024-105, based upon the findings of fact and conclusions of law contained within the March 27, 2024 staff report.

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) and Chelan County Code outline provisions relating to the adoption and amendments to development regulations. The County used the applicable guidelines and regulatory review criteria for this 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 on March 11, 2024.
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on March 11, 2024 (Attachment 3), pursuant to RCW 36.70A.106.
6. A request for amendments to Chelan County Code, Titles 11 & 12, was made by Chelan County to provide policy and regulatory support. This amendment addresses the creation and/or revision of substandard lots or acreage-compliant parcels to substandard parcels, within rural areas of Chelan County, along with revising exempt (from subdivision regulations) actions so that appropriate review of infrastructure is addressed.

CONCLUSIONS OF LAW

1. The amendments to the Chelan County Code 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.
7. 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.

ATTACHMENTS

1. Draft Code Text Amendments
2. Task Force Summary and Recommendation Report to BoCC
3. Department of Commerce 60-day Review Acknowledgement letter
4. SEPA Determination dated March 11, 2024
5. Agency Comments
6. Public Comments

Attachment 1

RR20

11.08.020 Standards.

All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

(1) Minimum lot size: twenty acres, which measures to the centerline of adjoining public rights-of-way, which may be modified one time for:

(A) Cluster subdivisions and planned developments; or

~~(B) Fractional lot, no less than fifty percent of the minimum area of the district, within a major or minor plat; or~~

~~(C) Fractional lot for boundary line adjustment meeting the criteria of Section 12.18.030; or~~

(D) Lot size reduction for existing dwellings, under the criteria listed in subsection (9) of this section.

(2) Minimum lot width: two hundred feet at the front building line.

(3) Maximum building height: thirty-five feet.

(4) Maximum lot coverage: buildings and structures shall not occupy more than thirty-five percent of the lot area.

(5) Minimum Setback Distances. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5), and riparian and shoreline areas, or as increased by the provisions of this title:

(A) Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.

(B) Rear yard: twenty feet from the rear property line.

(C) Side yard: five feet from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.

(D) Setbacks from Agriculture. No dwelling unit shall be located within one hundred feet of a property zoned as either commercial agricultural lands (AC) or currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5).

(i) Measurement. The entire width of any public right-of-way may be used as part of the setback calculation. In no case shall the setback from a public right-of-way be

less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater. See Graphic G-2 in Appendix A.

(ii) Administrative Modifications. The granting of a modification request must be necessary for the reasonable use of the land or building and the modification as granted by the administrator shall be the minimum necessary to accomplish this purpose. The decision of the administrator shall be appealable to the Chelan County hearing examiner.

(a) For lots/parcels legally created, and which retain the same legal description without modification, prior to the effective date of these provisions (September 9, 1997), the administrator may modify the required setback from land in agricultural use up to twenty percent.

(iii) Waivers. Agricultural setbacks for dwelling units may be waived on an existing parcel within or adjacent to the commercial agricultural zoning district when a written waiver, signed by both the subject property owner and the adjacent property owner, is notarized, reviewed and approved by the department and recorded with the Chelan County auditor's office as a notice to title. Where such a waiver is implemented, the setbacks identified within this chapter shall be utilized as the minimum standards as listed in CCC 11.08.020, 11.10.020, 11.12.020, 11.14.020, 11.30.020.

(a) Where a waiver has been granted, enlargement of the existing dwelling, request for additional dwellings (ADUs) or conversion of any existing structure to a dwelling unit, within the one-hundred-foot setback, shall require a new waiver, consistent with subsection (6)(C) of this section.

(iv) Existing Dwellings. For existing dwelling units, not placed with a waiver, the setback shall be defined by the existing dwelling for existing property lines. No encroachment into the required agricultural setback for expansion(s) of an existing dwelling unit, or through new or revised property lines.

(6) Off-street parking requirements in this district shall be as follows:

(A) Two spaces per single-family dwelling unit;

(B) One space per five beds and one space per staff person for adult family homes;

(C) Other off-street parking and loading shall be provided as prescribed in Chapter [11.90](#) of this title.

(7) Landscape standards shall be provided as prescribed in Chapter [15.50](#) of Title [15](#), Development Standards, as amended.

(8) Accessory uses which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity as defined by RCW [84.34.020](#)(2) must be on the same parcel (or have adjacent or contiguous ownership) as the agriculture use that they are supporting.

~~(9) Lot Size Reduction for Existing Dwellings. To support long-term residential living, maintenance of existing housing and affordable housing options throughout the county. The owner of land may segregate, one time only, property into one additional lot when meeting the following criteria, except for those properties within the Icicle Valley Design Review Overlay District, Chapter [11.72](#):~~

~~(A) The parcel, prior to land division, shall not be divisible by subdivision (short or major), cluster subdivision (short or major) or through a certificate of exemption process, as defined by Title [12](#), excluding "laws of descent."~~

~~(B) The proposed lot has adequate access.~~

~~(C) The size of the proposed lot is the minimum area reasonably necessary to support the existing single-family residence and associated accessory uses. If wells and/or septic systems are adjacent to the existing single-family residence, lot size should include these facilities. If wells and/or septic are not adjacent, then easements shall be provided.~~

~~(D) Land division process shall be completed through Title [12](#) short plat provisions.~~

(109) Lot Size Reduction for Existing Dwellings. In certain rural residential/resource districts for agriculture and timber uses. Land located on "farm and agricultural land" or "timber land" as defined in RCW [84.34.020](#) may be segregated one time only when meeting the following criteria:

(A) Land is a minimum of ~~five~~ twenty (20) acres prior to segregation.

(B) When proposed lot size is the minimum necessary to incorporate legally constructed dwellings and accessory uses existing prior to September 9, 1997. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.

(C) The proposed lot has adequate access.

(D) The lot size meets the provisions of the Chelan-Douglas health district.

(E) Division is completed through a short subdivision process in Title [12](#). (Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2012-46 (Att. A) (part), 5/15/12; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2008-13 (part), 2/5/08; Res. 2007-98 (part), 7/2/07; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

RR10

11.10.020 Standards.

All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

(1) Minimum lot size: ten acres, which measures to the centerline of adjoining public rights-of-way, which may be modified one time for:

(A) Cluster subdivisions and planned developments; or

~~(B) Fractional lot, no less than fifty percent of the minimum area of the district, within a major or minor plat; or~~

~~(C) Fractional lot for boundary line adjustment meeting the criteria of Section 12.18.030; or~~

(D) Lot size reduction for existing dwellings, under the criteria listed in subsection (9) of this section.

(2) Minimum lot width: one hundred fifty feet at the front building line.

(3) Maximum building height: thirty-five feet.

(4) Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.

(5) Minimum Setback Distances. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5), riparian and shoreline areas, or as increased by the provisions of this title:

(A) Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.

(B) Rear yard: twenty feet from the rear property line.

(C) Side yard: five feet from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.

(D) Setbacks from Agriculture. No dwelling unit shall be located within one hundred feet of a property zoned as either commercial agricultural lands (AC) or currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5).

(i) Measurement. The entire width of any public right-of-way may be used as part of the setback calculation. In no case shall the setback from a public right-of-way be less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater. See Graphic G-2 in Appendix A.

(ii) Administrative Modifications. The granting of a modification request must be necessary for the reasonable use of the land or building and the modification as granted by the administrator shall be the minimum necessary to accomplish this purpose. The decision of the administrator shall be appealable to the Chelan County hearing examiner.

(a) For lots/parcels legally created, and which retain the same legal description without modification, prior to the effective date of these provisions (September 9, 1997), the administrator may modify the required setback from land in agricultural use up to twenty percent.

(iii) Waivers. Agricultural setbacks for dwelling units may be waived on an existing parcel within or adjacent to the commercial agricultural zoning district when a written waiver, signed by both the subject property owner and the adjacent property owner, is notarized, reviewed and approved by the department and recorded with the Chelan County auditor's office as a notice to title. Where such a waiver is implemented, the setbacks identified within this chapter shall be utilized as the minimum standards as listed in CCC 11.08.020, 11.10.020, 11.12.020, 11.14.020, 11.30.020.

(a) Where a waiver has been granted, enlargement of the existing dwelling, request for additional dwellings (ADUs) or conversion of any existing structure to a dwelling unit, within the one-hundred-foot setback, shall require a new waiver, consistent with subsection (6)(C) of this section.

(iv) Existing Dwellings. For existing dwelling units, not placed with a waiver, the setback shall be defined by the existing dwelling for existing property lines. No encroachment into the required agricultural setback for expansion(s) of an existing dwelling unit, or through new or revised property lines.

(6) Off-street parking requirements in this district shall be as follows:

(A) Two spaces per single-family dwelling unit.

(B) One space per five beds and one space per staff person for adult family homes.

(C) Other off-street parking and loading shall be provided as prescribed in Chapter [11.90](#) of this title.

(7) Landscape standards shall be provided as prescribed in Chapter [15.50](#) of Title [15](#), Development Standards, as amended.

(8) Accessory uses which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity as defined by RCW [84.34.020](#)(2) must be on the same parcel (or have adjacent or contiguous ownership) as the agriculture use that they are supporting.

~~(9) Lot Size Reduction for Existing Dwellings. To support long-term residential living, maintenance of existing housing and affordable housing options throughout the county. The owner of land may segregate, one time only, property into one additional lot when meeting the following criteria, except for those properties within the Icicle Valley Design Review Overlay District, Chapter [11.72](#):~~

~~(A) The parcel, prior to land division, shall not be divisible by subdivision (short or major), cluster subdivision (short or major) or through a certificate of exemption process, as defined by Title [12](#), excluding "laws of descent."~~

~~(B) The proposed lot has adequate access.~~

~~(C) The size of the proposed lot is the minimum area reasonably necessary to support the existing single-family residence and associated accessory uses. If wells and/or septic systems are adjacent to the existing single-family residence, lot size should include these facilities. If wells and/or septic are not adjacent, then easements shall be provided.~~

~~(D) Land division process shall be completed through Title [12](#) short plat provisions.~~

(10) Lot Size Reduction for Existing Dwellings. In certain rural residential/resource districts for agriculture and timber uses. Land located on "farm and agricultural land" or "timber land" as defined in RCW [84.34.020](#) may be segregated one time only when meeting the following criteria:

(A) Land is a minimum of ~~five-ten (10)~~ acres prior to segregation.

(B) When proposed lot size is the minimum necessary to incorporate legally constructed dwellings and accessory uses existing prior to September 9, 1997. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.

(C) The proposed lot has adequate access.

(D) The lot size meets the provisions of the Chelan-Douglas health district.

(E) Division is completed through a short subdivision process in Title [12](#). (Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2012-46 (Att. A) (part), 5/15/12; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2008-13 (part), 2/5/08; Res. 2007-98 (part), 7/2/07; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

RR5

11.12.020 Standards.

All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

(1) Minimum lot size: five acres, which measures to the centerline of adjoining public rights-of-way, which may be modified one time for:

(A) Cluster subdivisions and planned developments; or

~~(B) Fractional lot, no less than fifty percent of the minimum area of the district, within a major or minor plat; or~~

~~(C) Fractional lot for boundary line adjustment meeting the criteria of Section 12.18.030; or~~

(D) Lot size reduction for existing dwellings, under the criteria listed in subsection (9) of this section.

(2) Minimum lot width: one hundred feet at the front building line.

(3) Maximum building height: thirty-five feet.

(4) Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.

(5) Minimum Setback Distances. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5), riparian and shoreline areas, or as modified by the provisions of this title:

(A) Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.

(B) Rear yard: twenty feet from the rear property line.

(C) Side yard: five feet from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.

(D) Setbacks from Agriculture. No dwelling unit shall be located within one hundred feet of a property zoned as either commercial agricultural lands (AC) or currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5).

(i) Measurement. The entire width of any public right-of-way may be used as part of the setback calculation. In no case shall the setback from a public right-of-way be less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater. See Graphic G-2 in Appendix A.

(ii) Administrative Modifications. The granting of a modification request must be necessary for the reasonable use of the land or building and the modification as granted by the administrator shall be the minimum necessary to accomplish this purpose. The decision of the administrator shall be appealable to the Chelan County hearing examiner.

(a) For lots/parcels legally created, and which retain the same legal description without modification, prior to the effective date of these provisions (September 9, 1997), the administrator may modify the required setback from land in agricultural use up to twenty percent.

(iii) Waivers. Agricultural setbacks for dwelling units may be waived on an existing parcel within or adjacent to the commercial agricultural zoning district when a written waiver, signed by both the subject property owner and the adjacent property owner, is notarized, reviewed and approved by the department and recorded with the Chelan County auditor's office as a notice to title. Where such a waiver is implemented, the setbacks identified within this chapter shall be utilized as the minimum standards as listed in CCC 11.08.020, 11.10.020, 11.12.020, 11.14.020, 11.30.020.

