



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

November 6, 2020

TO: Planning Commission

FROM: Jim Brown, Director

SUBJECT: **PACKET—NOVEMBER 18, 2020 REGULAR MEETING**

This packet of materials contains:

Exhibits (3):

A: PC Agenda for November 18, 2020 meeting:

- *Hearing for Comprehensive Plan Amendments CPA 20-008, CPA 20-001, CPA 20-003, CPA 20-004, CPA 20-005, and CPA 20-007.*

B: Draft Minutes from the October 28, 2020 meeting

C: 2020 Comprehensive Plan Amendments staff reports, “Items A through F”:

- Includes attachments to each staff report

As stated during the October 28, 2020 workshop, Chelan County conducts an annual concurrent review of proposed amendments to the Comprehensive Plan. The Planning Commission will conduct a public hearing and may make a motion to recommend approval or denial of the proposed amendments to the Chelan County Board of County Commission.

Exhibit A



Chelan County Planning Commission

Chair: Ryan Kelso

Vice Chair: Carl Blum

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

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

Commissioners District 3: Carl Blum, Pat Hammersmith, Vacant

Meeting Agenda

Wednesday, November 18, 2020 at 6:00 P.M.

Chelan County Community Development

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83558856239?pwd=VmlYQ09QMENlenlU0xLNktnRW1WUT09>

Meeting ID: 835 5885 6239

Passcode: 600679

Call Meeting to Order

I. Administrative

A. Review/Approval of Minutes from October 28, 2020

II. Public Comment Period

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

III. Old Business

IV. New Business

A. Hearing for CPA 20-008 Economic Development Text Amendment

B. Hearing for CPA 20-001 Moon Beam Ranch

C. Hearing for CPA 20-003 Perry

D. Hearing for CPA 20-004 Smith

E. Hearing for CPA 20-005 Joya

F. Hearing for CPA 20-007 SSRT Text Amendment

V. Discussion, at the Chair's discretion

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

Materials available on the Community Development website

Any person may join this meeting via Zoom Video conference, of which the link is provided on the Chelan County Website. A Copy of the Agenda may be reviewed online <https://www.co.chelan.wa.us/community-development/pages/planning-commission> or requesting it by email at CD.Director@co.chelan.wa.us

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

**Next Regular Meeting
December 16, 2020 at 6:00 pm via Zoom**

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

Exhibit B



CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission
Chelan County Community Development VIA ZOOM

Date: October 28, 2020

Called to Order: 6:05 PM
316 Washington St., Suite 301
Wenatchee, WA 98801

CALL TO ORDER

Meeting was called to order at 6:05 pm.

COMMISSIONER PRESENT/ABSENT

Ryan Kelso	Present	Carl Blum	Present
Vicki Malloy	Present	Jim Newberry	Absent
Pat Hammersmith	Absent	Ed Martinez	Present
James Wiggs	Present	Joel Walinski	Present

STAFF PRESENT

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

PUBLIC PRESENT

ZOOM MEETING – 15 PARTICIPANTS INCLUDING STAFF AND PC MEMBERS

Chairman Ryan Kelso asked the Planning Commission members if all had read the revised minutes from the September 23, 2020, meeting.

MOTION:

Motion made by Commissioner Carl Blum, second by Commissioner Joel Walinski, to approve the revised minutes from the September 23, 2020, meeting.

Vote – Unanimous

Chairman Ryan Kelso asked the Planning Commission members if all had read the minutes from the October 15, 2020, meeting.

MOTION:

Motion made by Commissioner Joel Walinski, second by Commissioner James Wiggs, to approve the minutes from the October 15, 2020, meeting.

Vote – Unanimous

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

Raye Evans wished to speak on an item featured on the Agenda and Chairman Ryan Kelso reminded her that the Planning Commission would be going over that information during the course of the meeting.

OLD BUSINESS:

None

NEW BUSINESS:

2020 Comprehensive Plan Amendments Workshop

Assistant Director Catherine Lorbeer presented the workshop on the Comprehensive Plan Amendments. She received four requests to amend the map in the Comprehensive Plan and the county has initiated two requests to do Text Amendments. Next, she gave a brief summary of each proposal. The public and applicants will be able to provide input during the public hearings. Tonight, there will be no action requested.

Following the presentation, Assistant Director Catherine Lorbeer offered an opportunity for the Commissioners to engage in a question and answer period.

Discussion, at the Chair's discretion

Commissioner Ed Martinez asked about the meeting the County Commissioners had, this afternoon, with regard to Short-term Rentals. Director Jim Brown gave a recap of the meeting. He also explained how the future process may materialize.

ADJOURNMENT

MOTION:

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

Vote – unanimous

Meeting Adjourned at 7:06 pm.

Next Planning Commission Meeting to be held on November 18, 2020, at 6:00 pm, – a Zoom meeting.
All Planning Commission meetings and hearings are open to the public.

Exhibit C



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2020 Comprehensive Plan Text Amendment Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: November 18, 2020
FILE NUMBER: CPA 20-008, Economic Development Text Amend

RECOMMENDED MOTION

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

- A. Move to recommend **approval** of the Comprehensive Plan Amendment to add to the Economic Development Element a list of projects eligible to receive rural county tax funds, given file number CPA 20-008, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

GENERAL INFORMATION

Planning Commission Workshop	October 28, 2020
Planning Commission Notice of Hearing Published	November 7, 2020
Planning Commission Hearing on	November 18, 2020
60-day State agency review	Received October 5, 2020 with comment period ending December 4, 2020

SEPA Environmental Review

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

PROJECT DESCRIPTION – CPA 20-008 – ECONOMIC DEVELOPMENT TEXT AMENDMENT

Proposal: Chelan County has initiated a Comprehensive Plan text amendment to consider additions to the Economic Development Element. The proposed text amendment includes a list of projects eligible to receive rural county tax funds, because state law requires such projects to be listed as an item in the officially adopted county comprehensive plan.

The Economic Element is an optional element in the Comprehensive Plan. The County recognizes the importance of economic development in maintaining the stability of the local economy and quality of life.

Please refer to Attachment 2 File of Record for the proposed text additions and other background information.

COMPREHENSIVE PLAN

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

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-008:

ED 4.1: Promote and maintain open space, recreation, and cultural and heritage resources that are attractive to both local residents and visitors.

ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

ED 5.2: Promote economic development policies that discourage inter-jurisdictional competition for sales tax revenues.

ED 6.2: Support development of tourism and recreational uses on both public and private lands.

ED 6.5: Support economic development by providing adequate levels of infrastructure and promoting technological advancements in public service and facility systems.

CF1.18: Encourage the continued maintenance and expansion of parks and recreation facilities to meet the needs of area residents and visitors.

CF1.26: Locate and build public facilities so that they are accessible to all segments of the population, including pedestrians and those with special needs.

CF 3.5: Capital facilities planning should establish shared funding responsibilities among and between local governments, utility purveyors, special purpose districts and the private sector.

REVIEW CRITERIA

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

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

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

Finding of Fact: Chelan County is seeking ways to invest in public facilities and community projects, using the County's rural tax funds. In order to spend these funds, we must have a clear path to the projects by listing them in the Economic Development Element of the Comprehensive Plan.

Conclusion: The proposed amendment will add a list of eligible projects, either broadly or specifically described, to the Economic Development Element so the County may responsibly spend funds and follow state law.

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

Finding of Fact: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Transportation, 4) Housing, and 5) Economic Development. The GMA Economic Goal encourages economic development throughout the state that is consistent with adopted comprehensive plans. The proposed text amendment serves to encourage economic development by supporting the implementation and funding of public facilities and community projects.

County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions. Policy 7 encourages coordination and cooperation at the local and regional level to ensure consistency on economic growth considerations. The eligible project list is developed with input from our cities and communities, and ensures that if the opportunity arises, the county is well positioned to apply funds and implement the plan.

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

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

Finding of Fact: Public facilities for recreational activities and cultural amenities are key to the high quality of life enjoyed by County residents and are important in the retention and recruitment of business and industries. The proposed text amendment to the Economic Development Element is supported by state provisions that allow use of rural tax funds to finance public facilities serving economic development purposes.

Several policies in the Economic Development and Capital Facilities Elements of the Comprehensive Plan are strengthened by the added language, including: ED 4.1, ED 5.1, ED 5.2, ED 6.2 and ED 6.5. Economic goals may have a higher chance of success through coordinated and consolidated efforts such as the eligible projects list. Coordination of capital facility planning would also provide for more efficient, and therefore, less costly infrastructure improvements.

Conclusion: The proposed amendment would be consistent with and does support the goals and policies of the Chelan County Comprehensive Plan.

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

Finding of Fact: As required by state law, the list of projects eligible to receive rural county tax funds will be added to the officially adopted county comprehensive plan. No adverse effects are expected as a result of the proposal. As such public facilities and community projects are planned and developed, they will be evaluated in relation to designated critical areas and resource lands.

Conclusion: As recommended by staff, the text amendment to the Economic Development Element does not adversely affect lands designated as resource lands of long-term commercial significant or designated critical areas in ways that cannot be mitigated.

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

Finding of Fact: Competition within the region is an inefficient use of limited resources. The proposed additions to the Economic Development Element will improve coordination among public entities by

placing the eligible project list into a broadly used, community resource document, in compliance with state law. The eligible project list will also enable the County to meet the demands of growth as such facilities and services are needed.

Conclusion: As recommended by staff, the text amendment to the Economic Development Element would serve the public interest.

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 SEPA Rules have been satisfied. The proposed Comprehensive Plan Text Amendment is exempt per WAC 197-11-800(19)(b).
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on October 5, 2020, submittal ID #2020-S-1878 (Attachment 1), pursuant to RCW 36.70A.106.
6. A request for a Comprehensive Plan Text Amendment was submitted by Chelan County to consider additions to the Economic Development Element. The proposed text amendment includes a list of projects eligible to receive rural county tax funds, because state law requires such projects to be listed as an item in the officially adopted county comprehensive plan.
 - a. As recommended by staff, the proposed changes are consistent with the Chelan County Comprehensive Plan as outlined in this staff report.

CONCLUSIONS OF LAW

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

STAFF RECOMMENDATION

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

- A. Move to recommend **approval** of the Comprehensive Plan Amendment to add to the Economic Development Element a list of projects eligible to receive rural county tax funds, given file number CPA 20-008, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

ATTACHMENTS

1. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
2. File of Record for CPA 20-008



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

10/05/2020

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

Sent Via Electronic Mail

Re: Chelan County--2020-S-1878--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lorbeer:

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

CPA 20-008: This proposed Comprehensive Plan Text Amendment to the Economic Development Element is to add eligible projects for rural county tax funds.

We received your submittal on 10/05/2020 and processed it with the Submittal ID 2020-S-1878. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 12/04/2020.

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

Chapter 8 ECONOMIC DEVELOPMENT ELEMENT

I. Introduction

The Economic Element is an optional element in the Comprehensive Plan. The County recognizes the importance of economic development in maintaining the stability of the local economy and quality of life. Industries in Chelan County serve diverse markets and needs that include local, regional, state, national and international markets.

The purpose of the Economic Element is to set goals and establish policies that encourage and support effective economic development efforts and promote economic vitality for the future of Chelan County.

*Growth Management Act
Economic Goal: Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*

II. General Economic and Income Profile

Employment by Sector

Due to the close proximity of the regions two largest cities – Wenatchee (Chelan County) and East Wenatchee (Douglas County), both Chelan and Douglas Counties are interlinked for employment, housing and retail. The largest four employment sectors for Chelan County are agriculture (forestry, fishing), health services; local government and retail trade¹.

Table 7.1 Top Employment Sectors in 201

Sector	Number of jobs	Share of employment
1. Agriculture, forestry and fishing	9,962	24.1%
2. Health services	5,602	13.5%
3. Local government	4,766	11.5%
4. Retail trade	4,379	10.6%
5. Accommodation and food services	4,097	9.9%
Total covered employment	41,345	100%
All other industries	12,539	30.3%

Douglas County is similar with agriculture (forestry, fishing) at 28.6%, local government at 15.3%, retail trade at 12.0% and health services at 7.7%.²

Unemployment

Unemployment in the region is consistently higher than the state average. This is most likely due to the seasonal nature of the biggest employer, agriculture.

¹ Office of Financial Management

² Office of Financial Management

Table 7.2 Unemployment Percentages

	2005	2010	2015
Chelan County	5.7%	9.3%	5.9%
Douglas County	5.4%	9.7%	6.3%
Washington State	4.90%	6.40%	4.70%

Source: Chelan Douglas Trends

Income levels

As noted in the Housing Element, median household income measures all sources of income – wage/salary, investments, rents, pensions, transfer payments. The median household income is the value at which 50% of households in Chelan are below and 50% are above. Households are different from families, since they may contain unrelated people living together or single inhabitants in a dwelling. Household income in 2014 was estimated to be \$50,825 for Chelan County as compared to \$60,153 for Washington State³.

Average Annual Wage by Industry

The total covered payroll in 2014 in Chelan County was approximately \$1.48 billion. The average annual wage was \$35,912 or 65.3 percent of the state average of \$55,003.⁴

Table 7.3 Top Five Industries by Payroll in 2014

Chelan County Sector	Countywide Payroll	Percent of Payrolls
1. Health services	\$304,232,620	20.5%
2. Local government	\$234,376,378	15.8%
3. Agriculture, forestry and fishing	\$228,904,393	15.4%
4. Retail trade	\$115,390,841	7.8%
5. Wholesale trade	\$103,679,515	7.0%
Total covered payrolls	\$1,484,761,635	100%
All other industries	\$498,177,888	33.6%

Source: Employment Security Department

Although agriculture was clearly the top job provider in Chelan County in 2014, with 24.1 percent of total covered employment; private health services provided a \$304.2 million payroll, ranking this industry first out of 22 industries/categories in wages and accounting for 20.5 percent of all earned wage income countywide. More than one out of every five dollars earned in Chelan County, is earned in health services (i.e., at a doctor/dentist's office, in a hospital, nursing home, vocational rehab facility, etc.).⁵

Cost of Living Index for Selected Cities

Data collected for each of the Cities within Chelan County indicates that Chelan County Cities are more expensive to live in than Washington State and the US average. The index measures relative price levels for consumer goods and services in those participating areas; it does not

³ Office of Financial Management

⁴ Employment Security Department Overview

⁵ Employment Security Department

measure inflation of price changes over time. A ‘cost of living index’ above 100 means that community is more expensive than the US average; below 100 means that community is less expensive than the US average.

Table 7.4: Cost of Living

Washington State	92
City of Cashmere	111.90
City of Chelan	115
City of Entiat	106.9
City of Leavenworth	124.10
City of Wenatchee	106.20

Source: bestplaces.net February 2017

III. Goals & Policies

Goal ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.

Rationale: The diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy. Diversification will reduce negative impacts during shifts in industries.

Policy ED 1.1: Seek to attract businesses and industries that complement and build upon existing business and industry.

Rationale: Building upon relationships with existing business and industries can diversify the economic base and strengthen positions for existing businesses and industries.

Policy ED 1.2: Incentivize development that creates local re-investment funds and provides jobs in the local community.

Rationale: Diversification and expansion of the County’s economic base will expand job opportunities and bring additional resources for the growth and development of the County.

Policy ED 1.3: Maintain the County’s rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.

Rationale: Some industrial and natural resource based uses due to their nature are not appropriate to be located in urban growth areas but can be located within remote rural locations within the limits set by rural governmental services, and the protection of the rural character and critical areas. Said uses can play an important role in support of other industries and businesses in the County.

Goal ED 2: Encourage the retention and growth of recreational and tourist based industries consistent with the comprehensive plan.

Goal Rationale: Recreation and tourism play a significant role in the County’s economy. Opportunities exist to strengthen and build upon the many tourist and recreational amenities and the locational advantages the County has to offer.

Policy ED 2.1: Promote local tourism activities by developing brochures and media advertisements, and supporting local and self-contained events.

Rationale: Marketing of recreational and tourist amenities supports year-round tourism and the relocation of businesses to this area.

Goal ED 3: Accommodate and support efforts to diversify the agricultural economy.

Goal Rationale: Agriculture plays a significant role in the economic base of the County. Diversity of the agricultural economy strengthens the County's economic base.

Policy ED 3.1: Strengthen and diversify the agricultural economy by promoting value-added agricultural activities.

Rationale: The development of value-added agricultural activities can strengthen both the agricultural and tourism components of the County's economy.

GOAL ED 4: Local economic development efforts should promote the advantages of working and living in Chelan County, such as availability of work, job security and stability, access to recreational and cultural activities, educational opportunities, quality health care, and affordable housing.

Goal Rationale: Quality of life factors play a role in attracting and retaining employees and businesses.

Policy ED 4.1: Promote and maintain open space, recreation, and cultural and heritage resources that are attractive to both local residents and visitors.

Rationale: These amenities and activities are key to the high quality of life enjoyed by County residents and are important in the retention and recruitment of business and industries.

Policy ED 4.2: Encourage economic development efforts that invite broad community participation and address the needs, concerns, rights and resources of a diversity of cultural groups.

Policy ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.

Rationale: The aim is to retain college graduates from the area in addition to decreasing unemployment and under employment.

Policy ED 4.4: Support partnerships which expand vocational, post-secondary and higher education programs to promote a highly skilled, educated and a technically trained work force.

Rationale: A technically skilled local labor force will help attract and retain industries paying family wage jobs.

Policy ED 4.5: Support a full range of human and social services necessary to encourage a strong local economy.

Rationale: Adequate human and social services are necessary to meet community needs and contribute to a complete list of services that industries and businesses seek for their employees when locating in an area.

Policy ED 4.6: Ensure an adequate housing supply for all income levels in a variety of housing types.

Rationale: Adequate, affordable housing plays an important role in retaining and attracting business and industry.

Goal ED 5: Implement a regional and multi-jurisdictional approach to economic development.

Goal Rationale: A regional approach and a consolidation of efforts are key to the success of economic development for the County.

Policy ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

Rationale: The Chelan County Port District is a resource to use in making economic development decisions for the economic diversification of the County's economy.

Policy ED 5.2: Promote economic development policies that discourage inter-jurisdictional competition for sales tax revenues.

Rationale: Competition within the region is an inefficient use of limited resources. Economic goals may have a higher chance of success through coordinated and consolidated efforts.

Policy ED 5.3: Pursue improvements to the region's air and land transportation systems to improve year-round accessibility.

Rationale: The region would benefit from improved transportation systems that provide greater accessibility to the region.

Policy ED 5.4: Coordinate with adjacent jurisdictions to create an environment that is supportive and attractive to the internet/information technology industries.

Rationale: Chelan County will benefit from regional collaboration for the attraction of high technology industries of both large or small scale.

Policy ED 5.5: Coordinate with the region's cities to develop a process for siting major industrial developments outside urban growth areas, pursuant to RCW 36.70A.365

Rationale: The potential for the siting of major industrial development consistent with RCW 36.70A.365 and the comprehensive plan should not be precluded.

Goal ED 6: Establish a regulatory climate favorable for economic development.

Goal Rationale: Many factors make up a positive economic climate. Economic development requires policies of positive and predictable support and encouragement for private investment.

Policy ED 6.1: Support the retention of redevelopment of existing industrial areas by economic development agencies.

Rationale: Industrial development and retention of existing industrial activities helps diversify the economy within the rural areas.

Policy ED 6.2: Support development of tourism and recreational uses on both public and private lands.

Rationale: Because of its extraordinary geography, the County has many areas with potential for recreational and tourism development. Identification of specific sites requires the assistance the County.

Policy ED 6.3: Streamline the permitting process and provide the public with excellent customer service.

Rationale: A streamlined permitting process with a customer service approach towards the public helps to provide a positive environment for economic development and a greater degree of certainty in the permitting process.

Policy ED 6.4: Evaluate economic development implications as part of land use planning, transportation planning, infrastructure planning, and environmental planning projects and in the determination of urban growth boundaries.

Rationale: Consideration of economic development in the process of planning for growth and development is necessary to build sustainable, healthy communities.

Policy ED 6.5: Support economic development by providing adequate levels of infrastructure and promoting technological advancements in public service and facility systems.

Rationale: This will enable the County to meet the demands of growth as these facilities and services are needed.

IV. Rural County Sales Tax

In 1999 the Washington State Legislature passed House Bill 2260 which amended RCW 82.14.370 thereby qualifying Chelan County to retain a certain percentage of the State of Washington's share of locally generated sales tax to fund economic development infrastructure projects in Chelan County.

In 2004 the Washington State Legislature amended RCW 82.14.370 to further clarify that the funds shall only be used to finance public facilities serving economic development purposes. Economic development purposes means projects which facilitate the creation or retention of businesses and jobs in the county.

To receive economic development sales tax funds the public facility must be listed as an item in the officially adopted county overall economic development plan, the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county. In order to comply with this provision, the projects eligible to receive economic development sales tax funds are listed below.

V. Projects Eligible to Receive Economic Development Sales Tax Funds

Projects of Regional Significance

- All transportation projects listed in the Chelan-Douglas Transportation Council's Regional Transportation Plan, Regional Transportation Improvement Program, Regional Bicycle Plan, Human Services Transportation Plan, Metro Freight & Truck Routes Plan, and North Wenatchee Transportation Master Plan.
- Public projects related to businesses recruited to Chelan County that need public infrastructure facilities constructed to facilitate job opportunities, private

sector capital investments, and new taxes.

- Installation of electric vehicle charging stations in Chelan County.
- Acquisition and rehabilitation of rail lines in Chelan County.
- Acquisition, construction, and improvement of recreation facilities and systems.
- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting in unincorporated Chelan County.
- Feasibility study, marketing analysis, wood supply study, construction, and utility improvements for a regional mill site.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- All projects listed in the most currently adopted Chelan Douglas Regional Port Authority Economic Development Plan.

Chelan County

Chelan County Campus Buildings

- Repair, remodeling, and replacement of existing County owned buildings.
- Acquisition of additional property to expand County Campus
- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas and power.

Parks and Recreation

- All projects listed in the Parks and Recreation element of this Chelan County Comprehensive Plan.
- All signage related to trails and trailheads.
- Feasibility study, marketing analysis, construction, and utility improvements for a Chelan County Whitewater Park.

Miscellaneous

- Projects listed in the capital facilities section of the county's comprehensive plan.
- Acquisition of land and/or buildings throughout Chelan County for economic development that will facilitate job creating opportunities, private sector capital investments, and new taxes.

City of Cashmere

- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail,

wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.

Priority sites:

- Goodwin Road vicinity
- Railroad Avenue property
- East Cashmere property

- Acquisition of property for a business park.
- Acquisition, construction, and improvement of recreation facilities and systems.
- Construction of new buildings and structures or improvement of existing buildings and structures.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- All economic development related projects listed in the City's most currently adopted Comprehensive Plan.

City of Chelan

- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.
Priority sites:
 - Water extension to Lake Chelan Airport
- Acquisition of property for a business park.
- Acquisition, construction, and improvement of recreation facilities and systems.
- Construction of new buildings and structures or improvement of existing buildings and structures.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- Construction of Lake Chelan Research Institute.
- All economic development related projects listed in the City's most currently adopted Comprehensive Plan.

City of Entiat

- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.
- Acquisition of property for a business park.
- Acquisition, construction, and improvement of recreation facilities and systems.
- Construction of new buildings and structures or improvement of existing buildings and structures.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and

stage for a community market and cultural plaza.

- All economic development related projects listed in the City's most currently adopted Comprehensive Plan.

City of Leavenworth

- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.
- Acquisition of property for a business park.
- Acquisition, construction, and improvement of recreation facilities and systems.
- Construction of new buildings, structures and parking garages, or improvement of existing buildings, structures and parking garages.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- All economic development related projects listed in the City's most currently adopted Comprehensive Plan.

City of Wenatchee

- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.
- Acquisition of property for a business park.
- Acquisition, construction, and improvement of recreation facilities and systems.
- Construction of new buildings and structures or improvement of existing buildings and structures.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- All economic development related projects listed in the City's most currently adopted Comprehensive Plan.

Community of Malaga

- Acquisition of property for a business park.
- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.
- Construction of new buildings and structures or improvement of existing buildings and structures.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- Development of a Malaga Community Park and Malaga Riverfront Park.

Community of Manson

- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.
- Acquisition of property for a business park.
- Construction of new buildings and structures or improvement of existing buildings and structures.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- Construction of Lake Chelan Research Institute.

Community of Peshastin

- Utility improvements including new services, extensions, relocations and rehabilitation of water, sewer, roadway, fiber optics, gas, power, rail, wayfinding/signage, pedestrian safety, bike infrastructure, and street lighting.
- Acquisition of property for a business park.
- Construction of buildings, utilities, restroom facilities, kitchen, fencing, and stage for a community market and cultural plaza.
- Construction of new buildings and structures or improvement of existing buildings and structures.

Chelan Douglas Regional Port Authority

- All projects listed in the most currently adopted Chelan Douglas Regional Port Authority Economic Development Plan.

Chelan County PUD

- All economic development related projects listed in the Chelan County Public Utility District's most currently adopted Strategic Plan.



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

GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): Chelan County _____ **Lot Size:** NA _____ (Acres)
Parcel Address: NA _____ **City/Zip Code:** NA _____
Property Owner(s): NA _____ **Zoning:** NA _____
Mailing Address: NA _____
City/State/Zip Code: NA _____
Phone: NA _____ **E-mail:** NA _____

Applicant/Agent (if different than owner): Blake Baldwin, Economic Development Director

Company and Mailing Address: 400 Douglas Street, Suite #201

City/State/Zip: Wenatchee, WA 98801

Phone: 509-699-3111

E-mail: blake.baldwin@co.chelan.wa.us

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

.....

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

Application For: (Check all that apply)

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

- ☐ Other: _____

APPLICABILITY SECTION

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

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

The following attachments are required for a complete application:

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

GENERAL INFORMATION

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

Narrative attached.



Narrative attached

Please complete the following:

1. Any related files (such as Pre-Applications): NA
2. Is the subject property located within an Urban Growth Area (UGA)? ☒ No ☐ Yes
If "yes", which UGA? NA
3. Please describe adjacent land uses in all directions around the subject property:
North: NA
South: NA
East: NA
West: NA
4. What is the current use of the property? NA
5. Sanitation Disposal: ☒ N/A ☐ Septic Permit ☐ Sewer District: _____
6. Water Source: ☒ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B
☐ Public Water Supplier: _____
7. Irrigation Water:
☐ N/A ☐ Yes (Private) ☐ Yes (Public) Irrigation District/Purveyor: _____
8. Fire District: NA School District: NA
9. Power Service: NA
10. Are there critical areas or critical area buffers on the property?
☐ Airport Overlay: _____
☐ Aquifer Recharge Area (see attached) _____
☐ Floodplain / Floodway _____
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
☐ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
☐ Habitat/Riparian Area, protected species/area: _____
☐ Streams / Waterbodies: _____ ☐ Shoreline Environment Designation: _____
☐ Drainage or Seasonal Stream: _____ ☐ Wetland, if so what category: _____
☐ Cultural or Archeological: _____
11. Will landfill be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
12. Will excavation be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?
NA
14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

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

NA

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

AQUIFER RECHARGE AREA DISCLOSURE SECTION

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

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

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

EVALUATION CRITERIA

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

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

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

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

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

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

CANNABIS DISCLOSURE SECTION

SUB-SECTION I: Circle

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

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

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

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

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

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

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

SITE PLAN CHECKLIST SECTION

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

- ☐ Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest distance between the ordinary high water mark and proposed/existing structures.
- ☐ Label the name and width of roads bordering the property and indicate whether they are public or private.
- ☐ Locate the width of existing and proposed driveways/accesses serving each structure. Include stormwater control facilities such as drains, detention ponds, connection lines, catch basins, etc.
- ☐ Label all existing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the front yard setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless required otherwise. If applicable, show handicapped parking and accessible routes to the structure and within the site to other structures and features.
- ☐ Identify and label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property, including but not limited to access, utilities, railroads, irrigation and overhead power. Include the Auditor's file number(s). *Before Any Development Occurs, Please Call 1-509-661-4220 for assistance in identifying PUD Easements!*
- ☐ Show the location of all existing and proposed overhead and underground utilities including, but not limited to water, sewer, gas, and electrical.
- ☐ Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site well may impact your project if it overlaps onto your parcel.
- ☐ Identify location of all well(s), septic/pump tank, drain field, reserve area and light line involving the proposed structure(s). Show the distance from proposed structure(s) to septic tank, drain field, drinking water well source(s), and any water body, wetland area and/or flood plain to ensure they meet the required horizontal setbacks from each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for details. If applicable, the approved Health District and County site plan must be identical.
- ☐ If drinking water wells, septic tank/drain field is off site, show the location of these systems on the adjacent property or properties and provide a copy of the easement agreement(s).
- ☐ If applicable, identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, size, spacing, and provisions for irrigation).
- ☐ If applicable, include outdoor lighting and signage. Label each as existing or proposed.

ACKNOWLEDGEMENT SECTION

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

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

Initials

(Owner and, if applicable, Applicant)

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

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

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

Owner Signature:  Place: Wenatchee, WA Date: 10/1/2020
 Print Name: Blake Baldwin

Owner/Applicant/Agent Signature:  Place: Wenatchee, WA Date: 10/1/2020
 Print Name: Blake Baldwin

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____
 Print Name: _____

Comprehensive Plan Text Amendment Narrative

This proposed Comprehensive Plan Text Amendment to the Economic Development Element is to add eligible projects for rural county tax funds.

In 1999 the Washington State Legislature passed House Bill 2260 which amended RCW 82.14.370 thereby qualifying Chelan County to retain a certain percentage of the State of Washington's share of locally generated sales tax to fund economic development infrastructure projects in Chelan County.

In 2004 the Washington State Legislature amended RCW 82.14.370 to further clarify that the funds shall only be used to finance public facilities serving economic development purposes. Economic development purposes means projects which facilitate the creation or retention of businesses and jobs in the county.

To receive economic development sales tax funds the public facility must be listed as an item in the officially adopted county overall economic development plan, the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county. In order to comply with this provision, Chelan County proposes a Comprehensive Plan Text Amendment to the Economic Development Element that includes a list of projects eligible to receive rural county tax funds.



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2020 Comprehensive Plan Map Amendment Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: November 18, 2020
FILE NUMBER: CPA 20-001, Moonbeam Ranch, LLC.

RECOMMENDED MOTION

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

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject properties' land use designation from Rural Residential/Resource 10 (RR 10) and Rural Residential/Resource 5 (RR5) to Rural Recreational/Residential (RRR), given file number CPA 20-001, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

GENERAL INFORMATION

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

SEPA Environmental Review

A Determination of Non-Significance (DNS) was issued under WAC 197-11-340(2) for CPA 20-001 on November 5, 2020 (Attachment 1). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency.

Agency Comments:

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

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

The Confederated Tribes of the Colville Reservation provided comments, dated September 10, 2020, that states they have no comments at this time, although they would request clearances if the subject properties are developed.

