



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission  
Chelan County Community Development VIA ZOOM

Date: May 6, 2020

Called to Order: 7:03 PM  
316 Washington St Ste 301  
Wenatchee, WA 98801

## CALL TO ORDER

Meeting was called to order at 7:03 pm.

## COMMISSIONER PRESENT/ABSENT

<b>Greg Becker</b>	<b>Absent</b>	<b>Carl Blum</b>	<b>Present</b>
<b>Randy Baldwin</b>	<b>Present</b>	<b>Vicki Malloy</b>	<b>Present</b>
<b>Ryan Kelso</b>	<b>Present</b>	<b>Jim Newberry</b>	<b>Absent</b>
<b>Jordan McDevitt</b>	<b>Present</b>	<b>Pat Hammersmith</b>	<b>Present</b>
<b>James Wiggs</b>	<b>Present</b>		

## STAFF PRESENT

**Deanna Walter, Interim Assistant Director**  
**RJ Lott, Planner II**  
**Wendy Lane, Permit Clerk**  
**Jim Brown, Director**  
**David Spencer, Building Official**  
**Jason Detamore, Public Works**

## PUBLIC PRESENT

ZOOM MEETING WITH 2 PARTICIPANTS

## BUSINESS:

Chairman Ryan Kelso asked the Planning Commission members if all had read the minutes from the April 22, 2020 meeting.

## MOTION:

Motion made by Randy Baldwin, second by Vicki Malloy to approve the minutes from the April 22, 2020 meeting.

Vote – Unanimous

Motion passes

## **PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA**

No Comments

### **OLD BUSINESS:**

#### **Continued Hearing for Text Amendments to Chelan County Code Chapter 3.20 Flood Hazard Development**

This is a continued public hearing from the April 22, 2020 PC meeting. David Spencer, Building Official, and Jason Detamore, Public Works, revisited 3 specific sections of the code that were discussed at the April 22, 2020 hearing – 3.20.240 (2) utilities (further explanation) applies generally to new construction

Section 3.20.300 Farm House – discussion about foot print vs square footage. Staff recommends wording to remain as square footage to be consistent with state law. We have a regulatory requirement to send this to FEMA for their review

Section 3.20.330 (5) Development Proposals – Boundary Line Adjustments. Added noticing language in lieu of being “discouraged”

Commissioner Jordan McDevitt agreed that with the noticing requirement we are leaving in options instead of taking away rights.

Commissioner Randy Baldwin asked a question regarding the floodway vs the floodplain David Spencer, Building Official, answered – something new would not be allowed in the floodway. Puts the structure at very high risk and highly discouraged. If it is existing in the floodway, there is an allowance for maintenance to a certain level, but if destroyed, cannot be rebuilt.

Question on what constitutes “new”.

David Spencer, Building Official, stated that would be anything that would require a permit moving forward

Commissioner Randy Baldwin noted that construction has occurred in the floodway on stilts or elevated David Spencer, Building Official, responded that we do have some code enforcement cases within the floodway

### **Open for Public Testimony:**

Dan Beardslee - Question regarding how to extinguish a notice to title

Commissioner Carl Blum and Dan Beardslee didn't like the notice to title provision as it is virtually impossible to extinguish a Notice to Title.

Chairman Ryan Kelso recommended getting rid of the Notice to Title requirement and left in the flexibility to go ahead and allow BLAs.

Commissioner Jordan McDevitt commented that trying to regulate BLAs and address whether they are buildable or not is meddling, and not necessary. Chairman Ryan Kelso expressed that they should just leave the code silent on BLAs.

Dan Beardslee – reminding everyone that BLAs are exempt and there is already a huge disclaimer that the County does not guarantee buildable status.

Commissioner Carl Blum – asked if the intent was to prevent buyers from getting swindled? David Spencer, Building Official, answered yes, but offered that we could eliminate the section on BLAs and just leave it silent.

Commissioner Randy Baldwin stated that moving forward the County needs to be really clear as to where you can and cannot build. There have been lots of structures built in the floodway/plain in the last few years.

Jason Detamore, Public Works, agreed that we have not been looking holistically and have not been consistent, hence the FEMA visit and in order to remain in the Flood Insurance Program we need to make the corrections and address the issues – consistency.

#### **MOTION:**

Commissioner Jordan McDevitt motioned to approve text amendments as amended for Chelan County Code Chapter 3.20 Flood Hazard Development, based on Findings of Fact, and conclusions of law contained within the April 22, 2020 Staff Report, and with further modifications as discussed in hearing – 3.20.240(2), .300, .330(5) and delete all verbiage after “all BLAs...”

Commissioner Randy Baldwin seconded the motion.

Unanimous vote.

Motion carries.

#### **Hearing for ZTA -2020-005 Limited Text Amendments**

Interim Assistant Director Deanna Walter provided the Planning Commission with a summary table of amendments to make the review process easier due to the volume of changes. Chairman Ryan Kelso asked that we go through the items one by one for discussion purposes.