(a) Where a waiver has been granted, enlargement of the existing dwelling, request for additional dwellings (ADUs) or conversion of any existing structure to a dwelling unit, within the one-hundred-foot setback, shall require a new waiver, consistent with subsection (6)(C) of this section.

(iv) Existing Dwellings. For existing dwelling units, not placed with a waiver, the setback shall be defined by the existing dwelling for existing property lines. No encroachment into the required agricultural setback for expansion(s) of an existing dwelling unit, or through new or revised property lines.

(6) Off-street parking requirements in this district shall be as follows:

(A) Two spaces per single-family dwelling unit.

(B) One space per five beds and one space per staff person for adult family homes.

(C) Other off-street parking and loading shall be provided as prescribed in Chapter [11.90](#) of this title.

(7) Landscape standards shall be provided as prescribed in Chapter [15.50](#) of Title [15](#), Development Standards, as amended.

(8) Accessory uses which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity as defined by RCW [84.34.020](#)(2) must be on the same parcel (or have adjacent or contiguous ownership) as the agriculture use that they are supporting.

~~(9) Lot Size Reduction for Existing Dwellings. To support long-term residential living, maintenance of existing housing and affordable housing options throughout the county. The owner of land may segregate, one time only, property into one additional lot when meeting the following criteria, except for those properties within the Icicle Valley Design Review Overlay District, Chapter [11.72](#):~~

- ~~(A) The parcel, prior to land division, shall not be divisible by subdivision (short or major), cluster subdivision (short or major) or through a certificate of exemption process, as defined by Title [12](#), excluding "laws of descent."~~
- ~~(B) The proposed lot has adequate access.~~
- ~~(C) The size of the proposed lot is the minimum area reasonably necessary to support the existing single-family residence and associated accessory uses. If wells and/or septic systems are adjacent to the existing single-family residence, lot size should include these facilities. If wells and/or septic are not adjacent, then easements shall be provided.~~
- ~~(D) Land-division process shall be completed through Title [12](#) short plat provisions.~~

(109) Lot Size Reduction for Existing Dwellings. In certain rural residential/resource districts for agriculture and timber uses. Land located on "farm and agricultural land" or "timber land" as defined in RCW [84.34.020](#) may be segregated one time only when meeting the following criteria:

- (A) Land is a minimum of five [\(5\)](#) acres prior to segregation.
- (B) When proposed lot size is the minimum necessary to incorporate legally constructed dwellings and accessory uses existing prior to September 9, 1997. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.
- (C) The proposed lot has adequate access.
- (D) The lot size meets the provisions of the Chelan-Douglas health district.
- (E) Division is completed through a short subdivision process in Title [12](#). (Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2012-46 (Att. A) (part), 5/15/12; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2008-13 (part), 2/5/08; Res. 2007-98 (part), 7/2/07; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

RR2.5

11.14.020 Standards.

All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

(1) Minimum lot size: two and one-half acres, which measures to the centerline of adjoining public rights-of-way, which may be modified one time for either a cluster subdivision or a planned development:

~~(A) Cluster subdivisions and planned developments; or~~

~~(B) Fractional lot, no less than fifty percent of the minimum area of the district, within a major or minor plat; or~~

~~(C) Fractional lot for boundary line adjustment meeting the criteria of Section 12.18.030; or~~

~~(D) Lot size reduction for existing dwellings, under the criteria listed in subsection (9) of this section.~~

(2) Minimum lot width: one hundred feet at the front building line.

(3) Maximum building height: thirty-five feet.

(4) Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.

(5) Minimum Setback Distances. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5), riparian and shoreline areas, or as increased by the provisions of this title:

(A) Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.

(B) Rear yard: twenty feet from the rear property line.

(C) Side yard: five feet from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.

(D) Setbacks from Agriculture. No dwelling unit shall be located within one hundred feet of a property zoned as either commercial agricultural lands (AC) or currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5).

(i) Measurement. The entire width of any public right-of-way may be used as part of the setback calculation. In no case shall the setback from a public right-of-way be less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater. See Graphic G-2 in Appendix A.

(ii) Administrative Modifications. The granting of a modification request must be necessary for the reasonable use of the land or building and the modification as granted by the administrator shall be the minimum necessary to accomplish this purpose. The decision of the administrator shall be appealable to the Chelan County hearing examiner.

(a) For lots/parcels legally created, and which retain the same legal description without modification, prior to the effective date of these provisions (September 9, 1997), the administrator may modify the required setback from land in agricultural use up to twenty percent.

(iii) Waivers. Agricultural setbacks for dwelling units may be waived on an existing parcel within or adjacent to the commercial agricultural zoning district when a written waiver, signed by both the subject property owner and the adjacent property owner, is notarized, reviewed and approved by the department and recorded with the Chelan County auditor's office as a notice to title. Where such a waiver is implemented, the setbacks identified within this chapter shall be utilized as the minimum standards as listed in CCC 11.08.020, 11.10.020, 11.12.020, 11.14.020, 11.30.020.

(a) Where a waiver has been granted, enlargement of the existing dwelling, request for additional dwellings (ADUs) or conversion of any existing structure to a dwelling unit, within the one-hundred-foot setback, shall require a new waiver, consistent with subsection (6)(C) of this section.

(iv) Existing Dwellings. For existing dwelling units, not placed with a waiver, the setback shall be defined by the existing dwelling for existing property lines. No encroachment into the required agricultural setback for expansion(s) of an existing dwelling unit, or through new or revised property lines.

(6) Off-street parking requirements in this district shall be as follows:

(A) Two spaces per single-family dwelling.

(B) One space per five beds and one space per staff person for adult family homes.

(C) Other off-street parking and loading shall be provided as prescribed in Chapter [11.90](#) of this title.

(7) Landscape standards shall be provided as prescribed in Chapter [15.50](#) of Title [15](#), Development Standards, as amended.

(8) Accessory uses which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity as defined by RCW [84.34.020](#)(2) must be on the same parcel (or have adjacent or contiguous ownership) as the agriculture use that they are supporting.

~~(9) Lot Size Reduction for Existing Dwellings. To support long-term residential living, maintenance of existing housing and affordable housing options throughout the county. The owner of land may segregate, one time only, property into one additional lot when meeting the following criteria:~~

~~(A) The parcel, prior to land division, shall not be divisible by subdivision (short or major), cluster subdivision (short or major) or through a certificate of exemption process, as defined by Title 12, excluding "laws of descent."~~

~~(B) The proposed lot has adequate access.~~

~~(C) The size of the proposed lot is the minimum area reasonably necessary to support the existing single-family residence and associated accessory uses. If wells and/or septic systems are adjacent to the existing single-family residence, lot size should include these facilities. If wells and/or septic are not adjacent, then easements shall be provided.~~

~~(D) Land-division process shall be completed through Title 12 short plat provisions. (Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2010-68 (part), 7/13/10; Res. 2008-13 (part), 2/5/08; Res. 2007-98 (part), 7/2/07; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).~~

AC

11.30.020 Standards.

All development in this zone shall meet the applicable provisions of the Chelan County Code, including without limitation the following:

(1) Minimum lot size: ten acres, which measures to the centerline of adjoining public rights-of-way, which may be modified one time for:

(A) Cluster subdivisions and planned developments; or

~~(B) Fractional lot, no less than fifty percent of the minimum area of the district, within a major or minor plat; or~~

~~(C) Fractional lot for boundary line adjustment meeting the criteria of Section 12.18.030; or~~

(D) Lot size reduction for existing dwellings, under the criteria listed in subsection (10) of this section.

(2) Minimum lot width: one hundred fifty feet at the front building line.

(3) Maximum building height: thirty-five feet, except as provided for in Section 11.88.170.

(4) Maximum Lot Coverage. Buildings and structures shall not occupy more than thirty-five percent of the lot area.

(5) Minimum Setback Distances. Minimum setback requirements shall be as provided in this section except when abutting commercial agricultural lands (AC), currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5), riparian and shoreline areas, or as modified by the provisions of this title:

(A) Front yard: twenty-five feet from the front property line or fifty-five feet from the street centerline, whichever is greater.

(B) Rear yard: twenty feet from the rear property line.

(C) Side yard: ten feet from the side property line. On corner lots the street side yard shall be a minimum of twenty-five feet from the property line or fifty-five feet from the street centerline, whichever is greater.

(D) Setbacks from Agriculture. No dwelling unit shall be located within one hundred feet of a property zoned as either commercial agricultural lands (AC) or currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5).

(i) Measurement. The entire width of any public right-of-way may be used as part of the setback **calculation**. In no case shall the setback from a public right-of-way be less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater. See Graphic G-2 in Appendix A.

(ii) Administrative Modifications. The granting of a modification request must be necessary for the reasonable use of the land or building and the modification as granted by the administrator shall be the minimum necessary to accomplish this purpose. The decision of the administrator shall be appealable to the Chelan County hearing examiner.

(a) For lots/parcels legally created, and which retain the same legal **description without modification**, prior to the effective date of these provisions (September 9, 1997), the administrator may modify the required setback from land in agricultural use up to twenty percent.

(iii) Waivers. Agricultural setbacks for dwelling units may be waived on an existing parcel within or adjacent to the commercial agricultural zoning district when a written waiver, signed by both the subject property owner and the adjacent property owner, is notarized, reviewed and approved by the department and recorded with the Chelan County auditor's office **as a notice to title**. Where such a waiver is implemented, the setbacks identified within this chapter shall be utilized as the **minimum standards as listed in CCC 11.08.020, 11.10.020, 11.12.020, 11.14.020, 11.30.020**.

(a) Where a waiver has been granted, enlargement of the **existing dwelling**, request for additional dwellings (**ADUs**) or **conversion of any existing structure to a dwelling unit**, within the one-hundred-foot setback, shall require a new waiver, consistent with subsection (6)(C) of this section.

(iv) Existing Dwellings. For existing dwelling units, not placed with a waiver, the setback shall be defined by the existing dwelling for existing property lines. **No encroachment into the required agricultural setback for expansion(s) of an existing dwelling unit, or through new or revised property lines.**

(6) Setbacks from Agriculture. No ~~new~~ dwelling unit shall be ~~placed~~ located within one hundred feet of a property zoned as either commercial agricultural lands (AC) or commercially farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5).

(A) Measurement. The entire width of any public right-of-way may be used as part of the setback area. In no case shall the setback from a public right-of-way be less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater. See Graphic G-2 in Appendix A.

(B) Administrative Modifications. The granting of a modification request must be necessary for the reasonable use of the land or building and the modification as granted by the administrator shall be the minimum necessary to accomplish this purpose. The decision of the administrator shall be appealable to the Chelan County hearing examiner.

(i) For lots/parcels legally created prior to the effective date of these provisions (September 9, 1997) the administrator may modify the required setback from land in agricultural use up to twenty percent.

(C) Waivers. Agricultural setbacks for dwelling units may be waived on an existing parcel within or adjacent to the commercial agricultural zoning district when a written waiver, signed by both the subject property owner and the adjacent property owner, is notarized, reviewed and approved by the department and recorded with the Chelan County auditor's office (resulting in a notice to title). Where such a waiver is implemented, the setbacks identified within this chapter shall be utilized as the minimum standards.

(i) Where a waiver has been granted, enlargement of the dwelling or request for additional dwellings, within the one-hundred-foot setback, shall require a new waiver, consistent with subsection (6)(C) of this section.

(D) Existing Dwellings. For existing dwelling units, not placed with a waiver, the setback shall be defined by the existing dwelling.

(7) Off-street parking requirements in this district shall be as follows:

(A) Two spaces per single-family dwelling unit;

(B) Other off-street parking and loading shall be provided as prescribed in Chapter [11.90](#) of this title.

(8) Landscape standards shall be provided as prescribed in Chapter [15.50](#) of Title [15](#), Development Standards, as amended.

(9) Chelan County requires that all plats, short plats, binding site plans, development permits, and building permits issued for development activities within five hundred feet of land designated as agricultural, forest, or mineral resource lands contain a notice that the subject property is within or near designated long-term commercial lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(10) Lot Size Reduction for Existing Dwellings. In certain rural residential/resource districts for agriculture and timber uses. Land located on "farm and agricultural land" or "timber land" as defined in RCW 84.34.020 may be segregated one time only when meeting the following criteria:

(A) Land is a minimum of 10 acres prior to segregation.