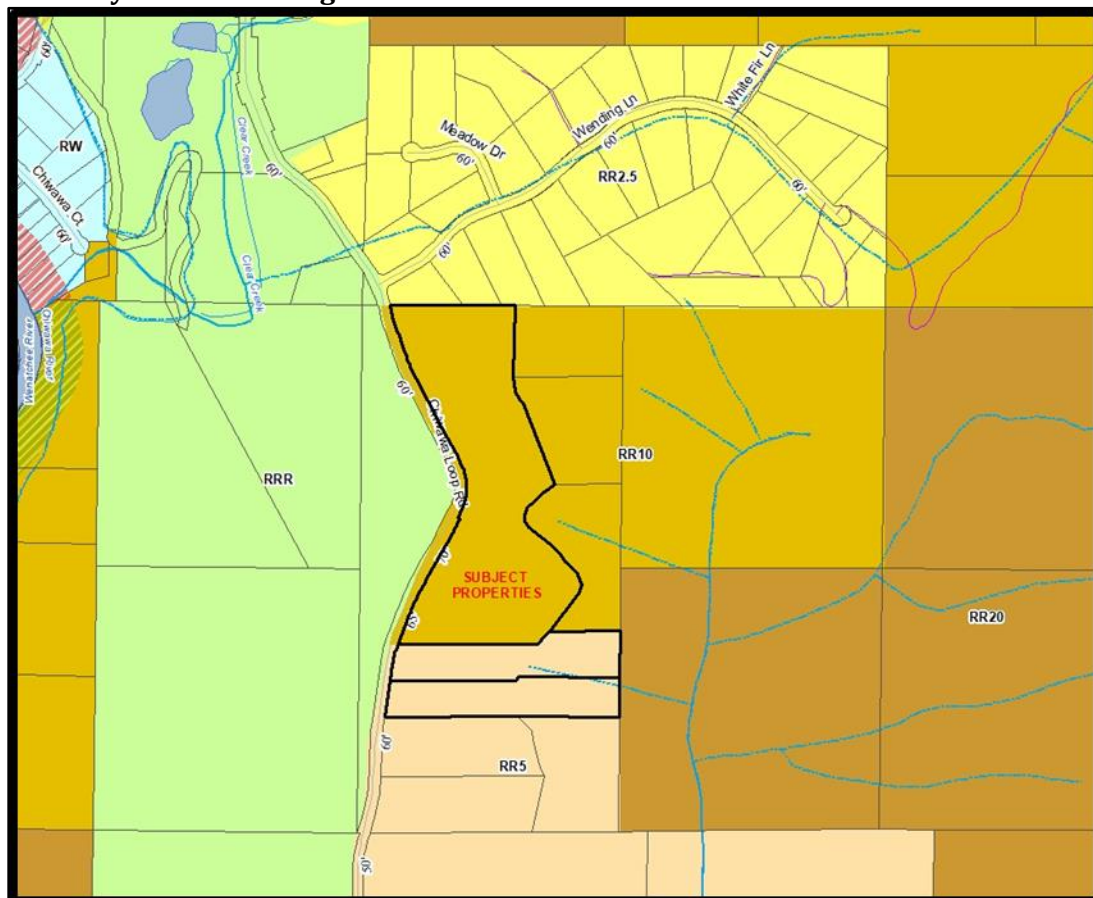
Public Comment:

Michael and Lauriel Sandstrom provided comments, date stamped September 24, 2020, stating their concern about changing the zoning on the properties is based on the original subdivision site plan that might limit access to their property and their neighbor's property. The Sandstrom's could better comment on the proposed change if they were given any future development plans for the subject properties.

PROJECT DESCRIPTION – CPA 20-001 – MOONBEAM RANCH, LLC

Proposal: An application for a Comprehensive Plan map amendment was submitted by Ryan Walker (agent) on behalf of Moonbeam Ranch, LLC (owner) to change the land use designation for the subject properties (38.87 acres) from Rural Residential/Resource 10 (RR10) and Rural Residential/Resource 5 (RR5) to Rural Recreational/Residential (RRR). The subject property is located at NNA Chiwawa Loop Road, Leavenworth, WA 98826 and further identified by Assessor Parcel Nos: 27-18-32-300-050, 27-18-32-330-050 and 27-18-32-330-060. See Attachment 4 for file of record.

Chelan County Land Use Designations



Density: The current RR10 land use designation allows a density of one (1) dwelling unit per ten (10) acres and the RR5 designation allows a density of one (1) dwelling unit per five (5) acres. Under the proposed

RRR designation, density may be less than one (1) dwelling unit per acre, when consistent with Health District standards; however, in no case may it be less than one (1) dwelling unit per 12,000 sf. The existing RR10 and RR5 land use designations would generate 3 lots and 2 lots, respectively, where the proposed RRR designation would increase the development potential to 140 lots.

COMPREHENSIVE PLAN

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

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-001:

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

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

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

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

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

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

REVIEW CRITERIA

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

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

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

Finding of Fact: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Transportation, 4) Housing, and 5) Economic Development. The proposed land use change serves to encourage economic development by supporting new businesses and growth in the Plain and Lake Wenatchee areas and by providing more housing and recreation options.

The Growth Management Act (GMA) permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Requirements of the GMA that allow more intense development in rural areas include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

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

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

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

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

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

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

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

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

Finding of Fact: The subject site is undeveloped and is located near natural amenities such as Lake Wenatchee, Wenatchee and Chiwawa Rivers and USFS property. The proposed amendment would change the 38.87 acres to the Rural Recreational/Residential (RRR) land use designation, a Type 1 LAMIRD.

Properties to the west across Chiwawa Loop Road are designated Rural Recreation/Residential (RRR) and include the Thousand Trails RV campground development. Chiwawa Loop Road currently serves as the boundary and buffer separating the existing RRR development on the west side from rural residential land use designations on the east side.

The purpose of the RRR designation is to provide the opportunity for the development, redevelopment and infill of existing, intensely developed rural recreation/residential areas. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found in Chelan County. LAMIRDs are designated to identify more intense areas of existing development, and to minimize and

contain those existing developed areas within the rural lands. LAMIRDs are rural; they are contained and compact, and, with minor exceptions, were built before July 1, 1990.

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

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

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

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

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

Finding of Fact: Lots to the north of the subject site are designated Rural Residential/Resource 2.5 (RR2.5) and range in size from approx. 1.25 to 3.5 acres within the Forest Glen subdivision. Properties to the east are sparsely developed with relatively large parcels and are designated Rural Residential/Resource 10 (RR10) and Rural Residential/Resource 20 (RR20).

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

Public comments expressed concern that the future subdivision plan might limit access to their property and their neighbor's property. They would need more details about the proposed project.

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

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

Finding of Fact: The subject site is undeveloped and composed of three parcels. Physical characteristics include steep slopes along with evergreen and deciduous trees. The site is near Class II mule deer habitat. On the north parcel, small portions next to Chiwawa Loop Road are shown as Mineral Overlay, which depicts areas that may contain "fair" to "good" sources of sand, gravel, or road fill material.

Future development may require a Forest Practice application with WA Dept. of Natural Resources.

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

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

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

The potential development of 140 lots would modestly contribute to the projected growth of the Comprehensive Plan and would therefore not result in an adverse impact.

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

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

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

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

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

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on November 5, 2020.
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on September 17, 2020, submittal ID No. 2020-S-1793 (Attachment 3), pursuant to RCW 36.70A.106.
6. A request for a Comprehensive Plan Map Amendment was submitted by Ryan Walker (agent) on behalf of Moonbeam Ranch, LLC (owner) to change the land use designation for the subject properties (38.87 acres) from Rural Residential/Resource 10 (RR 10) and Rural Residential/Resource 5 (RR5) to Rural Recreational/Residential (RRR). The subject property is located at NNA Chiwawa Loop Road, Leavenworth, WA 98826 and further identified by Assessor Parcel Nos: 27-18-32-300-050, 27-18-32-330-050 and 27-18-32-330-060.
 - a. The location and characteristics are not consistent with Chelan County Comprehensive Plan designation for Rural Recreational/Residential (RRR), as outlined in this staff report.

CONCLUSIONS OF LAW

1. The amendment to the Chelan County Comprehensive Plan is not consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendment does not comply with the Comprehensive Plan designation/siting criteria.
3. The amendment does adversely affect the surrounding land uses.
4. The amendment does not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
5. The amendment does not adversely affect the supply of land for various purposes available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.
6. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
7. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
8. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, SEPA Rules have been satisfied.

STAFF RECOMMENDATION

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

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject properties' land use designation from Rural Residential/Resource 10 (RR 10) and Rural Residential/Resource 5 (RR5) to Rural Recreational/Residential (RRR), given file number CPA 2020-001, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

ATTACHMENTS

1. SEPA Determination, signed November 5, 2020
2. Agency Comment dated November 5, 2020 from the WA Dept. of Commerce
3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
4. File of Record for CPA 20-001



CHELAN COUNTY

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

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

Project Description: Amendment to the Chelan County Comprehensive Plan to change the land use designation from Rural Residential/Resource 10 (RR10) and Rural Residential/Resource 5 (RR5) to Rural Recreational/Residential (RRR).

File Number: CPA 20-001

Parcel Number: 27-18-32-300-050, 27-18-32-330-050 and 27-18-32-330-060

Site Address: NNA CHIWAWA LOOP ROAD, LEAVENWORTH, WA 98826

Owner: MOON BEAM RANCH LLC
PO BOX 269, LEAVENWORTH, WA 98826

Agent: GRETTE ASSOCIATES, LLC
151 S WORTHEN #101, WENATCHEE, WA 98801

Lead Agency: Chelan County Department of Community Development

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

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

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

Responsible Official: Catherine Lorbeer, Assistant Director / SEPA Responsible Official

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

Phone: (509) 66725

Signature:

A handwritten signature in blue ink that reads "Catherine Lorbeer".
Catherine Lorbeer, SEPA Responsible Official

Date:

A handwritten date in blue ink that reads "November 5, 2020".



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

November 5, 2020

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

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

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

CPA-2020-001, 004 and 005

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

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

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDS is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

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

CPA 2020-003

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

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

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

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

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

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

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

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

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

CPA-20-007

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

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

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

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

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

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

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

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

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

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

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

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

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

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

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

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

Ms. Catherine Lorbeer

November 5, 2020

Page 5

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

Sincerely,



Scott Kuhta, AICP

Senior Planner

Growth Management Services

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



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

09/17/2020

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

Sent Via Electronic Mail

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

Dear Ms. Lorbeer:

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

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

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

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

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

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

Sincerely,

Review Team
Growth Management Services



File(s) No. _____

RECEIVED

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

FEB 07 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): 271832300050; 271832330050; 271832330060 **Lot Size:** 28.87; 5.14; 4.86 (Acres)
Parcel Address: Unassigned Chiwawa Loop Road **City/Zip Code:** Leavenworth, 98826
Property Owner(s): Moonbeam LLC; William Burgess **Zoning:** RW
Mailing Address: PO Box 269
City/State/Zip Code: Leavenworth, WA 98826
Phone: 509-670-6665 **E-mail:** _____

Applicant/Agent (if different than owner): Ryan Walker

Company and Mailing Address: Grette Associates, LLC 151 South Worthen Street, Suite 101

City/State/Zip: Wenatchee, WA 98801

Phone: 509-663-6300

E-mail: ryanw@gretteassociates.com

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

.....

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

Application For: (Check all that apply)

- ☐ Administrative Modification
- ☐ Administrative Determination
- ☐ Administrative Interpretation
- ☐ Binding Site Plan
- ☒ Comprehensive Plan Map Amendment
- ☒ Comprehensive Plan Text Amendment
- ☐ Conditional Use Permit
- ☐ Forest Practice/Conversion

- ☐ Open Space: Public Benefit Rating System
- ☐ Major Subdivision
- ☐ Master Planned Development
- ☐ Planned Development
- ☐ Plat Alteration or Vacation
- ☐ Short Plat
- ☐ Variance (zoning or critical areas)
- ☐ Zoning Text Amendment/ Map Amendment
- ☐ Other: _____

APPLICABILITY SECTION

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

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

The following attachments are required for a complete application:

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

GENERAL INFORMATION

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

Rezone 38.87 acres from RR 10 and RR 5 to RRR.

☐ Narrative attached

Please complete the following:

1. Any related files (such as Pre-Applications): _____
2. Is the subject property located within an Urban Growth Area (UGA)? ☒ No ☐ Yes
If "yes", which UGA? _____
3. Please describe adjacent land uses in all directions around the subject property: RECEIVED
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CHELAN COUNTY
COMMUNITY DEVELOPMENT
North: Residential zoned RR 2.5
South: Residential zoned RR 5
East: Residential zoned RR 10
West: Commercial zoned RRR
4. What is the current use of the property? Recreational and Residential
5. Sanitation Disposal: ☒ N/A ☐ Septic Permit ☒ Sewer District: _____
6. Water Source: ☒ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B
☐ Public Water Supplier: _____
7. Irrigation Water:
☒ N/A ☐ Yes (Private) ☐ Yes (Public) Irrigation District/Purveyor: _____
8. Fire District: Number 7 School District: Cascade
9. Power Service: Chelan PUD
10. Are there critical areas or critical area buffers on the property?
☐ Airport Overlay: N/A
☐ Aquifer Recharge Area (see attached)
☐ Floodplain / Floodway N/A
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
☒ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
☐ Habitat/Riparian Area, protected species/area: N/A
☐ Streams / Waterbodies: N/A ☒ Shoreline Environment Designation: N/A
☐ Drainage or Seasonal Stream: N/A ☐ Wetland, if so what category: N/A
☐ Cultural or Archeological: N/A
11. Will landfill be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
12. Will excavation be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?
No.
14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

Don't know

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

Don't Know

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

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AQUIFER RECHARGE AREA DISCLOSURE SECTIONCHELAN COUNTY
COMMUNITY DEVELOPMENT

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

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

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

EVALUATION CRITERIA

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

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

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

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

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

Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam

Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam

Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly sandy loam; Bg, 0-10 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam

Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam

BsD, 26-60 inches (depth from surface), very gravelly sandy loam

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; CIA, CIB, CIC, CID, CIE, 35-60 inches (depth from surface), very gravelly sandy loam

Jumpe: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam

Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam

Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam

Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam

Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam

Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam

Supplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam

Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; ThE 10-60 inches (depth from surface), very gravelly sandy loam

Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam

CANNABIS DISCLOSURE SECTION

SUB-SECTION I: Circle

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

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

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

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

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

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

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

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

SITE PLAN CHECKLIST SECTION

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

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

ACKNOWLEDGEMENT SECTION

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

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

Initials

(Owner and, if applicable, Applicant)

WEB

WEB

WEB

WEB

WEB

WEB

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

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

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

Owner Signature: William E. Burgess Place: _____ Date: _____

Print Name: WILLIAM E BURGESS

Owner/Applicant/Agent Signature: Ryan Walker Place: Wenatchee Date: 2/4/2020

Print Name: Ryan Walker, Grette Associates LLC

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____

Print Name: _____

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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

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

Instructions for applicants:

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

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

Instructions for Lead Agencies:

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

Use of checklist for nonproject proposals:

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

A. Background [HELP]

1. Name of proposed project, if applicable:
N/A

2. Name of applicant:

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COMMUNITY DEVELOPMENT

Reviewed by Emily Morgan, Project Planner

Moonbeam Ranch LLC; William Burgess

3. Address and phone number of applicant and contact person:

PO Box 269	Agent
Leavenworth, WA 98826	Ryan Walker
509-670-6665	151 South Worthen Street, Suite 101
	Wenatchee, WA 98801

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4. Date checklist prepared:

January 2020

FEB 01 2020

5. Agency requesting checklist:

Chelan County

CHELAN COUNTY
COMMUNITY DEVELOPMENT

6. Proposed timing or schedule (including phasing, if applicable):

Timing and schedule would be consistent the guidelines established in Chelan County Code Title 14—
Development procedures.

7. Do you have any plans for future additions, expansion, or further activity related to or
connected with this proposal? If yes, explain.

Don't know.

8. List any environmental information you know about that has been prepared, or will be
prepared, directly related to this proposal.

None Known.

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

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

Comprehensive Plan Text Amendment (Chelan County)
Zone Change (Chelan County)

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

This project would entail changing the Comprehensive Plan and zoning designation from Rural Residential/Resource 10 and Rural Residential/Resource 5 to Rural Recreational Residential on 38.87 acres of land.

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

The property is located on Chiwawa Loop Road north of Plain, within the SW ¼ of Section 32, T 27N, R 18E.W.M. Parcel nos. 271832300050, 271832330050 and 271832330060.

B. Environmental Elements [\[HELP\]](#)

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

a. General description of the site:

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COMMUNITY DEVELOPMENT

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

60%

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

Nard silt loam (NaE), 25-45 percent slopes. There are no agricultural soils of long-term significance.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No surface indications. The property is mapped as potentially having erosive soils.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

No filling or grading is proposed.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of this proposal.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None proposed.

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

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

There would be no new emissions to the air.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

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

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None proposed.

CHELAN COUNTY

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

- a. Surface Water: [\[help\]](#)

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

No.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None proposed.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water: [\[help\]](#)

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None proposed.

c. Water runoff (including stormwater):

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

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COMMUNITY DEVELOPMENT

N/A

2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed.

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

a. Check the types of vegetation found on the site:

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

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

b. What kind and amount of vegetation will be removed or altered?

None proposed.

c. List threatened and endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None proposed.

e. List all noxious weeds and invasive species known to be on or near the site.

None Known.

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

None known.

mule deer habitat

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any:

None proposed.

e. List any invasive animal species known to be on or near the site.

None known.

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

6. Energy and Natural Resources [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A

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

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

1) Describe any known or possible contamination at the site from present or past uses.

None known.

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

None Known.

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

FEB 07 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

N/A

- 4) Describe special emergency services that might be required.

None.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed.

b. Noise

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

Chiwawa Loop Road and commercial recreation facility (Thousand Trails) on adjacent property.

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

N/A.

- 3) Proposed measures to reduce or control noise impacts, if any:

None proposed.

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

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Current use is open space. Adjacent properties are in commercial recreational use and residential use.

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

future development may require Forest Practice application w/ WA Dept. of Natural Resources

No. The property is growing forest trees but is not designated commercial forest of long term significance.

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

No.

- c. Describe any structures on the site.

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

None.

d. Will any structures be demolished? If so, what?

No.

e. What is the current zoning classification of the site?

RR 10 and RR 5.

f. What is the current comprehensive plan designation of the site?

RR 10 and RR 5.

g. If applicable, what is the current shoreline master program designation of the site?

N/A.

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

The property is mapped as potentially having erosive soils.

i. Approximately how many people would reside or work in the completed project?

N/A

j. Approximately how many people would the completed project displace?

N/A.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Application for a Comprehensive plan amendment and zone change.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None.

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

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

- c. Proposed measures to reduce or control housing impacts, if any:

None.

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COMMUNITY DEVELOPMENT

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

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A.

- b. What views in the immediate vicinity would be altered or obstructed?

No.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

N/A.

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

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A.

- c. What existing off-site sources of light or glare may affect your proposal?

Adjacent commercial recreational use.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None.

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

- a. What designated and informal recreational opportunities are in the immediate vicinity?

The adjacent property to the west includes designated recreation including camping, clubhouse, swimming pool, mini golf, frisbee golf, basketball court, volleyball court and playground. Informal recreational opportunities in the immediate vicinity include fishing, hiking, camping, snowmobiling and hunting.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

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

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

No.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

No.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The tribes and DAHP will be notified during the county public notice period.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed.

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

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The site is accessed from Chiwawa Loop Road.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

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- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

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No.

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- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

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

None.

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

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

No.

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

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None proposed.

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

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

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

None proposed.

C. Signature [\[HELP\]](#)

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

Signature: _____

Name of signer _____

Position and Agency/Organization _____

Date Submitted: _____

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

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

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

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

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

The proposal would not be likely to increase emissions to air or production of noise. Although the rezoning of the property may lead to its development which could impact air and noise emissions, the current zoning of the property would likewise permit its development thus there would be no increases resulting from the proposal.

The proposal would not include any discharges to water or toxic or hazardous substances of any kind. Because discharges to water and toxic or hazardous substances are not part of the proposal it and/or its effects would not cause an increase in discharge to water or production, storage or release of toxic or hazardous substances.

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Proposed measures to avoid or reduce such increases are:

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Since no increases are anticipated, no measures to avoid or reduce them are proposed.

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

The proposal does not include any components that would be likely to affect plants, animal, fish or marine life. Since the proposal is simply to change the comprehensive plan and zoning designation, there would be no impact to the above mentioned resources.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The proposal would be in compliance with all local, state and federal regulations regarding the above mentioned resources. Compliance with all applicable regulations would satisfactorily protect and conserve them.

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

The proposal would not use any energy or natural resources thus it would not deplete them.

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

Since there would be no impacts to energy or natural resources, no measures to protect or conserve them are proposed.

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

The proposal would not be likely to use or affect environmentally sensitive areas or areas designated for governmental protection because none are present on the property.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Since there would be no impact to such resources, no measures to protect them are proposed.

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

The proposal would be likely to affect land use by changing the zoning designation. Such a change would not be incompatible with existing plans since the property is adjacent to existing property with the same or similar zoning designations. The proposal would not affect shoreline use since it is not adjacent to a shoreline.

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

Since there would be no negative impact to shoreline and/or land use, no measures are proposed to avoid or reduce them.

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

The proposal would not be likely to increase demands on transportation or public services and utilities.

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

Since there would be no increased demands on transportation or public services and utilities, no measures are proposed to reduce such demands.

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

The proposal would not conflict with local, state or federal laws regarding the protection of the environment.

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COMMUNITY DEVELOPMENT

Chelan County Code 14.14.045

1. **A detailed statement of what is proposed to be changed and why. Identify the specific Comprehensive Plan Land Use Designation map number and Zoning map number that would be amended.**

This proposal is to change the zoning and comprehensive plan designation of approximately 38.87 acres from to Rural Recreational/Residential (RRR) and change approximately 10 acres from Rural Residential/Resource 5 (RR5) to RRR. The property is located on Chiwawa Loop Road north of Plain, within the SW ¼ of Section 32, T 27N, R 18E.W.M.

The official Chelan County Zoning and Comprehensive Plan map is no. 29. The property is currently zoned RR10 and RR5 and adjoins RR 2.5 property to the north and RRR property to the west.

The zoning and comprehensive plan designations are proposed to be changed to provide more residential property to the Plain and Lake Wenatchee area at affordable prices.

2. **Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (RCW 36.70A.020 as amended) and any applicable County Wide Planning Policies.**

RCW 36.70A specifies 13 Planning Goals for the State of Washington. When reviewing compatibility with these stated goals, it is important to acknowledge the unique circumstances in Chelan County. Eighty-eight percent (88%) of Chelan County is in public ownership, either state or federal. That leaves twelve percent (12%) of the County in private ownership. Of the property remaining in private ownership, approximately 10% is reserved for roads and utilities. An additional reduction is taken for those areas in private ownership, but encumbered by protected critical areas, such as steep slopes, wetlands, riparian areas, flood plain, and shoreline. This leaves a very small overall percentage of Chelan County available for residential use, while the demand for housing remains high. This lack of inventory is driving the price of residential property which negatively affects affordability of housing for those who live and work in Chelan County.

RCW 36.70A.020(1) encourages urban growth. The properties are not located in an urban growth area but are located adjacent to LAMIRD zoning within a logical outer boundary and Chelan County is considering creating an Urban Growth Area in the vicinity around the town of Plain.

RCW 36.70A.020(2) aims to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. The subject properties for this zone change and comp plan amendment request would not be converted to sprawling, low density development but rather a well planned efficient use of available land. The best use for this land is allowing the density to increase in the developable areas while preserving the open space and critical areas

RCW 36.70A.020 (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

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COMMUNITY DEVELOPMENT

Chelan County Code 14.14.045

The proposal is consistent with the GMA's goals regarding transportation. The Property is located directly adjacent to Chiwawa Loop Road, a developed and coordinated transportation route, and the proposal would not result in heavy traffic through residential neighborhoods or otherwise result in traffic congestion or impacts on inadequate streets or roads. Chelan County recently completed a project to widen and improve Chiwawa Loop Road along the frontage of the property.

RCW 36.70A.020(4) encourages the promotion of a variety of residential densities and housing types. Given the fact that only 12% of Chelan County is in private ownership, residential development will continue, whether it be as a standard subdivision encouraging inefficient use of land with large lots, or the use of innovative development through clusters and planned developments, encouraging more manageable lots sizes and open space preservation.

RCW 36.70A.020 (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposal is compatible with and serves to encourage economic development by supporting new businesses and growth in the Plan and Lake Wenatchee areas by providing necessary development and housing options.

The proposal is also consistent with the following county-wide planning policies:

Policy 4: The proposal is consistent with the policies for county-wide transportation facilities and strategies, through an integrated transportation system and is within the current capacity. The Property is located directly adjacent to Chiwawa Loop Road, a developed and coordinated transportation route, and the proposal would not result in heavy traffic through residential neighborhoods or otherwise result in traffic congestion or impacts on inadequate streets or roads.

Policy 5: The proposal is consistent with the county-wide policies for housing by directly addressing land available for housing options, encouraging the productive development of the Property for housing, and permitting new housing in an area that already is adjacent to RRR zoning

Policy 7: The proposal is consistent with the county-wide policies for economic development and employment. Specifically, one of the factors is "[t]he availability of housing to support economic growth." The proposal would encourage the development of the Property as additional housing that would support economic growth in the Plain and Lake Wenatchee areas and directly respond to a need for more housing in the area.

3. A statement of how the proposed map amendment complies with or supports the Chelan County Comprehensive Plan's goals and policies.

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Chelan County Code 14.14.045

Land Use Element; Residential Development

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 Rationale: An adequate supply of housing available to all income levels is necessary to meet the housing needs of the County.

Policy LU 1.1: Promote improved neighborhood character and compatibility through unified design and site requirements for both site built homes and manufactured and modular housing.

Rationale: The placement of should take into consideration compatibility with the character of existing and future residential areas.

Increasing the density of residential lots in this area would promote a future division of land that be developed with a unified design and allow lots sizes that could accommodate manufactured housing that would be affordable for the area workforce.

Policy LU 1.2: Protect residential neighborhoods from impacts associated with incompatible land uses through application of development standards and permit conditioning.

Rationale: Incompatible land uses located in close proximity to residential neighborhoods may create adverse impacts which could lead to a reduction of the high quality of life for the County residents.

The proposed RRR zoning is the same as the adjacent property to the west and will allow for residential development which is compatible with the existing residential uses in the area.

Policy LU 1.3: Develop innovative regulatory strategies that create developer incentives to provide affordable housing to low and moderate income households.

Rationale: This can be accomplished through the use of innovative techniques including but not limited to: density bonuses, performance zoning, zero lot line development, and cluster subdivisions. Incentives may help facilitate the construction of low and moderate income housing.

The proposed RRR zoning will allow lot sizes that are in accordance with the Chelan-Douglas Health District standards for water and sewer disposal. This density allows the creation of more residential inventory which serves to reduce land prices based on supply and demand.

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COMMUNITY DEVELOPMENT

Chelan County Code 14.14.045

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

Rationale: Many parcels of land are available within existing residential developments that can accommodate further development. Infill within these areas will allow public facilities and services to be provided in a more efficient manner.

The proposed rezone is adjacent to the existing Forest Glen subdivision which has lots that are about 1.25 acres in size which is similar to the likely future use of subject properties. They are across Chiwawa Loop Road from property that is already zoned RRR. The subject property can accommodate further development that is consistent with adjacent land uses and lot sizes.

Rural Element

GOAL RE 6: Designate limited areas of more intensive rural development (LAMIRDs) for infill, development or redevelopment of existing commercial, industrial, residential or mixed-use areas.

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

Rationale: Requirements of the Growth Management Act allowing more intense development in rural areas include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

Use of the subject properties for residential development will serve the projected population by providing residential opportunities for permanent residents that reside and work in the area. Concentrating future development adjacent to existing LAMIRD zoning prevent future low density sprawl in inappropriate areas.

Rural Recreational/Residential Siting Criteria

Housing Element

Goal 1: encourage the availability of affordable housing to all economic segments of the population of the county, promote a variety of residential densities, and housing types, and encourage the appropriate preservation of existing housing stock. Rationale: affordable housing opportunities should be accessible to all residents.

Policy 2: Provide an adequate supply of appropriately zoned land in the County to accommodate a variety of future housing needs.

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COMMUNITY DEVELOPMENT

Chelan County Code 14.14.045

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.

The approval of this application will lead to increasing the supply of appropriately zoned land that will ensure that inflation in housing prices is not artificially created.

4. **A detailed statement on how the land use designation amendment complies with the Chelan County Comprehensive Plan land use designation/siting criteria.**

Locational Guidelines:

1. **Geographical and Geological Characteristics:** Developments are closely associated with natural amenities found within Chelan County. The area may have moderate soil limitations and may have other limited physical constraints to development.

2. **Natural Resources:** This designation shall not be applied on resource lands of long term commercial significance.

3. **Public Services:** Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. Rural governmental services are typically available, planned and/or funded for.

4. **Existing land uses:** Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

The subject property is closely associated with natural amenities found in Chelan County due to its proximity to Lake Wenatchee, Wenatchee and Chiwawa Rivers and USFS property. It is not designated as a resource land of long term significance. Rural governmental services are available and planned for. Existing land uses in the area include seasonal and year-round residences, tourist and recreational activities and other rural development. There are many lots in the area that are less than 1 acre; specifically in the RW zoning district in Chiwawa River Pines

5. **A detailed statement of how the amendment is consistent with and supported by the Capital Facilities Element and the Transportation Element of the Comprehensive Plan, of if not, what changes to these elements would be required and why they should be made.**

Both the Capital Facilities and Transportation elements of the Comprehensive plan speak more to goals and objectives for agencies of jurisdiction when development is proposed. At the time any additional development is proposed, application(s) will have to be in compliance with the concurrency requirements of GMA and the Chelan County comp plan goals and objectives for all elements of the comp plan.

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- 6. For land use map designation amendments, identify the land uses surrounding the affected property, and describe how the proposed change would affect the surrounding land uses. Explain why the proposed amendment is more appropriate than the existing land use designation.**

Adjacent land uses consist of 300 acres zoned RRR used for commercial recreation including rental cottages, cabins, tiny houses, lodge and campground. The neighboring property offers a clubhouse, convenience store, swimming pool, mini golf, laundry facilities, basketball court, volleyball court, playground, ballroom/banquet hall, library and other commercial amenities. Other adjacent properties are rural residential properties with single family residences. The proposed change would add to the rural residential character of the area by increasing the number of available residential lots. The densities would be similar to other properties in the area zoned RW, which has the same density standards as the proposed RRR.

The proposed amendment is more appropriate than the existing designation because other properties in the area are zoned for a similar density and/or are currently a similar size to densities allowed in the RRR zone. Additionally, there is a logical boundary that can be identified by the topography of the subject property that will allow clustering of development on the flatter property near Chiwawa Loop Road.

- 7. Will the proposed map amendment affect lands designated as resource lands of long term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas?**

The proposed text amendment would not affect lands designated as resource lands of long term commercial significance and/or critical areas. The subject property is not adjacent to Commercial Forest; Any critical areas that may be present on the subject property would be adequately protected by conditions of approval contained in any future land use approvals. All required protections to critical areas such as setbacks from streams and the submission of geotechnical reports would be complied with as necessary in order maintain a high level of environmental quality in Chelan County.

- 8. Explain how the proposed amendment would affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.**

The proposed amendment would make a certain amount of land available for higher density development to accommodate future growth in the rural, unincorporated areas of Chelan County. Moderately priced rural properties are very desirable and the demand is high for residential building lots. The price of land is increasing rapidly because the demand is high and the supply is extremely low.

- 9. Explain how the proposed change would serve the interests of not only the applicant, but also the public as a whole, including health, safety or welfare.**

The increased number of lots available for residential development will impact the stability of the housing market, which at present is unattainable for many lifelong upper

Chelan County Code 14.14.045

valley residents. The value of the property will also increase the residential property taxes for Chelan County, which in turn, will increase the funding for governmental services.

