



Chelan County Planning Commission

Chair: Jordan McDevitt

Vice Chair: Vicki Malloy

Commissioners District 1: Vicki Malloy, Ryan Kelso

Commissioners District 2: Jim Newberry, Randy Baldwin, Jordan McDevitt

Commissioners District 3: Carl Blum, Pat Hammersmith, Greg Becker

Meeting Agenda

Wednesday, January 22, 2020 at 6:00 P.M.

Chelan County Administration Building, Room 1

400 Douglas Street, Wenatchee, WA

I. Call Meeting to Order

II. Administrative

A. Review/Approval of Minutes from December 9, 2019

B. Elect Chair and Vice Chair

III. Public Comment Period

Comment for any matters not identified on the agenda (limit 3 minutes per person)

IV. Old Business

A. Hearing for CPA 2019-001 Riverstone Ranch Comprehensive Plan Map Amendment

V. New Business

A. Hearing for ZTA 2020-001 Repeal of Resolution 2019-85 a text amendment to Chelan County Code section 12.22.020 Plat alteration.

VI. Discussion, at the Chair's discretion

VII. Adjournment

Materials available on the Community Development website

Next Meeting: February 26, 2020 at 6:00 P.M.

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

Chelan County Community Development

316 Washington Street Suite 301, Wenatchee, WA 98801 ♦ Phone: (509) 667-6586 Fax: (509) 667-6475



CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Special Meeting
Chelan County Administration Building, Room 1
400 Douglas Street
Wenatchee, WA 98801

Date: December 9, 2019
Called to Order: 6:02 PM

CALL TO ORDER

Meeting was called to order at 6:02 pm.

COMMISSIONER PRESENT/ABSENT

Greg Becker	Present	Carl Blum	Present
Randy Baldwin	Present		
Ryan Kelso	Present		
Jordan McDevitt	Present		

STAFF PRESENT

Dave Kuhl, Director
Kirsten Larsen, Planning Manager
Cathy Mulhall, County Administrator
Lisa Ogle, Permit Clerk

PUBLIC PRESENT

APPROVAL OF NOVEMBER 20,2019 MINUTES

Upon motion and second by Commissioners Kelso and Becker the Commission unanimously approves the minutes.

PUBLIC COMMENT PERIOD

No members of the public commented.

OLD BUSINESS:

Hearing for CPA2019-001 Riverstone Ranch Comprehensive Plan Map Amendment

Chairman Jordan McDevitt excuses himself from the discussion, and is not in in involved in the process. Commissioner Baldwin takes over as acting Chairman.

Michelle Green, on behalf of applicant address the Commission if it would be best to continue this matter until the January 22, 2020 Planning Commission meeting in regards to a full quorum.

MOTION:

Continuance upon motion and second by Commissioners Kelso and Baldwin unanimously approve for continuance of CPA2019-001 to the January 22, 2020 meeting.

Chairman Jordan McDevitt rejoins the meeting.

Hearing for CPA2019-004 Capital Improvement Plan Amendment

Kirsten Larsen, Planning Manager presents changes to CPA2019-004 Capital Improvement Plan Amendment. Cathy Mulhall, County Administrator, is introduced and lets the Commission know she available to answer any questions that they may.

Upon motion and second by Commissioners Baldwin and Blum for recommending approval of CPA2019-004, the Commissioners unanimously approve.

NEW BUSINESS

Dave Kuhl, Director of Chelan County Community Development addresses the Commission and speaks of Resolution 2019-85 Amending Subdivision Plats, notes on plats. Legal department reviewed and it was discovered that a drawing was needed to be attached. A resolution repelling the language will be presented to the Commission on the January 22, 2020 meeting.

Kirsten Larsen, Planning Manager advises the Commission that the vacation rental recommendation goes before the Board of County Commissioners on December 17, 2019.

DISCUSSION, at Chair's discretion

ADJOURNMENT

MOTION:

Upon motion and second by Commissioners Becker and Blum the Commission unanimously agreed to adjourn the meeting at 6:54 pm.

Next Meeting: January 22, 2020, 2019 at 6:00 p.m.

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



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

Repeal of Amendments to Land Divisions Ordinance Plat Alteration Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: January 22, 2020
FILE NUMBERS: ZTA 2020-001

A. Requested Action

Repeal of Resolution No. 2019-085 for amendments to Chelan County Code (CCC) attached as Exhibit A. Requested actions include:

To make a recommendation to the Board of County Commissioners in regards to repealing Resolution 2019-85, an amendment to Chelan County Code Section 12.22.020 Plat alteration to clarify that a revised survey is required for modification of any cadastral elements and any modification to plat notes, names, or other type of text only changes can be modified on the original subdivision with county approval to be filed with the county auditor. The repeal is necessary because the amended code does not comply with state law under RCW 58.17.