~~(B) When proposed lot size is the minimum necessary to incorporate legally constructed dwellings and accessory uses existing prior to September 9, 1997. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.~~

~~(C) The proposed lot has adequate access.~~

~~(D) The lot size meets the provisions of the Chelan-Douglas health district.~~

~~(E) Division is completed through a short subdivision process in Title 12. (Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2012-46 (Att. A) (part), 5/15/12; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2008-13 (part), 2/5/08; Res. 2007-98 (part), 7/2/07; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).~~

~~(10) Lot Size Reduction for Existing Dwellings. The owner of land with agricultural uses may segregate, one time only, the property into one additional lot subject to the following criteria:~~

~~(A) The initial parcel shall be a minimum of five acres prior to any segregation.~~

~~(B) When proposed lot size is the minimum necessary to incorporate legally constructed dwellings and accessory uses, on lots recorded prior to September 9, 1997. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.~~

~~(C) The proposed lot has adequate access.~~

~~(D) The lot size meets the provisions of the Chelan-Douglas health district.~~

~~(E) Division is completed through a short subdivision process in Title 12.~~

(11) Additional Public Notice Provisions. Upon receipt of an application for all plats, short plats, conditional use permits, variances and similar land use applications, the county shall provide notice of the application to adjacent property owners and all owners of property located within one thousand feet (1000 feet) of the proposed subdivision or development per the provisions of Section 14.08.050.

(12) All applications related to the following types of land uses shall meet with the agricultural review committee (ARC) to review proposed projects, identify possible impacts, outline possible mitigation measures, and make a formal recommendation to Chelan County staff prior to rendering a decision on the application or setting a public hearing. ARC review and recommendation shall be based on the agricultural good neighbor practices adopted by the Chelan County board of county commissioners, Chapter 10.30. All recommendations are for the consideration and final determination of the decision-making body.

(A) Food service associated with a use or activity allowed pursuant to this chapter are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm and may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption.

(B) Education services located on a farm shall be a subordinate element of the operation of an ongoing agricultural activity as defined by RCW [84.34.020\(2\)](#).

(C) Ancillary entertainment/special events, including weddings/receptions, catered functions and musical events, shall be consistent with the character of permitted activities and uses.

(D) Accessory uses which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or supplemental element of the operation of an ongoing agricultural activity as defined by RCW [84.34.020\(2\)](#). Accessory commercial or retail uses shall predominantly sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on site. Accessory commercial retail uses shall offer for sale products or services produced on site. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2017-119 (Att. B) (part), 12/19/17; Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2008-141 (part), 10/7/08; Res. 2008-13 (part), 2/5/08; Res. 2007-98 (part), 7/2/07; Res. 2006-74 (part), 6/6/06; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

DRAFT

11.04.040 District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Recreational Vehicle Park/Campground, Major								P(1)	PG	CUP			
Recreational Vehicle Park/Campground, Minor		CUP	CUP		CUP	CUP		P(1)	PG	CUP		CUP	

Boundary Line Adjustments

12.18.005 Purpose.

The purpose of this chapter is to provide a process and standards for **minor** boundary line adjustments consistent with RCW [58.17.040\(6\)](#). Boundary line adjustments are exempt from Washington State and Chelan County’s subdivision requirements under certain specific conditions. This procedure is intended to provide an efficient, low-cost procedure to affirm **minor** changes to existing property lines. Chelan County shall issue a **certificate of exemption limited administrative decision** for boundary line adjustments in conformance with the requirements and/or provisions of this title or to aggregate existing lots. The boundary line adjustment may not be used to accomplish the purposes for which platting, replatting, plat alterations, or plat vacations were intended and required. (Res. 2010-68 (Exh. A) (part), 7/13/10).

A boundary line adjustment may not be used to significantly rearrange lot patterns or lots. Boundary line adjustments are limited to contiguous lots, parcels, tracts, and shall require that at least two (2) existing property lines remain in their original location, although their length may change, and are limited to one approval every 5 years.

12.18.010 Application, procedure and fees.

Applications shall be made on the appropriate forms, provide appropriate fees, and follow the procedures set forth in Chapters [12.02](#) and [12.04](#). All land division shall be reviewed under this title for all applicable requirements.

A boundary line adjustment may be processed simultaneously with a certificate of exemption. The issuance of a boundary line adjustment is a memorialization that a particular boundary line adjustment is recognized by the county as a legal lot of record. The procedures and requirements of this chapter are intended, among other things, to quiet concerns about a lot’s legal status as a legal lot of record. Issuance of a certificate of exemption for a boundary line adjustment is not a guarantee that the resulting property configuration or parcel is a buildable lot; it does represent that Chelan County considers the lot to be a legal lot of record. However, the county makes no representation of warranty, expressed or implied, or any guaranty of warranty, expressed or implied, as to the condition of the title to the land or fitness or suitability for any uses, permits, development or buildability whatsoever.

(1) Chelan County does not warrant or guarantee:

(A) Legal or physical access to parcels for which a boundary line adjustment has been issued;

(B) Suitability of parcels for which a boundary line adjustment has been issued for on-site sewage disposal;

(C) Water availability for domestic or irrigation purposes to parcels for which a boundary line adjustment has been issued; and/or

(D) The issuance of building/development permits for lots, tracts or parcels, divisions or sites for which a boundary line adjustment has been issued. (Res. 2010-68 (Exh. A) (part), 7/13/10).

12.18.020 Boundary line adjustments applications.

The following items shall be submitted for proposed boundary line adjustments on eight and one-half inch by eleven inch or eight and one-half inch by fourteen inch sheets with one inch margins on all sides and a three-inch top margin on the first page:

(1) A written narrative describing the proposal including, but not limited to, the number of lots involved, the nature of surrounding properties and existing access;

(2) A signed, dated, and notarized statement of indemnification, consent and waiver of claims, executed by the owner of record (deed holder). (~~Lien holders and other parties of interest are not required to sign the application.~~);

(3) Written legal descriptions for the existing parcel(s) and written legal descriptions for the proposed adjusted or combined parcel(s);

(4) A plat certificate, dated within one hundred twenty days. ~~The administrator may waive this requirement when it is determined by the administrator that the boundary line adjustment is minor.~~;

(5) A copy of an original plat (or portion showing subject area) or the plat number/name for the subject property, as applicable;

(6) A scale drawing of the existing and proposed lots indicating present boundary lines as dashed and proposed boundary lines as solid; all lot measurements in feet; zoning; existing and proposed lot areas; the exact location of existing improvements such as buildings, wells and drainfields, (if known); roads, easements, and other pertinent features.

(7) The applicant shall agree to and sign, on forms provided by Chelan County, an agreement to indemnify, release and hold Chelan County harmless for any losses or claims which may result from the inability of Chelan County to issue building/development permits for lots, tracts or parcels for which approval of a boundary line adjustment has been issued including but not limited to the following: lack of legal or physical access; water availability for domestic and/or irrigation purposes; and suitability of parcels for on-site sewage disposal. (Res. 2010-68 (Exh. A) (part), 7/13/10).

(8) If the property is within an Irrigation District, the applicant/owner shall provide verification that the irrigation shares have been properly divided/adjusted pursuant to RCW prior to application submittal.

12.18.030 Boundary line adjustment criteria.

All boundary line adjustment requests shall be subject to the following criteria:

(1) A boundary line adjustment shall not result in the creation of any additional lots, ~~sites~~, tracts, or parcels.

(2) A boundary line adjustment shall not create any lot, tract, parcel or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site as established herein, except as allowed in subsection (6) of this section, nor shall such adjustment or adjustments create a building setback violation. This requirement may not be waived by use of an agricultural setback waiver.

~~(3) Lots may be reoriented within the perimeter of the contiguous lots. A boundary line adjustment shall not result in the entire relocation of lots, tracts or parcels.~~

(4) A boundary line adjustment shall not violate or be inconsistent with any conditions for approval of a previously filed plat or binding site plan.

(5) Only legal lots of record shall qualify for a boundary line adjustment.

(6) Lots resulting from a boundary line adjustment shall conform with the minimum lot size requirements of Title 11, Zoning, in effect at the time the application is submitted except (only one of the following may be used):

(A) Whenever the boundary adjustment includes one or more existing parcels that do not conform with the lot size requirements; provided, that no lot becomes smaller than the smallest ~~nonconforming substandard~~ lot, and the change does not result in ~~more than one~~ any additional conforming lot becoming ~~nonconforming substandard~~; or

(B) Whenever deviations from the lot size requirements are required to accommodate natural features related to topography and/or terrain that establish natural physical barriers or boundaries; or

(C) Whenever deviations from the lot size requirements are required to accommodate structures such as buildings, roads, driveways, fences, utilities, drain fields, ditches or similar structures in existence prior to June 20, 2006; or

(D) Whenever deviations from the lot size requirements are required to accommodate developed open space such as orchards, parks or similar improved, cultivated or developed open space areas; or

~~(E) Whenever the boundary adjustment includes two or more existing parcels the parcels may be adjusted to provide one or more lots which meet or exceed the minimum lot size for the associated zoning district and only one parcel may be adjusted to result in a fractional lot, if permitted within the zoning district minimum lot size standard. No future fractional lot(s) may be created for any parcel associated with a boundary line adjustment completed using this criteria.~~

(7) Boundary line adjustments are limited to one application every 5 years, from the time of Boundary Line Adjustment approval, Certificate of Exemption approval, or recorded Record of Survey and/or property conveyance pursuant to 58.17.040(2)

~~This subsection provides an exception to nonconforming use regulations found in Section 11.02.040 and Chapter 11.97. (Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2010-68 (Exh. A) (part), 7/13/10).~~

DEFINITIONS (new):

14.98 XXXX Boundary Line Adjustment

Minor adjustment to property lines where at least two (2) existing property lines remain in their original location, although their length may change.



Chelan County Rural Uses and Subdivision Task Force

Summary

April 25, 2023

Facilitators

Deanna Walter

Chelan County Community Development Director

BERK Consulting:

Lisa Grueter | Principal

Adam Greer | Planner

Stefanie Hindmarch | Planner

Members

Chris Willoughby | Agriculture

Lee Shepherd | North Central Washington Builders

Laura Jaecks | Real Estate

Stephen Rinaldi | Chelan County Fire Marshal

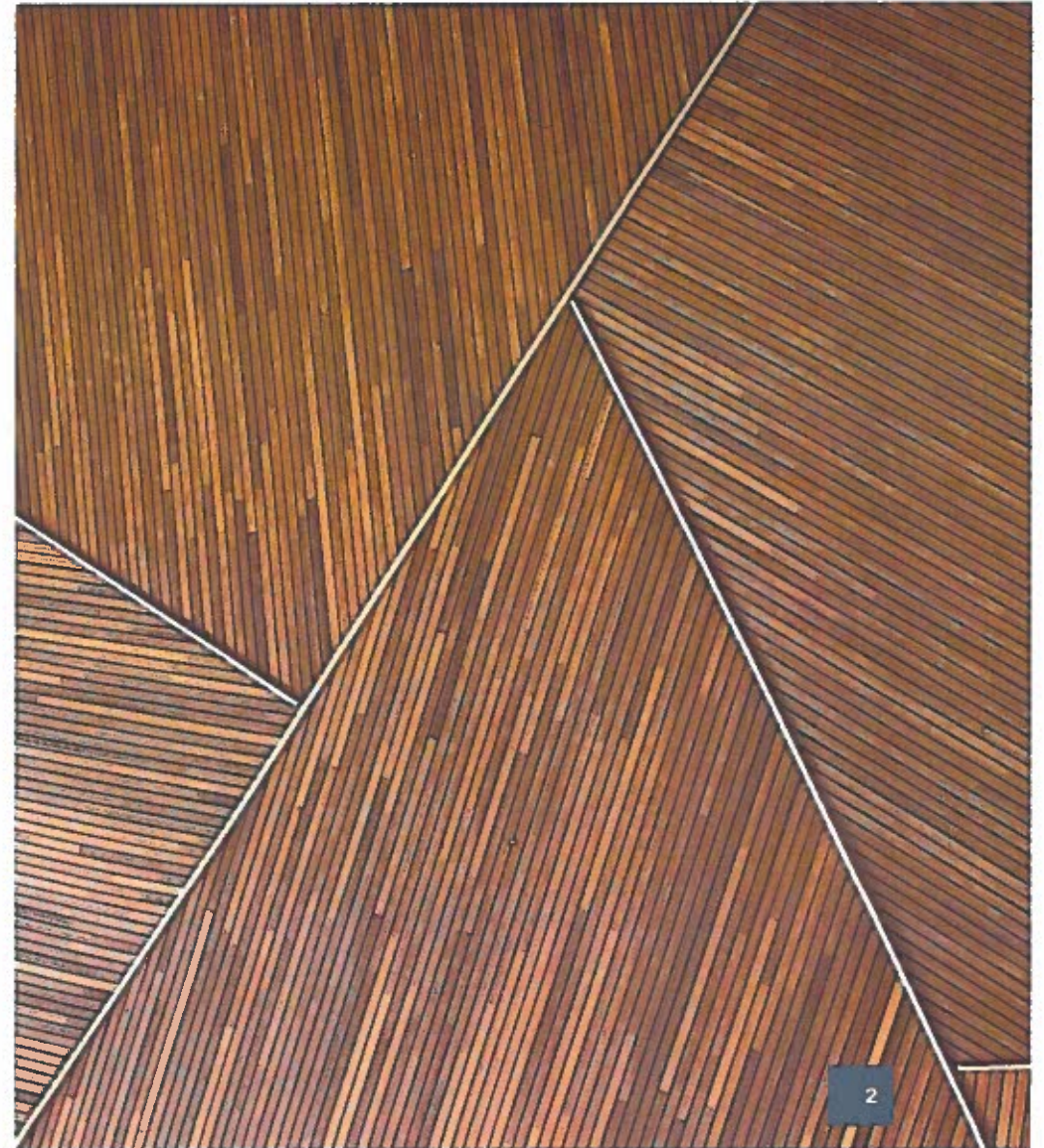
Eric Pierson | Public Works

Jimmy Martin | At Large District Appointee

John Frolker | Manson Community Council

Bob Fallon | At Large District Appointee

Tricia Ortiz | Community Councils



Task Force Purpose

- Review trends and information in Chelan County regarding rural density and lot size
- Consider how the growth trends have affected County residents, services, and infrastructure
- Consider case studies in the county and other examples in other counties
- Develop recommendations that support farming and rural character under the Growth Management Act and County Comprehensive Plan vision
 - Provide report to the Community Development Director to be considered by the Planning Commission and the Board of County Commissioners