Section 1.61 – Interim Assistant Director Deanna Walter explained the purpose of the changes were to bring the existing section 1.61, the original (1.10) Rules of Procedure for Proceedings Before the Chelan County Hearing Examiner, and the original Resolution establishing the Hearing Examiner position, in line with each other to make the timelines consistent for noticing, staff reports, reconsiderations, decisions and appeals. No questions or discussion from Planning Commission.

Section 11.04 (District Use Chart) adding Storage Containers as an accessory use in all districts with development standards identified in 11.88.280 (new section). There is also a proposed new definition of Storage Container in Section 14.98.18XX. Planning commission had several examples of existing uses of storage containers, including “pods” as an alternative to mini-storage, barriers, fences, and residential structures. The consensus among the Planning Commission members was to pull this item from

consideration in this round of amendments and hold it for additional discussion and clarification. Planning Commission would like to look at Storage Containers as a CUP with criteria, specific zones and restrictions on habitation.

Section 11.04 (District Use Chart) adding Isolated Small Scale Businesses as a Conditional Use Permit (CUP) in the RW, RRR and RV zoning designations and addressing the development criteria already established in 11.93.290 by revising (1) to require the structures meet the setback and lot coverage requirements of the district, and eliminating the maximum building size of 5000 SF (2). Planning Commission members had questions about the intent of this amendment. Interim Assistant Director Deanna Walter explained that we have existing buildings in these zoning designations that lay vacant/empty and there are currently no provisions in the code for businesses that would be non-intrusive to utilize these existing buildings. The Planning Commission members voiced concerns about what would actually be considered “small-scale”. Interim Assistant Director Deanna Walter explained that the amendment itself merely opens the door for additional uses, it does not guarantee them. This would be a Conditional Use Permit and thereby subject to the public comment and hearing process through the Hearing Examiner. The Hearing Examiner has the ability to determine if the intended use meets the intent of “small-scale”, and to approve with adequate conditions to mitigate any impacts, or deny the proposal. The Planning Commission appeared to be satisfied with that safety net in place.

Section 11.04 (District Use Chart) adding Accessory Residential kitchens as an accessory use with development criteria/standards identified in 11.88.170(11) (new section). Also included is a new definition for Kitchen, Accessory Residential, 14.98.10XX. Planning Commission discussion included questions about criteria (B) that required a Notice to Title. Concerns were voiced that Notices to Title are virtually impossible to extinguish, even after the intended issue has dissolved. The Planning Commission recommended that (B), Notice to Title, be stricken from the proposed amendment. Definition was OK.

Section 11.22.050(5)(B)(i) Planned Developments – Eliminate requirement citing what professionals must be on the design team for a planned development project/application. No discussion.

Section 11.22.050(6) Planned Developments – adding in Subdivision as defined platting process for multi-family and single family lot creation. Interim Assistant Director Deanna Walter explained that it currently requires a Binding Site Plan, which is appropriate for commercial or industrial divisions, but not for residential. No discussion.

Sections 11.22.050(9) & (13) Planned Developments – Eliminating the approval of each phase through the Type II Administrative Review process, and changing the preliminary approval to match that of other subdivisions and short plats to 5 years.

Section 11.72.040 Icicle Valley Design Review Overlay – Adding in utility Uses as a permitted use. The Planning Commission had questions regarding what type of utilities this was referring to and what role the Icicle Design Review Committee would have in this permitting process. The Icicle Design Review Committee also needed an opportunity to weigh in on this proposal and offer suggested language for the amendment. Planning commission recommended pulling this item from the proposals for a more in depth discussion during the next group of text amendments.

Section 11.88.100 Inoperable Vehicles – Eliminate section and move to 11.88.170(10) with new definition 14.98.19XX. Planning Commission discussion included eliminating (F) that referred to the number of vehicles (operable or otherwise) any parcel was permitted to have. In addition, the Planning Commission recommended that the definition be changed to strike (1) and (5) from the proposed definition and require only 2 of the 3 remaining criteria.

Section 11.88.170 (1)(E) & (2) Fences – Changing threshold for building permit to match IRC at 6 feet and reference correct code section. Chairman Ryan Kelso asked if the fence boards are 2 inches off the ground and the fence is not 6’2”, if it will require a permit. David Spencer, Building Official, stated that if the fence boards are 6’, it is presumed to be a 6’ fence.

11.88.290 (new) Yurts – Development standards for using Yurts for full-time, year round residences. Interim Director Deanna Walter explained that we have always had Yurts in the county, but there was no mechanism for properly permitting them for residential use as they are essentially tents. We now have criteria for a permanent foundation that would allow these to be permitted as residential structures. No discussion.

Section 11.93.200 Isolated Non-Residential Uses – eliminating the threshold date of 7/1/90 and the limitation of expansion to 50% of the building footprint. Also amending the definition of Isolated Non-Residential Uses 14.98.1020 to replace that threshold date with “existing”. Planning Commission concurred.