The Planning Commission is being asked to review, consider, and make a recommendation to the Board of Chelan County Commissioners to approve, approve in part or deny the repeal of Resolution 2019-85 Land Divisions Code amendments relating to Plat Alterations.

General Information

Planning Commission Hearing Published on:	January 9, 2020
Planning Commission Hearing on:	January 22, 2020
60-day State agency review ends:	March 7, 2020

B. SEPA Environmental Review

The proposed text amendment is exempt from SEPA review pursuant to WAC 197-11-800(19)(a).

C. Code Review Criteria

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

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

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

CCC 14.13.040 (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

CCC 14.13.040 (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

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

Staff Analysis:

The repeal of Resolution 2019-85 would return the text within CCC 12.22 Plat Vacations and Alterations to read as it did prior to the adoption of Resolution 2019-85. The original text was reviewed on the criteria provided above and found consistent. The reason the repeal of Resolution 2019-85 is that the text was not given legal review after modifications from the original draft. Upon implementing the text amendment, it was discovered that the text amendment was not consistent with the RCW 58.17. This is outlined in the draft Resolution for repeal that is attached as Attachment A.

D. Suggested Findings of Fact:

1. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
2. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
3. The proposed text amendment is exempt from SEPA review pursuant to WAC 197-11-800(19)(a).
4. The Land Divisions Ordinance Chapter 12.22, Plat Vacations and Plat Alterations, have been contemplated.
5. The Chelan County has adopted the Chelan County Comprehensive Plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A.

6. The Chelan County Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for Chelan County in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
7. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
8. A public hearing date with the Planning Commission was published in the Wenatchee World on January 9, 2020 for the proposed repeal.
9. On January 7, 2020, the Chelan County provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Chelan County Code and initiation of the 60 day review and comment periods. The comment period ends March 7, 2020.
10. On January 22, 2020, the Chelan County Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
11. The Chelan County Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Chelan County Code.

E. Suggested Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the Chelan County Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 12 Land Divisions and Title 14 Development Permit Procedures and Administration of the Chelan County Code.

F. Draft Motion

I move to recommend approval of repealing Resolution No. 2019-85 based upon the findings of fact and conclusions of law contained within the January 22, 2020 staff report.

G. Attachments

- A. Draft Resolution
- B. Resolution 2019-123 Enacting Moratorium
- C. File of Record

RESOLUTION NO. 2020-_____

A resolution repealing Resolution 2019-85 amending CCC 12.22.020 regarding the procedure governing plat alteration.

WHEREAS, pursuant to RCW 36.32.120 the Chelan County Board of County Commissioners may not make or enforce police and sanitary regulations that are in conflict with state law;

WHEREAS, alteration of a subdivision is governed by RCW 58.17.215-.218;

WHEREAS, RCW 58.17.215 provides that an application seeking alteration of a subdivision shall be submitted to the county legislative authority, that notice of the application shall be provided to all owners of property within the subdivision, and that such notice “shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice”;

WHEREAS, on July 30, 2019, the Chelan County Board of County Commissioners adopted Chelan County Resolution No. 2019-85 which amended CCC § 12.22.020, entitled “Plat Alteration”, to provide that “(6) After approval of the alteration, the applicant shall submit to the county a revised drawing of the approved alteration of the subdivision. The revised plat shall be prepared by a Washington State licensed land surveyor, except as provided in subsection (7) of this section. (7) Amendments not involving the location of lot lines, number of lots, or easements established by the subdivision may be approved by the administrator. An affidavit must be recorded with the Chelan County auditor referencing the subdivision or short subdivision being altered.”

WHEREAS, Chelan County Resolution 2019-85 conflicts with the requirements of RCW 58.17.215 which state that after the approval of the alteration, the legislative body shall order the applicant to produce a revised drawing, (and not merely an affidavit), of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property;

WHEREAS, according to CCC §§ 14.12.020-.030 public hearings do not occur in an administrative review process; and further, according to CCC § 1.61.080, the hearing examiner has authority to hear and decide applications for plat alterations not the administrator;

WHEREAS, Chelan County Resolution 2019-85 does not provide within Chapter 12.22 of the code that a public hearing or notice for a public hearing consistent with RCW 58.17.215 is required;

WHEREAS, Chelan County Resolution 2019-85 thus conflicts with RCW 58.17.215’s public hearing requirements and with CCC § 1.61.080 which vests the hearing examiner with authority to hear and decide applications for plat alterations;