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Legend

Moanbeam

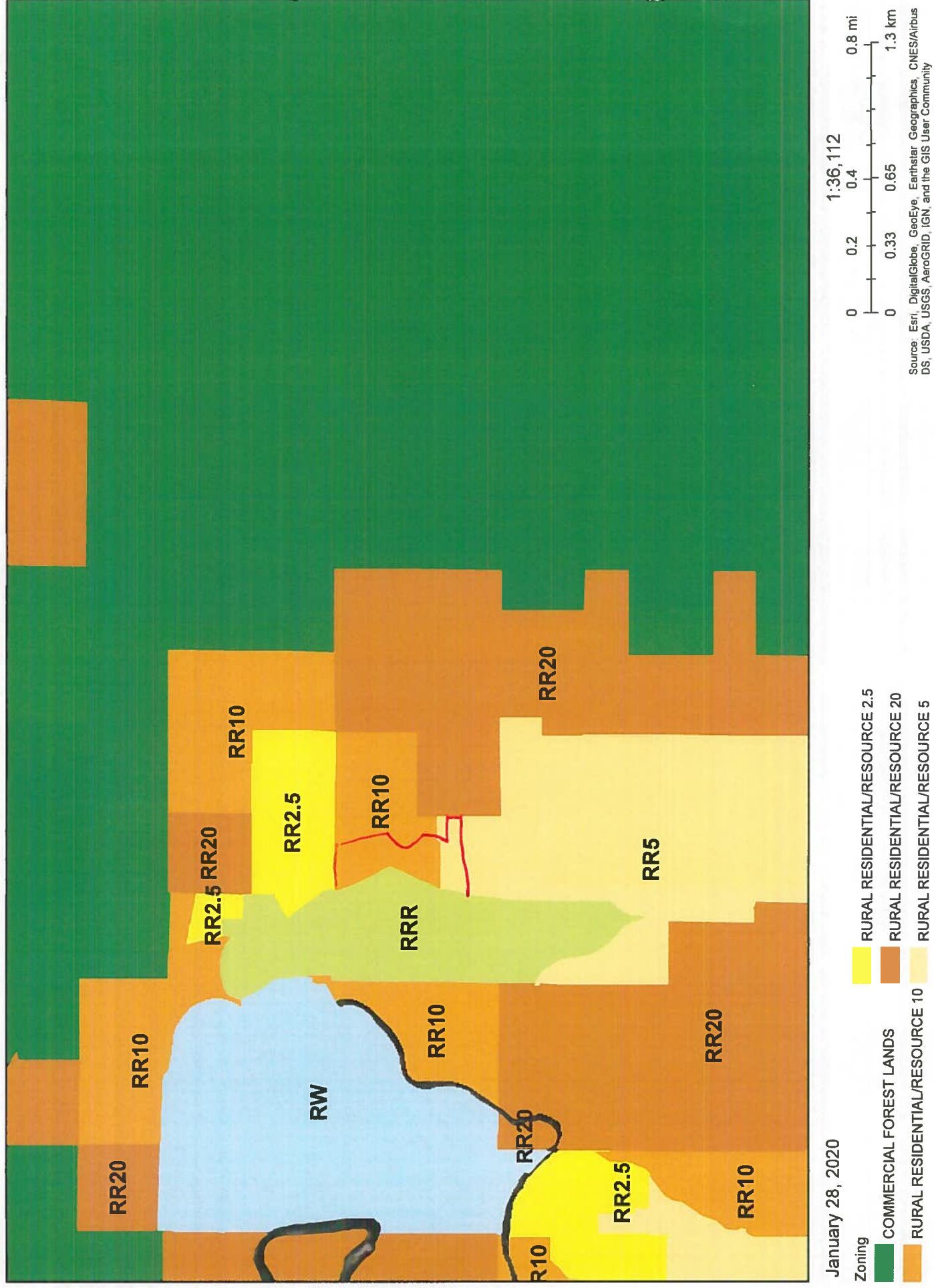
Thousand Tra



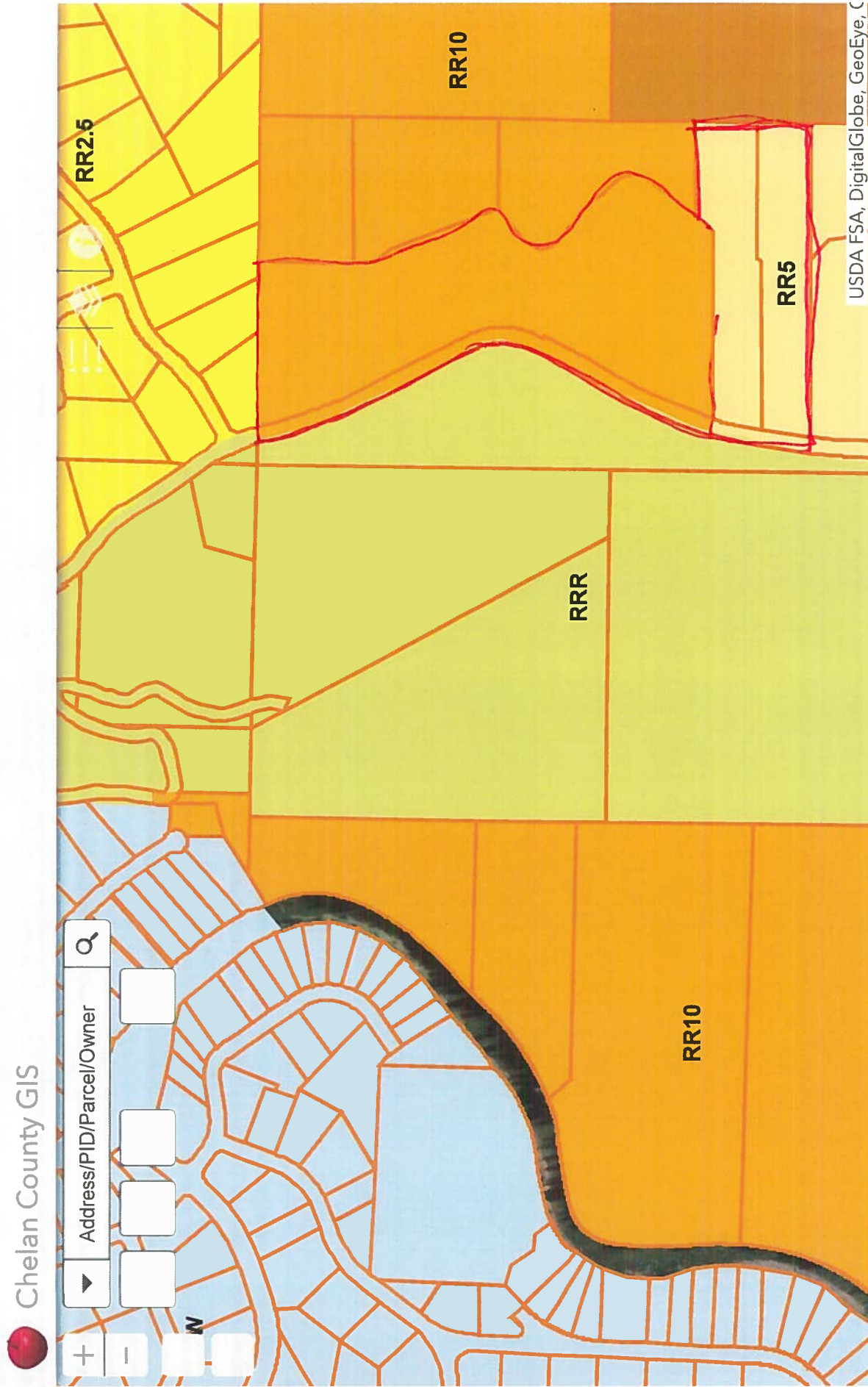
Chelan County GIS



Moonbeam Ranch



Brad Scott - Community Development | USDA FSA, DigitalGlobe, GeoEye, CNES/Airbus DS | Web AppBuilder for ArcGIS

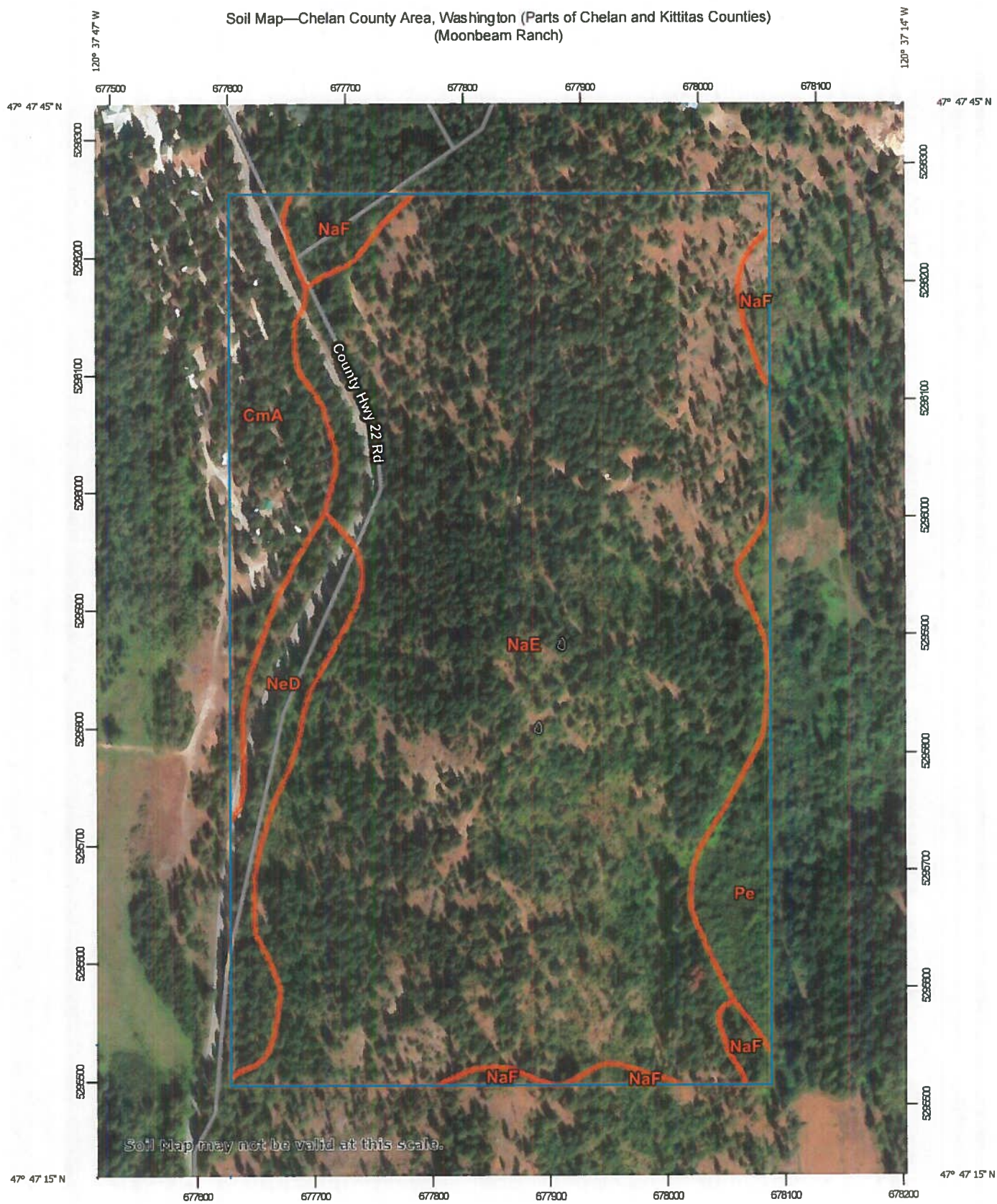


600ft

-120.630 47.794 Degrees

maps.co.chelan.wa.us/chelancountyGIS/

Soil Map—Chelan County Area, Washington (Parts of Chelan and Kittitas Counties)
(Moonbeam Ranch)



Soil Map may not be valid at this scale.

120° 37' 47" W



Map Scale: 1:4,440 if printed on A portrait (8.5" x 11") sheet.

0 50 100 200 300 Meters

0 200 400 800 1200 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

1/20/2020
Page 1 of 3

MAP LEGEND

	Area of Interest (AOI)		Soil Area
	Area of Interest (AOI)		Stony Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
	Special Point Features		Water Features
	Blowout		Streams and Canals
	Borrow Pit		Transportation
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow		Background
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Chelan County Area, Washington (Parts of Chelan and Kittitas Counties)

Survey Area Data: Version 15, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 3, 2014—Sep 21, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CmA	Chiwawa gravelly fine sandy loam, 0 to 3 percent slopes	6.4	7.4%
NaE	Nard silt loam, 25 to 45 percent slopes	69.2	80.1%
NaF	Nard silt loam, 45 to 65 percent slopes	2.8	3.2%
NeD	Nevine stony sandy loam, 0 to 25 percent slopes	4.7	5.4%
Pe	Peoh silt loam	3.3	3.8%
Totals for Area of Interest		86.4	100.0%

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39587 MOON BEAM RANCH LLC for Year 2018 - 2019

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Property

Account

Property ID:

39587

Abbreviated Legal Description:

T 27N R 18EWM

S 32 W2W2SW

28.8700 ACRES

Geographic ID:

271832300050

Type:

Real

Tax Area:

29 - 228 F9 H1

Open Space:

N

Historic Property:

N

Multi-Family Redevelopment:

N

Township:

27N

Range:

18EWM

Section:

32

Legal Acres:

28.8700

Location

Address:

UNASSIGNED

Mapsco:

LAKE WENATCHEE, WA 98826

Neighborhood:

ExemptGroupCodesCyc3,DFL,DOR,MultUnit,SFRemod,Hist

Map ID:

XMPTCODES3

Neighborhood CD:

XMPTCODES3

Owner

Name:

MOON BEAM RANCH LLC

Owner ID:

81926

Mailing Address:

PO BOX 269

% Ownership:

%

LEAVENWORTH, WA 98826

Exemptions:

Taxes and Assessment Details

Property Tax Information as of 01/10/2020

Amount Due if Paid on:



NOTE: If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details							
2019	28116	\$29.94	\$0.00	\$0.00	\$0.00	\$29.94	\$0.00
▶ Statement Details							
2018	28176	\$30.99	\$0.00	\$0.00	\$0.00	\$30.99	\$0.00

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Values

Taxing Jurisdiction

Improvement / Building

Sketch

Property Image

Land

Roll Value History

Deed and Sales History

Payout Agreement

Website version: 9.0.50.1004

Database last updated on: 1/10/2020 3:19 AM

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Property

CHELAN COUNTY
COMMUNITY DEVELOPMENT

39593 BURGESS WILLIAM T & BURGESS WILLIAM E for Year 2018 - 2019

Account

Property ID:

39593

Abbreviated Legal Description:

T 27N R 18EWM
S 32 LOT B BLA
1428 SWSW
5.1400 ACRES

Geographic ID:

271832330050

Type:

Real

Tax Area:

29 - 228 F9 H1

Open Space:

N

Historic Property:

N

Multi-Family Redevelopment:

N

Township:

27N

Range:

18EWM

Agent Code:

88

Land Use Code

DFL

Y

Remodel Property:

N

Section:

32

Legal Acres:

5.1400

Location

Address:

UNASSIGNED
LAKE WENATCHEE, WA 98826

Mapsco:

Neighborhood:

ExemptGroupCodesCyc3,DFL,DOR,MultUnit,SFRemod,Hist

Map ID:

XMPTCODES3

Neighborhood CD:

XMPTCODES3

Owner

Name:

BURGESS WILLIAM T & BURGESS WILLIAM E

Owner ID:

89400

Mailing Address:

PO BOX 269
LEAVENWORTH, WA 98826

% Ownership:

%

Exemptions:

Taxes and Assessment Details

Property Tax Information as of 01/10/2020

Amount Due if Paid on: 

NOTE: If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details							
2019	28122	\$22.86	\$0.00	\$0.00	\$0.00	\$22.86	\$0.00
▶ Statement Details							
2018	28182	\$23.07	\$0.00	\$0.00	\$0.00	\$23.07	\$0.00

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CHELAN COUNTY

COMMUNITY DEVELOPMENT

Values

Taxing Jurisdiction

Improvement / Building

Sketch

Property Image

Land

Roll Value History

Deed and Sales History

Payout Agreement

Website version: 9.0.50.1004

Database last updated on: 1/10/2020 3:19 AM

© N. Harris Computer Corporation

Chelan County Assessor

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39594 BURGESS BURGESS HARRIS LLC for Year 2018 - 2019

FEB 10 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

Property

Account

Property ID:

39594

Abbreviated Legal Description:

T 27N R 18EWM
S 32 LOT A BLA
1428 SWSW
4.8600 ACRES

Geographic ID:

271832330060

Type:

Real

Tax Area:

29 - 228 F9 H1

Open Space:

N

Historic Property:

N

Multi-Family Redevelopment:

N

Township:

27N

Range:

18EWM

Agent Code:

88

Land Use Code

DFL

Y

Remodel Property:

N

Section:

32

Legal Acres:

4.8600

Location

Address:

UNASSIGNED

Mapsco:

LAKE WENATCHEE, WA 98826

Neighborhood:

ExemptGroupCodesCyc3,DFL,DOR,MultUnit,SFRemod,Hist

Map ID:

XMPTCODES3

Neighborhood CD:

XMPTCODES3

Owner

Name:

BURGESS BURGESS HARRIS LLC

Mailing Address:

22745 BROWN RD
LEAVENWORTH, WA 98826

Owner ID:

81927

% Ownership:

%

Exemptions:

Taxes and Assessment Details

Property Tax Information as of 01/10/2020

Amount Due if Paid on: 

NOTE: If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details							
2019	28123	\$22.74	\$0.00	\$0.00	\$0.00	\$22.74	\$0.00
▶ Statement Details							
2018	28183	\$22.94	\$0.00	\$0.00	\$0.00	\$22.94	\$0.00

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

**LIMITED LIABILITY COMPANY AGREEMENT
OF
MOON BEAM RANCH, LLC**

THIS LIMITED LIABILITY COMPANY AGREEMENT is made and entered into by and between WILLIAM T. BURGESS, WILLIAM E. BURGESS, BRADLEY I. BURGESS, and JEFFERY W. BURGESS.

ARTICLE I

DEFINITIONS

The following terms used in this Agreement shall have the following meanings (unless otherwise expressly provided herein):

"Act" means the Washington Limited Liability Company Act, Ch. 25.15 RCW, as amended from time to time.

"Book Depreciation" means, with respect to any Company asset, the depreciation computed for financial accounting purposes using the Book Value of the asset and either (a) the same method and class life used by the parties for computing Tax Depreciation, or (b) any other method or class life elected by the Company for financial accounting purposes.

"Book Gain" or "Book Loss" means the amount of gain or loss realized by the Company for financial accounting purposes on the disposition of a Company asset, which shall equal the positive or negative difference between the amount realized by the Company as a result of the disposition, or the fair market value of the asset when distributed to a Member, and the Book Value of the asset at the time of disposition.

"Book Item" means, with respect to any Company asset, Book Depreciation, amortization, Book Gain, or Book Loss, or other similar item computed in accordance with the method used by the Company for financial accounting purposes.

"Book Value" means, with respect to any Company asset at a particular date (a) the Initial Book Value of the asset, increased by (b) the cost of any improvements or additions to the asset, and reduced by (c) the accumulated Book Depreciation with respect to the asset as of such date.

"Capital Account" means the capital account determined and maintained for each Unit Holder pursuant to Section 7.3.

"Capital Contribution" means any contribution to the capital of the Company in cash or property by a Member whenever made.

"Tax Gain" or "Tax Loss" means the amount of gain or loss recognized for federal income tax purposes on the disposition of a Company asset.

"Tax Item" means with respect to any Company asset, Tax Depreciation, amortization, Tax Gain, or Tax Loss, or other similar item as computed for federal income tax purposes.

"Unit Holder" means a Person who is a Member or who holds an Economic Interest but is not a Member.

ARTICLE II

FORMATION OF COMPANY

2.1 **Formation.** The Company was formed on the 1st day of July, 2009, when the Certificate of Formation was executed on and filed with the office of the Washington Secretary of State in accordance with and pursuant to the Act.

2.2 **Name.** The name of the Company is "MOON BEAM RANCH, LLC."

2.3 **Principal Place of Business.** The principal place of business of the Company shall be 22745 Brown Road, Leavenworth, Washington 98826. The Company may locate its places of business at any other place or places as the Members may from time to time deem advisable.

2.4 **Registered Office and Registered Agent.** The Company's initial registered agent and the address of its initial registered office in the state of Washington are as follows:

<u>Name</u>	<u>Address</u>
Jeffers, Danielson, Sonn & Aylward, P.S. By Todd M. Kiesz	2600 Chester Kimm Road / P.O. Box 1688 Wenatchee, WA 98807-1688

The registered office and registered agent may be changed by the Members from time to time by filing an amendment to the Certificate of Formation or any other documents permitted or required by the Washington Secretary of State.

2.5 **Term.** The term of the Company shall be perpetual, unless the Company is earlier dissolved in accordance with either Article XII or the Act.

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COMMUNITY DEVELOPMENT

FEB 10 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

ARTICLE III

BUSINESS OF COMPANY

The business of the Company shall be:

- (a) to carry on any lawful business or activity which may be conducted by a limited liability company organized under the Act; and
- (b) to exercise all other powers necessary to or reasonably connected with the Company's business which may be legally exercised by limited liability companies under the Act; and

ARTICLE IV

MANAGEMENT OF THE COMPANY

4.1 Management by Members. The power to manage, operate, and control the Company is vested in the Members. All Members shall be entitled to vote on any matter submitted to a vote of the Members. The Members may delegate certain actions or authority to individual Members, or to agents or employees of, or consultants to, the Company.

4.2 Compensation. The Members may in their discretion, from time to time, elect to compensate any individual Member who performed services on behalf of the Company. In such event, the Members shall determine whether the compensated Member was acting as a Member, whether the payments are guaranteed payments pursuant to Section 707(c) of the Code, or represent a part of such Member's allocated share of Company profits pursuant to Section 702(a) of the Code and Article VIII of this Agreement.

4.3 Limits on Members' Authority. No Member shall be authorized to enter into any agreement, engage in any transaction, or otherwise bind, obligate, or incur liability on behalf of the Company, except to the extent that such Member is so authorized to engage in such action by all of the other Members.

4.4 Duty of Loyalty. Each Member shall be entitled to enter into transactions that may be considered competitive with, or a business opportunity that may be considered beneficial to, the Company, it being expressly understood that some of the Members may enter into transactions that are similar to the transactions into which the Company may enter and the Company and each Member waives any right or claim to participate therein.

Notwithstanding the foregoing, each Member shall account to the Company for, and hold as trustee for it, any property, profit, or benefit derived by such Member without the consent of all the other Members, in the formation, conduct, and winding up of the Company's business, or from any use or appropriation of any Company assets, including information developed exclusively for the Company and opportunities expressly offered to the Company. In addition, each Member shall discharge its duties as a Member pursuant to this Agreement and the Act in good faith, with the care an ordinarily prudent Person in like

position would exercise in similar circumstances, and in a manner that such Member reasonably believes to be in the best interests of the Company.

4.5 **Officers.** The Members shall appoint WILLIAM E. BURGESS as the President and WILLIAM E. BURGESS as Secretary of the Company to act on behalf of the Company for the following purposes:

4.5.1 **President.** The President shall be the chief executive officer of the Company and, subject to the control of the Members, shall have general supervision, direction, and control of the business and affairs of the Company. He shall preside at all meetings of the Members. He shall execute deeds, bonds, mortgages, and other instruments on behalf of the Company, except where required or permitted by law to be signed and executed otherwise and except where the signing and execution thereof shall be expressly delegated by the Members to some other agent of the Company. He shall have the general powers and duties of management usually vested in the office of the chief executive officer of a corporation, and shall have such other powers and duties as may be prescribed by the Members or this Agreement.

4.5.2 **Secretary.** The Secretary shall have such powers and perform such duties as may be prescribed from time to time by the President, the Members, or this Agreement. In addition, the Secretary shall keep, or cause to be kept, a book of minutes at the registered office, or such other place as the Members may direct, of all meetings of the Members, with the time and place of holding, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present, the number of units present or represented at Members' meetings and the proceedings thereof. The Secretary shall give, or cause to be given, notice of all the meetings of the Members required by this Agreement to be given, and shall have such other powers and perform such other duties as may be prescribed by the Members of this Agreement. The Secretary shall also keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Company, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, and units. The books of account shall be open at all reasonable times to inspection by any Member. The Secretary shall deposit all monies and other valuables in the name and to the credit of the Company with such depositories as may be designated by the Members. The Secretary shall disburse the funds of the Company, shall render to the President and any Member, whenever requested, an account of all his transactions as Secretary and of the financial condition of the Company, and shall have such other powers and perform such other duties as may be prescribed by the Members or this Agreement.

ARTICLE V

RIGHTS AND OBLIGATIONS OF MEMBERS

5.1 **General.** The names and addresses of the Members are listed on Schedule 1, which may be amended from time to time.

5.2 **Limitation on Liability; Indemnification.** No Member shall be liable, responsible or accountable in damages or otherwise to the Company or the Members

14.10 **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

ARTICLE XV

INDEPENDENT ACTIVITIES OF MEMBERS

Any Member may engage in or possess an interest in other business ventures of every nature and description, independently or with others, including but not limited to, the ownership, financing, management, employment by, lending to or otherwise participating in businesses which are similar to the business of the Company, and neither the Company nor any of the Members shall have any right by virtue of this Agreement in and to such independent ventures or to the income or profits therefrom.

DATED this 23rd day of December, 2009.

William T. Burgess
WILLIAM T. BURGESS

William E. Burgess
WILLIAM E. BURGESS

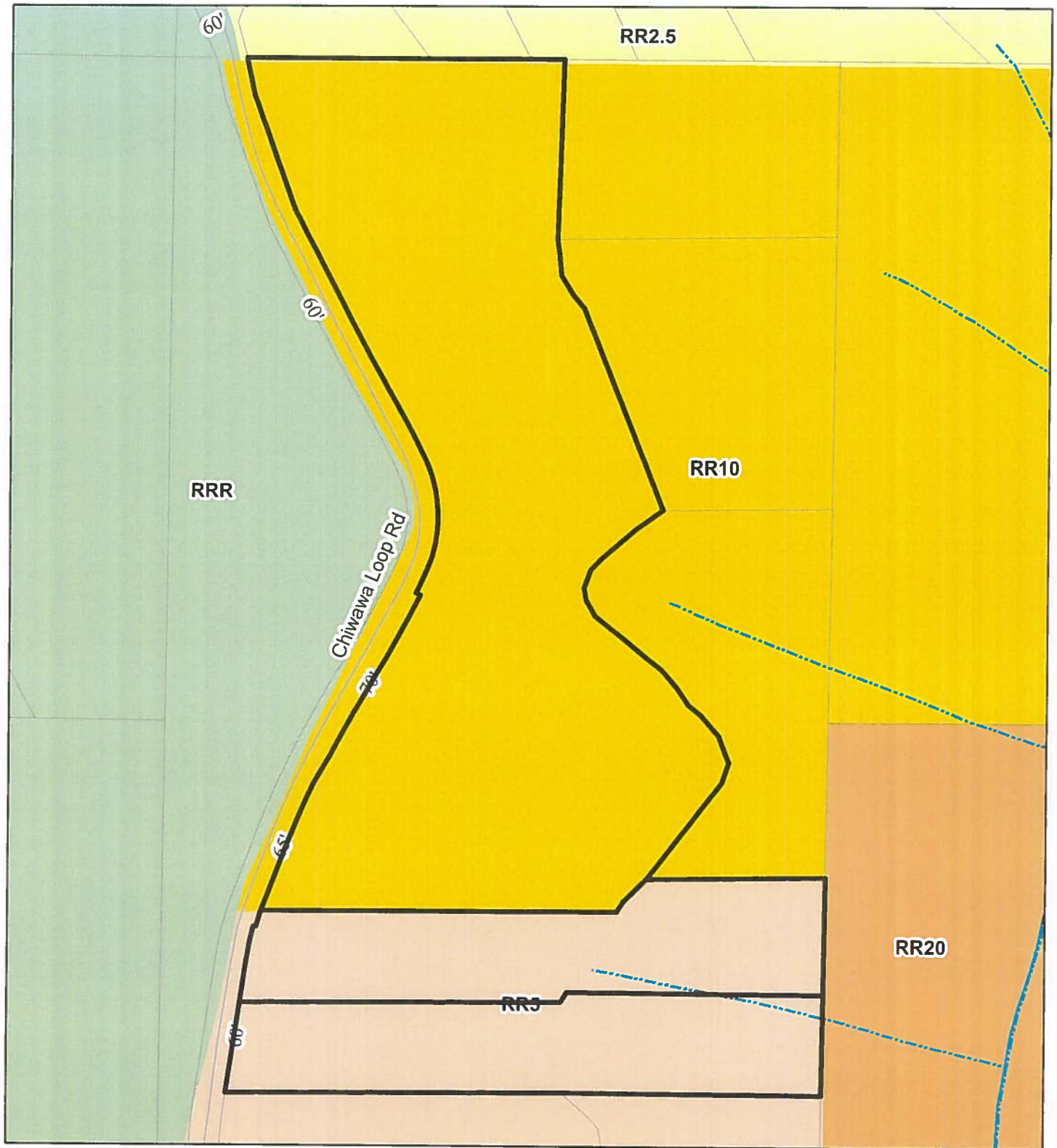
Brad J. Burgess
BRADLEY I. BURGESS

Jeffrey W. Burgess
JEFFREY W. BURGESS

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FEB 10 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT



CPA 2020-001

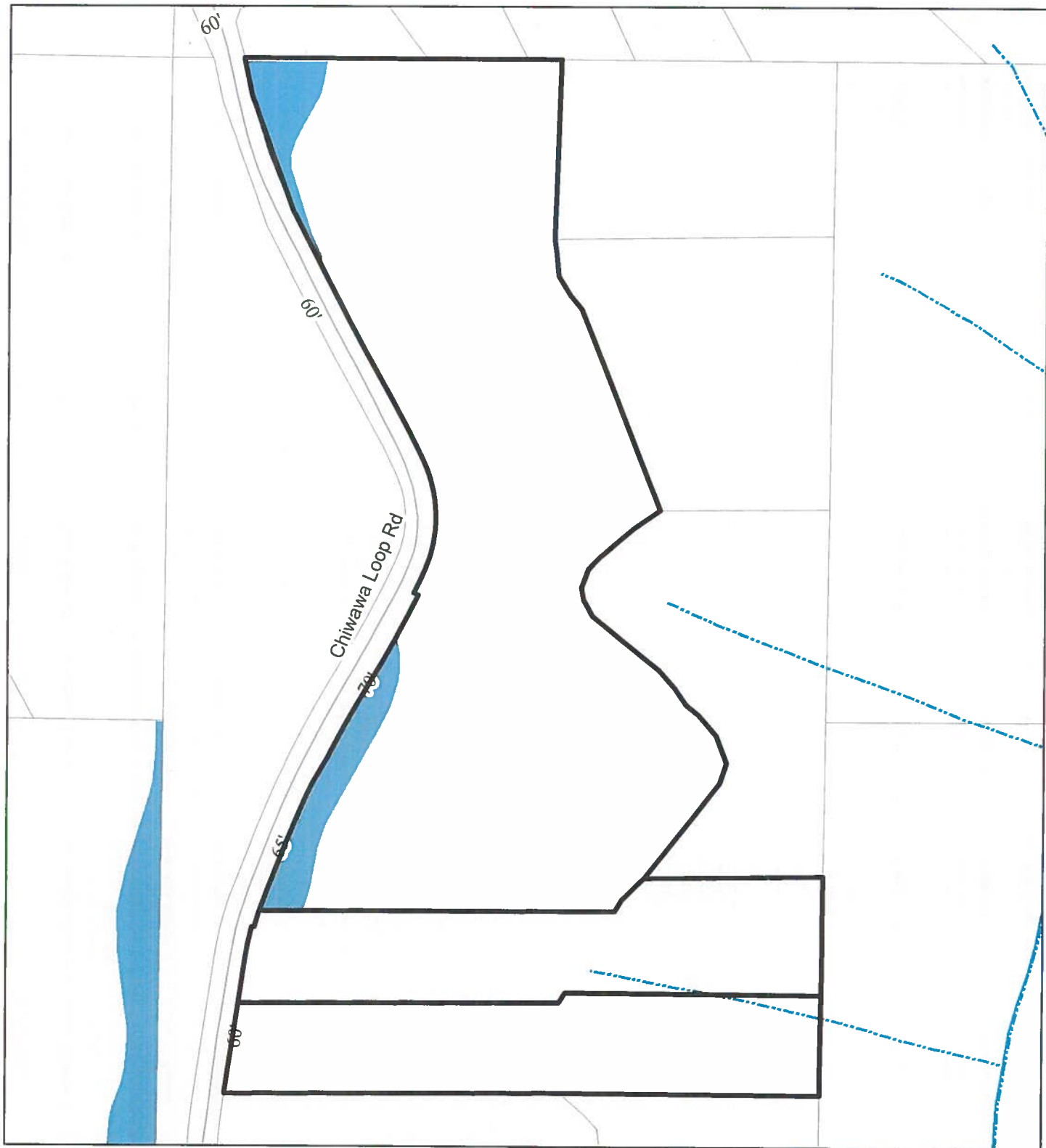
3/9/2020

271832300050, 271832330050,
and 271832330060

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



0 200 400 800 Feet



CPA 2020-001 Mineral Overlay

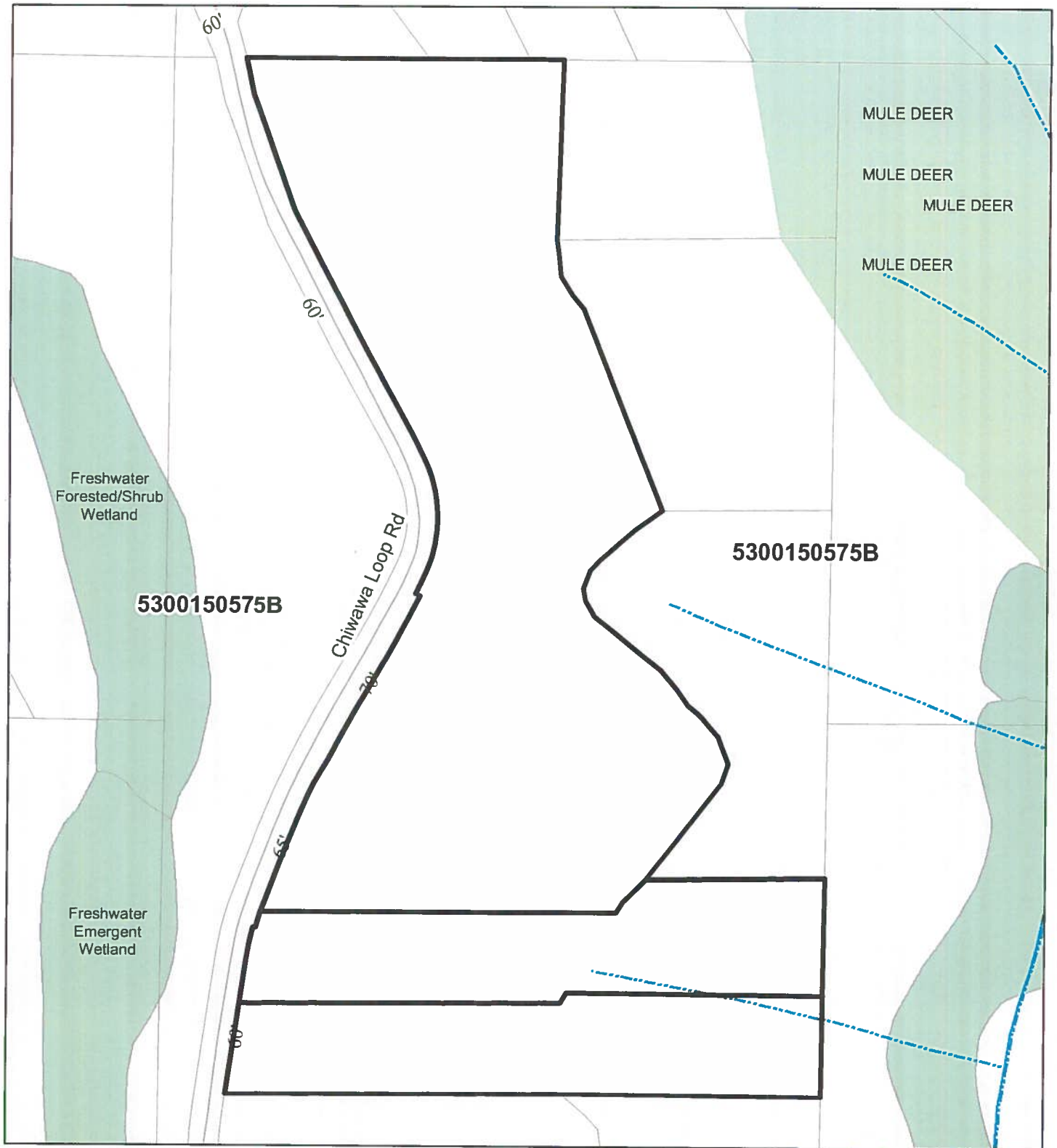
3/9/2020

271832300050, 271832330050,
and 271832330060

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



0 200 400 800 Feet



CPA 2020-001

3/9/2020

271832300050, 271832330050,
and 271832330060

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0 200 400 800 Feet

A scale bar with markings for 0, 200, 400, and 800 feet.



CPA 2020-001

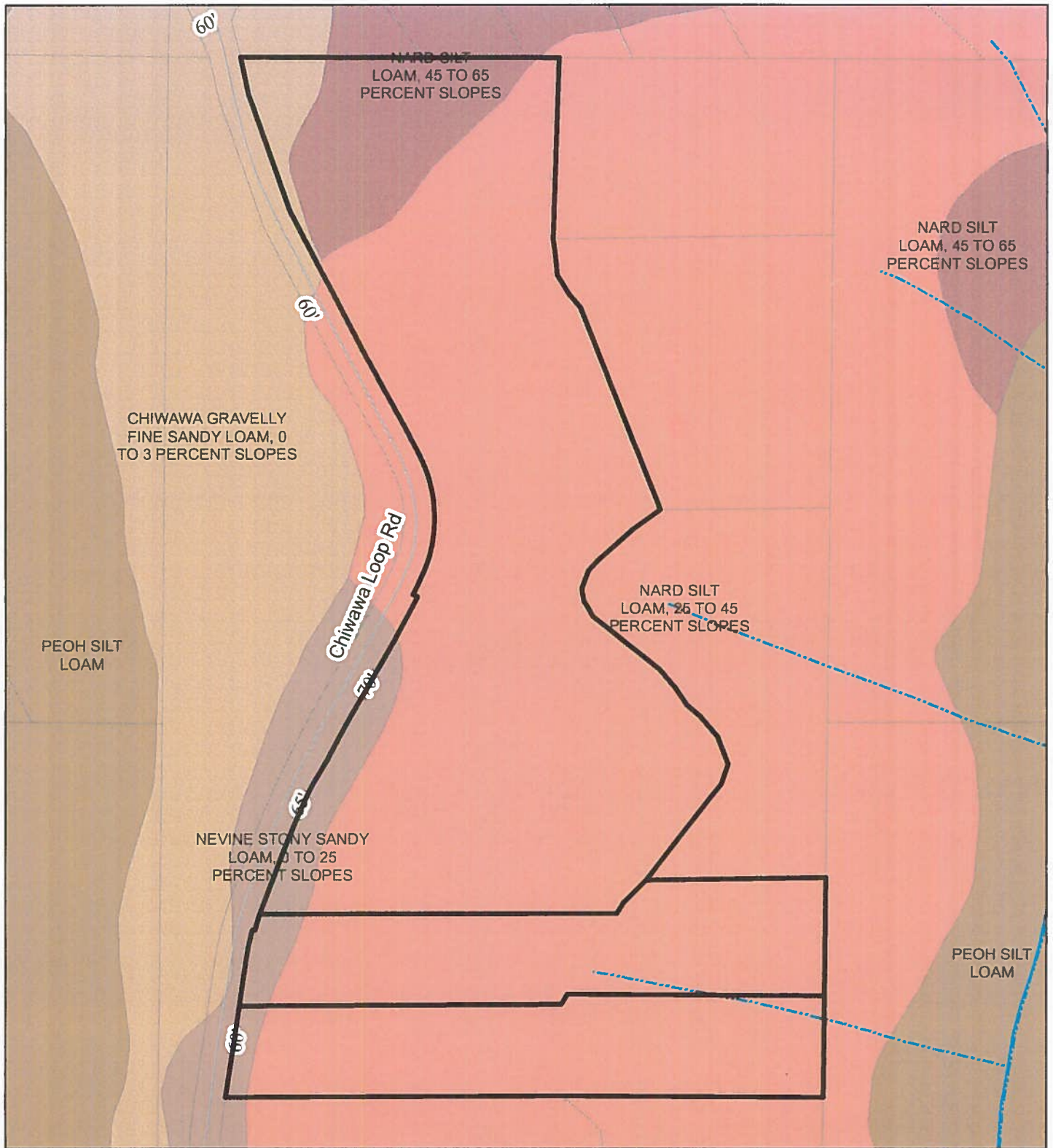
3/9/2020

271832300050, 271832330050,
and 271832330060

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0 200 400 800
Feet



CPA 2020-001

3/9/2020

271832300050, 271832330050,
and 271832330060

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0 200 400 800 Feet



CHELAN COUNTY

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

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

Project Description: Amendment to the Chelan County Comprehensive Plan to change the land use designation from Rural Residential/Resource 10 (RR10) and Rural Residential/Resource 5 (RR5) to Rural Recreational/Residential (RRR).

File Number: CPA 20-001

Parcel Number: 27-18-32-300-050, 27-18-32-330-050 and 27-18-32-330-060

Site Address: NNA CHIWAHA LOOP ROAD, LEAVENWORTH, WA 98826

Owner: MOON BEAM RANCH LLC
PO BOX 269, LEAVENWORTH, WA 98826

Agent: GRETTE ASSOCIATES, LLC
151 S WORTHEN #101, WENATCHEE, WA 98801

Lead Agency: Chelan County Department of Community Development

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

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

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

Responsible Official: Catherine Lorbeer, Assistant Director / SEPA Responsible Official

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

Phone: (509) 66725

Signature: Catherine Lorbeer
Catherine Lorbeer, SEPA Responsible Official

Date: November 5, 2020

Affidavit of Publication

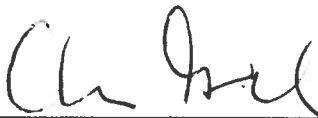
STATE OF WASHINGTON } SS
COUNTY OF CHELAN }

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

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

September 10, 2020

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

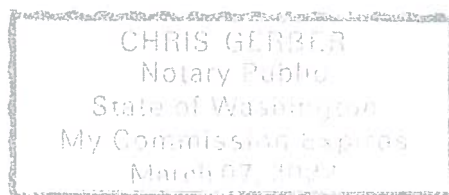


Chris Gerber, Notary Public, Chelan County, Washington

My commission expires: March 07, 2022

00002552 00094288 509-667-6475

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



NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

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

Emily

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

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

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

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

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

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

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

STATE OF WASHINGTON)
)
COUNTY OF CHELAN) SS

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

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

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

- ☐ Notice of Shoreline Application
☒ Notice of Application
☐ Other _____

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

Wendy Lane
Signature

September 10, 2020
Date

ACKNOWLEDGEMENT

This is to certify that on 10th day of Sept., 2020

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

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

My commission expires Feb. 20, 2021



Wendy Lane

From: Wendy Lane
Sent: Wednesday, September 9, 2020 8:23 AM
To: 'Ryan Walker'
Cc: Emily Morgan
Subject: Notice of Application for CPA20-001 Moon Beam Ranch, LLC - Chelan County Dept. of Community Development
Attachments: CPA 20-001 Moon Beam Ranch, LLC NOA Optional.pdf; CPA 20-001 Moon Beam Ranch, LLC NOA AoP.pdf

Greetings,

Please find the attached Notice of Application for a Comprehensive Plan Map Amendment, regarding Moon Beam Ranch, LLC's property, File# CPA 20-001. This notice should be posted on the subject property by September 10, 2020, or as soon as possible. Please place in a prominent position on site and maintain it for 14 days starting from the first day of posting. If you need a sign for posting, you may pick one up at our office. Also attached is the Affidavit of Posting that needs to be filled out with the appropriate information after the 14 days of comment period, signed before a notary and the original returned to this office. If your affidavit of posting is found not to be in the file, it may place a hold on the processing of the file.

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

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801

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

Wendy.Lane@co.chelan.wa.us

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

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

Name	Address_1	Address_2	City	State	Countr	Zip Code	PARCEL
GOEHNER KEITH & LISA ETAL	PO BOX 62		DRYDEN	WA		98821	271832310000
BURGESS WILLIAM T & BURGESS WILLIAM E	PO BOX 269		LEAVENWORTH	WA		98826	271832330050
BURGESS BURGESS HARRIS LLC	22745 BROWN RD		LEAVENWORTH	WA		98826	271832330060
MOON BEAM RANCH LLC	PO BOX 269		LEAVENWORTH	WA		98826	271832330100
MOON BEAM RANCH LLC	PO BOX 269		LEAVENWORTH	WA		98826	271832300050
STEEN MICHELLE L	10252 33RD AVE SW		SEATTLE	WA	USA	98146	271832572350
HUMAN TYLER & ASHLEY	6320 137TH DR NE		LAKE STEVENS	WA		98258	271832572360
WALKER TERRY&JANET	11185 WENDING LN		LEAVENWORTH	WA	USA	98826	271832572370
LAVELLE BRENTEN & ROBIN	11195 WENDING LN		LAKE WENATCHEE	WA		98826	271832572380
SANDSTROM MICHAEL L	105 N 177TH STREET		SHORELINE	WA	USA	98133	271832572390
SANDSTROM MICHAEL L	105 N 177TH STREET		SHORELINE	WA	USA	98133	271832320050
SANDSTROM MICHAEL L	105 N 177TH STREET		SHORELINE	WA	USA	98133	271832320100
ROY JAMIE R & KAYTE A	11016 38TH DR SE		EVERETT	WA		98208	271832320150
GARKA GREGORY M & KELSEY L	5102 WEBER RD		SNOHOMISH	WA	US	98290	271832330150
BOLTON WINZOR & ANGELA	2320 BURLEY DR		EVERETT	WA		98208	271832330200
R & B INVESTMENTS UNLIMITED LLC	17357 N SHORE DR		LEAVENWORTH	WA		98826	271832572010
OWEN MAX J	7048 19TH AVE NW		SEATTLE	WA		98117-5609	271832572020
R & B INVESTMENTS UNLIMITED LLC	17357 N SHORE DR		LEAVENWORTH	WA		98826	271832572040
LARSON VICTOR R & DEBORAH A	5004 85TH PL NE		MARYSVILLE	WA		98270	271832572340
MOBILIA MARK & KARISSA REV LIVING TRUST	MOBILIA MARK & KARISSA TRUSTEES	6249 160TH AVE SE	BELLEVUE	WA		98006	2718331140100
STEPHEN STEPHAN & STEWART INC	C/O THOUSAND TRAILS LP	PO BOX 06115	CHICAGO	IL	US	60606-6115	2718331440000
MHC TT INC	C/O BD EQUITY	PO BOX 06115	CHICAGO	WA		60606-6115	2718331140150
MHC TT INC	C/O BD EQUITY	PO BOX 06115	CHICAGO	WA		60606-6115	2718331140155
MHC TT INC	C/O BD EQUITY	PO BOX 06115	CHICAGO	WA		60606-6115	2718331410050
MHC TT INC	C/O BD EQUITY	PO BOX 06115	CHICAGO	WA		60606-6115	271832230000
COMMUNITY SAVINGS & LOAN	C/O THOUSAND TRAILS LP	PO BOX 06115	CHICAGO	IL	US	60606-6115	271832320200
UNITED STATES OF AMERICA	USDA FOREST SERVICE	215 MELODY LN	WENATCHEE	WA	USA	98801	271832340000

Order Invoice

Wenatchee World / Quincy Valley Post

PO Box 1511
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CHELAN CO DEPT OF COMMUNITY
DEVELOPMENT (CCDCD)
316 WASHINGTON ST. #301
WENATCHEE, WA 98801

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

Class: 0001

Ad Notes: Submitted by Wendy Lane, 9/8

Sort Line: CPA20-001MOONBEAM/WLane

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

Ad Text:

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Payment Reference:

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

Total: 144.05
Tax: 0.00
Net: 144.05
Prepaid: 0.00

Total Due 144.05

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

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

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

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

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

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

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

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

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



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

NOTICE OF APPLICATION & ENVIRONMENTAL REVIEW

Project File No.: CPA 20-001
Project Location: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; & 27-18-32-330-060
Applicant/Owner: William Burgess of Moon Beam Ranch, LLC
Agent: Ryan Walker of Grette Associates, LLC
Application Date: February 7, 2020
Determination of Complete: March 9, 2020
Notice of Application Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject properties from Rural Residential/Recreational 5 acres (RR5) and Rural Residential/Recreational 10 acres (RR10) to Rural Recreational/Residential (RRR).

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

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

Permits Required: None known.

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

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

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



CHELAN COUNTY

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

DETERMINATION OF APPLICATION STATUS

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

Project Description: Proposed comprehensive map amendment to change the designation from Rural Residential/Resource – 1 dwelling unit per 10 acres (RR10) and Rural Residential/Resource – 1 dwelling unit per 5 acres (RR5) to Rural Recreational/Residential (RRR)

File Number: CPA 20-001
Parcel Nos.: 271823300050, 271832330050, and 271832330060
Parcel Zoning: RR10 and RR5
Applicant/Owner: MOON BEAM RANCH LLC
Mailing Address: PO BOX 269 LEAVENWORTH, WA 98826
Primary Contact: GRETTE ASSOCIATES, LLC
151 S WORTHEN #101 WENATCHEE, WA 98801
Date Submitted: February 7, 2020
Date Completed: March 9, 2020

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

COMPLETE

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

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

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

Sincerely,

A blue ink signature of Kirsten Larsen is written over a horizontal line.

Kirsten Larsen

03/09/2020

CC: MOON BEAM RANCH LLC
GRETTE ASSOCIATES, LLC

Complete Application Checklist

Sections 14.14.050 and 14.14.060

COMPREHENSIVE PLAN MAP AMENDMENTS

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

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

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

☒ A completed SEPA checklist;

☒ Application Fees.

Catherine Lorbeer

From: Ryan Walker <ryanw@gretteassociates.com>
Sent: Thursday, October 29, 2020 7:58 AM
To: Catherine Lorbeer
Cc: Jim Brown
Subject: [Possible Spam] RE: Staff Report for the upcoming Meeting with the Chelan County Planning Commission regarding CPA 20-001 Moon Beam Ranch - Chelan County Dept. of Community Development

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

Thanks for your response.

From: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Sent: Thursday, October 29, 2020 7:17 AM
To: Ryan Walker <ryanw@gretteassociates.com>
Cc: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: RE: Staff Report for the upcoming Meeting with the Chelan County Planning Commission regarding CPA 20-001 Moon Beam Ranch - Chelan County Dept. of Community Development

Good morning Ryan,

These comp plan amendments are processed as a group for the PC to consider at one time so I won't have the option to split out one on to it's own schedule. Is there someone on your team who might be able cover the item for you?

Respectfully,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: (509) 667-6246

Main office: (509) 667-6225

Catherine.Lorbeer@co.chelan.wa.us

From: Ryan Walker <ryanw@gretteassociates.com>
Sent: Wednesday, October 28, 2020 7:08 PM
To: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Subject: [Possible Spam] FW: Staff Report for the upcoming Meeting with the Chelan County Planning Commission regarding CPA 20-001 Moon Beam Ranch - Chelan County Dept. of Community Development

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

Hi Catherine,

In the meeting tonight I see that the next scheduled meeting is November 18th which I am unavailable for. I'd like to request to continue CPA 20-001 to the next available meeting time.

Please let me know if this works out.

Thanks,

Ryan

From: Wendy Lane <Wendy.Lane@CO.CHELAN.WA.US>

Sent: Friday, October 16, 2020 5:12 PM

To: Ryan Walker <ryanw@gretteassociates.com>

Subject: Staff Report for the upcoming Meeting with the Chelan County Planning Commission regarding CPA 20-001 Moon Beam Ranch - Chelan County Dept. of Community Development

Greetings,

Please see the attached Staff Report for the October 28, 2020 Meeting with the Chelan County Planning Commission regarding Moon Beam Ranch's application, File# CPA 20-001. This Staff Report is for your reference and pertains directly to the application details being considered by the Planning Commission.

If you have any questions pertaining to this application please feel free to contact the Assistant Director, Catherine Lorbeer, at 509-667-6225 or Catherine.Lorbeer@co.chelan.wa.us

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,

Wenatchee, WA 98801

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

Wendy.Lane@co.chelan.wa.us

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



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

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

November 5, 2020

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

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

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

CPA-2020-001, 004 and 005

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

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

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

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

CPA 2020-003

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

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

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

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

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

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

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

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

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

CPA-20-007

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

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

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

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

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

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

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

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

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

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

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

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

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

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

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

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

Ms. Catherine Lorbeer
November 5, 2020
Page 5

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

Sincerely,

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

Scott Kuhta, AICP
Senior Planner
Growth Management Services

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



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 22, 2020

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

Re: CPA 20-001

Dear Emily Morgan:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Comprehensive Plan Map Amendment from Rural Residential/Recreational 5 acres and Rural Residential/Recreational 10 acres to Rural Recreational/Residential, proposed by Moon Beam Ranch, LLC. We have reviewed the documents and have the following comments.

WATER RESOURCES

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

Additionally, this proposal falls within the Boundaries of WAC 173-545 and may be within the Chiwawa River basin. This river was assigned a reservation of 0.5 cubic feet per second of water for future beneficial uses in WAC 173-545-090. For more information about the reservation accounting please contact Chelan County.

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

Sincerely,

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

Gwen Clear
Environmental Review Coordinator
Central Regional Office
509-575-2012
crosepa@ecy.wa.gov

RECEIVED

SEP 24 2020

Chelan County Notice of Application & Environmental Review

Project File No.: CPA 20-001

CHELAN COUNTY
COMMUNITY DEVELOPMENT

Project Location: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by
Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; 27-18-32-330-060

Applicant/Owner: Bill Burgess of Moon Beam Ranch, LLC

Agent: Ryan Walker of Grette Associates, LLC


Application Date: February 7, 2020

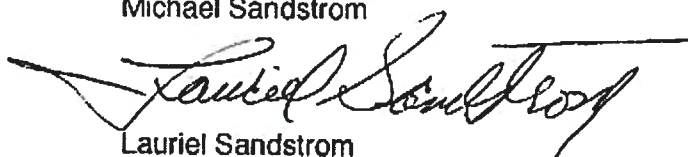
Determination Complete: March 9, 2020

Notice of Application Date: September 10, 2020

In response to this notice we would like to comment. The Chiwawa River Estates was established by a surveyed, unrecorded plat plan dated 3/29/72. Twelve, approximately five acre lots were established with a developed road system to access each lot from the Chiwawa Loop Road. Over the years, five of those lots were sold, based upon the Chiwawa River Estates plat plan. Our family purchased two (#8 and #9) of those lots on Sept. 29, 1987. Lot #10 was purchased by the Luke family in 1974. Later, the Burgess Corporation purchased and logged the remaining seven unsold lots (Not sure of the date but about 25 years ago). We have used and helped maintained the road system continuously with the the Burgess' full knowledge from the date of our purchase. Our concern about changing the zoning on this property is based upon any edits to the original plat plan that limits access to our and our neighbors' lots. We would be better able to comment on this change if future plans for this project were made available to the present owners of the Chiwawa River Estate development. I am including historical documents regarding our purchase and what was represented to use.

Respectfully,


Michael Sandstrom


Lauriel Sandstrom

mail to: 105 N 177th St
Shoreline, WA 98133
Chelan County Home:
11075 Wending Lane
Leavenworth, WA 98826

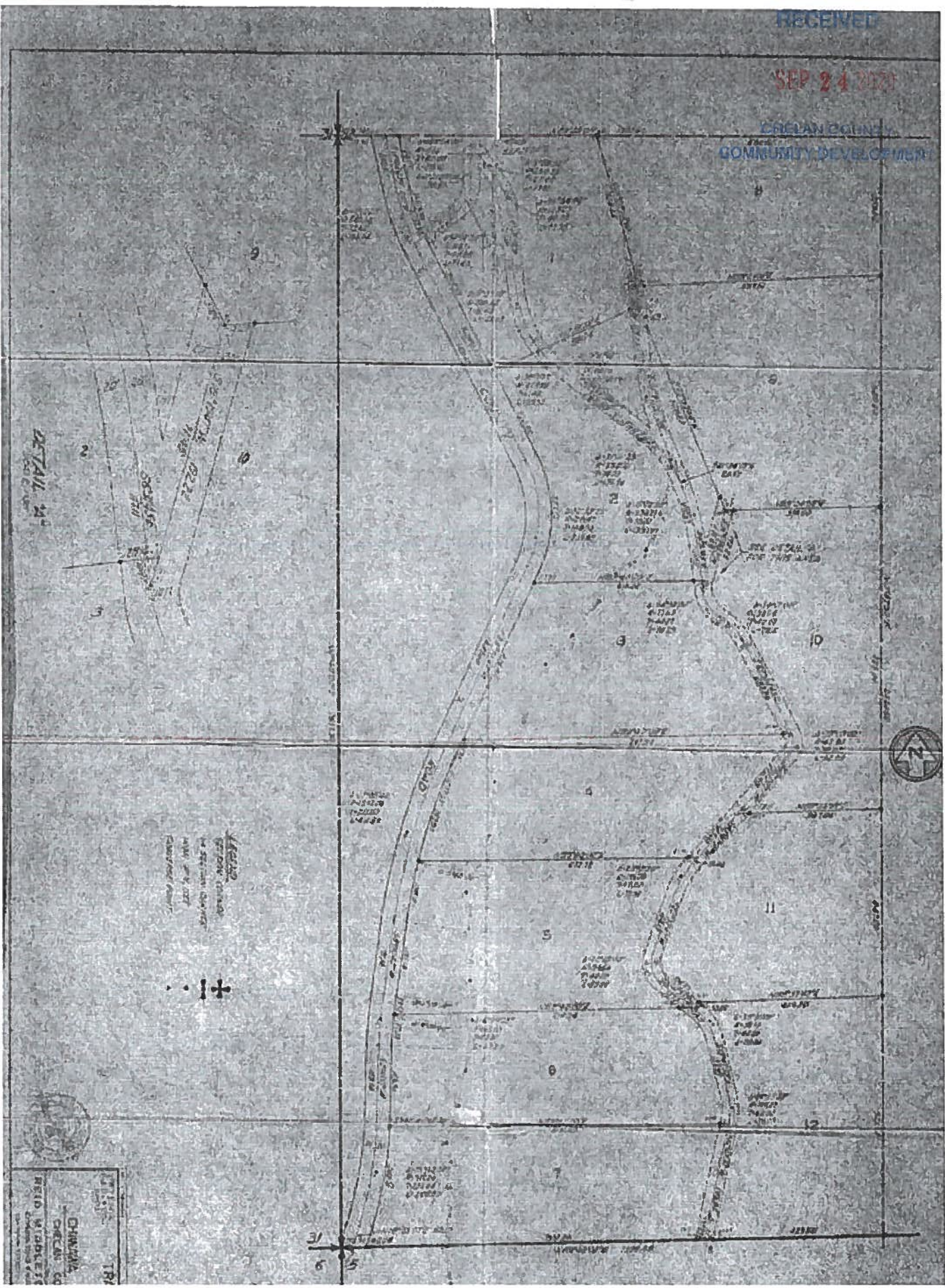
phone #: (206) 200-2167

email to: clsundance@gmail.com

RECEIVED

SEP 24 2020

CRELAN COUNTY
COMMUNITY DEVELOPMENT



DETAIL 24"

LEGEND
SECTION 17-18-19
TO SECTION 20-18-19
AND 20-19-19
CRELAN COUNTY



CHANCELLER
CRELAN CO
REID W. ROBERTS
CLERK

RECEIVED

SEP 24 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

SCHEDULE A

PRELIMINARY COMMITMENT
FOR TITLE INSURANCE

Commitment
No: P57301

Effective Date of Commitment:
JULY 15, 1987 AT 8:00 A.M.

Customer Reference
No:

Prepared for:
ESCROW
CC: RICHARD K. SCRIVNER
MICHAEL AND LAURIEL SANDSTROM

Inquiries should be directed to:

PIONEER TITLE COMPANY
203 ORONDO ST.
WENATCHEE, WA 98801
Attn: CARRIE ESCH

(509)663-1125

Kelly Petersen

1. Policy or policies to be issued:

AMOUNT

(X) WLTA OWNER'S POLICY

LIABILITY : \$22,000.00
PREMIUM : \$198.00
TAX : \$14.85

PROPOSED INSURED:

MICHAEL SANDSTROM AND LAURIEL SANDSTROM,
HUSBAND AND WIFE

2. The estate or interest in the land described or referred to in this commitment and covered herein is a FEE SIMPLE.

3. Title to said estate or interest in said land is at the effective date hereof vested in:

CHIWAWA RIVER ESTATES, A LIMITED PARTNERSHIP

4. The land referred to in this commitment is located in the County of CHELAN, State of Washington, and described as follows:

FOR DESCRIPTION SEE EXHIBIT 'A' ATTACHED HERETO AND BY REFERENCE MADE /
PART HEREOF.

SEP 24 2011

EARNEST MONEY RECEIPT AND AGREEMENT (RESIDENTIAL REAL ESTATE)

CHELAN COUNTY
COMMUNITY DEVELOPMENT

In King County, STATE OF Washington, June 24
RECEIVED OF Michael and Lauriel Sandstrom
five hundred Dollars (\$ 500.00)
money and part payment for the following described real estate, situated in _____, County of Chelan
State of Washington, described as (insert full legal description):

Lot 8 of Tract Map for Chiwawa River Estates

Assessor's Parcel Number 3-2-0050

Lot 9 of Tract Map for Chiwawa River Estates

Assessor's Parcel Number 3-2-0100

(Included in this sale are all awnings, window screens and screen doors; and all plumbing, lighting (except floor and stand lamps), heating (except cooling, ventilating, elevating, watering and water heating apparatus and fixtures; also all shades, curtain and drapery rods, linoleum, and a bath room accessories; together with all trees, plants and shrubbery in yard as of this date)

which we have this day sold to Michael and Lauriel Sandstrom
for the total purchase price of Twenty two thousand dollars
Dollars (\$ 22,000.00); balance of purchase price to be paid as follows:

Cash upon closing

with interest on deferred payments at the rate of N/A percent per annum until paid, the same to be secured by

Owner agrees to deliver a good and sufficient warranty deed, or contract of sale agreeing to convey such, conveying said free and clear of all encumbrances, except

OWNER HEREBY AGREES to furnish an abstract of title or title insurance report complete to this date to said property, within 45 showing good and sufficient title to said real estate, and the purchaser shall have 5 days from the delivery of said abstract of title or title report to examine such and thereafter to complete the purchase according to the terms herein, unless a longer time is required to rectify defect case the purchaser shall have 5 days after defects are rectified in which to complete the purchase according to the terms herein; but shall notify owner within 5 days from date said abstract or title report is delivered for examination, if any defects exist in title; (failure of the undersigned shall be construed as an acceptance of the title); and it is agreed that, if the title is not good and cannot be made good within 10 after notice to owner of the defects in said title, this agreement shall be void and the earnest money shall be refunded; but if said title shall prove to be merchantable title, or one insurable by a reputable title company qualified to do business in the State of WA, owner agrees to have and deliver a warranty deed conveying, or contract agreeing to convey, said premises upon the financing being made as above. Time being the essence of this agreement, in case the purchaser fails to complete the purchase within the time and in the manner above specified earnest money shall be forfeited to the Owner Agent. Purchaser shall be given possession of said real estate within 10 days after provisions have been performed.