Topics outside of this process

- Other related issues important to the County are being considered separately, such as short-term rental regulations
- Rezoning is not expected to be part of this process

Meetings

	2022		2023	
Meeting One	Meeting Two	Meeting Three	Meeting Four	
October	December	February	March	
Introduction and Early Data	Needs	Draft Solutions	Final Recommendations	

- Meeting materials were distributed at least five calendar days in advance of meetings
- The group worked collaboratively to reach consensus (majority opinion)
- Principals only – there were no alternates

Interviews: What we Heard

Process

- Would help to understand the land use issues at hand, clarify the purpose of the task force
- Examples would be helpful from different areas of the County
- Have one working document to share (track changes), discuss changes proposed by the group
- Will need clear notes from each meeting

Context

- Trend towards higher density, increased development, sprawl
- Infrastructure is not catching up with development
- Impacts of development encroaching into agriculture
- Community input is important in this community

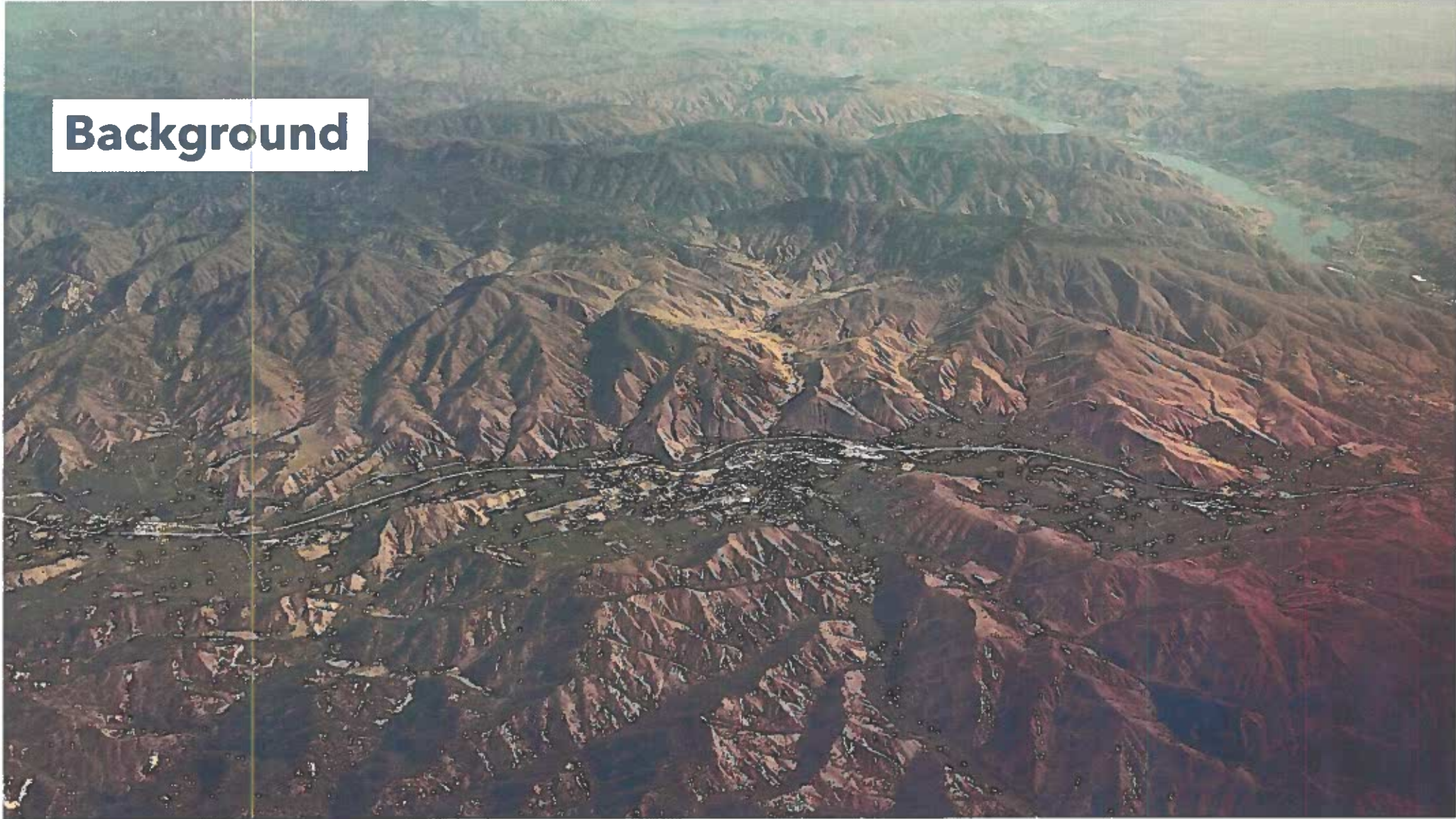
Goals

- Want to be collaborative, solution-oriented
- Ensure there is a community benefit for all of Chelan County
- Shut doors for loopholes
- Want to maintain rural character
- Consider Growth Management Act compliance
- Don't want to create added permitting burden for development

Questions

- Who makes the decision?
- Can we make changes to other code?

Background



Issue Background

- In 1997, the Board of County Commissioners approved a provision in the code to allow commercial agricultural farmers to segment off their homesteads
 - Intent: prevent farmers from losing their homes if the bank foreclosed on the farmland
- This created an exception to the minimum lot size
- Originally applied only to Commercial Agricultural Lands (AC zone), but a modification of this provision has “crept” into the Rural Residential Resource designations
- Provision has not been used as intended and substandard lots have been lawfully created through the code
 - Smaller than the minimum lot size for the zone
 - Creates sprawl, strain on infrastructure, encroachment on agricultural land

Current Code

Commercial Agricultural Lands (AC) Zone ([Chapter 11.30 CCC](#))

CCC 11.30.020

10) Lot Size Reduction for Existing Dwellings. The owner of land with agricultural uses may segregate, one time only, the property into one additional lot subject to the following criteria:

- (A) The initial parcel shall be a minimum of five acres prior to any segregation.
- (B) When proposed lot size is the minimum necessary to incorporate legally constructed dwellings and accessory uses, on lots recorded prior to September 9, 1997. This provision does not apply to accessory dwelling units, dependent care housing or farm worker housing.
- (C) The proposed lot has adequate access.
- (D) The lot size meets the provisions of the Chelan-Douglas health district.
- (E) Division is completed through a short subdivision process in Title [12](#).

Current Code

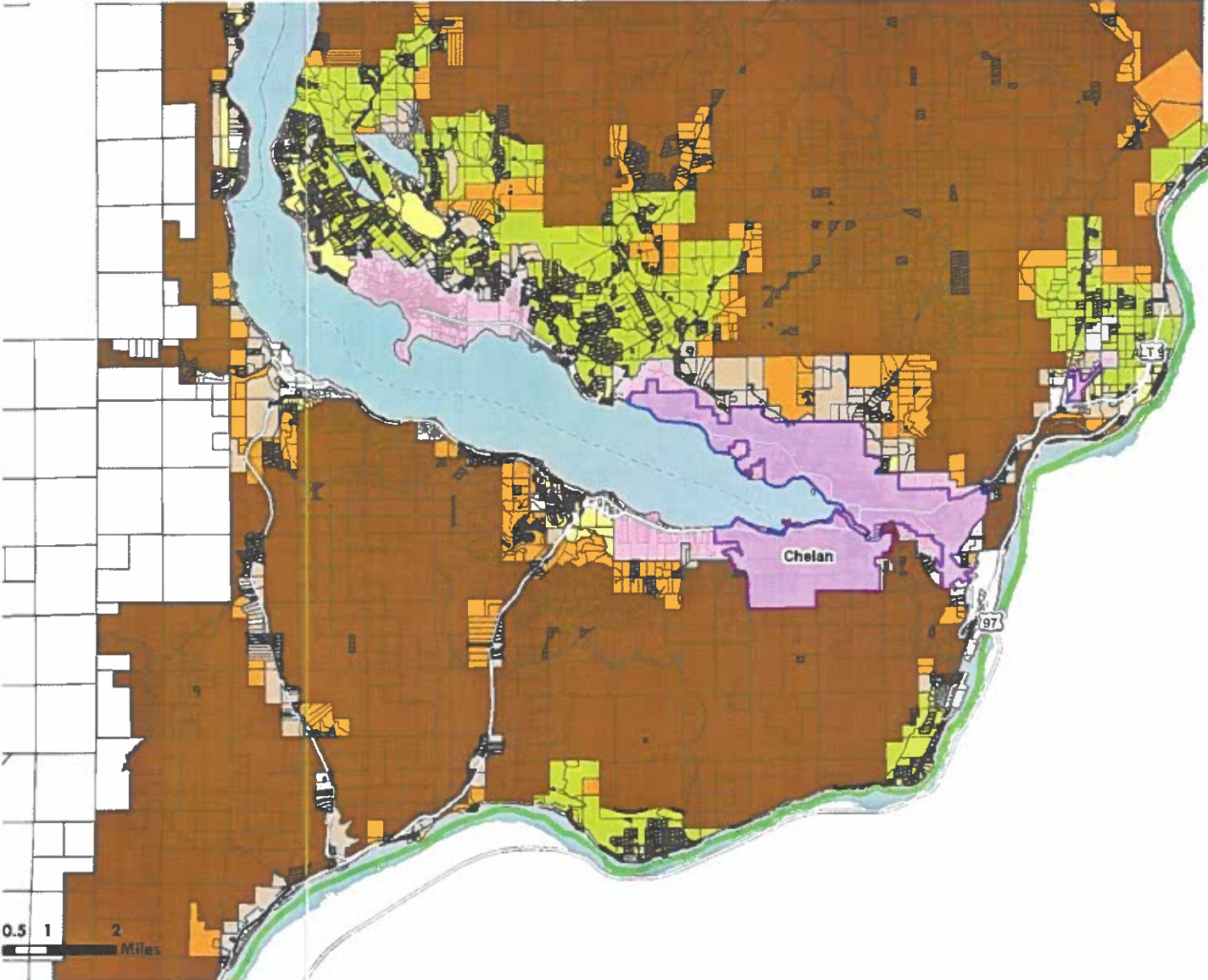
Rural Residential Zones (Chapters [11.08](#), [11.10](#), [11.12](#), and [11.14](#))

RR20, RR10, RR5, RR2.5









Lot Size Reduction for Existing Dwellings. To support long-term residential living, maintenance of existing housing and affordable housing options throughout the county. The owner of land may segregate, one time only, property into one additional lot when meeting the following criteria, except for those properties within the Icicle Valley Design Review Overlay District, Chapter 11.72:

- (A) The parcel, prior to land division, shall not be divisible by subdivision (short or major), cluster subdivision (short or major) or through a certificate of exemption process, as defined by Title 12, excluding “laws of descent.”
- (B) The proposed lot has adequate access.
- (C) The size of the proposed lot is the minimum area reasonably necessary to support the existing single-family residence and associated accessory uses. If wells and/or septic systems are adjacent to the existing single-family residence, lot size should include these facilities. If wells and/or septic are not adjacent, then easements shall be provided.
- (D) Land division process shall be completed through Title 12 short plat provisions.