WHEREAS, adoption of Chelan County Resolution 2019-85 by the Chelan County Board of County Commissioners was in error;

DRAFT

WHEREAS, Chelan County code requires the proposed repeal of Resolution 2019-85 be first reviewed by the Chelan County Planning Commission;

WHEREAS, this resolution repealing Resolution 2019-85 has been submitted to the Planning Commission for review and recommendation consistent with RCW 36.70.040;

WHEREAS, the planning commission conducted a duly advertised public hearing on this matter and rendered a recommendation to the Chelan County Board of Commissioners;

WHEREAS, the Board of Commissioners conducted a duly advertised public hearing on this matter on _____.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Chelan County Board of County Commissioners that:

The foregoing recitals are hereby adopted as findings of fact and conclusions of law;

Be it further resolved that Chelan County Resolution No. 2019-85 is hereby repealed in its entirety effective immediately upon enactment of this resolution;

DATED at Wenatchee, Washington this ____ day of _____, 2020.

BOARD OF CHELAN COUNTY COMMISSIONERS

DOUG ENGLAND, CHAIRMAN

BOB BUGERT, COMMISSIONER

ATTEST: CARLYE BAITY

Clerk of the Board

KEVIN OVERBAY, COMMISSIONER

ATTACHMENT B

RESOLUTION NO. 2019-123

A resolution enacting a moratorium on implementation of Resolution 2019-85.

WHEREAS, pursuant to RCW 36.32.120 the Chelan County Board of County Commissioners may not make or enforce police and sanitary regulations that are in conflict with state law;

WHEREAS, alteration of a subdivision is governed by RCW 58.17.215-.218;

WHEREAS, RCW 58.17.215 provides that an application seeking alteration of a subdivision shall be submitted to the county legislative authority, that notice of the application shall be provided to all owners of property within the subdivision, and that such notice “shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice”;

WHEREAS, on July 30, 2019, the Chelan County Board of County Commissioners adopted Chelan County Resolution No. 2019-85 which amended CCC § 12.22.020, entitled “Plat alteration”, to provide that “(6) After approval of the alteration, the applicant shall submit to the county a revised drawing of the approved alteration of the subdivision. The revised plat shall be prepared by a Washington State licensed land surveyor, except as provided in subsection (7) of this section. (7) Amendments not involving the location of lot lines, number of lots, or easements established by the subdivision may be approved by the administrator. An affidavit must be recorded with the Chelan County auditor referencing the subdivision or short subdivision being altered.”

WHEREAS, Chelan County Resolution 2019-85 conflicts with the requirements of RCW 58.17.215 which state that after the approval of the alteration, the legislative body shall order the applicant to produce a revised drawing, (and not merely an affidavit), of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property;

WHEREAS, according to CCC §§ 14.12.020-.030 public hearings do not occur in an administrative review process;

WHEREAS, according to CCC § 1.61.080, the hearing examiner has authority to hear and decide applications for plat alterations;

WHEREAS, Chelan County Resolution 2019-85 does not provide within Chapter 12.22 of the code that a public hearing consistent with RCW 58.17.215 is required;

WHEREAS, Chelan County Resolution 2019-85 also conflicts with RCW 58.17.215’s public hearing requirements;

WHEREAS, Chelan County Resolution 2019-85 also conflicts with CCC § 1.61.080 which vests the hearing examiner with authority to hear and decide applications for plat alterations;

WHEREAS, adoption of Chelan County Resolution 2019-85 by the Chelan County Board of County Commissioners was in error;

WHEREAS, Chelan County code requires the proposed repeal of Resolution 2019-85 be first reviewed by the Chelan County Planning Commission which takes several weeks to accomplish;

WHEREAS, this matter will be submitted to the Planning Commission for review and recommendation consistent with RCW 36.70.040;

WHEREAS, Chelan County is authorized pursuant to RCW 36.70A.390 to enact a moratorium effective immediately upon adoption on the implementation of a code provision which conflicts with state statute;

WHEREAS, a moratorium effective immediately is necessary to afford predictable and consistent implementation of land use law and is in the best interest of public health, safety, welfare, and provides good governance.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Chelan County Board of County Commissioners that a moratorium on the implementation of Chelan County Resolution No. 2019-85 is hereby enacted effective immediately and a public hearing on this matter will occur no later than sixty days from date of this resolution on January 7, 2019.

Be it further resolved, this moratorium will be for a period not to exceed six months unless extended for good cause by resolution at a later date;

Be it further resolved, while this moratorium is in effect, no application for a plat alteration will be subject to the provisions of Resolution 2019-85;

Be it further resolved, the foregoing recitals are hereby adopted as findings of fact and conclusions of law;

DATED at Wenatchee, Washington this 26th day of November, 2019.