For the purpose of this instrument, reservations, rights or easements affecting the above described premises contained in any instrument or the restriction of any Zoning Ordinance, shall not be considered as encumbrances upon said property or clouds upon the title thereto.

IT IS FURTHER AGREED that, in case of buildings upon said premises being destroyed before the consummation of this sale, this contract shall give the option of the purchaser and the earnest money returned. Insurance, taxes, and interest on the encumbrances, if any, are to be adjusted as of delivery of deed or contract as herein provided. All interest to be paid N/A, unless otherwise specified in this agreement.

agree to keep the buildings on said premises, if any, insured in the sum of \$ N/A with loss if any payable to the owner

Wendy Lane

From: Guy Moura (HSY) <Guy.Moura@colvilletribes.com>
Sent: Thursday, September 10, 2020 9:39 AM
To: Wendy Lane; Emily Morgan
Cc: Guy Moura (HSY)
Subject: RE: Request for Comments – CPA 20-001 Moon Beam Ranch, LLC – Chelan County Dept. of Community Development

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

Emily and Wendy,

We have no comment at this time, however, we will request clearances as the lots are developed.

lim læmt, qe?ciéwyew, thank you

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

From: Wendy Lane [<mailto:Wendy.Lane@CO.CHELAN.WA.US>]
Sent: Thursday, September 10, 2020 8:49 AM
To: Bob Plumb; David Spencer; rosa.perez@cdhd.wa.gov; Karina.Alcantar@cdhd.wa.gov; Cindy Grubb; Hankins, Alicia; Mick Lamar; msmith@ccpd.com; sepa@dahp.wa.gov; enviroreview@yakama.com; Guy Moura (HSY)
Subject: Request for Comments – CPA 20-001 Moon Beam Ranch, LLC – Chelan County Dept. of Community Development

Good Morning,

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

Project File No.: File # CPA 20-001
Project Location: Address and Parcel Number: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; & 27-18-32-330-060
Applicant/Owner: Name: William Burgess of Moon Beam Ranch, LLC
Application Date: Date: February 7, 2020
Determination of Complete Date: Date: March 9, 2020
Notice of Application Date: Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject properties from Rural Residential/Recreational 5 acres (RR5) and Rural Residential/Recreational 10 acres (RR10) to Rural Recreational/Residential (RRR).

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

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

Return Comments To: Emily Morgan

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

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



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

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

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

Catherine Lorbeer

From: CD Director
Sent: Thursday, September 3, 2020 9:03 AM
To: Ryan Walker
Cc: Catherine Lorbeer
Subject: Re: Long Range Planning Applications

It is frightening that you are in my head!

I was just going through the applications yesterday with the new Asst Director and she is starting the review process - SEPA and 60-day review. I'm not sure what the PC timeline is for the end of the year - they have a lot of stuff on their plate, but these definitely need to be addressed and heard by the end of the year. Ideally, the public notice should have gone out in July, but the PC was busy with the STRs, Critical areas and zoning text amendments.

We are working on them. In fact, we were discussing that we really need to call or send something out for each of the applications to let the applicant's know that they haven't slipped through the cracks. I'm copying Catherine into this response so she knows you are the agent for that application.

Thanks,
Deanna

From: Ryan Walker <ryanw@gretteassociates.com>
Sent: Thursday, September 3, 2020 8:01 AM
To: CD Director
Subject: Long Range Planning Applications

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

Hi Deanna,

How's it going? I have a rezone application (CPA 20-001) pending. The last correspondence I received was back in April from Kirsten that the public notice would be issued in early July. Who should I contact to check on the status?

Thanks!

Ryan Walker
Senior Biologist
GRETTE ASSOCIATES, LLC
151 S Worthen St. Suite 101 Wenatchee, WA 98801
509-663-6300 Phone 509-630-7917 Cell 509-664-1882 Fax
A BBB Accredited Business



www.gretteassociates.com

Wendy Lane

From: Wendy Lane
Sent: Thursday, September 10, 2020 8:49 AM
To: + DOE Bob Plumb; David Spencer; 'rosa.perez@cdhd.wa.gov'; 'Karina.Alcantar@cdhd.wa.gov'; Cindy Grubb; 'Hankins, Alicia'; 'Mick Lamar'; 'msmith@ccpd.com'; 'sepa@dahp.wa.gov'; 'enviroreview@yakama.com'; 'guy.moura.hsy@colvilletribes.com'
Subject: Request for Comments – CPA 20-001 Moon Beam Ranch, LLC – Chelan County Dept. of Community Development
Attachments: CPA 20-001 Moon Beam Ranch, LLC Application Materials.pdf

Good Morning,

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Return Comments To: Emily Morgan

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

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



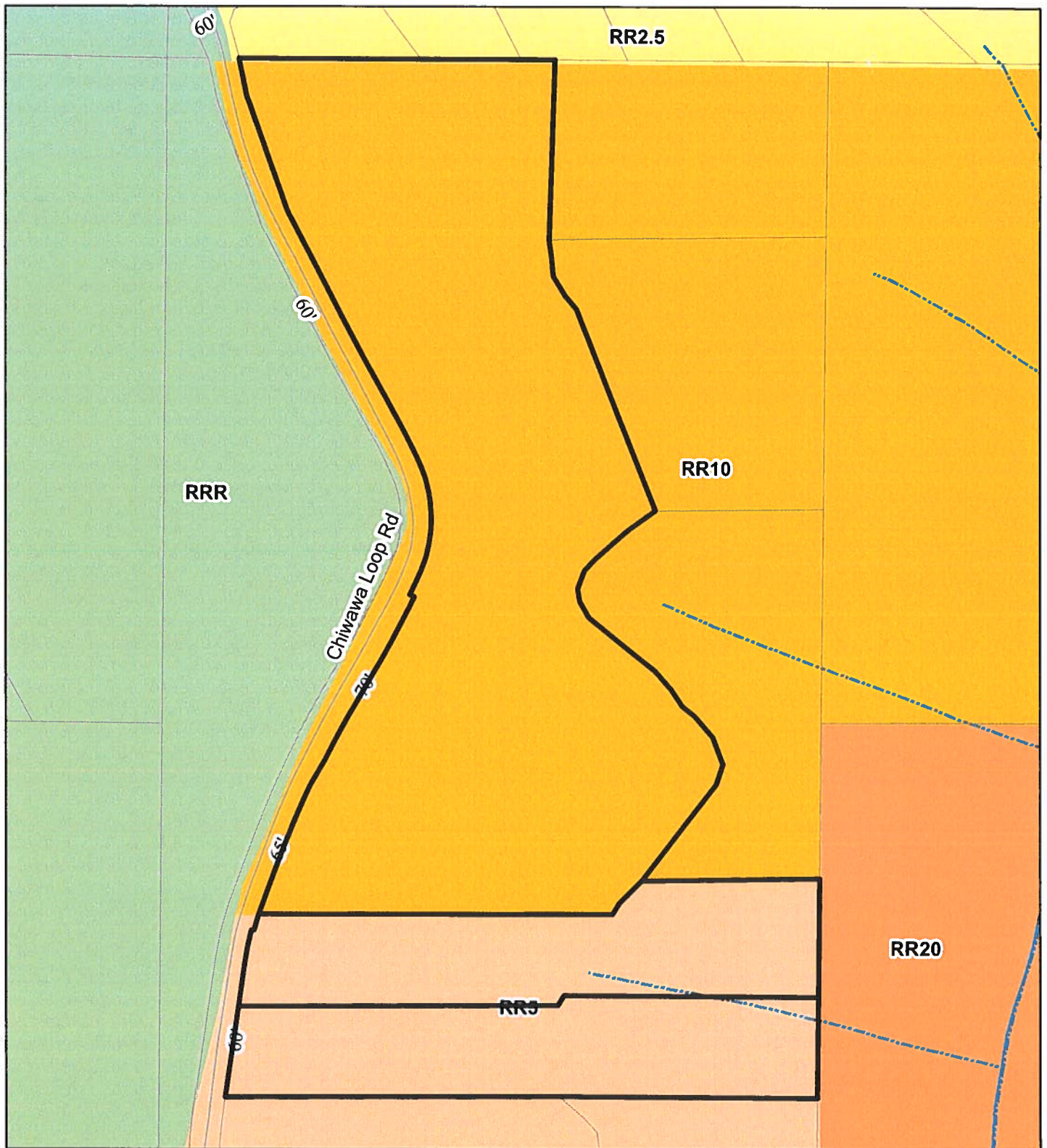
316 Washington Street, Suite 301,
Wenatchee, WA 98801

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

Wendy.Lane@co.chelan.wa.us

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

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CPA 2020-001

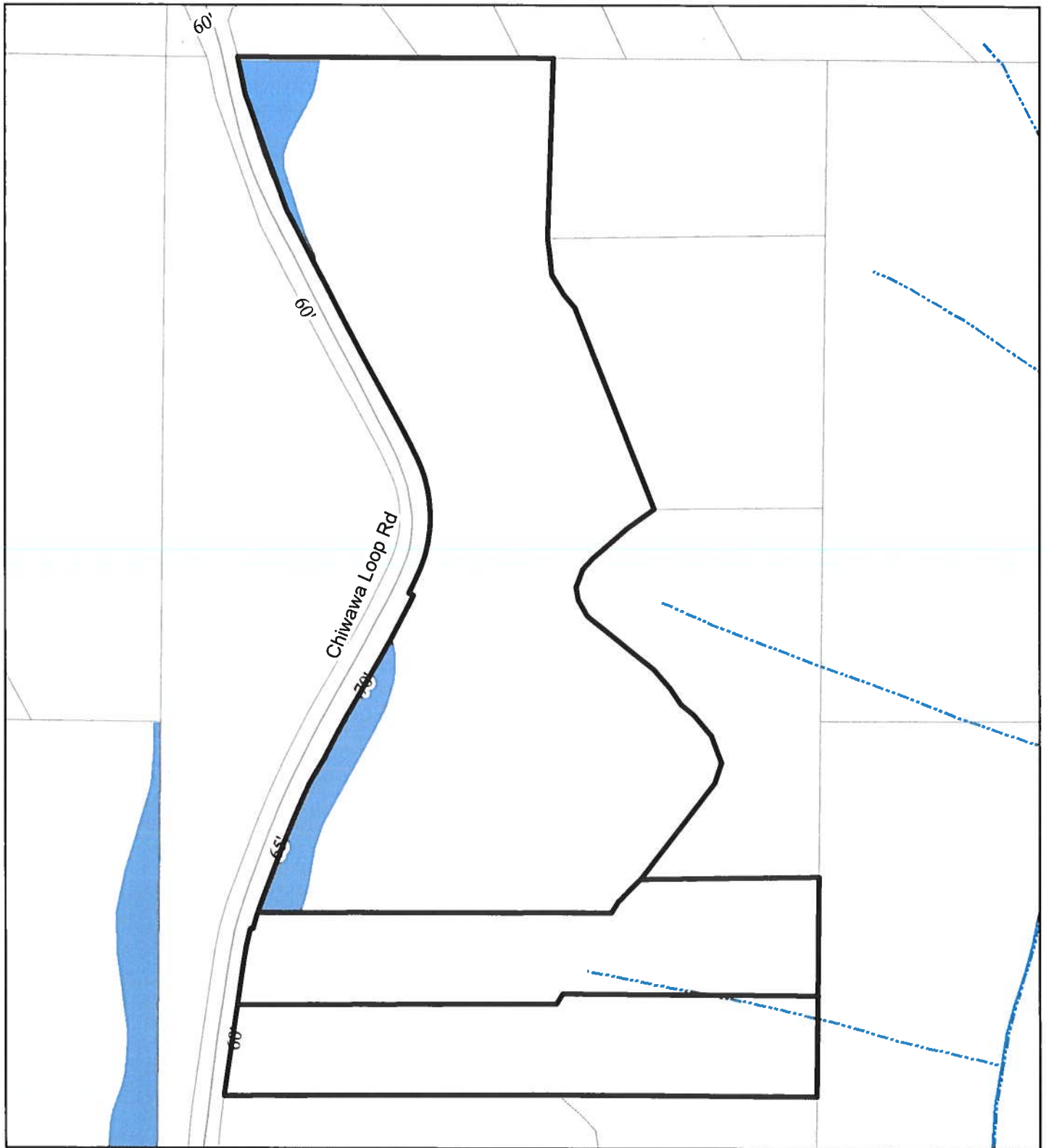
3/9/2020

271832300050, 271832330050,
and 271832330060

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



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**CPA 2020-001
Mineral Overlay**

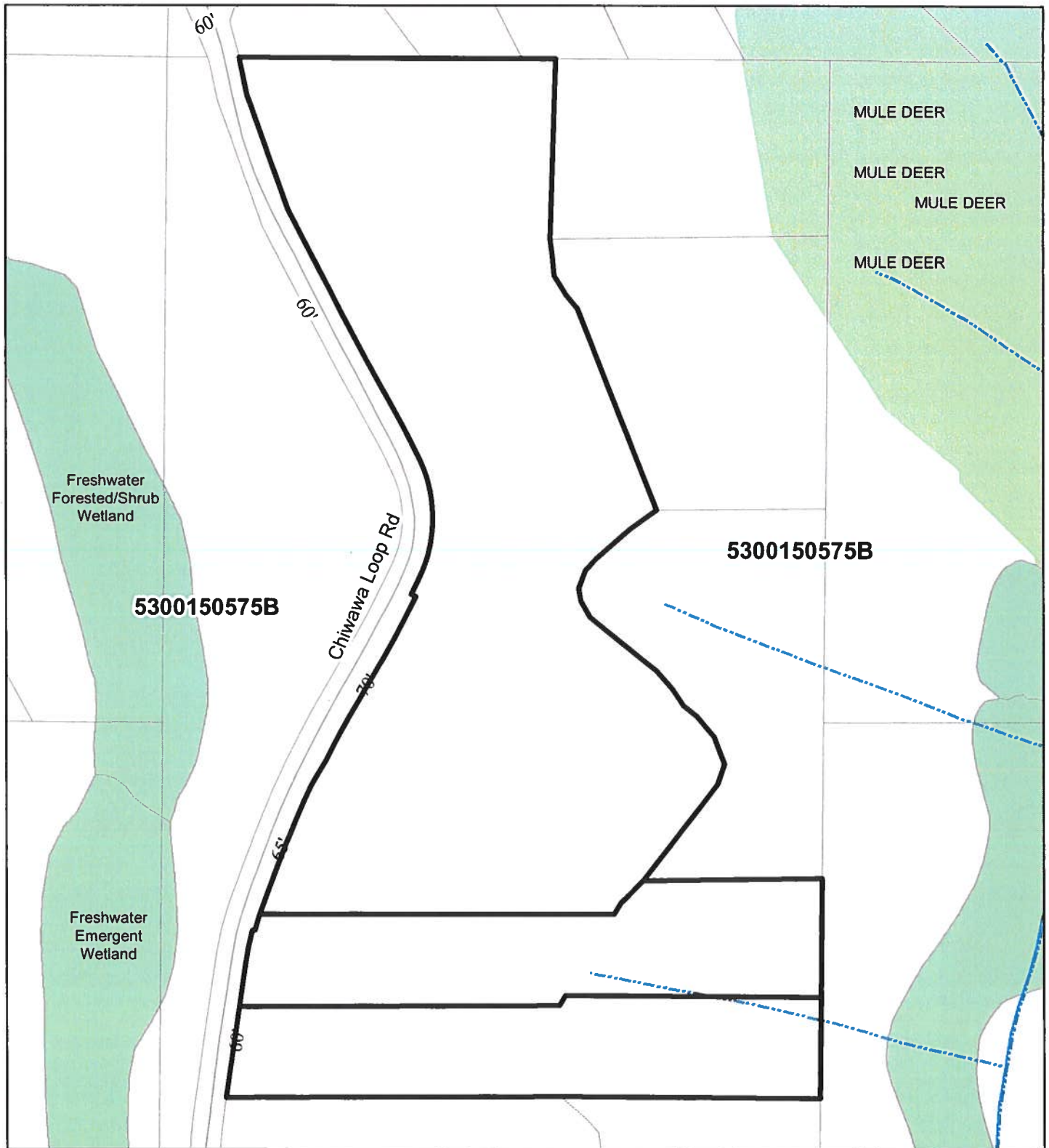
3/9/2020

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CPA 2020-001

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CPA 2020-001

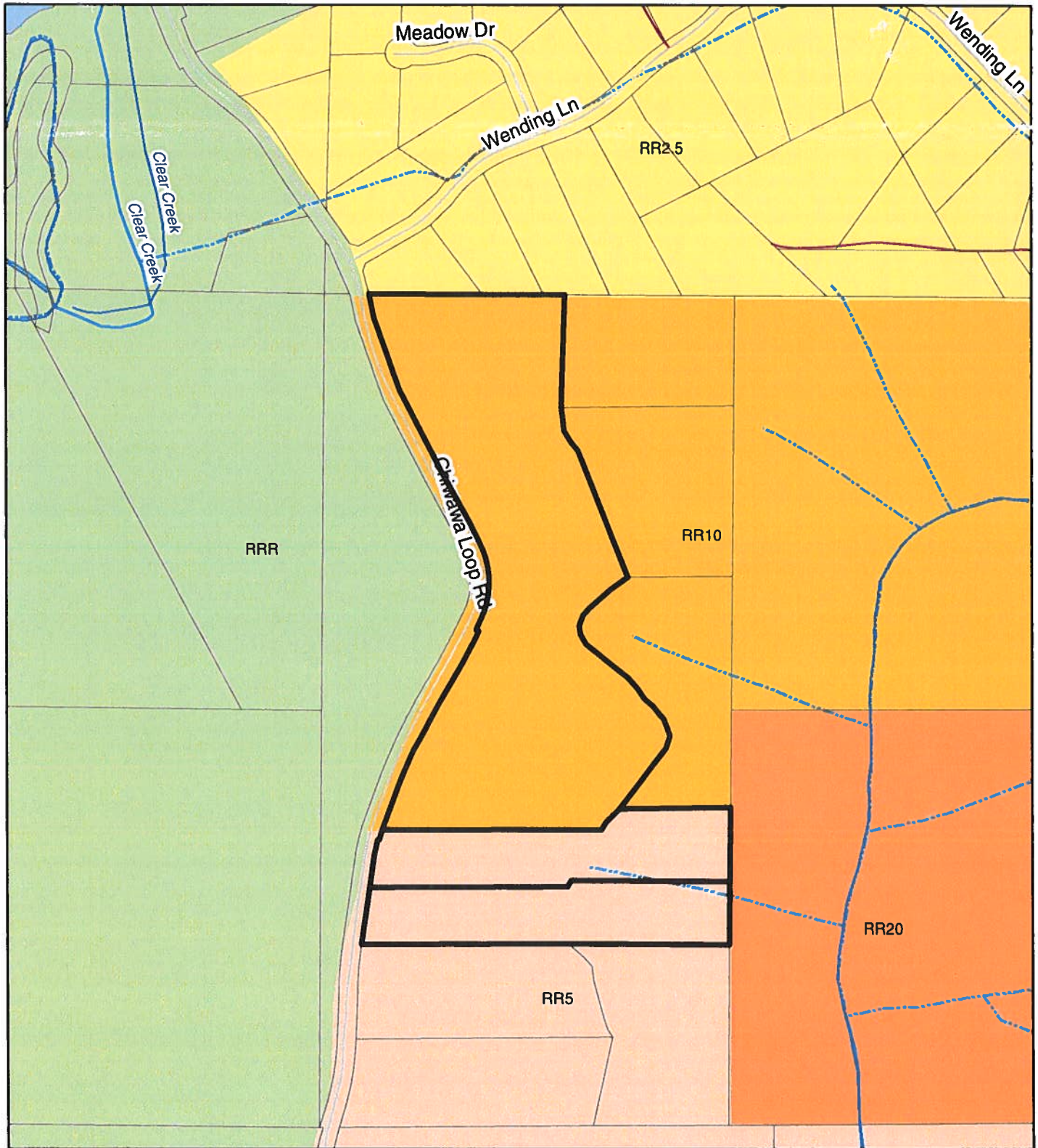
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CPA 20-001
RR10 and RR5
to RRR
38.87 acres

September 10, 2020

APNs 271832300050,
 271832330050,
 271832330060

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CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2020 Comprehensive Plan Map Amendment Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: November 18, 2020
FILE NUMBER: CPA 20-003, Perry

RECOMMENDED MOTION

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

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Commercial Agriculture (AC) to Rural Residential/Resource 2.5 (RR2.5), given file number CPA 20-003, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

GENERAL INFORMATION

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

SEPA Environmental Review

A Determination of Non-Significance (DNS) was issued under WAC 197-11-340(2) for CPA 20-003 on November 5, 2020 (Attachment 1). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency.

Agency Comments:

Department of Commerce provided comments, dated November 5, 2020, that the proposed amendment would not uphold the strong Growth Management Act provisions for conserving agricultural resource lands of long-term commercial significance. Agriculture is a cornerstone of the state economy. The continued "chipping away" on a parcel-by-parcel basis at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County. Refer to Attachment 2 for full comment letter.

Department of Ecology provided comments, dated September 22, 2020, stating that based on the historic agricultural use, there is a possibility the soil contains residual concentrations of pesticides.

Fire District No. 5 provided comments, dated September 18, 2020, stating that alternative fire flow provisions would not be necessary.

The Chelan-Douglas Health District provided comments, dated September 23, 2020, stating no objection to the land use change.

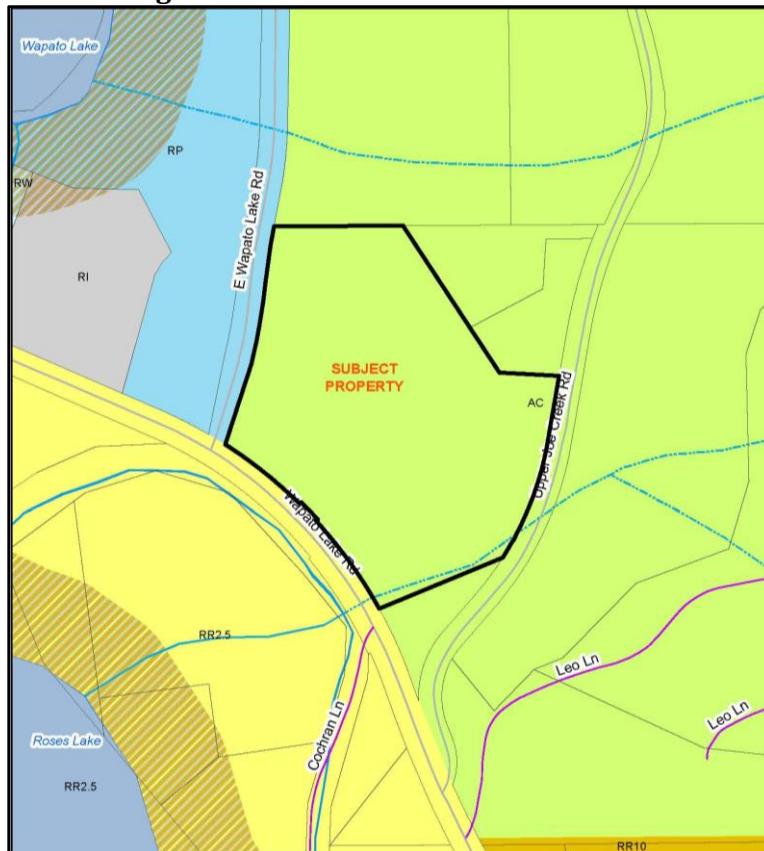
Public Comment:

Anthony and Amanda Zuluaga provided comments, dated September 24, 2020, stating their opposition to the proposed land use change. They find the current use to be a beautiful, 20-year old vineyard. They wish the Perry's would retain the integrity of Manson's agricultural space. The nature of the beautiful valley should be preserved.

PROJECT DESCRIPTION – CPA 20-003 – PERRY

Proposal: An application for a Comprehensive Plan map amendment was submitted by Dan Beardslee (agent) on behalf of Milium Perry (owner) to change the land use designation for the subject property (8.16 acres) from Commercial Agriculture (AC) to Rural Residential/Resource 2.5 (RR2.5). The subject property is located at 155 Upper Joe Creek Rd, Manson, WA 98831 and further identified by Assessor Parcel No.: 28-21-23-440-075. See Attachment 4 File of Record

Chelan County Land Use Designations



Density: The current AC land use designation allows a density of one (1) dwelling unit per ten (10) acres. Under the proposed RR2.5 designation, the density would be one (1) dwelling unit per 2.5 acres. The existing AC land use designation would allow 1 lot; the proposed RR2.5 designation would increase the development potential to 3 lots.

COMPREHENSIVE PLAN

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

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-003:

- 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.
- RE 2.3: Ensure that rural development (residential, commercial and industrial) near designated resource lands occurs in a manner that minimizes potential conflicts and reduces conversion of farm and forest land to non-resource uses. Develop mitigating measures to provide adequate protection against potential conflicts.
- RE 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.
- 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.
- AL 1.5: Agricultural resource lands should be classified and designated based on the criteria and procedures established in WAC 365-190-040, and 050, with special consideration given to long-term viability commercially significant agricultural land.
- 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.
- 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.
- H 2.1: Promote a diversity of housing unit types and densities to meet the needs of all existing and future residents of the County, including both site-built and manufactured and modular homes.

REVIEW CRITERIA

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

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

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

Finding of Fact: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Transportation, 4) Housing, 5) Economic Development and 8) Natural Resource Industries. The proposed land use change would serve to promote a variety of residential densities and housing types.

Chelan County contains agricultural lands that are important to the area economy. The Growth Management Act (GMA) requires counties to designate and conserve resource lands of long-term commercial significance, such as productive agricultural lands, and to discourage incompatible uses.

Overtime, the cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

Agency comments indicate that the proposed amendment would not uphold the strong GMA provisions for conserving agricultural resource lands of long-term commercial significance. Counties are instructed not to review resource lands designations solely on a parcel-by-parcel process, because once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. A comprehensive assessment of natural resource land designations on a county-wide or regional basis is advised. Until such time, the commercial agriculture designation should be retained.

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

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

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

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

Depending on the future lot layout, it may support Policy AL 2.3 and AL 2.4, if the project design provides adequate open space buffers between uses and addresses incompatibility issues with adjacent agricultural resource lands. Buffers can reduce the potential for conflicts between agricultural operations and other land uses.

However, the proposed land use change would not support Policies RE 2.2, RE 2.3, AL 1.4, and AL 1.5. Productive agriculture lands exist in the rural areas. Conserving agricultural lands is of utmost importance to the county and state. To encourage existing and future agricultural development as a viable land use and a significant economic activity within the county, agricultural lands of long-term commercial significance have been designated as Commercial Agriculture (AC) based on the best available information at the time. Conversions of farm land to non-resource uses should be avoided.

The close proximity of rural lands to resource lands is unavoidable and resource activities such as agricultural production contribute to the character of these rural lands. Many activities which take place on resource lands are not, however, compatible with other activities, especially residential uses. Proposed land use changes to designated agricultural resource lands should be prevented because it may limit or eliminate the ability to continue agricultural operations.

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

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

Finding of Fact: The site is currently used for a winery, vineyard and single-family residence, and is comprised of one parcel that is currently designated Commercial Agriculture (AC). The applicant requests to change the 8.16 acres to the Rural Residential/Resource 2.5 (RR2.5), which would extend the land use across the existing boundary and buffer of Wapato Lake Road.

Under the proposed RR2.5 designation, the density would be one (1) dwelling unit per 2.5 acres. The proposed RR2.5 land use designation can be found in areas that provide buffering between existing rural developments and areas of higher or lower density. This designation should not function as an urban reserve area, although these areas may someday be incorporated into an urban growth area.

The property currently has an approved short plat (SP20-003) to create 2 lots, using criteria under Chelan County Code (CCC) Section 11.30.020 that allow lot size reduction for existing dwellings. CCC Section 11.97.020, Nonconforming lots of record, allows all structures and uses identified in the Commercial Agriculture (AC) use chart to be established or constructed on legal lots of record.

The purpose of the Commercial Agriculture (AC) land use designation is 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.

Conclusion: Based on the designation/siting criteria for RR2.5 designation as outlined in the Comprehensive Plan, the proposed amendment would not be consistent.

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

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

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

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

Finding of Fact: Land uses surrounding the property include tree fruit production and rural residential uses. The properties to the north are zoned Commercial Agricultural (AC). Properties to the east are zoned Commercial Agricultural (AC). Properties to the south are zoned Commercial Agricultural (AC). Properties to the south and west across Wapato Lake Road are zoned Rural Residential/Resource 2.5 (RR2.5). Roses Lake lies farther to the southwest.

Public comment state opposition to the proposed land use change and express a desire to retain the integrity of Manson's agricultural space. The nature of the beautiful valley should be preserved.

Potential negative impacts to Commercial Agricultural (AC) lands from more intense land uses should be avoided through the application of appropriate mitigation measures and/or the use of innovative techniques. Based on CCC 11.88.040(8), no dwelling unit is to be placed within 100 ft. of any property line that abuts commercial agriculture. This code provision is to protect property owners from uses that occur within agricultural areas that may not be compatible with residential development (i.e. noise, spraying). Being as the subject property does share common lot lines with properties zoned AC, this provision would still apply to any further residential development that may be proposed unless waived by the property owners.

Conclusion: The proposed amendment would extend RR2.5 land uses to the east across Wapato Lake Road buffer and would adversely affect the surrounding commercial agriculture land uses.

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

Finding of Fact: Chelan County contains agricultural lands that are important to the economy of the area. The subject parcel is comprised of one parcel that is currently designated Commercial Agriculture (AC). The site contains a winery, vineyard and single-family residence. Physical characteristics include increasing grades, landscape plants, deciduous brush and trees, in an area shown to have erosive soils, and possible lead/arsenic from historic orchard use.

Conclusion: The proposed land use change would result in a loss of Commercial Agricultural (AC) lands that are considered to have long term commercial significance. The proposed amendment does not adversely affect lands designated critical areas in ways that cannot be mitigated.

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

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

As previously noted, the property already has an approved short plat (SP20-003) to create 2 lots. With the proposed amendment, a potential development of 3 total lots would modestly contribute to the projected growth of the Comprehensive Plan and would therefore not result in an adverse impact.

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

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

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

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

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

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for

environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on November 5, 2020.