Substandard Parcels: Chelan Area



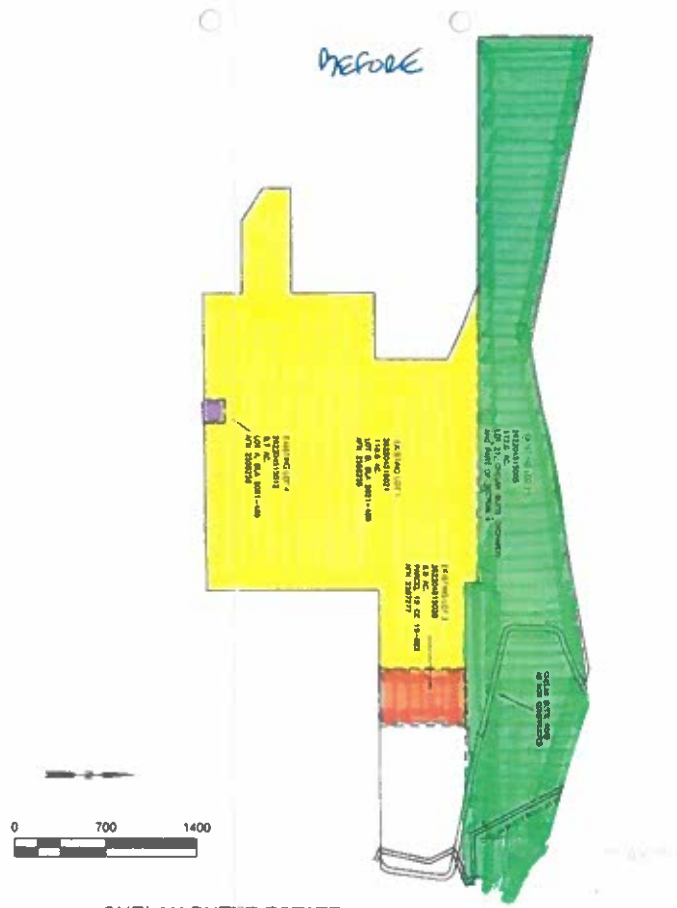
Legend

-  Substandard Parcels
-  Urban Growth Areas
-  Parcels
-  AC Zone
-  RR2.5 Zone
-  RR5 Zone
-  RR10 Zone
-  RR20 Zone

Other Reasons for Alternative Lots

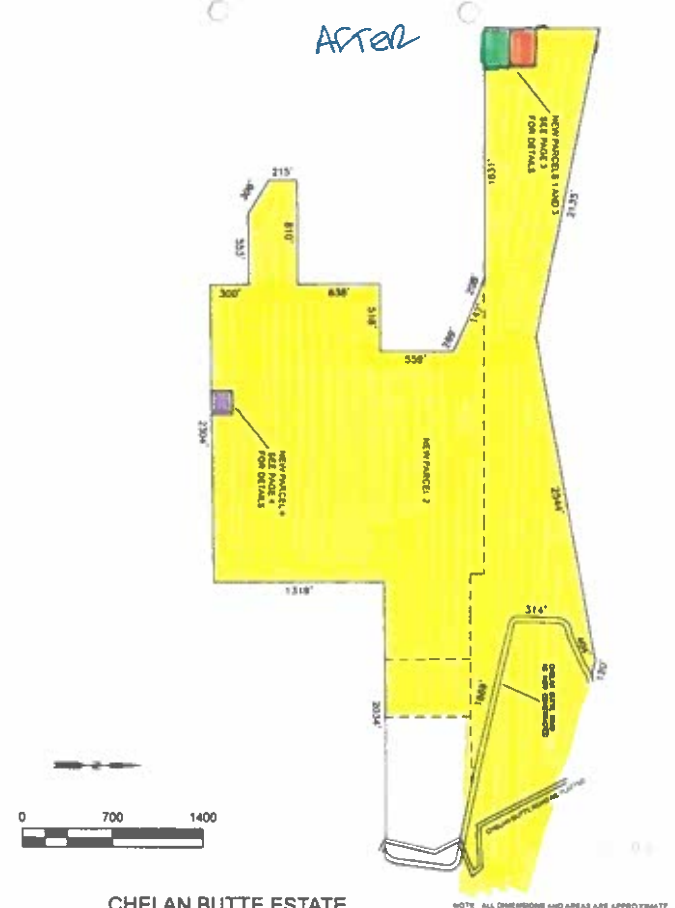
- Boundary line adjustments (BLA)
 - Chelan County code includes a provision for Boundary Line Adjustments that allows lots smaller than the minimum lot size to be created if one of the original parcels is already smaller than the minimum lot size (new lots may not be smaller than the smallest lot)
 - Example: three lots (two greater than minimum lot size, one smaller than minimum lot size) could create two substandard lots plus one big lot through BLA
- Cluster subdivisions
 - Chelan County code has provisions for cluster subdivisions with up to 150-200% density in the AC, RR10, and RR5 zones ([CCC 12.12.050](#))
 - RR2.5 clustering allowed with no incentive density

Example: Boundary Line Adjustments



CHELAN BUTTE ESTATE
BOUNDARY LINE ADJUSTMENT PAGE 1 - EXISTING

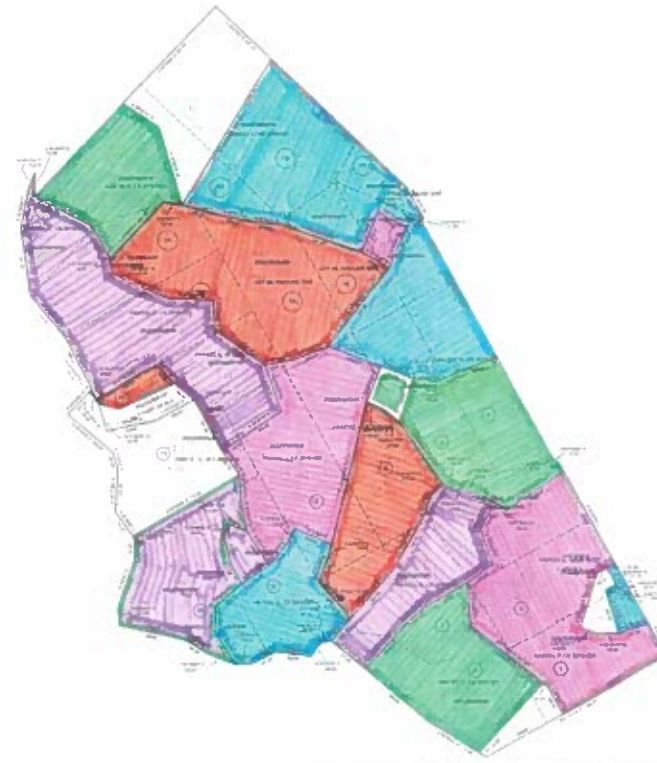
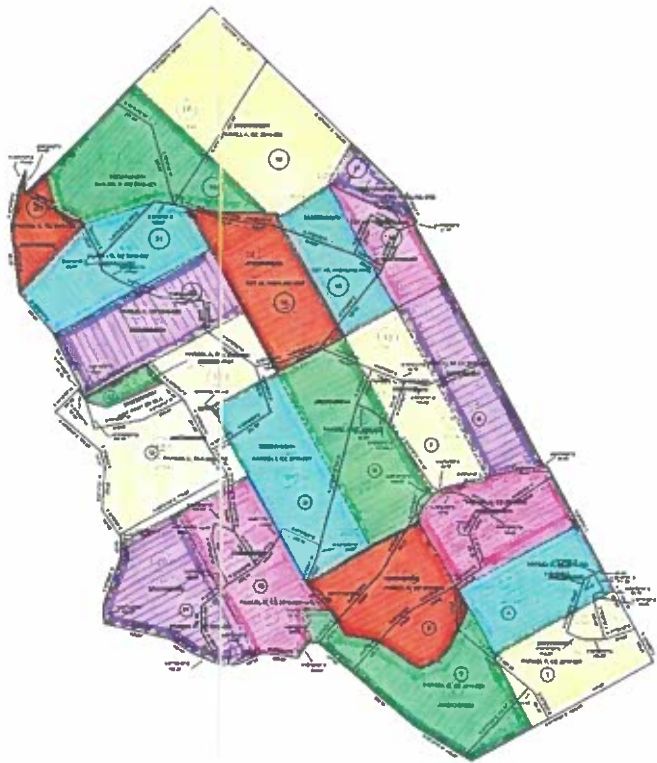
NOTE: ALL DIMENSIONS AND AREA ARE APPROXIMATE AND ARE FROM RECORD INFORMATION. NOT BASED ON AN ACCURATE SURVEY.



CHELAN BUTTE ESTATE
BOUNDARY LINE ADJUSTMENT PAGE 2 - NEW

NOTE: ALL DIMENSIONS AND AREA ARE APPROXIMATE AND ARE FROM RECORD INFORMATION. NOT BASED ON AN ACCURATE SURVEY.

Example: Boundary Line Adjustments



Substandard Parcels

- 19.8% of the total AC **acreage**
 - 16.2% of the total RR2.5 acreage
 - 8.9% of the total RR5 acreage
 - 2.9% of the total RR10 acreage
 - 2.2% of the total RR20 acreage
- 67% of the total AC **parcels**
 - 66% of the total RR2.5 parcels
 - 67% of the total RR5 parcels
 - 47% of the total RR10 parcels
 - 39% of the total RR20 parcels

Most acreage in these zones is not on substandard parcels: if Chelan County were to modify the code, it could prevent additional substandard parcels from being created.

- **Parcels:** trend is towards substandard lots
- **Acreage:** There is a lot of land left to address potential course corrections

County Comprehensive Plan

Rural Element

Intent: “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.”

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

Resource Element

GOAL AL 1: Support the viability of agriculture and encourage the continued use of rural and resource lands for agriculturally related land uses.

Goal AL 2: Conserve agricultural lands of long-term significance by controlling encroachment of incompatible uses.

Examples from other counties

Whatcom County

- AG District: Allow Farmstead parcel of 1 to 3 acres depending on public water.
- In AG Overlay + R5 or R10, must cluster unless dividing into 40 acre lots or unless lots have less than 50% ag soils and abut other intensive uses.
- In R5 and R10, some clustering allowed with 1-3 acre lots if open space reserve area is provided

Douglas County

- Allow cluster divisions subject to density of base zone.
- Allow up to 3 farmstead preservation lots, subject to base zone density; max size 1 acre.
- Parent parcel must currently be assessed and classified as current use farm and agriculture land by the Douglas County assessor's office.
- House must be established prior to December 16, 1997.

Walla Walla County

- Standard Agricultural Lots: 10-120 acre lots depending on zone.
- One time land divisions: If you exceed the minimum parcel size but have less than 2 x the lot size you can have a one-time land division in the Primary AG-40 and General Ag-20 zones. Must be between 1-10 acres for a farmstead.
- Clustering: Allowed on Resource lands Primary Ag-40, General A-20 and Ag Residential-10. Allow between 2-4 lots depending on zone.

Task Force Recommendations Report

“The Task Force discussed options for the AC and RR zones, as well as Boundary Line Adjustment in the code with possible solutions. Each task force member was able to review the options and together we formed solutions they felt would work best for Chelan County. There is an opportunity for Chelan County to take a holistic view in 2026 with the update of its comprehensive plan.”

Task Force Recommendations

AC Zone Options

Option A	Option B	RECOMMENDATION
<p data-bbox="286 555 696 587">HOMESTEAD FOR FARMER</p> <ul style="list-style-type: none"> <li data-bbox="190 608 786 1018"> <p>▪ Lots with less than 2x parcel acreage</p> <ul style="list-style-type: none"> <li data-bbox="264 691 786 786">▪ Allow homestead of existing home(s) (existing building as of 1997) <li data-bbox="264 807 763 903">▪ Limit size of homestead lot to retain prime farmland and reflect home footprint <li data-bbox="264 924 763 1019">▪ Retain a “remainder lot” with agricultural uses with plat condition <li data-bbox="190 1040 622 1104">▪ Define agriculture (RCW 90.58.065) 	<p data-bbox="920 555 1323 587">SUBDIVISION LIMITATION</p> <ul style="list-style-type: none"> <li data-bbox="822 608 1413 671">▪ Lot is greater than minimum lot size but not 2x lot size <li data-bbox="822 692 1368 756">▪ Limit land divisions to a one time split <li data-bbox="822 777 1368 841">▪ Promote split that protects prime soils <li data-bbox="822 861 1413 954">▪ Maintain agriculture as primary use and residential is secondary use (e.g. plat condition) <li data-bbox="822 975 1249 1038">▪ Define agriculture (RCW 90.58.065) 	<p data-bbox="1487 555 2013 587">TASK FORCE RECOMMENDATION</p> <ul style="list-style-type: none"> <li data-bbox="1449 608 2047 671">▪ AC Zone should protect the farmer first, keeping the homestead zoning <li data-bbox="1449 692 2029 849">▪ Homestead only for primary home – other portions stay in ag use including accessory structures and must be a commercial farmer to stay in AG zone <li data-bbox="1449 869 2002 933">▪ Limiting to one-time on the deed with the property <li data-bbox="1449 954 2029 1078">▪ The property must be designated as a farm through the Washington State Department of Agriculture audit
<p data-bbox="190 1166 412 1187">Similar to Douglas County</p>	<p data-bbox="822 1166 1084 1187">Similar to Walla Walla County</p>	

Task Force Recommendations

RR Zone Options

Option A	Option B	RECOMMENDATION
CLUSTERING FOCUS	LIMIT HOMESTEADS, GREATER PLAT REVIEW	TASK FORCE RECOMMENDATION
<ul style="list-style-type: none"> ▪ Remove the Homestead Lot provision from the RR zones. ▪ Focus on clustering in RR zones for flexibility. 	<ul style="list-style-type: none"> ▪ For 2 lots if more than minimum lot size and less than 2x: Allow homestead rules if in Agricultural use with same rules as AC zone. ▪ Require review of short plats similar to plats (e.g., traffic, emergency access). 	<ul style="list-style-type: none"> ▪ Treatment of the RR zones would follow the AC zoning regulations ▪ Ensure the RR division does not impact the AC zone ▪ Are small RR zones in need of a homestead protection code? The determination will be impacted by the parcels surrounding zonings as well
Similar to most counties.	Focus review on topics most important.	