BOARD OF CHELAN COUNTY COMMISSIONERS

Doug England
DOUG ENGLAND, CHAIRMAN

Bob Bugert
BOB BUGERT, COMMISSIONER

Kevin Overbay
KEVIN OVERBAY, COMMISSIONER

ATTEST: CARLYE BARTY
Carlye Bartey
Clerk of the Board



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: 2020-S-1107

Submittal Date Time: 01/07/2020

Submittal Information

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

Amendment Information

Brief Description

Repealing Resolution 2019-85, an amendment to Chelan County Code Section 12.22.020 Plat alteration to clarify that a revised survey is required for modification of any cadastral elements and any modification to plat notes, names, or other type of text only changes can be modified on the original subdivision with county approval to be filed with the county auditor. The repeal is necessary because t

Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Anticipated/Proposed Date of Adoption 03/10/2020

Attachments

Attachment Type	File Name	Upload Date
Public Notice	Legal Notice PC.doc	01/07/2020 10:20 AM
Development Regulation Amendment - Draft	Draft repeal 2019 85 re plt alt submit to PC.docx	01/07/2020 10:20 AM

Contact Information

Prefix Ms.
First Name Kirsten
Last Name Larsen
Title Planning Manager
Work (509) 667-6246
Cell
Email kirsten.larsen@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	Kirsten Larsen
Email	kirsten.larsen@co.chelan.wa.us



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

01/07/2020

Ms. Kirsten Larsen
Planning Manager
Chelan County
316 Washington Street Suite 301
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2020-S-1107--60-day Notice of Intent to Adopt Amendment

Dear Ms. Larsen:

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

Repealing Resolution 2019-85, an amendment to Chelan County Code Section 12.22.020 Plat alteration to clarify that a revised survey is required for modification of any cadastral elements and any modification to plat notes, names, or other type of text only changes can be modified on the original subdivision with county approval to be filed with the county auditor.

We received your submittal on 01/07/2020 and processed it with the Submittal ID 2020-S-1107. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 03/07/2020.

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

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

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

Sincerely,

Review Team
Growth Management Services

Wenatchee World

PO Box 1511
Wenatchee WA 98807-1511

Phone: 5096635161

URL: www.wenatcheeworld.com

Order Invoice

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

Acct #: 00002552
Phone: (509) 667-6225
Date: 01/07/2020
Ad #: 00085222
Salesperson: LEGL Ad Taker: 190

Class: 0001

Ad Notes: Submitted by Kirsten Larsen 1/7/20

Sort Line: PUBLIC HEARING NOTICE/KLarsen

Description	Start	Stop	Ins.	Cost/Day	Amount
01 The Wenatchee World	01/09/2020	01/09/2020	1	60.49	60.49
02 Wenatchee World Online	01/09/2020	01/09/2020	1	0.00	0.00

Ad Text:

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Chelan County Planning Commission will be conducting public hearings on January 22nd at 6:00 P.M. in the Chelan County Administration Building, Room 1, 400 Douglas Street, Wenatchee for:
File No. ZTA 2020-001: To make a recommendation to the Board of County Commissioners in regards to repealing Resolution 2019-85, an amendment to Chelan County Code Section 12.22.020 Plat alteration to clarify that a revised survey is required for modification of any cadastral elements and any modification to plat notes, names, or other type of text only changes can be modified on the original

Payment Reference:

Total: 60.49
Tax: 0.00
Net: 60.49
Prepaid: 0.00

Total Due 60.49

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Chelan County Planning Commission will be conducting public hearings on **January 22nd at 6:00 P.M. in the Chelan County Administration Building, Room 1, 400 Douglas Street, Wenatchee** for: File No. ZTA 2020-001: To make a recommendation to the Board of County Commissioners in regards to repealing Resolution 2019-85, an amendment to Chelan County Code Section 12.22.020 Plat alteration to clarify that a revised survey is required for modification of any cadastral elements and any modification to plat notes, names, or other type of text only changes can be modified on the original subdivision with county approval to be filed with the county auditor. The repeal is necessary because the amended code does not comply with state law under RCW 58.17.

Any person may appear at said public hearing and present testimony orally or in writing. Written submissions will be accepted up to the close of the public hearing. Comments may be mailed or personally delivered at the address listed below.

Copies of the proposed amendments may be reviewed at the Chelan County Department of Community Development, 316 Washington Street, Suite 301, WA 98801, during normal business hours or by calling (509) 667-6225.