5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on September 17, 2020, submittal ID No. 2020-S-1793 (Attachment 3), pursuant to RCW 36.70A.106.
6. A request for a Comprehensive Plan Map Amendment was submitted by Dan Beardslee (agent) on behalf of Milium Perry (owner) to change the land use designation for the subject property (8.16 acres) from Commercial Agriculture (AC) to Rural Residential/Resource 2.5 (RR2.5). The subject property is located at 155 Upper Joe Creek Rd, Manson, WA 98831 and further identified by Assessor Parcel No.: 28-21-23-440-075.
 - a. The location and characteristics are not consistent with Chelan County Comprehensive Plan designation for Rural Residential/Resource 2.5 (RR2.5), as outlined in this staff report.

CONCLUSIONS OF LAW

1. The amendment to the Chelan County Comprehensive Plan is not consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendment does not comply with the Comprehensive Plan designation/siting criteria.
3. The amendment does adversely affect the surrounding commercial agriculture land uses.
4. The amendment does adversely affect designated resource lands of long-term commercial significance but does not adversely affect lands designated critical areas in ways that cannot be mitigated.
5. The amendment does not adversely affect the supply of land for various purposes available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.
6. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
7. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
8. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, SEPA Rules have been satisfied.

STAFF RECOMMENDATION

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

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Commercial Agriculture (AC) to Rural Residential 2.5 (RR2.5), given file number CPA 20-003, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

ATTACHMENTS

1. SEPA Determination, signed November 5, 2020
2. Agency Comment dated November 5, 2020 from the WA Dept. of Commerce
3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
4. File of Record for CPA 20-003



CHELAN COUNTY

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

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

Project Description: Amendment to the Chelan County Comprehensive Plan to change the land use designation from Commercial Agricultural (AC) to Rural Residential/Resource 2.5 (RR2.5).

File Number: CPA 20-003

Parcel Number: 28-21-23-440-075

Site Address: 155 UPPER JOE CREEK RD, MANSON, WA 98831

Owner: SMITH KATHRYN AND MILIUM PERRY
PO BOX 303, MANSON, WA 98831

Agent: BEARDSLEE DANIEL E
325 32ND ST NW, EAST WENATCHEE, WA 98802

Lead Agency: Chelan County Department of Community Development

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

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

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

Responsible Official: Catherine Lorbeer, Assistant Director / SEPA Responsible Official

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

Phone: (509) 667-6225

Signature:

A handwritten signature in blue ink that reads "Catherine Lorbeer".
Catherine Lorbeer, SEPA Responsible Official

Date:

A handwritten date in blue ink that reads "November 5, 2020".



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

November 5, 2020

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

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

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

CPA-2020-001, 004 and 005

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

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

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDS is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

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

CPA 2020-003

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

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

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

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

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

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

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

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

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

CPA-20-007

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

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

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

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

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

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

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

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

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

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

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

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

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

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

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

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

Ms. Catherine Lorbeer

November 5, 2020

Page 5

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

Sincerely,



Scott Kuhta, AICP

Senior Planner

Growth Management Services

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



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

09/17/2020

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

Sent Via Electronic Mail

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

Dear Ms. Lorbeer:

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

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

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

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

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

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

Sincerely,

Review Team
Growth Management Services



File(s) No. _____

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

GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): 282123440075

Parcel Address: Wapato Lake Rd., Lower Joe Creek Rd. - 155 Upper Joe Creek Rd. Lot Size: 8.16 (Acres)Property Owner(s): Milum Perry City/Zip Code: MansonMailing Address: c/o Dan Beardslee, agent for applicant - 325 32nd St. NW Zoning: ACCity/State/Zip Code: East Wenatchee, WA 98802Phone: 509.670.4318E-mail: dan.beardslee@gmail.comApplicant/Agent (if different than owner): Perry Milum, principal ownerCompany and Mailing Address: c/o Dan Beardslee, 325 32nd St. NWCity/State/Zip: East Wenatchee, WA 98802Phone: 509.670.4318E-mail: dan.beardslee@gmail.com

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

.....

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

Application For: (Check all that apply)

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

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

APPLICABILITY SECTION

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

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

The following attachments are required for a complete application:

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

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GENERAL INFORMATION

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

See attached narrative

☐ Narrative attached

Please complete the following:

1. Any related files (such as Pre-Applications): Short Plat 20-003 - 2 lot short Plat
2. Is the subject property located within an Urban Growth Area (UGA)? ☒ No ☐ Yes
If "yes", which UGA? _____
3. Please describe adjacent land uses in all directions around the subject property:
North: Single family homes
South: Orchard and rural residential
East: Rural Residential
West: LCRD Maintenance facilities
4. What is the current use of the property? Winery, vineyard, and single family residence
5. Sanitation Disposal: ☐ N/A ☒ Septic Permit ☐ Sewer District: _____
6. Water Source: ☐ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B
☒ Public Water Supplier: LCRD
7. Irrigation Water:
☐ N/A ☒ Yes (Private) ☐ Yes (Public) Irrigation District/Purveyor: LCRD
8. Fire District: 5 School District: Manson
9. Power Service: Chelan PUD
10. Are there critical areas or critical area buffers on the property?
☐ Airport Overlay: _____
☐ Aquifer Recharge Area (see attached) _____
☐ Floodplain / Floodway _____
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
☒ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
☐ Habitat/Riparian Area, protected species/area: _____
☐ Streams / Waterbodies: _____ ☐ Shoreline Environment Designation: _____
☐ Drainage or Seasonal Stream: _____ ☐ Wetland, if so what category: _____
☐ Cultural or Archeological: _____
11. Will landfill be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
12. Will excavation be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?
No site development is proposed
14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

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

No development is proposed at this time

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

Short Plat 20-003

AQUIFER RECHARGE AREA DISCLOSURE SECTION

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

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

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

EVALUATION CRITERIA

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

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

DNA A. Within a wellhead protection area designated under WAC 246-290; ***Wellhead Protection Area:** The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

DNA B. Within an aquifer recharge area mapped and identified by a qualified ground water scientist;

DNA C. The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;

DNA D. The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended;

APPLIES E. The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; ****Highly Permeable Soils:** Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand).

Does not Apply F. Within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act (**None currently designated in Chelan County**);

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

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

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

CANNABIS DISCLOSURE SECTION

SUB-SECTION I: Circle

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

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

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FEB 24 2020

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

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

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

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

SITE PLAN CHECKLIST SECTION

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

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File(s) No. CRA 20003

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

ACKNOWLEDGEMENT SECTION

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

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

Initials

(Owner and, if applicable, Applicant)

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

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File(s) No. CRA
20-003

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

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

Owner Signature: [Signature] Place: EAST WENATCHEE Date: 2/24/2020

Print Name: Rory Milum

Owner/Applicant/Agent Signature: [Signature] Place: EAST WENATCHEE Date: 2/14/2020

Print Name: Dan Berndtlee

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____

Print Name: _____

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NARRATIVE

REZONE REQUEST

PORTIONS OF SECTION 23, T. 28 N., R. 21 E.W.M.

CHELAN COUNTY

Legal Description

Lots 1 through 4, of Short Plat N. 2538, recorded in Vol. 12 of Short Plats, Page 56, records of Chelan County, Washington.

Summary of Parcel Numbers and Acreages

282123440075	8.16
--------------	------

Rezone request

Current zone: AC

Requested zone: RR 2.5

Conformance with CCC 14.13.040

While this application is for a rezone (comp plan change) and not strictly a development regulation amendment, CCC 11.96.010, suggests that the application should contain this analysis:

1. *Is the amendment necessary to resolve a public land use issue or problem?*

The parcel contained in this zone is less than 10 acres, the minimum lot area under the AC zoning. This creates a situation where the existing lot is non-conforming and thus must comply with the non-conformance rules found in CCC 11.97 which provides that "no use of any structure or premises shall hereafter be commenced or expanded which is nonconforming..."

This amendment will relieve that burden on the property owner at least to the extent the uses found in the RR 2.5 zone are more in line with the existing uses on the property.

2. *Is the amendment consistent with the goals of the Growth Management Act, Chapter 36.70A RCW?*

This amendment is consistent with siting criteria suggested by GMA, inasmuch as the property does not fit the designation criteria for lands of long-term commercial agriculture, which is the key component of the AC zone. The properties already contain a residence and a winery, and thus is developed in such a way as to effectively make these lands unimportant in the context of long-term commercial agricultural significance.

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3. *Does the amendment comply with or support comprehensive plan goals and policies and/or county-wide planning policies?*

The existing AC zoning is entirely inconsistent with the goals and policies relate to "Agricultural Resource Lands" found on page 3 of 18 – resource element, except to the extent that it calls for "Periodic re-examination of Commercial Agricultural designations."

Clearly the property included in this application should be re-examined. Probably the designation as AC was improperly applied since the short plat that includes this property was approved and recorded prior to adoption of the comprehensive plan and mapping, since it does no meet the 10-acre threshold.

The designation criteria for RR 2.5 are found starting at page 9 of 17, of the Rural Element of the Comprehensive Plan. The key locational guideline is no. 5: *"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."*

This siting criterion is as close as can be found in the comp plan, without creating a spot zone issue, by zoning the property RV, which is the only rural zone compatible with the smallest lots. The property to the South is already zoned RR 2.5, so this amendment would be a natural continuation of that designation.

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.*

As discussed above, the lands as already does not qualify as lands of long-term commercial significance due to the size and character of the neighborhood.

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

It is good practice to recognize the existing development patterns, which in this case are more in line with RR 2.5 than AC. In terms of general welfare, it is never good planning practice to create non-conformance issues, which the AC zoning does, and thus affect future sales and management of the properties.

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Emily Morgan

From: Dan Beardslee <dan.beardslee@gmail.com>
Sent: Thursday, September 3, 2020 12:53 PM
To: Emily Morgan
Subject: Fwd: Milum Perry comp plan amendment / rezone

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

Dan Beardslee, PLS

----- Forwarded message -----

From: Dan Beardslee <dan.beardslee@gmail.com>
Date: Thu, May 7, 2020 at 4:38 PM
Subject: Re: Milum Perry comp plan amendment / rezone
To: RJ Lott <RJ.Lott@co.chelan.wa.us>
Cc: Milum Perry <milump@hotmail.com>

RJ

I sent this narrative with the signed SEPA checklist.

With respect to compliance with CCC 14.14.050(C), please consider the following:

- (v) This amendment should have no measurable effect on any capital facilities of Chelan County, since nothing is being proposed in terms of improvements nor any increase in the burden on County infrastructure. No levels of service will be compromised.**
- (vi) There are a variety of land-uses surrounding the property ranging from tree fruit production to rural residential. This proposal would have no effect on any existing land uses and is a much better fit in terms of zoning than the current AC zone, since the properties meet none of the designation criteria for AC zoning. The nearest and best fit is RR 2.5.**
- (vii) The rezone will have no impact on resource lands.**
- (viii) The effect of this rezone will be no impact (at least not measurably) on the supply of land for various purposes. The properties are already developed.**
- (vix) This proposal will make the existing land-uses more consistent with the comprehensive plan, especially in terms of satisfying the designation criteria of that plan.**

Please let me know that you receive this response just to make sure we don't miss any important timeline. Let me know, also, if I have missed anything.

I will modify the application and send it.

Dan Beardslee, PLS

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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

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

Instructions for applicants:

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

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

Instructions for Lead Agencies:

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

Use of checklist for nonproject proposals:

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

A. Background

1. Name of proposed project, if applicable:
2. Name of applicant: **Milum Perry (Dan Beardslee, Agent – primary contact)**
3. Address and phone number of applicant and contact person:

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**CHELAN COUNTY
COMMUNITY DEVELOPMENT**

Reviewed by Emily Morgan, Project Planner

325 32nd St. NW
East Wenatchee, WA 98802
509.670.4318

4. Date checklist prepared: **February 17, 2020 – Revised June 2, 2020**
5. Agency requesting checklist: **Chelan County Community Development**
6. Proposed timing or schedule (including phasing, if applicable): **Complete upon approval**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **Environmental checklist for SP 2020-03**
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Chelan County SP 2020-03

10. List any government approvals or permits that will be needed for your proposal, if known.

Comp plan amendment and rezone

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

Rezone properties currently zoned AC to RR 2.5

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

Wapato Lake Rd. – see exhibit map

B. Environmental Elements

1. Earth

- a. General description of the site: **Existing house, winery, and vineyard**

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(circle one): Flat, rolling, hilly, steep slopes, mountainous, other **gently sloping**

b. What is the steepest slope on the site (approximate percent slope)? **15%**

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

Generally sandy/gravelly soils

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No

*located in
geo hazard for
known erosive soils
— geological site assessment
on record w/ county*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

No grading or filling is proposed

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No clearing or construction is proposed

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

About 5% — existing structures & driveways

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No activities are proposed that would result in erosion.

2. Air

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

None

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No

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

None proposed

3. Water

a. Surface Water:

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

No.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

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- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Existing approved on site septic systems will discharge household sewage.

c. Water runoff (including stormwater):

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

No new source of runoff is proposed.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed.

4. Plants

a. Check the types of vegetation found on the site:

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

- b. What kind and amount of vegetation will be removed or altered?

None.

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SEP 03 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT
Page 5 of 14

- c. List threatened and endangered species known to be on or near the site.

None known

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No new landscaping is proposed.

- e. List all noxious weeds and invasive species known to be on or near the site.

None known

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: **hawk, heron, eagle, songbirds**, other:

mammals: **deer, bear, elk, beaver**, other:

fish: **bass, salmon, trout, herring, shellfish**, other _____

- b. List any threatened and endangered species known to be on or near the site.

None known

- c. Is the site part of a migration route? If so, explain.

No

- d. Proposed measures to preserve or enhance wildlife, if any:

None proposed

- e. List any invasive animal species known to be on or near the site.

None known

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

No activities are proposed that will increase energy or resource needs.

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- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

No

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

No specific measures are proposed.

7. Environmental Health

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

- 1) Describe any known or possible contamination at the site from present or past uses.

None known.

*Possible lead/arsenic from historic
orchard use*

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

None known.

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

None

- 4) Describe special emergency services that might be required.

None

- 5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed.

b. Noise

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

None.

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SEP 03 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT
Page 7 of 14

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

None.

3) Proposed measures to reduce or control noise impacts, if any:

None proposed.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site has an existing winery, vineyard, and single family home. No uses are proposed to be changed.

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

Yes. A portion of the property is a working vineyard. Nothing is being converted.

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

No.

c. Describe any structures on the site. **Winery and single family home.**

d. Will any structures be demolished? If so, what?

None.

e. What is the current zoning classification of the site?

AC-10

Commercial Agricultural Lands (AC)

f. What is the current comprehensive plan designation of the site?

AC-10

Commercial Agricultural Lands (AC)

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g. If applicable, what is the current shoreline master program designation of the site?

Not applicable

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

Yes – see geo-haz report submitted with SP 2020-03.

i. Approximately how many people would reside or work in the completed project?

Around 6

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

No specific measures are proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposal is consistent with adopted land-use plans.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

No new units are proposed.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None proposed

10. Aesthetics

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Page 9 of 14

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No new structures are proposed.

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

No specific measures are proposed.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

No new sources will be developed.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No

- c. What existing off-site sources of light or glare may affect your proposal?

None

- d. Proposed measures to reduce or control light and glare impacts, if any:

No specific measures are proposed.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

There are no designated recreation facilities in the immediate area. Informal activities include cycling, boating, fishing, and similar activities.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed.

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13. Historic and cultural preservation

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

None

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

See plans submitted. Primary access is from East Wapato Lake and Upper Joe Creek Rds.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

None and None

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

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SEP 03 2020

No.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

No new traffic will be generated.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

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

None proposed.

15. Public Services

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

No.

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

None proposed.

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, **water**, **refuse service**, **telephone**, sanitary sewer, **septic system**,
other _____
- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Domestic Water – Lake Chelan Reclamation District
Electricity – Chelan PUD
Fiber – Chelan PUD

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SEP 03 2020

C. Signature

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

Signature: [Signature]

Name of signee PAT BENNETT

Position and Agency/Organization Agent for applicant

Date Submitted: 6/12/2010

D. Supplemental sheet for nonproject actions

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

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

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

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

No

Proposed measures to avoid or reduce such increases are: None proposed

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

No effect

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None proposed

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

Not at all

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SEP 03 2010

CHELAN COUNTY

COMMUNITY DEVELOPMENT

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

None proposed

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

No

Proposed measures to protect such resources or to avoid or reduce impacts are:

None proposed

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

No effect.

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

None proposed

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

No

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

None proposed

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

No effect, no conflict

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SEP 03 2020



REZONE EXHIBIT MAP



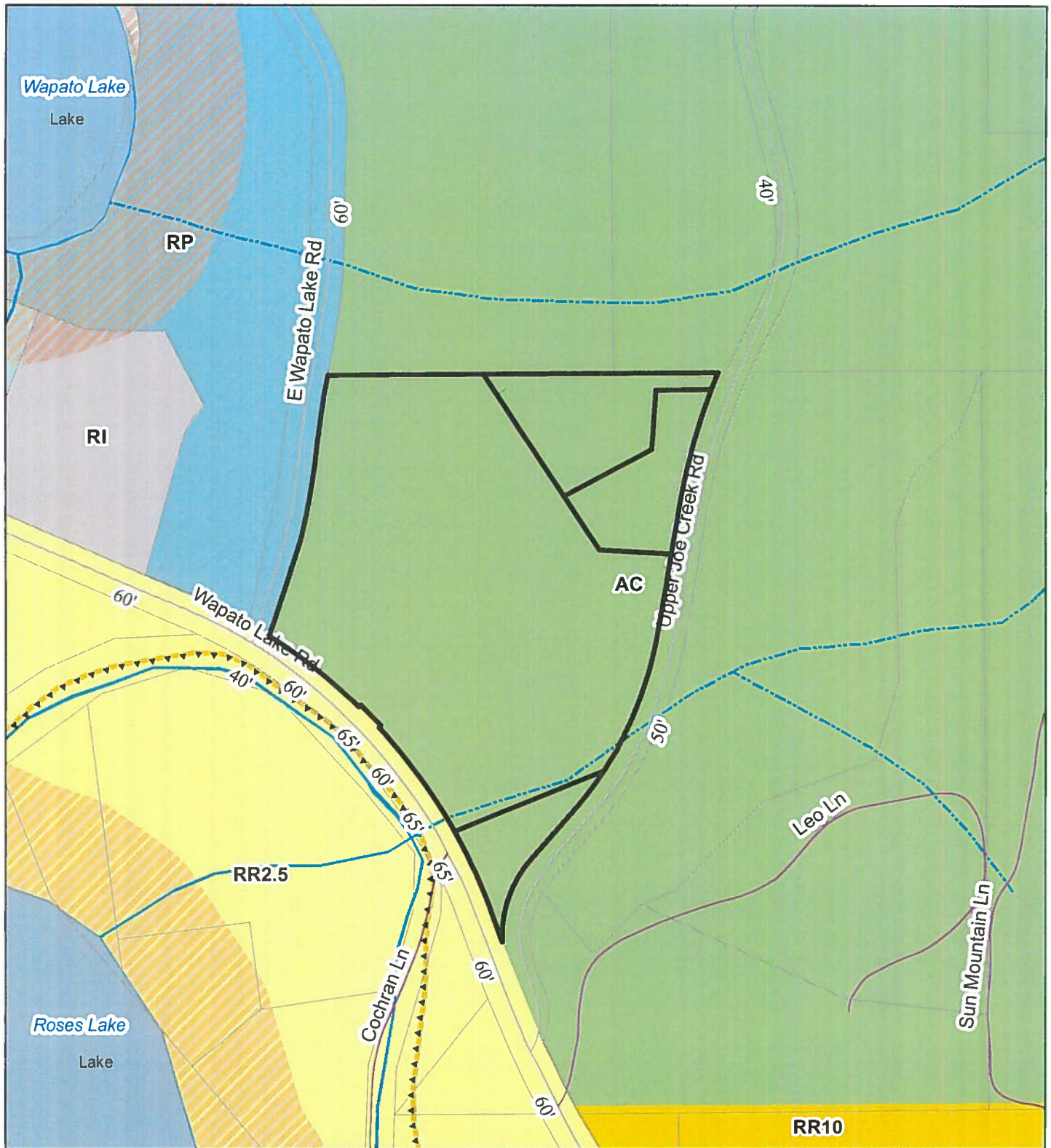
1" = 100'

Revised

RECEIVED

SEP 03 2029

CHELAN COUNTY
COMMUNITY DEVELOPMENT



CPA 2020-003

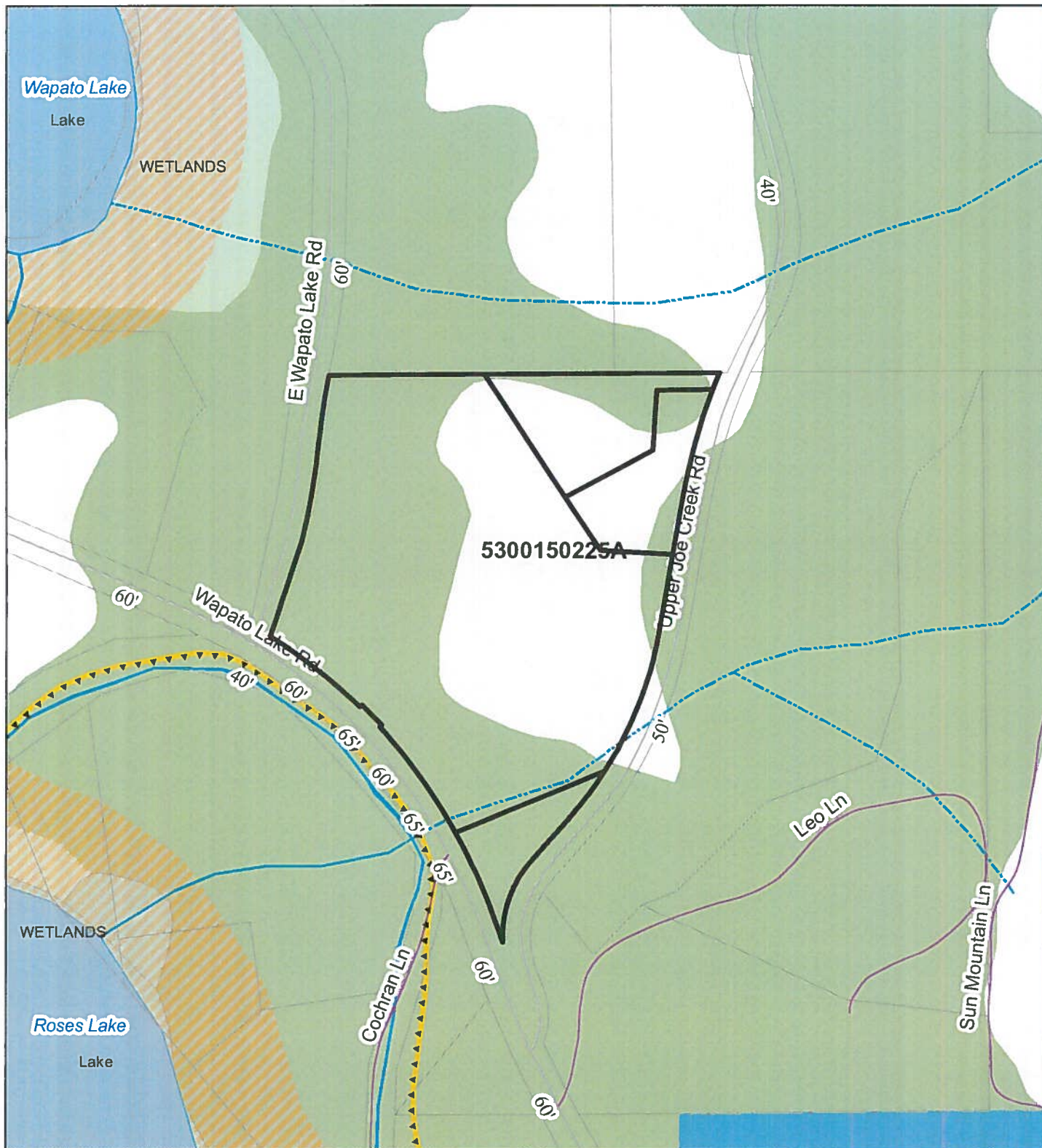
3/6/2020

28213440080, 282123440075,
282124330300, 282123440070

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



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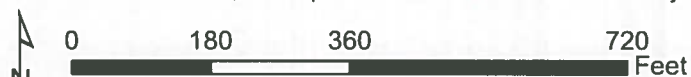


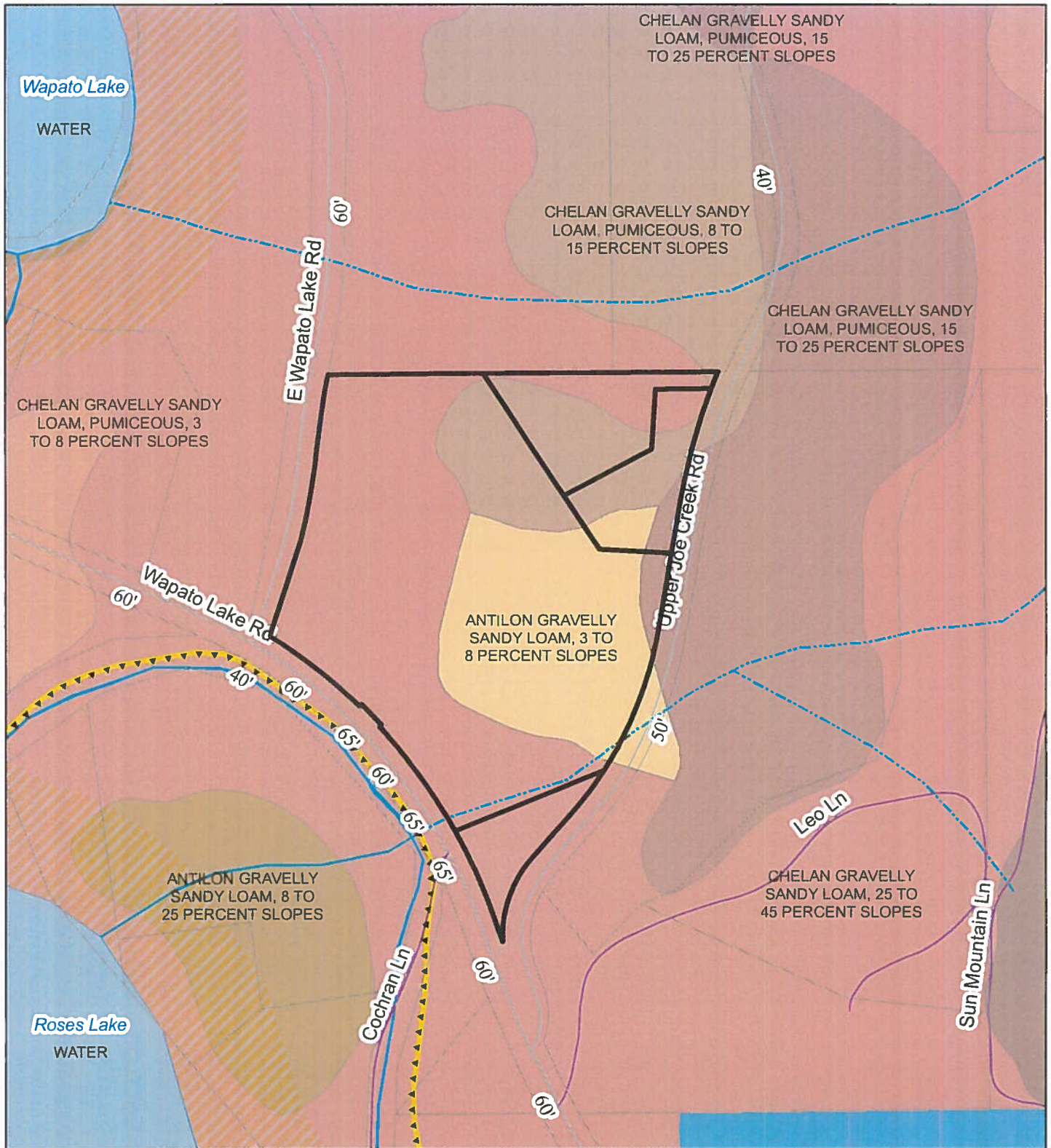
CPA 2020-003

3/6/2020

28213440080, 282123440075,
282124330300, 282123440070

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CPA 2020-003

3/6/2020

28213440080, 282123440075,
282124330300, 282123440070

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CPA 2020-003

3/6/2020

28213440080, 282123440075,
282124330300, 282123440070

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0 180 360 720 Feet



CHELAN COUNTY

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

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

Project Description: Amendment to the Chelan County Comprehensive Plan to change the land use designation from Commercial Agricultural (AC) to Rural Residential/Resource 2.5 (RR2.5).

File Number: CPA 20-003

Parcel Number: 28-21-23-440-075

Site Address: 155 UPPER JOE CREEK RD, MANSON, WA 98831

Owner: SMITH KATHRYN AND MILIUM PERRY
PO BOX 303, MANSON, WA 98831

Agent: BEARDSLEE DANIEL E
325 32ND ST NW, EAST WENATCHEE, WA 98802

Lead Agency: Chelan County Department of Community Development

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

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

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

Responsible Official: Catherine Lorbeer, Assistant Director / SEPA Responsible Official

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

Phone: (509) 667-6225

Signature:


Catherine Lorbeer, SEPA Responsible Official

Date:



Affidavit of Publication

STATE OF WASHINGTON } SS
COUNTY OF CHELAN }

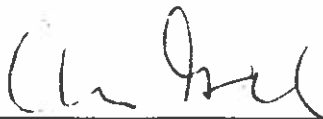
NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

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

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

September 10, 2020

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



Chris Gerber, Notary Public, Chelan County, Washington

My commission expires: March 07, 2022

00002552 00094288 509-667-6475

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

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

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

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

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

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

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

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



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

STATE OF WASHINGTON)
)
COUNTY OF CHELAN) **CPA 20-003**

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

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

That the general notice of land use action containing the permit #, applicant name and a description of the proposal for a Comprehensive Plan Map Amendment, CPA 20-003, was maintained on the subject property, in accordance with the records of property ownership of the Chelan County Assessor, in good conditions from 9/10/2020 (date of posting the project site by the Chelan County Department of Community Development), through 9/24/2020 (the end of the public comment period), and the affidavit returned to the Chelan County Department of Community Development on 9/28/2020.



Signature

9/28/2020
Date

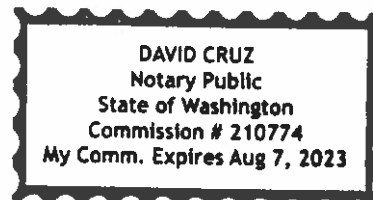
ACKNOWLEDGEMENT

This is to certify that on 28 day of Sept, 2020.

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


Notary Public in and for the State of Washington,
residing in Chelan County

My commission expires AUG 7, 2023



File: CPA 20-003

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

STATE OF WASHINGTON)
)
COUNTY OF CHELAN) SS

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

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

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

- ☐ Notice of Shoreline Application
☒ Notice of Application
☐ Other _____

to all property owners within 1000 feet (excluding 60 feet of Street rights of way pursuant to Section 14.08.060 (1)(B), Chelan County Code) of the project boundary in accordance with the records of property ownership of the Chelan County Assessor and any other interested parties. A copy of the mailing list is attached to this affidavit.