Task Force Recommendations

Boundary Line Adjustment Options

Option A	Option B	RECOMMENDATION
NO ADDITIONAL SUBSTANDARD LOTS	REVIEW PROCESS	TASK FORCE RECOMMENDATION
<ul style="list-style-type: none"> ▪ Adjust the boundary line adjustment text to allow no net increase in nonconformity (if you start with one substandard parcel you can only end with one). 	<ul style="list-style-type: none"> ▪ Alter the review process to include a formal review of access and other potential impacts if reconfiguring more than X lots. 	<ul style="list-style-type: none"> ▪ The Task Force thought Option A was preferable. No new nonconforming lots should be allowed to be created.

Questions





THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2024-S-6942

Submittal Date Time: 03/13/2024

Submittal Information

Jurisdiction	Chelan County
Submittal Type	60-day Notice of Intent to Adopt Amendment
Amendment Type	Combined Comprehensive Plan and Development Regulation Amendment

Amendment Information

Brief Description

Proposed Code text amendment for Titles 11 & 12, specifically regarding lot size reduction provisions and boundary line adjustments revisions. In addition, the District Use Chart (11.04.020) is proposed to be amended to include RV parks as a permitted use, with standards in the Rural Industrial (RI) zoning designation.

- Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.
- Yes, this action includes changes to Urban Growth Boundaries.

Anticipated/Proposed Date of Adoption 05/13/2024

Categories

Submittal Category	Development Regulations
--------------------	-------------------------

Attachments

Attachment Type	File Name	Upload Date
Staff Report	DOC002.pdf	03/13/2024 11:59 AM
Combined Comp Plan and Dev Reg Amend - Draft	DOC001.pdf	03/13/2024 12:01 PM

Contact Information

Prefix Ms.
First Name Deanna
Last Name Walter
Title Director
Work (509) 667-6228 Ext 6228
Cell
Email Deannac.Walter@co.chelan.wa.us

Yes, I would like to be contacted for Technical Assistance.

Certification

I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name Jessica Thompson
Email jessicak.thompson@co.chelan.wa.us

Attachment 4



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: Amendments to Chelan County Code Titles 11 & 12

File Number: ZTA-2024-105

Parcel Number: County wide

Applicant/Owner: Chelan County
400 Douglas St Ste 201, Wenatchee, WA 98801

Lead Agency: Chelan County Department of Community Development

The proposed development code amendments include changes to both Titles 11 & 12 to reduce or eliminate the creation or revision of substandard parcels through either lot size reduction provisions for subdivisions and short plats, and the use of the boundary line adjustments to "tile" or "stack" exempt segregations to subvert the concurrency/infrastructure requirements of development. The proposed code amendment also adds RV parks, both major and minor, as a permitted use, with development standards, in the Rural Industrial (RI) zoning designation.

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 197-11-340(2) and the comment period will end on March 27, 2024.

Responsible Official: Deanna Walter, Director / SEPA Responsible Official
Address: Chelan County Department of Community Development

316 Washington Street, Suite 301
Wenatchee, WA 98801

Phone: (509) 667-6225

Signature: Deanna Walter
Deanna Walter, SEPA Responsible Official

Date: 3/11/24

Attachment 5

Agency Comments



CHELAN COUNTY

DEPARTMENT OF PUBLIC WORKS
316 WASHINGTON STREET
SUITE 402
WENATCHEE, WASHINGTON 98801
TELEPHONE 509/667-6415

ERIC P. PIERSON, PE
DIRECTOR/COUNTY ENGINEER

March 27, 2024

Chelan County Community Development
Attn: Planning Commission Comments
316 Washington St., Suite 301
Wenatchee, WA 98801

Re: ZTA 2024-105 Code text amendment for Titles 11 & 12

I support the language proposed, however there are important considerations that I request to be considered in Chapter 12.18.

The concern is on there being adequate access to the properties. Adequate access is normally reviewed during the subdivision process. Given boundary line adjustments Chapter 12.18 (BLAs) and those listed under Chapter 12.14 Certificate of Exemption (not included in this amendment), these do not go through the subdivision process, therefore a review of the access doesn't occur. The review then has to occur at the next development review which normally means a building permit.

This is problematic because there is no guarantee on access to the lot. When Public Works reviews access during the subdivision review, we look whether it is legal, if all lots not adjacent to the road have easements, and if the location of access to the county road is in a safe location. With BLA's and those listed under Chapter 12.14 Certificate of Exemption (not included in this amendment), there is no review. The first time Public Works is made aware is when the new owner comes to us for an approach permit or we see the changed property lines in our online map software.

This places the burden on the new owner to verify that they do have an easement to the road, that the location is acceptable and has enough frontage to the roadway to move it if necessary, it has adequate width for emergency services, and spaced appropriately from others to function correctly. Many times, this is a surprise to a new owner and has the potential to be a dream killer for a private citizen or a loss for a home builder. The majority of this can be avoided with review by Public Works with coordination with the original property owner.

In the past, Boundary Line Adjustments were only really utilized by “mom and pop” owners to slightly modify their properties to segment off property to their children or perhaps to sell to make ends meet. Today, this process is becoming more of a tool for land developers to modify properties to maximize the return on their investment. Both are legal and their right, but there is a disconnect with what is needed for access. This discussion is better handled in the planning stage of a BLA than saddling the future owner.

Another thing to consider, BLA’s and those listed in Chapter 12.14 are exempted by RCW 58.17.040 from having to go through the subdivision process of the local agency but are not exempt from RCW 36.70A, The Growth Management Act (GMA). Since these land divisions are not going through the development process, GMA would be applied at the next permit which is generally the building permit. With the concurrency requirements of GMA, while rare, there is a potential Chelan County is required to deny the building permit, given the state of the roadway they planned to access. If a review was performed, discussions can occur to connect to a different road or at a location to avoid this conflict.

While I say it is rare, many times I see BLAs where the end result is more of the lots are moved to access just one county road. As this continues, the likelihood of concurrency issues arising on certain roads increases.

I suggest language be added requiring review of access (internal and external) to Chapter 12.18 during this amendment.

While not included in this amendment, the same issues occur with the land divisions under Chapter 12.14 and at a greater scale. I would hope this section can also be revised in the future to require the same access review.

Sincerely,



Eric Pierson PE
Director/County Engineer

Attachment 6

Public Comments

From: [CD Comment](#)
To: [Jessica K. Thompson](#)
Subject: FW: ZTA 2024 –105 Code text amendment for Titles 11 & 12
Date: Monday, April 15, 2024 8:03:39 AM

Not sure if you have this for tomorrow night.

From: Residents Coalition of Chelan County <info@coalitionofchelancounty.org>
Sent: Sunday, April 14, 2024 12:29 PM
To: CD Comment <CD.Comment@CO.CHELAN.WA.US>
Cc: Deanna C. Walter <DeannaC.Walter@CO.CHELAN.WA.US>
Subject: ZTA 2024 –105 Code text amendment for Titles 11 & 12

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

Dear Planning Commissioners,

RC3 has reviewed the proposed text amendments affecting land zoned for Commercial Agriculture and Rural Residential development. Our comments fall into two categories, one dealing with the process and the other dealing with the substance.

1. Need for More Proactive Outreach

We are concerned that adequate time is not being given to the public for review of the proposed code changes to Title 11 & 12. These changes will affect all lands zoned Commercial Agriculture and Rural Residential in the county. We believe that most farmers and rural county residents are unaware of these proposed changes.

Because these code changes affect thousands of residents, we believe a much more extensive outreach program to affected residents is needed. While we understand that there was a small Task Force which advised Community Development on these code changes, this is not sufficient public involvement given the significance of the changes.

This proposal needs much more discussion. The language in the code is difficult for a lay person to understand so an outreach program needs to include a plain English explanation of the changes as well as a more detailed rationale for why they are being proposed. We also believe that some alternatives to the proposal could be explored.

While outreach efforts have started with the agricultural community, we have not yet seen any efforts to communicate with residents whose land is zoned Rural Residential. These outreach efforts will take time. Therefore, we are requesting at least a two month delay and a

commitment from the Community Development Department to undertake a much more extensive outreach effort to explain these changes and the rationale for them to the affected landowners.

2. Preliminary Comments on the Proposed Changes

We are generally in support of the changes proposed for lands zoned Commercial Agriculture or currently in agricultural production. We feel that the code changes could go further in protecting agricultural lands. Specifically, we believe that landowners should not be allowed to modify the 100 foot setback between residential land and farmed land. Such a reduction in setback affects not only the current owners but future owners. The 100 foot setback is the minimum needed to reduce conflicts between agricultural operations and residential use.

We believe that the Community Development Director should not have the authority to reduce this setback. All variances from the 100 foot setback should go to the Hearing Examiner. In order to ensure that agricultural lands are protected, additional criteria may need to be added in the variance section of the code (Chapter 11.95).

We recommend that the Agricultural Review Committee (ARC) as called for in Section 10.30.010 of the code should be established immediately.

For land zoned, rural residential and not in agricultural production, we understand and support the concern about the creation of small lots in rural areas. However, we would point out that a “one size fits all” approach does not recognize the varying situations in different parts of the county.

The goal of protecting rural areas must be accomplished while being mindful of the urgent need for more housing in the county. In 2023, the state Department of Commerce determined Chelan County needs to “plan for and accommodate” 10,531 new homes over the next 20 years (an average of 527 housing units per year). The majority of these homes are needed for work force housing and for people making less than the area’s median income. Chelan County, in turn, recently divvied up those homes to the following areas:

- Wenatchee UGA: 6,275
- Rural areas: 2,603
- Chelan UGA: 361

- Leavenworth UGA: 361
- Manson UGA: 355
- Cashmere UGA: 340
- Entiat UGA: 235

The lands adjacent to cities or commercial centers could be considered for increases in density. The Growth Management Act and the County's Comprehensive Plan recognize that there may be pockets of more intensive development in areas generally considered as rural. These are referred to as Limited Areas of More Intensive Rural Development (LAMIRD).

One example of an area that is transitional between the conventional definitions of rural and urban land use is the Leavenworth valley outside of the city and the UGA. This area is essentially an enclosed community and there is very little land in agricultural production. Zoning in this valley should reflect its proximity to and relation to the City of Leavenworth even if the land is not currently designated as a UGA.

Another area that might be considered for increased density is the land west of Beaver Road in Plain.

Both these areas are transitional and the zoning should reflect this. We encourage the Planning Commission to direct Community Development to initiate a study of land surrounding cities or adjacent to commercial centers such as Plain to see whether some intermediate solution makes sense. Availability of water and access to sewer systems or suitability for septic must be taken into consideration as part of this study.

Thank you for the opportunity to provide comments.

Board of Directors

Residents Coalition of Chelan County (RC3)

May 20, 2024

Chelan County Planning Commission
316 Washington St., Suite 301
Wenatchee, WA 98801

RE: Comments on Proposed Code Text Amendments – ZTA 2024 –105 (regarding lot size reduction provisions and boundary line adjustment revisions)

Dear Planning Commissioners:

I have comments on three specific issues related to ZTA 2024 – 105 that arose during the April 24th Planning Commission Workshop.

1) Comments on the Need to Make These Code Changes

During the April 24th Workshop, the question was raised as to what problem was being addressed by the proposed code changes. In other words, if the issue is the historical creation of “substandard” lots, why is the creation of substandard lots a problem?

To me, the answer to this question is straightforward. Allowances to create substandard lots subvert the overall goals of zoning and the associated land use planning, which are developed as part of the County’s Comprehensive Plan. Zoning is undertaken for the intended purpose of controlling growth in the County such that higher density development occurs where adequate infrastructure and services are available. Therefore, such allowances should be limited.

Zoning by its very nature restricts property rights (i.e., the ability for a landowner to do whatever they want with their land) in exchange for providing orderly growth, stability, and fairness and transparency to adjacent landowners.