Section 14.04.050 Hearing Examiner Administration – Updating which applications will be heard by Hearing Examiner. No discussion

Sections 14.10.040(2)(D,E,F,G) & 14.10.060 Hearing Examiner Application Review – Updating timelines for consistency with 1.61 and providing for the use of electronic equipment, and clarifying calendar days. No discussion

Section 14.12.10 Hearing Examiner Appeals – updating timelines for consistency and clarifying calendar days. No discussion

Section 14.14.050(4) Comprehensive Plan Amendments – reinstating the option to apply and process a CPA/ZC concurrently. Interim Assistant Director Deanna Walter explained that in Chelan County, we are a one-to-one match with the comp plan and zoning designation. It doesn’t make any sense to require the applicant to go through two separate review and approval processes, costing them both time and money, when for consistency, you can’t approve one and not the other and they can both be heard at the higher level process, legislative body. Interim Assistant Director Deanna Walter did note that there was a Chelan County Court Case that needed to be reviewed prior to the BoCC approving this particular amendment. No discussion.

Section 14.98.775 Definitions, Fire Apparatus Access Road – inserting a reference to the WAC. Planning Commission questioned the need for this since it didn’t really do anything except reiterate something already in code and did not add any clarification. Planning Commission recommended this be pulled from consideration and for further discussion for the next round of text amendments.

Section 14.98.835 Definitions, Food and Beverage Service – to include on-site preparation. The BoCC asked this item be pulled as it was added in 2012 and then removed in 2018, specifically because it was perceived as a go-ahead to operate a restaurant in non-commercial zones when a restaurant was already defined.

Section 14.98.1045 Definitions, Kennel – eliminating requirement for “commercial”. Planning Commission discussion included trying to figure out the difference between Animal Boarding Facility (14.98.165) which also proposed to include the work “kennel” and 14.98.1045. The Planning Commission recognized that this needs further discussion and recommended pulling the revisions for both of these definitions from the amendment.

Section 14.98.1255 Definitions, Mobile Home – clarification that a mobile home is built to HUD standards and was built prior to 6/15/76. No discussion

Section 14.98.1260 Definitions, Modular Home – clarification that a modular home is built to UBC standards – replaced International Codes Standards with appropriate WAC. No discussion.

Section 14.98.1375 Definitions, Park Model Trailer – replacing “home” with trailer as they are specific to certain communities and not necessarily permitted everywhere in the code. One Planning Commission member had a question as to what they were. Interim Assistant Director Deanna Walter explained that they are small manufactured homes generally seen around golf courses and the Chelan County example would be Vista DeLago. No other discussion.

Section 14.98.1595 Definitions, Retaining Wall – clarification that a retaining wall is defined as supporting a surcharge, which is the reason for the building permit requirement. Planning Commission had a few questions of David Spencer, Building Official. No other discussion.

Section 14.98.18XX (New) Definitions, Storage – new definition. Planning Commission had discussion about the intent and 24 hour timeline included. Recommendation to pull this definition for further review and address at next round of text amendments.

Section 14.98.18XX (New) Definitions, Storage Container – new definition. The development criteria and inclusion within the district use chart have been pulled from consideration, but there was no issue with the actual definition.

Section 14.98.19XX (New) Definitions, Warehouse – new definition. Planning Commission recommended editing the proposed definition to the “storage, **production, processing** and/or distribution...” as well as deleting anything after “commodities”.

Public testimony was permitted throughout the review process due to the numerous changes. Two members of the public were on the ZOOM meeting, Dan Beardslee was the only member that commented.

**MOTION:**

Commissioner Jordan McDevitt made the motion, with a second from Commissioner Vicki Malloy, to recommend approval of the Limited Text Amendments (ZTA 2020-005), based on Findings of Fact, and conclusions of law contained within the April 22, 2020 Staff Report, and with further modifications as discussed in hearing:

Accept the proposed text amendments with the following changes –

1. Pull Storage Containers as an Accessory Use in District Use Chart
2. Pull new development criteria for Storage Containers identified in 11.88.280
3. Strike (B) regarding Notice to Title in 11.88.170(11) for Kitchen, Accessory Residential
4. Pull Utility Uses as a permitted use in the Icicle Valley Design Review Overlay
5. Strike section (F) from 11.88.170(10)
6. Strike (1) and (5) from 14.98.10XX new definition for Vehicles, Inoperable, and require just 2 of the remaining 3 criteria
7. Pull change to Fire Apparatus Access Road definition in 14.98.775
8. Pull edits to Food and Beverage Service per BoCC for 14.98.835
9. Pull revisions to definition of Kennel in 14.98.1045
10. Pull revision to definition of Animal Boarding Facility in 14.98.165
11. Pull new definition of Storage in 14.98.18XX
12. Revise new definition of Warehouse in 14.98.19XX as discussed above.

Called for the vote – 6 votes in favor, one against (Commissioner Carl Blum)

Motion passes

Commissioner Carl Blum had other housekeeping questions along with the introduction of the new Community Development Director, Jim Brown.

## **ADJOURNMENT**

### **MOTION:**

Motion to Adjourn made by Commissioner Randy Baldwin, seconded by Commissioner Carl Blum.

Vote – unanimous

Meeting Adjourned at 9:26pm.

Next meeting – Continued workshop for Short Term Rentals

May 13' 2020 at 7 pm - Zoom meeting.

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