Wendy Lane
Signature

September 10, 2020
Date

ACKNOWLEDGEMENT

This is to certify that on 10th day of Sept, 2020

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

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

My commission expires Feb. 20, 2021



Wendy Lane

From: Wendy Lane
Sent: Wednesday, September 9, 2020 8:26 AM
To: 'Dan Beardslee'
Cc: Emily Morgan
Subject: Notice of Application for CPA20-003 Perry - Chelan County Dept. of Community Development
Attachments: CPA 20-003 Perry NOA Optional.pdf; CPA 20-003 Perry NOA AoP.pdf

Greetings,

Please find the attached Notice of Application for a Comprehensive Plan Map Amendment, regarding Milum Perry's property, File# CPA 20-003. This notice should be posted on the subject property by September 10, 2020, or as soon as possible. Please place in a prominent position on site and maintain it for 14 days starting from the first day of posting. If you need a sign for posting, you may pick one up at our office. Also attached is the Affidavit of Posting that needs to be filled out with the appropriate information after the 14 days of comment period, signed before a notary and the original returned to this office. If your affidavit of posting is found not to be in the file, it may place a hold on the processing of the file.

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

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801

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

Wendy.Lane@co.chelan.wa.us

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

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

Name	Address_1	Address_2	City	State	Countr	Zip Code	PARCEL
LAKE CHELAN RECLAMATION DISTRICT	PO BOX J		MANSON	WA	USA	98831	28123410150
OTT ORVILLE W	C/O HAWKINS TONY&ELIZABETH	3414 WAPATO LAKE RD	MANSON	WA		98831	282123440150
LAKE CHELAN RECLAMATION DISTRICT	PO BOX J		MANSON	WA	USA	98831	282123613083
SELF TYLAR J & JANET G	10406 NE 189TH ST		BOTHELL	WA		98011	282123440080
TODD TAYLOR ETAL	PO BOX 460		BREWSTER	WA		98812	282123410051
MORRISON RANDY C & KAREN K	3445 WAPATO LAKE RD		MANSON	WA	USA	98831	282123440100
TANNER THOMAS S & SANDRA A FRANCO JT	16437 ELSIE CT SE		YELM	WA		98597	282123440060
ZULUAGA ANTHONY & AMANDA	PO BOX 895		MANSON	WA		98831-0895	28123440070
DENNEY THOMAS L	PO BOX 587		MANSON	WA	USA	98831	282123440155
COCHRAN MARTIN D	3415 WAPATO LAKE RD		MANSON	WA	USA	98831	282123613070
WILLIAMS RONALD P & ROZANNE L LIVING	1215 EASY ST		WENATCHEE	WA		98801	28123613075
ROSE RICHARD & TERRY LIVING TRUST	RICHARD A & TERRY E ROSE TRUSTEES	610A HOENE ST	MAKAWAO	HI		96768	282125220050
HASLUND LANCE F & LAURIE F TRUSTEES	LANCE & LAURIE HASLUND FAMILY TRUST	PO BOX 504	MANSON	WA		98831	282123613085
ROSES LANDING LLC	881 SUMMERHILL RIDGE DR NW		ISSAQUAH	WA		98027	282123613086
COCHRAN ROBERT & CAMILLE	184 COCHRAN LN		MANSON	WA	USA	98831	282126613105
SMITH KATHRYN & MILUM PERRY	PO BOX 303		MANSON	WA	USA	98831	282123440075
COCHRAN MARTIN D	3415 WAPATO LAKE RD		MANSON	WA	USA	98831	282123613100
LAKE CHELAN RECLAMATION DISTRICT	PO BOX J		MANSON	WA	USA	98831	282123440050
TAYLOR JEFFREY W	3612 WAPATO LAKE RD		MANSON	WA	USA	98831	282123613140
BROWN CHRISTINE & RANDY	11407 105TH CT NE		KIRKLAND	WA	US	98033	28126110050
GIBSON BROCK & TONYA	PO BOX 731		MANSON	WA	USA	98831	282126110100
PEDEN DAVID S ETAL	19 CHEYAVA LN		MANSON	WA	US	98831	282124320100
MOGAN DANIEL E	44 FAUBION ST		MANSON	WA		98831	28124320150
BENNETT MELVIN W	420 UPPER JOE CREEK RD		MANSON	WA	USA	98831	282124320200
ENGLAND DOUGLAS H	576 UPPER JOE CREEK RD		MANSON	WA		98831	282124320250
ENGLAND DOUGLAS & JAMA	576 UPPER JOE CREEK RD		MANSON	WA		98831	282124230250
GEMBALA JAMES	384 E WAPATO LAKE RD		MANSON	WA	USA	98831-9567	282123410050
MOGAN DANIEL E	44 FAUBION ST		MANSON	WA		98831	282123410100
HUISMAN OEN & MARY ANN	PO BOX 314		MANSON	WA	US	98831	282123613126
GOODLUND RANDALL G & MAUREEN A	14104 211TH ST SE		SNOHOMISH	WA	USA	98296-5427	282123613135
ZENER COLIN & ISHA	11717 51ST DR SE		EVERETT	WA		98208	282123613136
ENGLAND LEONARD C & LESA L	2331 WAPATO LAKE RD		MANSON	WA	USA	98831	282124330050
ENGLAND AARON & DEANDRA	138 SUMMER BREEZE		MANSON	WA		98831	282124330100
ENGLAND DALE F & RAE ANNE	289 LEO LN		MANSON	WA	USA	98831	282124330150
GIFFIN ROXANNE L	263 UPPER JOE CREEK RD		MANSON	WA	USA	98831	282124330300
GARVIN MARK F & TAMIRA	270 UPPER JOE CREEK RD		MANSON	WA		98831	282124330310
BROWN CHRISTINE & RANDY	11407 105TH CT NE		KIRKLAND	WA	US	98033	282123440065
CLARK DANIEL W & LAURA L	395 SUN MOUNTAIN LN		MANSON	WA		98831	282125220150
CONLEY WALTER T & VICTORIA L	3050 WAPATO LAKE RD		MANSON	WA	US	98831	282125220100
COCHRAN ROBERT & CAMILLE	184 COCHRAN LN		MANSON	WA	USA	98831	282126613065

Order Invoice

Wenatchee World / Quincy Valley Post

PO Box 1511
Wenatchee WA 98807-1511

Phone: 5096635161

URL: www.wenatcheeworld.com

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

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

Class: 0001

Ad Notes: Submitted by Wendy Lane, 9/8

Sort Line: CPA20-001MOONBEAM/WLane

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

Ad Text:

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Payment Reference:

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

Total: 144.05
Tax: 0.00
Net: 144.05
Prepaid: 0.00

Total Due 144.05

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

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

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

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

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

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

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

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

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



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

NOTICE OF APPLICATION & ENVIRONMENTAL REVIEW

Project File No.: CPA 20-003
Project Location: 155 Upper Joe Creek Rd, Manson, WA 98831; and identified by Assessor's Parcel No(s): 28-21-23-440-075
Applicant/Owner: Milum Perry & Kathryn Smith
Agent: Dan Beardslee
Application Date: February 24, 2020
Determination of Complete: September 3, 2020
Notice of Application Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5).

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

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

Permits Required: None known.

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

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

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



CHELAN COUNTY

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

DETERMINATION OF APPLICATION STATUS

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

Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5).

File Number: CPA 20-003
Parcel Number: 28-21-23-440-075
Parcel Address: 155 Upper Joe Creek Rd, Manson, WA 98831
Applicant/Owner: Milum Perry & Kathryn Smith
Mailing Address: PO Box 303 Manson, WA 98831
Primary Contact: Dan Beardslee
325 32nd St. NW East Wenatchee, WA 98802
Date Submitted: February 24, 2020
Date Completed: September 3, 2020

Upon Initial Review, The Above Referenced Application is Found To Be: **COMPLETE**

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

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

Review Authority: Emily Morgan
Chelan County Department of Community Development
316 Washington St., Suite 301, Wenatchee, WA 98801
Email: emily.morgan@co.chelan.wa.us
Phone: 509-667-6229 Fax: 509-667-6475

Sincerely,

A handwritten signature in cursive script that reads "Emily Morgan".
Emily Morgan

09/03/2020



CHELAN COUNTY

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

DETERMINATION OF APPLICATION STATUS

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

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

File Number: CPA 20-003

Parcel Numbers: 282123440070, 282123440075, 282124330300, and 282133340050

Parcel Zoning: RR2.5

Owner: Perry Milum and Kathryn Smith

Mailing Address: PO Box 303, Manson, WA 98831

Owner: Anthony and Amanda Zuluaga

Mailing Address: PO Box 895, Manson, WA 98831

Owner: Roxanne L Giffin

Mailing Address: 263 Upper Joe Creek Road, Manson, WA 98831

Owner: Tyler J. and Janet G. Self

Mailing Address: 10406 NE 189th Street, Bothell, WA 98011

Primary Contact: Dan Beardslee
325 32nd Street, East Wenatchee, 98802

Date Submitted: February 24, 2020

Date Incomplete: March 6, 2020

Upon Initial Review, The Above Referenced Application is Found To Be:

INCOMPLETE

Please provide the following items, as they are necessary to determine a complete application for processing:

- The name, address, and phone number of all owners with an interest in the affected property pursuant to Chelan County Code (CCC) Section 14.14.050(A)(iii). Additionally, pursuant to the application form all owners must initial the Acknowledgement Section and sign the application form.

- The SEPA checklist must be signed and dated by the applicant or agent.
- A revised narrative additionally addressing the missing information required by Chelan County Code Section 14.14.050(C) including:
 - (v) A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required; and
 - (vi) For land use designation amendments, identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation; and
 - (vii) Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas; and
 - (viii) How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and
 - (ix) Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare.

Your application has been determined to be incomplete as of the date of this letter. Pursuant to Chelan County Code Section 14.08.030(3), the above-identified materials must be submitted within sixty (60) days of the date of this letter or this application will be considered null and void, with no refund of the filing fees. The applicant may request additional time, as follows:

- a) First request for forty-five-day time extension: The applicant shall provide written request five working days prior to the original date of void.
- b) Second request for forty-five-day time extension: The application shall provide written request give working days prior to the date of void. The request shall include documentation demonstrating advancement towards a complete application.
- c) Final request for time extension: The applicant shall provide written request with support documentation, as outlined in subsection (3)(B) of this section, a minimum of then working days prior to the date of void. The request shall include a specific date to complete the application requirements. The applicant and the director shall establish a mutually agreed upon time extension.

Review Authority: Kirsten Larsen

Chelan County Department of Community Development

316 Washington St., Suite 301, Wenatchee, WA 98801
Email: kirsten.larsen@co.chelan.wa.us
Ph.: 509-667-6246 Fax: 5096676475

Sincerely,


Kirsten Larsen

03/06/2020

CC: Perry Milum and Kathryn Smith
Anthony and Amanda Zuluaga
Roxanne L Giffin
Tyler J. and Janet G. Self

Complete Application Checklist

Sections 14.14.050 and 14.14.060

COMPREHENSIVE PLAN MAP AMENDMENTS

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

☐ Application information as outlined in the application including:

- ☐ The name, address and phone number of each person submitting the application; and
~~missing~~ ☒ The name, address and phone number of any agent acting on the owner's behalf, including a notarized authorization form; and

~~missing~~ ☐ The name, address and phone number of all owners with an interest in the affected property;

☒ Parcel/site information;

☐ Narrative including:

- ☒ A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended;
☒ Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter [36.70A](#) RCW as amended) and any applicable county-wide planning policies;
☒ A statement of how the amendment complies with or supports the comprehensive plan's goals and policies;
☒ A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria;
☐ A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required;
☐ Identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation;
☐ Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas;
☐ How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan;
☐ Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare;

~~NP~~ *For any proposed urban growth area boundary changes submitted pursuant to Section [14.14.040](#), a detailed statement describing:*

- ~~NP~~ *That the designated area of expansion is contiguous to an existing UGA; and*
~~NP~~ *How the area is characterized by urban growth; and*
~~NP~~ *The availability of or plans of urban governmental services; and*
~~NP~~ *The compatibility of the proposal with designated natural resource lands and the protection of designated critical areas; and*

Missing from narrative

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

☐ A completed SEPA checklist; -not signed

☒ Application Fees.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

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

November 5, 2020

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

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

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

CPA-2020-001, 004 and 005

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

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

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

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

CPA 2020-003

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

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

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

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

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

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

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

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

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

CPA-20-007

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

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

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

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

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

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

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

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

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

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

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

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

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

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

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

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

Ms. Catherine Lorbeer

November 5, 2020

Page 5

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

Sincerely,

A handwritten signature in blue ink that reads "Scott Kuhta".

Scott Kuhta, AICP

Senior Planner

Growth Management Services

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

September 24, 2020

Chelan County Dept of Community Development
ATTN: Emily Morgan
316 Washington St, Suite 301
Wenatchee, WA 98801

Anthony and Amanda Zuluaga
269 Upper Joe Creek Rd
Manson, WA 98831

RE: Project File No CPA 20-003

Dear Ms. Morgan,

We are writing in response to the notice of application and environmental review by our neighbors, Milum and Katy Perry, to alter their 8.16 acres from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5). We are **STRONGLY** opposed to this application being approved.

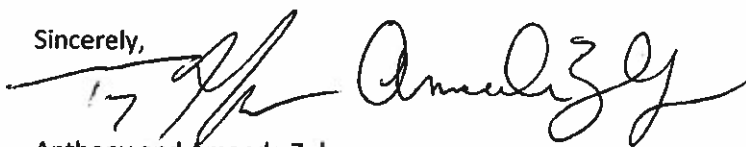
The Perry's current land use is a beautiful, 20-year-old vineyard, one of the oldest and most immaculate in our valley. Prior to vineyard, an apple orchard was on the land for decades. The "back roads of Manson" are an amazing, peaceful, unique aspect to our valley. If we continue to add small residential parcels, Manson will continue to lose its charm. There are several developments close to town that are perfect areas for this type of zoning. The agricultural areas that are truly Manson's heart and soul need to be maintained.

Currently, there is a home on the vineyard that is a long-term rental. If this home were to be portioned off the rest of the vineyard to be sold separately, no detriment would be felt. It is our hope that this request is denied, and that the Perry's re-evaluate their need and move to only parcel off this home and retain the integrity of Manson's agricultural space.

Not only will the core of Manson be destroyed if these applications continue to be approved, but property values will most certainly begin to drop significantly, a detrimental effect on all our neighbors.

We feel that we are in our forever home. We do not wish to sell. We value our privacy and the peacefulness of our area more than anything. We hope to raise our two young children in our home, and have their future children visit this same home in the years to come. Please help us preserve the nature of our beautiful valley by denying this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony and Amanda Zuluaga', with a stylized flourish at the end.

Anthony and Amanda Zuluaga

Catherine Lorbeer

From: Dan Beardslee <dan.beardslee@gmail.com>
Sent: Monday, October 26, 2020 9:33 AM
To: Catherine Lorbeer
Subject: Re: Planning Commission October 28

Categories: CPAs

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

Catherine:

Thanks for the response. I'm looking forward to meeting you one of these days.

Dan Beardslee, PLS

On Mon, Oct 26, 2020 at 8:30 AM Catherine Lorbeer <Catherine.Lorbeer@co.chelan.wa.us> wrote:

Hi Dan,

Thank you for your email. The intent of the Planning Commission workshop is to introduce the proposed amendments. The Planning Commission has been provided with your application materials and staff has not yet completed the analysis of the requests. While I understand your interest in sharing more information, we do not want to get ahead of the public process by taking testimony at the workshop.

If you have information you would like to add to your application (PowerPoint slides), we can include it with the public hearing packet so the PC receives it before the public hearing. You will also be able to present during the hearing.

Thank you for your understanding.

Sincerely,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: (509) 667-6246

Main office: (509) 667-6225

Catherine.Lorbeer@co.chelan.wa.us

From: Jim Brown

Sent: Friday, October 23, 2020 10:33 AM

To: Dan Beardslee <dan.beardslee@gmail.com>

Cc: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>

Subject: RE: Planning Commission October 28

Hi Dan-

Catherine is leading on the CPA process this year since we had no LR planner. I am looping her into this for your request on participation (CC'd here). I am leading on CAO and STR, and she has this one.

Have a good weekend.

Sincerely-

Jim Brown

Director

Chelan County Community Development

316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: Direct (509) 667-6228 Main office (509) 667-6225

Jim.Brown@co.chelan.wa.us



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

From: Dan Beardslee <dan.beardslee@gmail.com>
Sent: Friday, October 23, 2020 10:06 AM
To: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: Planning Commission October 28

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

Jim:

I understand the Planning Commission is having a workshop on Comp Plan change requests and one of my clients is the applicant for one of them. Although I know public testimony is not normally a part of a workshop, I also know in the past that the PC has occasionally allowed it.

In this case, I think it would be helpful to the PC if I had the opportunity to explain some of the reasons why we think the change makes sense, and rather than wait until the public hearing, it would be great if I could participate in the workshop so they have at least more time to consider the input, rather than have to make a decision right after hearing public testimony at the hearing.

That's a lot of words to simply ask if it would be possible to participate in the workshop. It won't take very long -- no more than 15 minutes. I'll have a little PowerPoint put together that I can show the PC through screen sharing.

Thanks for the consideration.

Dan Beardslee, PLS

TO: Fire District 5

REQUEST FOR AGENCY COMMENT

TYPE OF PERMIT OR ACTION APPLIED FOR: Comprehensive Plan Map Amendment

PROJECT PLANNER: EMILY MORGAN APPLICANT: Milum Perry / Kathryn Smith

Please use the Chelan County file # noted above in all correspondence regarding this application.

Please complete this referral form and return with any comments, together with suggested modifications or conditions by the noted due date above.

FOR COMMENTS TO BE CONSIDERED BY THIS AGENCY IN THE REVIEW OF THIS PROPOSAL, YOUR RESPONSE MUST BE RECEIVED BY THE STATED DATE. IF THIS DATE FALLS ON A WEEKEND OR PUBLIC HOLIDAY, THEN COMMENTS POSTMARKED THE FOLLOWING BUSINESS DATE WILL BE ACCEPTED. FAILURE TO RESPOND SHALL BE CONSTRUED BY THIS AGENCY TO CONSTITUTE LACK OF OBJECTION.

1. Distance to the nearest fire station: 0.9 miles.
2. Nearest fire hydrant is 30 feet away from property boundary.
3. Is fire flow adequate to serve this proposal? Yes
4. Will additional fire hydrants be necessary to serve this project? No
5. Are access and circulation adequate for emergency vehicles? Yes
6. Are existing roads adequate for emergency vehicles? Yes
7. Are proposed roads adequate for emergency vehicles? None Proposed
8. Are alternate fire flow provisions acceptable or necessary? None Necessary

ADDITIONAL COMMENTS:

RECOMMENDED CONDITIONS:

Arnold Baker
Signature

9/18/20
Date



PUBLIC HEALTH
ALWAYS WORKING FOR A SAFER AND
HEALTHIER COMMUNITY

Chelan-Douglas Health District

200 Valley Mall Parkway, East Wenatchee, WA 98802

Personal Health: 509/886-6400 • FAX 886-6478

Environmental Health: 509/886-6450 • FAX 886 6499

Memorandum

To: Emily Morgan, Chelan County
From: Richmond Petty, R.S.
Date: 9/23/2020
Re: Smith - Perry (CPA 2020-003) Land Use Comments

I have reviewed the above development Comprehensive Plan Map Amendment application to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5). The subject property is located at 155 Upper Joe Creek Rd., Manson (county tax parcel: 282123440075).

As proposed, I have no objections to further approval of this project. Any changes to the project may require additional Health District review.

Fees for review of land-use applications have been established by the Chelan-Douglas Health District Board of Health. The District will bill the applicant upon receipt of our comments (attached).

Project	CDHD 2020 fees
Other Land Use review (CUPs, Zone Changes, etc.) per hour with 1 hour minimum (then 15 min increments if necessary) staff review fee	\$91/hr



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 22, 2020

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

Re: CPA 20-003

Dear Emily Morgan:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Comprehensive Plan Map Amendment from Commercial Agricultural Lands to Rural Residential/Recreational 2.5 acres, proposed by Kathryn Smith and Milum Perry. We have reviewed the documents and have the following comments.

TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

If you have any questions or would like to respond to these Toxics Clean-up comments, please contact **Valerie Bound** at 509-454-7886 or email at valerie.bound@ecy.wa.gov.

Sincerely,

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

Gwen Clear
Environmental Review Coordinator
Central Regional Office
509-575-2012
crosepa@ecy.wa.gov

202004709

Emily Morgan

From: Kathy Blum <kathleenb.mcc@gmail.com>
Sent: Saturday, September 19, 2020 2:36 PM
To: Emily Morgan
Subject: Request For Comment: CPA 20-003 PERRY

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

Sept 19, 2020

Emily,

Request for Comment CPA 20-003 Perry

The Manson Community has no Concerns with this CPA request.

Thank You,
The Manson Community Council

Kathy Blum
Vice Chairman

Catherine Lorbeer

From: Deanna Walter
Sent: Tuesday, September 1, 2020 10:00 AM
To: Catherine Lorbeer
Subject: FW: MILUM PERRY REZONE 2020-03
Attachments: REZONE NARRATIVE REV 2020-06-02.pdf; PERRY REZONE MAP 2020-06-02.pdf

Categories: CPAs

Here is the info for the CPA that I called Dan Beardslee about. His email is also noted below, if you need it.

Deanna C. Walter

Chelan County Assessor
350 Orondo St
Wenatchee, WA 98801
(509) 667-6367
Fax (509) 667-6664
Deanna.walter@co.chelan.wa.us

From: Dan Beardslee [mailto:dan.beardslee@gmail.com]
Sent: Tuesday, September 1, 2020 8:24 AM
To: Deanna Walter <Deanna.Walter@CO.CHELAN.WA.US>; Deanna WalterCD <Deanna.WalterCD@co.chelan.wa.us>
Cc: Milum Perry <milump@hotmail.com>
Subject: Fwd: MILUM PERRY REZONE 2020-03

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

Thanks for calling this morning. Here is the email I sent in response to the incomplete notice. I never heard back from RJ as to whether the application was complete or not.

Dan Beardslee, PLS

----- Forwarded message -----

From: Dan Beardslee <dan.beardslee@gmail.com>
Date: Tue, Jun 2, 2020 at 8:53 AM
Subject: MILUM PERRY REZONE 2020-03
To: RJ Lott <RJ.Lott@co.chelan.wa.us>

Here is the revised map and revised narrative

Dan Beardslee, PLS



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

April 29, 2020

Dan Beardslee
325 32nd St. NW
East Wenatchee, WA 98802

RE: Comprehensive Plan Amendment CPA 2020-003 Time Extension

Dan Beardslee,

Thank you for your request for additional time to complete your application, CPA 2020-003. This time extension of forty-five (45) days is permissible under Chelan County Code CCC 14.08.030(3). This extension is valid until June 1, 2020. If you wish for an additional extension, it must be in accordance with Chelan County Code CCC 14.08.030(3)(B).

If you should have any questions, please do not hesitate to contact this office.


Deanna Walter
Interim Assistant Development Director
Chelan County

Wendy Lane

From: Wendy Lane
Sent: Thursday, September 10, 2020 9:05 AM
To: Bob Plumb; David Spencer; 'rosa.perez@cdhd.wa.gov'; 'Karina.Alcantar@cdhd.wa.gov';
Cindy Grubb; 'Hankins. Alicia'; 'Arnold. Baker'; 'jstewart@manson.org';
'sepa@dahp.wa.gov'; 'enviroreview@yakama.com'; 'guy.moura.hsy@colvilletribes.com';
'kathleenb.mcc@gmail.com'
Subject: Request for Comments – CPA 20-003 Perry – Chelan County Dept. of Community
Development
Attachments: CPA 20-003 Perry Application Materials .pdf

Good Morning,

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

Project File No.: File # CPA 20-003
Project Location: Address and Parcel Number: 155 Upper Joe Creek Rd, Manson, WA 98831;
Assessor's Parcel No(s): 28-21-23-440-075
Applicant/Owner: Name: Milum Perry & Kathryn Smith
Agent: Name: Dan Beardslee
Application Date: Date: February 24, 2020
Determination of Complete Date: Date: Septmeber 3, 2020
Notice of Application Date: Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5).

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

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

Return Comments To: Emily Morgan

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

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,

Wenatchee, WA 98801

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

Wendy.Lane@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey.

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

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CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2020 Comprehensive Plan Map Amendment Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: November 18, 2020
FILE NUMBER: CPA 20-004, Smith

RECOMMENDED MOTION

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

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV), given file number CPA 20-004, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

GENERAL INFORMATION

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

SEPA Environmental Review

A Determination of Non-Significance (DNS) was issued under WAC 197-11-340(2) for CPA 20-004 on November 5, 2020 (Attachment 1). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency.

Agency Comments:

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

Department of Ecology provided comments, dated September 22, 2020, stating that based on the historic agricultural use, there is a possibility the soil contains residual concentrations of pesticides. Additionally, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water.

The Chelan-Douglas Health District provided comments, dated September 23, 2020, stating no objection to the land use change.

Public Comment:

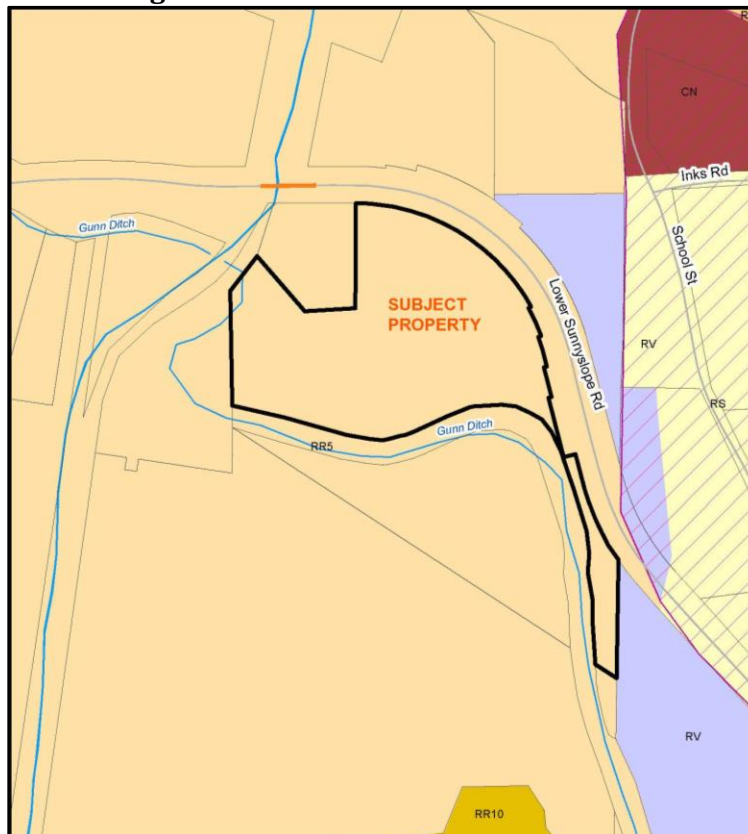
Chris and Michelle McCormick provided comments, date stamped September 22, 2020, stating their opposition to the proposed land use change. They note that the applicant's property directly adjoins agricultural and residential properties and that the proposed change would detrimentally affect the peaceful enjoyment of the neighborhood by increasing noise and traffic. Multiple units are viewed as inconsistent with the low-density area and there are no public services or transportation to this type of development. They are concerned about wildlife in the area being impacted and about traffic and the safety of pedestrians.

Brett Matthews provided comments, date stamped September 23, 2020, stating his opposition to the proposed amendment. As a 35-year resident, he has enjoyed the solitude of living in the country. The land use change would take away the neighborhood atmosphere.

PROJECT DESCRIPTION – CPA 20-004 – SMITH

Proposal: An application for a Comprehensive Plan Map Amendment was submitted by Brent and Rachel Smith (owners) to change the land use designation for the subject property (3.42 acres) from Rural Residential/Resource 5 (RR5) to Rural Village (RV). The subject property is located at 511 Lower Sunnyslope Rd, Wenatchee, WA 98801 and further identified by Assessor Parcel No: 23-20-20-440-100. See Attachment 3 File of Record.

Chelan County Land Use Designations



Density: Currently, the minimum lot size is 5 acres for the RR5 zoning district. Under the proposed RV designation and when consistent with Health District standards, the density may be one (1) dwelling unit per 12,000 sf for single family. The proposed amendment would potentially allow for an increased density of the RR5 parcel from 1 lot to a possible 12 lots in the RV zoning district.

COMPREHENSIVE PLAN

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

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-004:

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

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

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

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

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

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

REVIEW CRITERIA

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

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

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

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

The Growth Management Act (GMA) permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Requirements of the GMA that allow more intense development in rural areas include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

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

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

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

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

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

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

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

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

Finding of Fact: The property is currently used for a single-family residence and was formerly orchard that has been cleared. The applicant is requesting to change the 3.42 acres to the Rural Village (RV) designation, which would extend the land use eastward from its existing boundary. RV is considered a Type 1 LAMIRD. The applicant states that the land use change would provide the unique opportunity to have an intermediate style of living between suburban housing and country lifestyle. The RV designation would provide additional development flexibility such as smaller lot sizes or construction of duplex dwellings to support growing housing demands.

Lands south of Lower Sunnyslope Road and to the southeast of the subject property are designated Rural Village (RV). Properties to the east across Lower Sunnyslope Road are designated Rural Village (RV) and Wenatchee UGA and include residential uses. Lower Sunnyslope Road and the change in topography generally serves as the boundary separating the existing RV development and Wenatchee UGA on the east and southeast sides from rural residential land use designations on the west side.

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

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

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

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

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

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

Finding of Fact: The areas surrounding the subject property are in agricultural and residential use. The properties to the north are designated Rural Residential/Resource 5 (RR5) and slope significantly upward toward Highway 2. To the west, the properties are designated Rural Residential/Resource 5 (RR5). Properties to the south are designated Rural Residential/Resource 5 (RR5).

Lands south of Lower Sunnyslope Road and to the southeast of the subject property are designated Rural Village (RV). Properties to the east across Lower Sunnyslope Road are designated Rural Village (RV) in Chelan County and Residential Single Family (RS) in the Wenatchee Urban Growth Area (UGA). Property situated northeast toward Highway 2 is designated Neighborhood Commercial (CN) in the Wenatchee Urban Growth Area (UGA).

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

Public comments state opposition to the proposed land use change and express the proposed change would detrimentally affect adjoining agricultural and residential properties by increasing noise and traffic, impacting wildlife in the area and pedestrian safety. The land use change would take away the neighborhood atmosphere.

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

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

Finding of Fact: The site is composed of one parcel that is currently in Rural Residential/Resource 5 (RR5). The area and vicinity include Class II mule deer habitat. Physical characteristics include flat ground, slopes upward to the east property line and roadway, and in an area shown to have erosive soils. Gunn Ditch runs near the southern property line and an irrigation canal is situated to the east of the subject property.

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

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

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

The potential development of 12 lots would modestly contribute to the projected growth of the Comprehensive Plan and would therefore not result in an adverse impact.

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

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

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

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

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

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on November 5, 2020.
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on September 17, 2020, submittal ID No. 2020-S-1793 (Attachment 3), pursuant to RCW 36.70A.106.

6. A request for a Comprehensive Plan Map Amendment was submitted by Brent and Rachel Smith (owners) to change the land use designation for the subject property (3.42 acres) from Rural Residential/Resource 5 (RR5) to Rural Village (RV). The subject property is located at 511 Lower Sunnyslope Rd, Wenatchee, WA 98801 and further identified by Assessor Parcel No: 23-20-20-440-100.
 - a. The location and characteristics are not consistent with Chelan County Comprehensive Plan designation for Rural Village (RV), as outlined in this staff report.

CONCLUSIONS OF LAW

1. The amendment to the Chelan County Comprehensive Plan is not consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendment does not comply with the Comprehensive Plan designation/siting criteria.
3. The amendment does adversely affect the surrounding land uses.
4. The amendment does not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
5. The amendment does not adversely affect the supply of land for various purposes available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.
6. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
7. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
8. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, SEPA Rules have been satisfied.