Significant effort goes into the development of the Chelan County Comprehensive Plan and the associated zoning. As such, it makes sense to minimize the ability of landowners to circumvent the general zoning limits to create substandard lots.

2) Comments on the Issue of Creating Legal Nonconforming Dwelling Units

There was concern expressed at the April 24th Workshop that adding new setback requirements from adjacent Rural Residential/Resource lots that are being used for agriculture would create legal nonconforming dwelling units. For example, a home currently located 80 feet from a lot zoned RR20 being used for agriculture would become a legal nonconforming dwelling unit if a new 100 foot setback requirement were enacted.

The issue expressed during the Workshop was that owners or potential owners of legal nonconforming dwelling units might, for example, have difficulty getting mortgages. There might also be confusion about how these dwelling units could be modified.

However, it seems like there should be a way to implement these new setbacks without creating legal nonconforming dwelling units. The key is to ensure that the new setbacks do not apply to existing structures.

Under the current proposal, the new setback requirements (for RR10 for example) are written as:

Setbacks from Agriculture. No dwelling unit shall be located within one hundred feet of a property zoned as either commercial agricultural lands (AC) or currently farmed within other Rural Residential zoning districts (RR20, RR10, RR5, RR2.5).

This could be changed to read something like:

Setbacks from Agriculture. No dwelling unit shall be located within one hundred feet of a property zoned as commercial agricultural lands (AC) regardless of construction date, or Rural Residential (RR20, RR10, RR5, RR2.5) if currently farmed, but only for dwelling units approved for construction after [date].

In this case, [date] could be the effective date of the new requirement. As such, dwelling units approved for construction prior to the effective date of the new requirement would be legal structures.

To address the issue of future modifications of dwelling units approved for construction prior to the effective date of the new requirement, additional code language could be added stating that the modification of a dwelling unit that does not meet one or more setbacks for a new structure cannot result in portions of that dwelling unit being any closer to the adjacent lots where such setbacks are not met.

3) Comments on How to Define "Currently Farmed"

The question was asked during the April 24th Workshop relative to the proposed setbacks from Rural Residential zoning districts that are "currently farmed" exactly how this would be defined. I just wanted to point out that one useful definition can be found in RCW 84.34.020 for "Farm and agricultural land". This section of the RCW is already referenced in a different context in the Title 11 zoning Standards being potentially modified by this current action.

In this case land "currently farmed" could be defined as meeting the definition of "Farm and agricultural land" in RCW 84.34.020. In fact, the term "currently farmed" could potentially just be replaced by "meeting the definition of Farm and Agricultural Land in RCW 84.34.020". Of course, this would require that the adjacent parcel owner certify that their parcel meets this definition.

Thank you for considering these comments and suggestions.

Sincerely,



Brian Patterson, Ph.D.
150 Kestrel Ln
Manson, WA 98831

PUBLIC COMMENTS
FOR THE MARCH 27 CHELAN COUNTY PLANNING COMMISSION MEETING

COMMENTS ON ZTA 2024-105

PROPOSED CODE CHANGES

Prepared March 21, 2024 by

Dan Beardslee, PLS

Who am I?

I'm a land surveyor that has been licensed for 49 years. I have done hundreds, if not thousands, of short plats, boundary adjustments, and exempt segregations in multiple jurisdictions and have been practicing in Chelan County for 34 years. I've served on four separate planning commissions in four separate jurisdictions, have been a Hearing Examiner, and served on multiple task forces reviewing codes in Chelan County.

Overview

This proposal comes out of the work of a task force engaged by Chelan County in 2022. This task force was hand-picked so as to have a pre-determined outcome, lead by Chelan County staff and fostered by Berk Consulting.¹ The makeup of the task force contained not one person who has had any experience with lot segregations or boundary adjustments. Not one land surveyor was offered an opportunity to sit on this task force. Almost all segregations and boundary adjustments involve the land surveying community and there is no segment of the population better versed in the issues that were addressed. This was intentional, in my opinion, because any land surveyor would have easily seen the flaws in, again, the pre-determined outcome.

The changes being proposed are a gross regulatory overreach. In several passages in the task force report (of course not authored by the task force, but by the easily managed and obedient Seattle-based consultants), there is reference to "protecting the farmer." Ask almost any farmer and you'll be told **FARMERS DON'T NEED PROTECTION BY REGULATION – THEY NEED PROTECTION FROM REGULATION.**

I challenge anyone from the staff or the Planning Commission to explain what horrible things have happened as a result of the use of the current tools in the code. There are numerous references in the task force report to "substandard lots" a clever turn of phrasing to creating a negative tone where none is warranted. The property term would be "legal non-conforming lots," which doesn't sound nearly as ominous and is actually a term defined in statute and code. It's worth remembering that something like 87% of the land in the County is publicly owned – is

¹ I submitted a report on the impacts to agriculture for consideration by task force but I don't know if it ever got to them. See attached Appendix A

it wise to use up the available land base in large chunks, or small chunks? Density is our friend, not our enemy.

The code that is in place now was also the product of a couple of task forces formed from 2009 to around 2011, and populated by actual stakeholders, not a committee designed to develop a preferred outcome led around by the nose by staff and Seattle based consultants.

This code proposal is very poorly conceived with little thought given to the actual consequences.

Issues

1. The existing code has served landowners, and particularly landowners of Ag properties, very well. The tools related to fractional lots and boundary adjustments have actually helped preserve agricultural operations that might otherwise have been converted to other uses. As an example, two of the projects in the Berk staff report (which is not the same as the task force report) are projects that I worked on. In both of these projects, the owner was able to use the existing tools to foster the agriculture operations by doing a series of boundary adjustments that resulted in the prime ag land as a unit to be preserved for farming. In one case there were something like 25 legal lots of record to begin with and the other had around 42 legal lots, all of which would have been sold and converted to other uses had the owner not been able to preserve the actual productive orchard property as a unit. So, you tell me how this proposal “preserves” or “protects” agriculture. It is actually quite the opposite.
2. Adding an “agricultural setback” of 100 feet to all RR properties is fraught with problems.
 - a. The phrase “currently farmed” is not defined. What exactly does it mean? As an example, let’s say an orchardist pulls out trees – maybe he is going to convert to some other use, or replant – who knows? When does farming no longer exist? Is a horse or sheep pasture “farming?” What about someone with a 1-acre garden that sells produce at the local farmers’ market? Would someone be able to impose a 100 ft. setback on their neighbor’s property simply by deciding to farm? Without more specificity, this provision will be impossible to manage and ridiculously easy to manipulate.
 - b. Undoubtedly, there are hundreds of properties, structures, and uses that will become non-conforming, and therefore unable to expand. And it’s probably safe to say that many existing lots could be rendered unbuildable, especially where the RR zones abut residential zones. Without an inventory of those situations, we cannot begin to understand the consequences of such a regulatory overreach.²
 - c. The waiver provision is interesting and gives way too much power to the Planning Director. While any waiver has to be approved by the Planning Director, there are no standards or criteria for evaluating a waiver request.

² It might be arguable that this constitutes an unconstitutional regulatory taking. The Washington AG’s office has an excellent memo on this issue. <https://www.atg.wa.gov/avoiding-unconstitutional-takings-private-property> -- particular attention should be given to the “warning signals”

Without those standards, the approval is completely up to the whims of the Planning Director.³

3. Why are we doing away with the “fractional lot” provision? This has caused no measurable harm and was developed through the work of a thoughtful previous task force.
4. Title 12.18.005 Boundary Adjustments – the new language uses vague language subject to whimsical interpretation, such as “minor changes” and “significantly rearrange” – that is not good public policy, and the interpretation of those passages changes periodically with the change of leadership at the Planning Department. We have seen the results of such policies in the past. It’s worth remembering, again, that the current code was adopted as a result of a task force empaneled and populated by actual stakeholders.
5. 12.18.020 – Irrigation shares – how can they be reallocated before the BLA is approved? A BLA has no actual effect until there is a conveyance.⁴
6. 12.18.030(3) – The change makes another adjustment that gives too much power to the administrator and is subject to abuse. Bad public policy. Once again, the current language was carefully thought out and has benefited many landowners.
7. The Task Force report has completely missed what is going on just across the river in Douglas County. Over the past 3 years or so, they have modified their regulations to make available even more tools for managing properties, just the opposite of where this proposal would take us.

In summary, this proposal appears to be hastily put together with little or no thought given to the actual consequences.

If the County is really interested in updating this code, it should empanel a group of stakeholders that really understand the consequences and modify this proposal accordingly.

Respectfully submitted,

[sent by email]

Dan Beardslee, PLS

³ The Planning Director was recently severely scolded in a recent court filing the abuse of discretion.

⁴ The RCW the draft is apparently looking for might be 58.17.310 which only applies to subdivisions.

APPENDIX A

PLANNING AND THE TREE FRUIT INDUSTRY

A SNAPSHOT IN TIME

October 26, 2022

For those who don't know me, I have been a licensed land surveyor for 47 years, and I've practiced in Chelan County for the last 30 years. I have done hundreds of land segregations and adjustments in that time, and I believe that the code as it exists today has served its purpose remarkably well, particularly for rural landowners and the agricultural community. I hope the committee that has been formed will find some of the following observations useful.

In the last few months, I have had the opportunity to discuss the status of the tree fruit industry with a number of members of that industry from very small operators to very large ones. The unpleasant truth is that it is becoming more and more difficult to survive. Most owners will tell you that it's a losing proposition, and even for the large operators that are vertically integrated and have large acreages that allow crop rotation and replanting.

Even the very large operators that are vertically integrated, that is, they own their own orchards, their own packing facilities, and a sales force, are even struggling. The small operators that are just growers (particularly apple farmers) are much worse off.

What's the problem, you ask? There are a whole lot of forces in play:

1. The retail price of fruit has been stagnant for years.
2. Labor costs have risen by as much as 80% in recent years, and that element is a huge part of the cost of growing fruit. Labor costs represent about 60% of total growing costs, according to folks in the business.
3. The migrant labor force has been increasingly complicated to manage, especially with all the costs and rules associated with H2A housing.
4. The regulatory environment with respect to pesticides, fungicides, and even herbicides has become increasingly difficult and expensive to comply with.
5. The apple industry, in particular, is affected dramatically by fickle consumer preferences, driven by large retailers like Costco, Kroger or Walmart, making it very risky to plant a given variety, knowing that the market may change, even before the new plantings come into economically viable production after 3 to 5 years. This is particularly difficult for small operators who do not have the acreage to even consider rotations based on market preferences.
6. The overseas markets are shrinking.
7. Large institutional investors with long planning horizons are competing with smaller growers (i.e. the family farm) further reducing margins.

8. Lingering in the background is the whole issue of legacy pesticides⁵, and what effect that might have on the industry.

What does this mean in terms of land-use planning in Chelan County?

A key element of the Growth Management Act is the “protection” of “Agricultural lands of long-term commercial significance.”

(a) Counties and cities planning under RCW 36.70A.040 must adopt development regulations that assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance. If counties and cities designate agricultural or forest resource lands within any urban growth area, they must also establish a program for the purchase or transfer of development rights.

(b) "Conservation" means measures designed to assure that the natural resource lands will remain available to be used for commercial production of the natural resources designated. WAC 365-196-815

This is typically accomplished by zoning controls including large lot sizes and various restrictions on what activities can go on in those zones.

The problem is landowners cannot be forced to farm. Zoning land for agriculture does not mean the land will be farmed. If it is not financially feasible, then landowners will be looking for other opportunities to make their land worthwhile. This typically comes in the form of wanting to sell off portions of their properties that are unproductive or otherwise not supporting their farming operations, but they are blocked, in many cases by rigid zoning controls that prohibit that strategy.

In Chelan County, in the Commercial Ag zone, the code provides for a one-time segregation of an existing house on “lots recorded prior to 1997.”⁶

In the rural resource zones, there is similar language that allows a one-time segregation of an “existing” house and if the land is in agriculture, the house has to be in existence prior to 1997.⁷

However, if the land is simply in agriculture, say AC zone, there is no relief unless the farmer is lucky enough to have non-conforming parcels that provide the opportunity to do boundary adjustments and create some saleable building lots (usually on poor farmland) and generate some operating capital to continue farming. There are many old plats that were filed in the first half of the 20th century that provide this opportunity⁸, although for some reason the County decided, by zoning, to make these lots non-conforming⁹. Little though was apparently given to these situations when AC zoning was applied.

⁵ Lead-arsenate was used as a pesticide up until around 1950. The chemical breaks down into its elemental components in the ground (lead and arsenic) and is considered a dangerous contaminant by the Department of Ecology.

⁶ Although planning staff has recently been re-interpreted to mean the house on the property had to be in place prior to 2011.

⁷ Staff has also made some interpretations on these code sections that are troublesome.

⁸ Such plats as Chelan Butte Orchards, the Highline and Lowline Plats in Manson, Cascade Orchard Tracts in Leavenworth, or Sunnyslope Farms near Wenatchee.

⁹ It has been very common, over the years, to combine many lots into one tax parcel, even though there were many

When these old plats were filed, a small, say 5-acre, orchard was a viable farm and could support a family. For the reasons noted above, there is no way a small operator can survive on that kind of acreage. Even owners of much larger orchards, particularly apple orchards, are struggling and there doesn't seem to be any reason to deny them the opportunity to sell off some of the least productive land. Instead, the current rules often provide that opportunity and, in fact, actually serve to further to goals of the GMA as above mentioned.

The rules regarding these small lot segregations and boundary adjustments were developed by an ad hoc committee (just like the current effort) over a couple of years starting around 2009 and eventually being adopted in 2011.¹⁰ There are no current County staff members that were involved, as they have all moved on. I was a part of that effort and I know planning staff members, Karen Peele (then planning manager), Terri Scott, and Lillith Yanimagachi (now Vespier) were participants. Also on the committee were representative of the real estate industry and other County staff including Public Works. I don't remember who all the members were, but the effort that went into calibrating these rules was significant. The suggestion that the small lot segregation rules have "crept" into zones other than Ag and there are "loopholes" is misleading – these rules were well thought out and thoroughly considered by the committee, the Planning Commission and the County Commissioners. They have turned out to be very valuable tools for the Ag community and rural landowners.

No evidence, other than vague generalization, has been present that demonstrates that these rules have had any measurable impact on infrastructure or agriculture that wouldn't have occurred anyway. As one of my clients always says "if you can measure it you can manage it." As far as I know the task force has been presented with no metrics that provide a sense of what the extent of the "problem" you're trying to solve is. Without that it looks like a solution looking for a problem.

The issue of large lot segregations is interesting. While Chelan County has a provision that 20-acre tract segregations are exempt from subdivision rules¹¹, the State statute, RCW 58.17.040(2) provides that 5-acre tracts are exempt.

"Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;"

legal lots of record, so when planners drew the zoning boundaries, they probably didn't realize there were multiple legal parcels within a large tax parcel.

¹⁰ Those dates are from memory, and highly suspect. Some of rules were in place already and just tuned up by that task force.

¹¹ CCC 12.14.050(2) and CCC 14.98.1090

I hope some of this information you will find useful in your duties as ad hoc committee members.

Respectfully submitted,

Dan Beardslee, PLS

Jessica K. Thompson

From: Shawn Cox <shawn.cox@hiupgrowers.com>
Sent: Saturday, March 23, 2024 11:39 AM
To: Deanna C. Walter
Subject: ZTA 2024 –105 Code text amendment for Titles 11 & 12, specifically

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

Deanna,

I am the general manager at Peshastin HiUp Growers, a cooperative pear packer that represents 47 small family farmers in the upper Wenatchee Valley. I was recently informed of a potential change that could dramatically have an impact on the growers that I represent.

I am writing to request at least a two-month delay on any consideration of the above referenced item. This is a huge change to the existing zoning code and there needs to be significantly more outreach to the communities affected to inform them about these changes. I will make sure that our grower base is aware of any future meetings if you communicate with me directly. I can also pass this information on to the other co-ops in the valley so that a majority of growers will be aware of this amendment.

Please share this comment with members of the Planning Commission.

Thanks,
Shawn

Shawn Cox
General Manager
Peshastin Hi-Up Growers

O: 509-548-7312 x1004
C: 509-669-2084
shawn.cox@hiupgrowers.com

Jessica K. Thompson

To: Deanna C. Walter
Subject: RE: Planning Commission Workshop -- Task force code changes proposed

From: Dan Beardslee <dan.beardslee@gmail.com>
Sent: Monday, April 15, 2024 8:22 AM
To: Deanna C. Walter <DeannaC.Walter@CO.CHELAN.WA.US>
Cc: Norm Nelson <nnelson@completedesign.cc>; Shawn Fitzpatrick <shawn@fitzpatrickssurveying.com>; Erik Gahringer <erikg@48dnorth.com>; Tim Hollingsworth <holly@pinnacle-surveying.com>; Wes Potridge <wesp@erlandsen.com>; Joshua Velazquez <joshua@oversite.tech>; Kris Erlandsen <krise@erlandsen.com>; Brian McNeill (brian@mcneillsurveys.com) <brian@mcneillsurveys.com>
Subject: Planning Commission Workshop -- Task force code changes proposed

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

Deanna:

Would you please see that the following comments, penned by the undersigned surveyors gets to the Planning Commission in time for the workshop tomorrow night?

Re: Proposed code changes / Task Force report

Members of the Planning Commission:

The undersigned are all licensed professional land surveyors in private practice who have represented thousands of clients over the years. Many of our clients have found the existing tools (that are proposed to be significantly changed) to be very useful in managing their properties. As a group, we think the proposed code changes are hastily conceived and should be given much more thought.

As author Ayn Rand famously said, "always check your premises." The premise here is that something bad has happened as a result of the existing code. We disagree.

The general Zoning and subdivision regulations don't always fit the needs of the County's taxpayers as they are a broad stroke and over time it was recognized that more "tools" were necessary to accommodate County taxpayers.

The proposed changes will remove carefully deliberated sections of the code which have provided family farmers and other small landowners vital tools to meet the adverse economic and demographic changes facing our county. While these tools are available to larger developers, the impact of these changes will disproportionately impact those least able to adapt to our rapidly changing economy.

Washington State already provides a stringent regulatory environment with respect to land development. Especially in more rural counties like Chelan, we must strive to provide residents with as much flexibility within that framework. It is premature to jettison time tested regulations in the absence of concrete requirements to do so.

Chelan County faces a growing challenge to provide housing for our local workforce, retirees and other long time residents. The provisions of code that are slated for change have provided families with the tools to remain on the land

and provide affordable housing options their families and employees. Again, removing these tools disproportionately impacts those least able to adapt.

These changes will only accelerate the urban gentrification and displacement of families and farmland in our county.

There is no group of professionals that have more direct knowledge of the consequences of these code changes.

We urge the Planning Commission to reject these changes.

// Tim Hollingsworth, PLS

//Wes Potridge, PLS

//Kris Erlandsen, PLS

//Joshua Velasquez, PLS

//Erik Gahringer, PLS

//Norm Nelson, PLS

//Shawn Fitzpatrick, PLS

//Brian McNeill, PLS

//Dan Beardslee, PLS

Dan Beardslee

Jessica K. Thompson

From: Liz Hemberry <lizhemberry@hotmail.com>
Sent: Friday, March 22, 2024 2:56 PM
To: Deanna C. Walter
Subject: ZTA 2024-105 Code test amendment for Titles 11 & 12, specifically regarding lot size reduction provisions and boundary line adjustments revisions

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

Deanna Watler

My name is Ken Hemberry. I am an upper Wenatchee Valley pear grower. Prior to my retirement in 2022, I was the General Manager of Peshastin Hi-Up Growers. In my time as Hi-Up's GM, we employed approximately 185 people, which was a combination of full-time and part-time employees. We had around 40 grower members who farmed over 1500 acres, most of which are located in Chelan County.

I am writing to you in reference to ZTZ-105 Code test amendment for Titles 11 & 12, specifically regarding lot size reduction provisions and boundary line adjustments revisions. I wish to request at least a two-month delay on any consideration of the above referenced item. This is a huge change to the existing zoning code and could negatively impact many families and farmers who are trying to remain on their land. There needs to be significantly more outreach to the communities affected to inform them about these changes.

Please share this comment with members of the Planning Commission.

Sincerely

Ken Hemberry

email: lizhemberry@hotmail.com

From: Liz Hemberry <lizhemberry@hotmail.com>
Sent: Monday, April 15, 2024 7:01 AM
To: Deanna C. Walter <DeannaC.Walter@CO.CHELAN.WA.US>
Subject: ZTA-2024-105 Proposed Code Changes

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

Deanna

Thanks again for making the time to speak with Shon, Shawn, Kirvil and me about the proposed code changes. It was very informative. I am writing to again reiterate that I believe that the County would be doing the right thing to protect Ag buy extending the 100 foot setbacks to parcels practicing active, qualifying farming. I am pleased to see this in the proposed changes. However, I do not believe that a landowner should not be able to waive the setback requirement as it impacts not only the current landowner but all future landowners who might want to continue farming.

I also want to see the County immediately activate the Agricultural Review Committee. Growers represent a big part of the County landscape and therefore should have input on code changes and amendments that might affect their ability to continue to farm. As I stated previously, I would be willing to serve on the committee as well as seek out other qualified growers to serve. I feel that I am well qualified to make these recommendations based on my 45 years of growing pears in Chelan County plus my 16 years as the General Manager of Peshastin Hi-Up Growers.

We are leaving on a four week vacation on the 16th but I do plan to attend the Planning Commission meeting remotely. I would like an opportunity to testify.

Thanks
Ken Hemberry

Jessica K. Thompson

From: Michael Kirk <mike_c_kirk@icloud.com>
Sent: Monday, March 25, 2024 11:45 AM
To: Deanna C. Walter
Subject: ZTA 24-105 Development Regulation Text Amendments

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

Dear Director Walter:

I have reviewed the packet of information concerning "Code Text Amendments". I do support the changes to the county code as stated in the information packet.

However, in reading through the information, I came to "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."

In my mind, this creates exceptions to the policy that are subjective, and could be opening "Pandora's Box". Is it possible to reexamine this policy so that a property must be annexed into the Urban Growth Area, and the lines of the UGA redrawn. This would eliminate exceptions.

I would very much appreciate your thoughts. Thank you for your time.

Mike Kirk
Manson, Wa.

COMMENTS ON ZTA 2024-105

Members of the Planning Commission:

In summary, this proposal seems to be poorly thought out and the negative implications for land-owners, including farmers, are likely to be manifold.

The zoning, boundary adjustment, and exempt segregation tools that have been in place for many years have been very useful and as far as we are concerned, have been very helpful and should be left in place. The only real negative that was identified in the Task Force report was the apparent creation of what it refers to as "substandard lots" with no analysis as to why that is "bad."

The task force seems to have been manipulated by staff and Seattle consultants to reach recommendations preferred by staff. Our organization had one member on the task force but her input was limited and given short shrift.

We don't think this proposal is ready for prime time and suggest that the Planning Commission give this a lot more thought.

Respectfully submitted,

Erin Davidson, NCWAR President 2024

Authentisign


03/27/24

Jessica K. Thompson

From: CD Comment
Sent: Wednesday, April 3, 2024 2:03 PM
To: Jessica K. Thompson
Subject: FW: ZTA 2024 –105 Code text amendment for Titles 11 & 12

From: Residents Coalition of Chelan County <info@coalitionofchelancounty.org>
Sent: Friday, March 22, 2024 12:36 PM
To: CD Comment <CD.Comment@CO.CHELAN.WA.US>
Cc: Deanna C. Walter <DeannaC.Walter@CO.CHELAN.WA.US>
Subject: ZTA 2024 –105 Code text amendment for Titles 11 & 12

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

Dear Planning Commissioners,

We are concerned that adequate time is not being given to the public for review of the proposed code changes to Title 11 & 12. These changes will affect all lands zoned Commercial Agriculture and Rural Residential in the county. We believe that most farmers and rural county residents are unaware of these proposed changes.

Because these code changes affect thousands of residents, we believe a much more extensive outreach program to affected residents is needed. While we understand that there was a small Task Force which advised Community Development on these code changes, this is not sufficient given the significance of the changes.

This proposal needs much more discussion. The language in the code is difficult for a lay person to understand so an outreach program needs to include a plain English explanation of the changes as well as a more detailed rationale for why they are being proposed. We also believe that some alternatives could be explored.

We are requesting at least a two month delay and a commitment from the Community Development Department that a much more extensive outreach effort will be undertaken to explain these changes and the rationale for them to the affected landowners.

Thank you for the opportunity to provide comments.

Board of Directors
Residents Coalition of Chelan County (RC3)

Jessica K. Thompson

From: Gene Woodin <gwoodin@bluestargrowers.com>
Sent: Monday, March 25, 2024 12:43 PM
To: Deanna C. Walter
Subject: ZTA 2024 - 105 Code text amendment for Titles 11&12

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

Subject: Subject: ZTA 2024 –105 Code text amendment for Titles 11 & 12, specifically regarding lot size reduction provisions and boundary line adjustments revisions

Good afternoon Deanna,

My name is Gene Woodin, I'm the General Manager for Blue Star Growers in Cashmere. I represent approximately 70 member growers that farm just under 3,000 acres. I'm writing to request at least a two month delay on any consideration of the above referenced item. This is a huge change to the existing zoning code and could negatively impact many families and farmers who are trying to remain on their land. There needs to be significantly more outreach to the communities affected to inform them about these changes.

Please share this comment with members of the Planning Commission.

Best regards,

Gene Woodin
General Manager

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