STAFF RECOMMENDATION

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

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV), given file number CPA 20-004, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

ATTACHMENTS

1. SEPA Determination, signed November 5, 2020
2. Agency Comment dated November 5, 2020 from the WA Dept. of Commerce
3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
4. File of Record for CPA 20-004



CHELAN COUNTY

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

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

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

File Number: CPA 20-004

Parcel Number: 23-20-20-440-100

Site Address: 511 LOWER SUNNYSLOPE RD, WENATCHEE, WA 98801

Owner: SMITH BRENT A & RACHEL G

515 LOWER SUNNY SLOPE RD, WENATCHEE, WA 98801

Agent: SMITH BRENT A & RACHEL G

515 LOWER SUNNY SLOPE RD, WENATCHEE, WA 98801

Lead Agency: Chelan County Department of Community Development

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

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

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

Responsible Official: Catherine Lorbeer, Assistant Director / SEPA Responsible Official

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

Phone: (509) 667-6225

Signature:

Handwritten signature of Catherine Lorbeer in blue ink.
Catherine Lorbeer, SEPA Responsible Official

Date:

Handwritten date "November 5, 2020" in blue ink.



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

November 5, 2020

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

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

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

CPA-2020-001, 004 and 005

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

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

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDS is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

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

CPA 2020-003

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

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

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

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

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

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

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

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

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

CPA-20-007

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

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

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

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

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

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

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

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

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

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

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

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

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

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

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

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

Ms. Catherine Lorbeer

November 5, 2020

Page 5

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

Sincerely,



Scott Kuhta, AICP

Senior Planner

Growth Management Services

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



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

09/17/2020

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

Sent Via Electronic Mail

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

Dear Ms. Lorbeer:

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

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

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

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

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

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

Sincerely,

Review Team
Growth Management Services



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

GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): 232020440100 Lot Size: 3.42 (Acres)
Parcel Address: 515 Lower Sunnyslope City/Zip Code: Wenatchee 98801
Property Owner(s): Brent and Rachel Smith Zoning: RR5
Mailing Address: 515 Lower Sunnyslope
City/State/Zip Code: Wenatchee WA 98801
Phone: 509 393 1985 E-mail: bb_smith85@yahoo.com

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

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

.....

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

Application For: (Check all that apply)

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

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CHELAN COUNTY

COMMUNITY DEVELOPMENT

APPLICABILITY SECTION

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

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

The following attachments are required for a complete application:

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

GENERAL INFORMATION

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

~~Would like to rezone the property from RR5 to RV and then have a portion of the property split to allow 4 additional lots approximately 1/2 acre in size~~

☐ Narrative attached

Please complete the following:

1. Any related files (such as Pre-Applications): _____
2. Is the subject property located within an Urban Growth Area (UGA)? ☒ No ☐ Yes
If "yes", which UGA? _____
3. Please describe adjacent land uses in all directions around the subject property:
North: RR5
South: RR5
East: RV
West: RR5
4. What is the current use of the property? Residential
5. Sanitation Disposal: ☐ N/A ☒ Septic Permit ☐ Sewer District: _____
6. Water Source: ☐ N/A ☐ Single Private Well ☒ Shared Private Well ☐ Group B
☐ Public Water Supplier: _____
7. Irrigation Water:
☐ N/A ☒ Yes (Private) ☐ Yes (Public) Irrigation District/Purveyor: Pinner water users
8. Fire District: 11 School District: Wenatchee 155
9. Power Service: PUD
10. Are there critical areas or critical area buffers on the property?
☐ Airport Overlay: none
☐ Aquifer Recharge Area (see attached)
☐ Floodplain / Floodway none
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
☐ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
☐ Habitat/Riparian Area, protected species/area: none
☐ Streams / Waterbodies: none ☐ Shoreline Environment Designation: none
☐ Drainage or Seasonal Stream: none ☐ Wetland, if so what category: none
☐ Cultural or Archeological: none
11. Will landfill be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
12. Will excavation be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?
None
14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

2 proposed house with approval of new lot developments

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

1yr after approval - 1 structure built and habitable

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

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CHELAN COUNTY
COMMUNITY DEVELOPMENT**AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

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

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

EVALUATION CRITERIA

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

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

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

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

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

Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam

Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam

Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly sandy loam; Bg, 0-10 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam

Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam

BsD, 26-60 inches (depth from surface), very gravelly sandy loam

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

Jump: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam

Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam

Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam

Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam

Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam

Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam

Supplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam

Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; ThE 10-60 inches (depth from surface), very gravelly sandy loam

Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam

CANNABIS DISCLOSURE SECTION

SUB-SECTION I: Circle

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

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

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

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

RSB

I ACKNOWLEDGE AND UNDERSTAND that all cannabis-related activities, development, uses and construction must comply with Chelan County regulations, including but not limited to Chelan County Code Section 11.100.

RSB

I ACKNOWLEDGE AND UNDERSTAND that only those cannabis-related uses authorized pursuant to Chelan County Code Section 11.100 are permitted within Chelan County. All other commercial and noncommercial licensed or registered cannabis uses, including but not limited to cannabis research facilities and medical cannabis cooperatives, are prohibited within all zones of Chelan County.

RSB

I ACKNOWLEDGE AND UNDERSTAND that pursuant to Chelan County Code Section 11.100 a conditional use permit is required to engage in the production or processing of cannabis within Chelan County, and that all cannabis producers and processors must register annually with Chelan County and pay the appropriate registration fee.

RSB

I ACKNOWLEDGE AND UNDERSTAND that it is the responsibility of the property owner to submit for and obtain all necessary development permits and approvals prior to engaging in cannabis-related activities, development, uses or construction, including but not limited to conditional use permits for the production or processing of cannabis, building permits, change of use/occupancy permits, shoreline permits, variances, and mechanical permits.

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

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

SITE PLAN CHECKLIST SECTION

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

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

ACKNOWLEDGEMENT SECTION

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

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

Initials

(Owner and, if applicable, Applicant)

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

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

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

Owner Signature: Brent Smith Rachel Smith Place: _____ Date: 2/26/20

Print Name: Brent Smith Rachel Smith

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____

Print Name: _____

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____

Print Name: _____

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

Updated Narrative for File number CPA 20-004

515 Lower Sunnyslope is a 3.42 acre county homestead parcel located just outside the city of Wenatchee in the Lower Sunnyslope area, governed by the RR5 zoning requirements. The property is located in a transitional area right alongside the Wenatchee UGA; having more wide spread county living to the west and closer more suburban like housing to the east of the property.

It is proposed to have the property zoning changed from RR5 to RV zoning, to enable the addition of 3 new parcels to the existing property area. The proposed changes would allow for approximately 2 acres of the current property to be broken into to (4) approximate $\frac{1}{2}$ acre parcels to be utilized for residential living. The property currently houses 1 mobile home on the property that would be considered an established homestead with the property division. It is anticipated to build the 1st dwelling within 1 year after proposal acceptance, the second new dwelling within 4 years after acceptance and the 3rd new dwelling within 7 years after acceptance.

This proposal would require changes to Chelan County Land Use Designation map number 65, located in Appendix A of the Comprehensive Plan Report for Chelan County.

The proposed property borders the urban growth area for the city of Wenatchee and is also adjacent to a group of RV zoned parcels located adjacently to the south and east. The proposed property's relative location makes it a prime spot for the allowance of additional housing consistent with the long term goals and plans of the county to accommodate future housing growth and affordable living. The property currently is zoned as RR5, but the property fails to meet the defining characteristics associated to this property type of having 1 dwelling unit per 5 acres. In fact all properties surrounding the proposed property are smaller than this 5 acre requirement; currently there are 4 existing homes within a 300ft radius of the current proposed property homestead. The proposed property would meet all the requirements of the Rural Village designation and would be most conforming to this zoning designation over the RR5 designation. The changes would allow for expansion of the RV zoning cluster within the area and would provide more consistency between land uses in comparison to the surrounding properties, since all surrounding properties are smaller than the 5 acre designations and vary in ad are not utilized for agricultural purposes. This proposed change would have no impact on the surrounding properties in regards to commercial or critical areas since there are none in this area.

The proposed changes would be consistent with the counties goals to provide affordable and diversified housing. Utilizing the existing property allows each unit to share capital investment costs between the properties and shared or common expenses for utilities, i.e. shared well, shared roadway. This proposal would provide a unique opportunity to have an intermediate style of living between suburban housing and country lifestyle. The properties would be governed by the RV zoning restrictions but would have more flexibility for lifestyles other than urban city living.

Section 20 of Title 11 of the Chelan County code identifies the standards required for properties within the Rural Village Zone designation. The following highlights are summaries of the written requirements:

- Minimum lot size : single family=12,000 sqft; duplex=15,000sqft and consistent with health district requirements
- Minimum lot width 70ft front line, 80ft corner line
- Maximum building height 35ft
- Maximum lot coverage = not more than 35% lot area
- Minimum setbacks: front yard=25ft; rear yard 20ft , side yard 5ft

- Off street parking: 2 spaces per single family dwelling; 1 space per 5 beds and 1 space per staff person for adult homes

The proposal for 515 Lower Sunnyslope would meet all of these standards and would exceed many of the requirements while providing new housing for members of the community. These proposed dwellings would be built consistent with the Health District's safety requirements and conform to local Fire codes.

This proposal is also consistent with the County capital facility element and transportation elements of the Chelan County Comprehensive Plan. The property has good useable access from the existing Lower Sunnyslope Rd through a shared existing private driveway. Lower Sunnyslope road is a well maintained and established roadway capable of much higher trafficking then currently experiencing. The impact of the 3 additional dwellings would have little to no impact of the roads current and future loadings. Each proposed property is large enough to accommodate it's own onsite sewage and a well has been positioned and located on the property to accommodate the water supply needs for the proposed dwellings. Electrical power is available within the area and services all of the surrounding households. All of these factors are in compliance with the Chelan-Douglas county health district standards, helping to provide a safe, healthy living area.

In summary this proposal is a request to change the zoning classification for 515 Lower Sunnyslope from RR5 to Rural Village. The new zoning classification would fit the surrounding area land use type and enable for a safe, healthy living area within the county allowing for a unique opportunity to live close to town but still have a rural like setting. This request is being submitted at a time where the demand for housing is at its highest and although this constitutes a small contribution to the growth of the county it is still a positive contribution and benefit to the community and its members.

Sincerely

Brent Smith

FEB 26 2020

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

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

Instructions for applicants:

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

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

Instructions for Lead Agencies:

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

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

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

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

1. Name of proposed project, if applicable: [\[help\]](#)

2. Name of applicant: [\[help\]](#)

Brent & Rachel Smith

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

515 Lower Sunny Slope, Wenatchee WA 98801 509.393.1785

Reviewed by Emily Morgan, Project Planner

4. Date checklist prepared: [help] 2/16/20
5. Agency requesting checklist: [help] Chelan County Community Development
6. Proposed timing or schedule (including phasing, if applicable): [help]
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help] No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help] NONE
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help] N/A
10. List any government approvals or permits that will be needed for your proposal, if known. [help] Zone change approval & building permit
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [help] Rezoning parcel from RES to RV. Then propose to split for 4 additional lots approximately 1/2 acre in size for new lots with intent to build at later time
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [help] 515 Lower Sunnyslope, Wenatchee WA 98801
APN #

B. Environmental Elements [help]

1. Earth [help]

a. General description of the site: [help] Flat gravel with gentle slope

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? [help] 30° slope approx 10' tall on East property line (Lower Sunnyslope Rd bank edge)

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

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [help] NO located in known geo. hazard area for erosive soils
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [help] N/A
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help] No, it's flat
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [help] Almost NONE
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [help] NONE

2. Air [help]

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [help] NONE
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [help] NONE
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help] NONE

3. Water [help]

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] NONE
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help] N/A
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] N/A
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help] N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help] No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help] N/A

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]

Yes, private well will be used for 2 ~~homes~~ future homes (well rated 15gpm)
water would be discharged into onsite septic tanks

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

Domestic Sewage from (2) proposed households

c. Water runoff (including stormwater):

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

No run off

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

N/A

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help] No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [help] NONE

4. **Plants** [help]

a. Check the types of vegetation found on the site: [help]

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

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

Very little just grass for proposed home sites

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

NONE

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [help]

NONE

e. List all noxious weeds and invasive species known to be on or near the site. [help]

NONE

5. **Animals** [help]

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [help]

NONE

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [help]

NONE mule deer habitat

c. Is the site part of a migration route? If so, explain. [help]

NO

d. Proposed measures to preserve or enhance wildlife, if any: [help]

NONE

e. List any invasive animal species known to be on or near the site. [\[help\]](#)

NONE

6. **Energy and Natural Resources** [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#) Electric energy for 2 houses

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#) N/A

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

House insulation

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

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#) No

1) Describe any known or possible contamination at the site from present or past uses.

[\[help\]](#) NONE

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

NONE

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#) NONE

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

NONE

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

NONE

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

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

NONE residential area

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

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

NONE

8. Land and Shoreline Use [help]

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [help] Current use = residential. Surrounding areas are also residential

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

NO

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

NO

c. Describe any structures on the site. [help]

NONE

d. Will any structures be demolished? If so, what? [help]

NO

e. What is the current zoning classification of the site? [help]

RR5

f. What is the current comprehensive plan designation of the site? [help]

RR5

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

N/A

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

NO

geo hazard
class II habitat

i. Approximately how many people would reside or work in the completed project? [help]

2 households

j. Approximately how many people would the completed project displace? [\[help\]](#)

NONE

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

NONE

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

NONE

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

NONE

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

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

2 middle income houses

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

NONE

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

NONE

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

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

Tallest structure = 2 story house
exterior building material = residential siding

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

NONE

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

NONE

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

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

NONE

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

NO

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

NONE

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

NONE

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

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

NONE

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

NONE

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

NONE

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

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

NO

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

NO

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

NONE

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

NONE

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

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

Shared property driveways would have access from current driveway from Lower Sunnyslope Rd

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]

NO, most current public transit approximately 1.4 miles away at old station.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [help]

2 garage parking with each household, no parking eliminated

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]

NO

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]

NO

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help]

2-8 trips per day; estimated at 1-2 vehicles per household

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

NO

- h. Proposed measures to reduce or control transportation impacts, if any: [help]

NONE

15. Public Services [help]

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

NO

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

NONE

16. Utilities [help]

- a. Circle utilities currently available at the site: [help]

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help] PUD electricity & telephone & internet

C. Signature [help]

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

Signature: Brend Smith Kimberly Smith 2/24/20
Name of signee Brend Smith
Position and Agency/Organization _____
Date Submitted: 2/26/20

D. Supplemental sheet for nonproject actions [help]

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

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

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

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

NONE; well water & septic, residential households

Proposed measures to avoid or reduce such increases are:

NONE

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

land has minimal vegetation + NO animals

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

NONE

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

Use of electricity in residential homes

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

energy efficient materials, design, & build

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

N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

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

N/A

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

N/A

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

increase from 2 residential homes

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

NONE

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

N/A

CPA 20.004

AFTER RECORDING MAIL TO:

Brent A Smith
515 Lower Sunnyslope Road
Wenatchee, WA 98801

RECEIVED

FEB 26 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

173411
REAL ESTATE EXCISE TAX
PAID \$ 5345.00
Chelan County Treasurer
David E. Carlson, CPA

By J. Day 3-7-17
Deputy

Statutory Warranty Deed

Dated: March 7, 2017

Grantors: Bruce E Smith and Sharon Smith
Grantee: Brent A Smith and Rachel G Smith

Abbreviated Legal:

Township 23N Range 20EWM Section 20 SESE Acres 3.42

Assessor's Tax Parcel number: 23 20 20 440 100

The Grantors Bruce E Smith and Sharon Smith, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to **Brent A Smith and Rachel G Smith husband and wife** the following real estate situated in the County of Chelan, State of Washington

SEE ATTACHED EXHIBIT "A"

Subject to: This conveyance is subject to covenants, conditions, restrictions and easements, if any affecting title, which may appear in the public record, including those shown on any recorded plat or survey

24' wide

Public

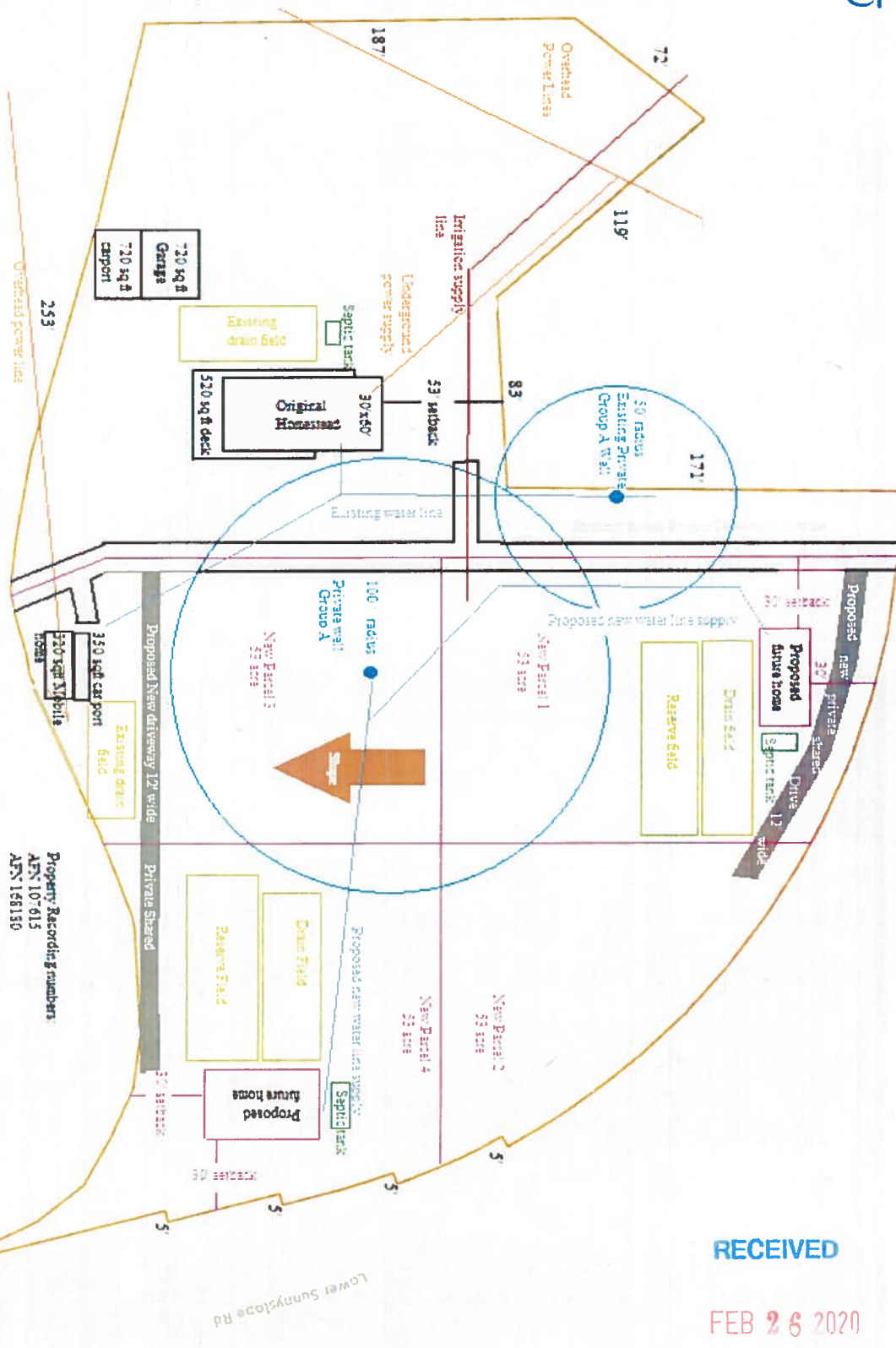
Lower Sunnyslope Rd



RECEIVED

FEB 26 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT



515 Lower Sunnyslope Rd

APN 232020440100

3.42 Acres RS5

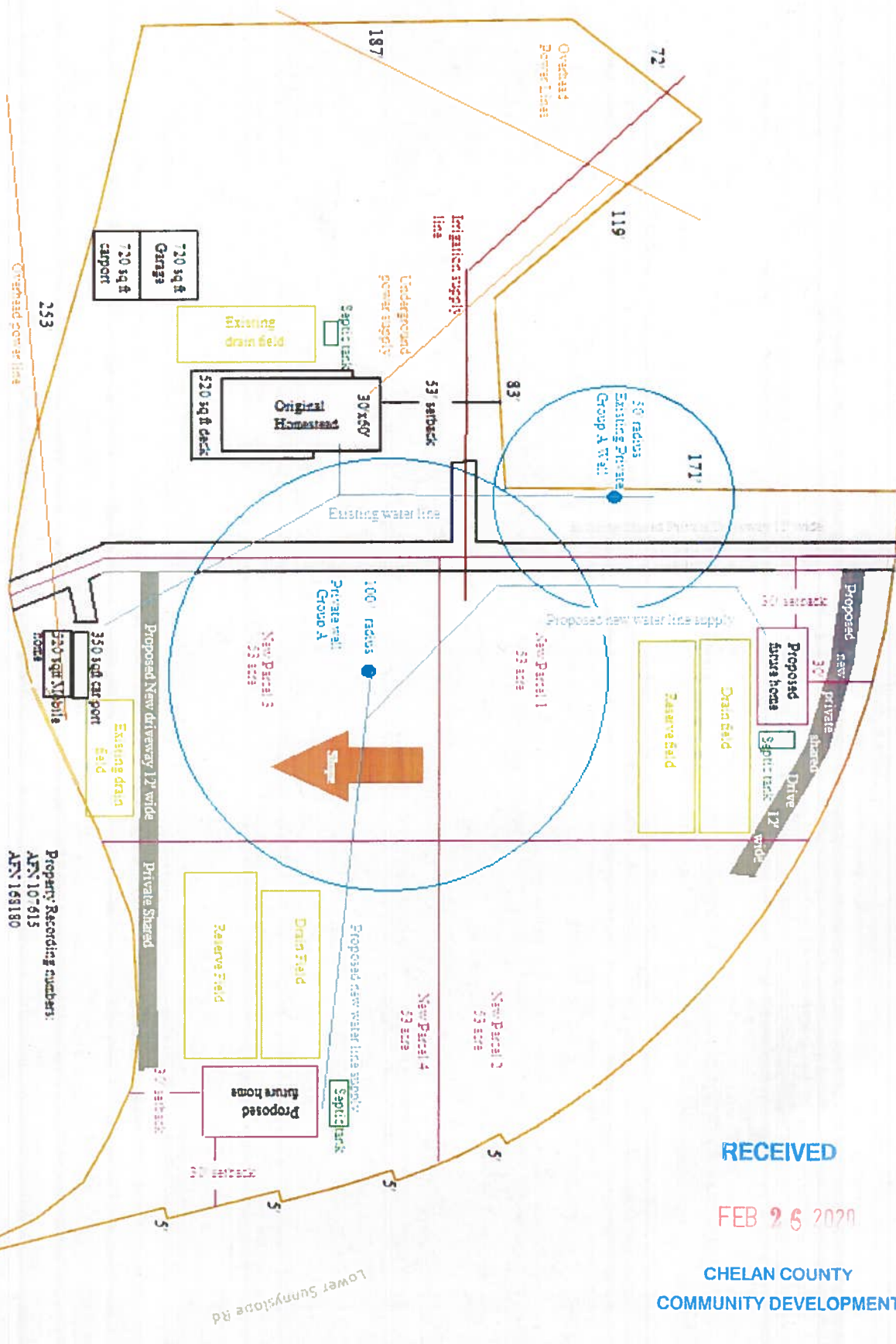
Property Recording numbers:
APN 107615
APN 168150



RECEIVED

FEB 26 2020

**CHELAN COUNTY
COMMUNITY DEVELOPMENT**



515 Lower Sunnyslope Rd

APN 232020440100

3.42 Acres RRS

Property Record numbers
AFN 10-615
AFN 168180





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FEB 25 2020

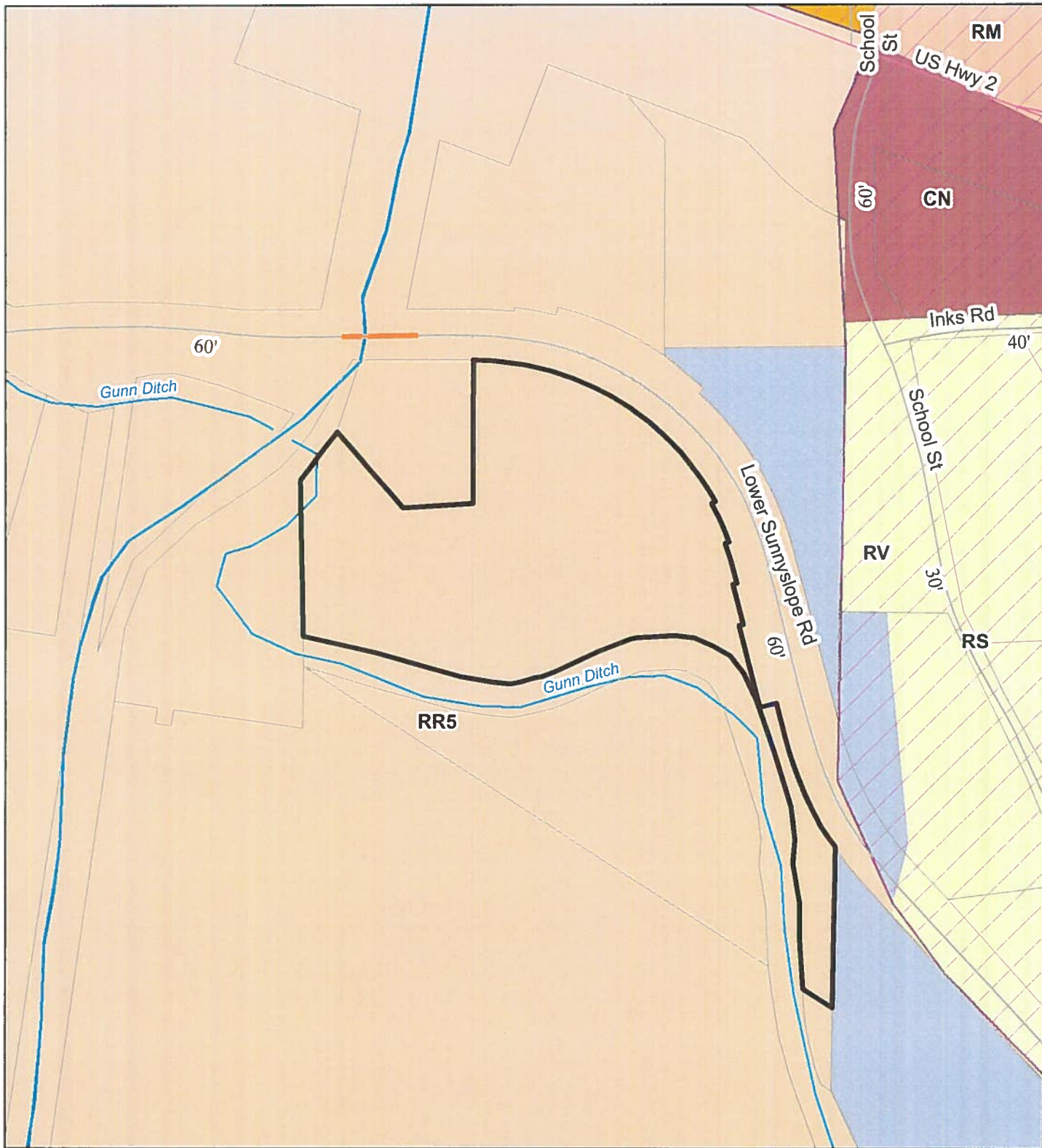
CHELAN COUNTY
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FEB 25 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT



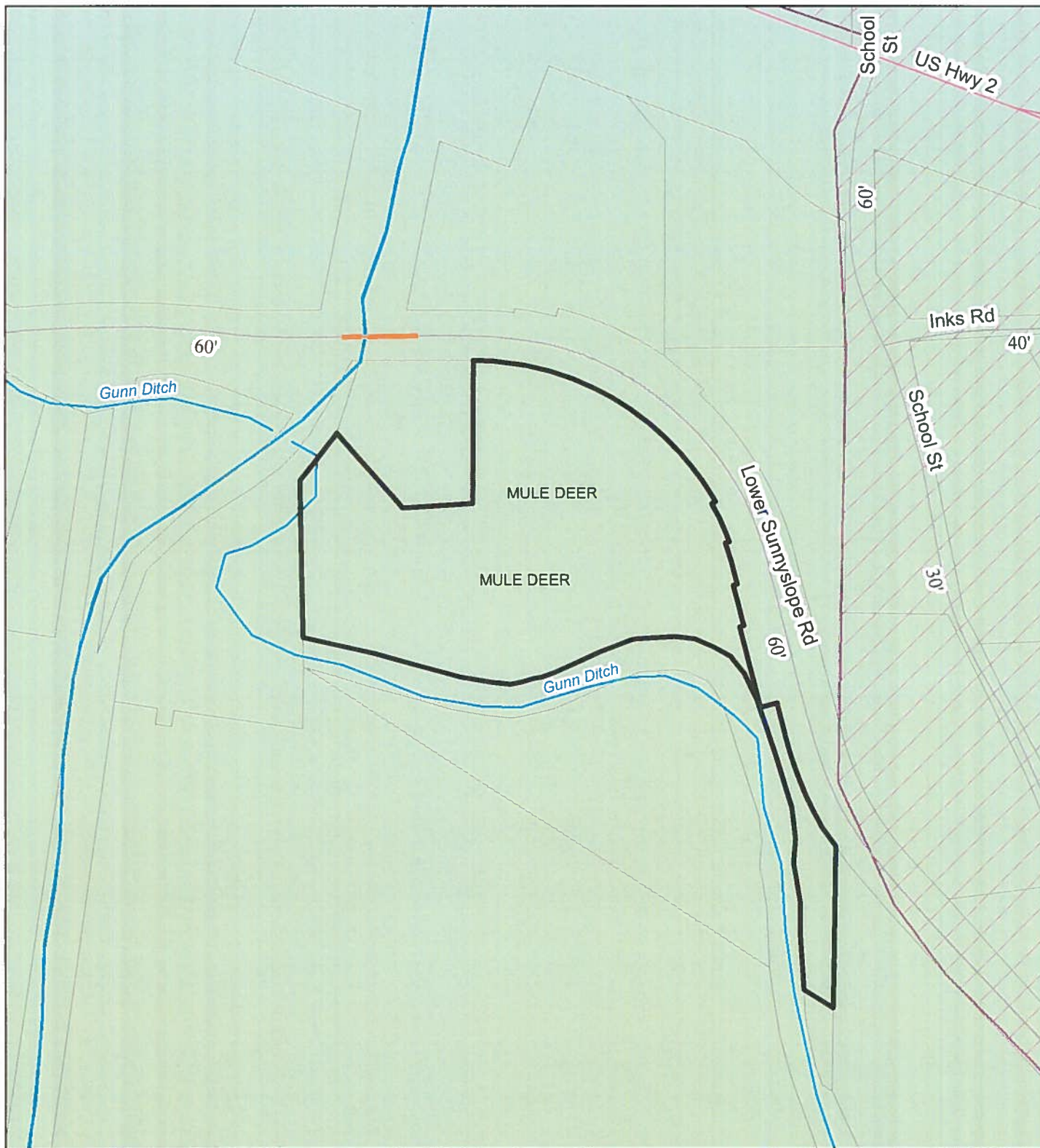
CPA 2020-004

3/6/2020

232020440100

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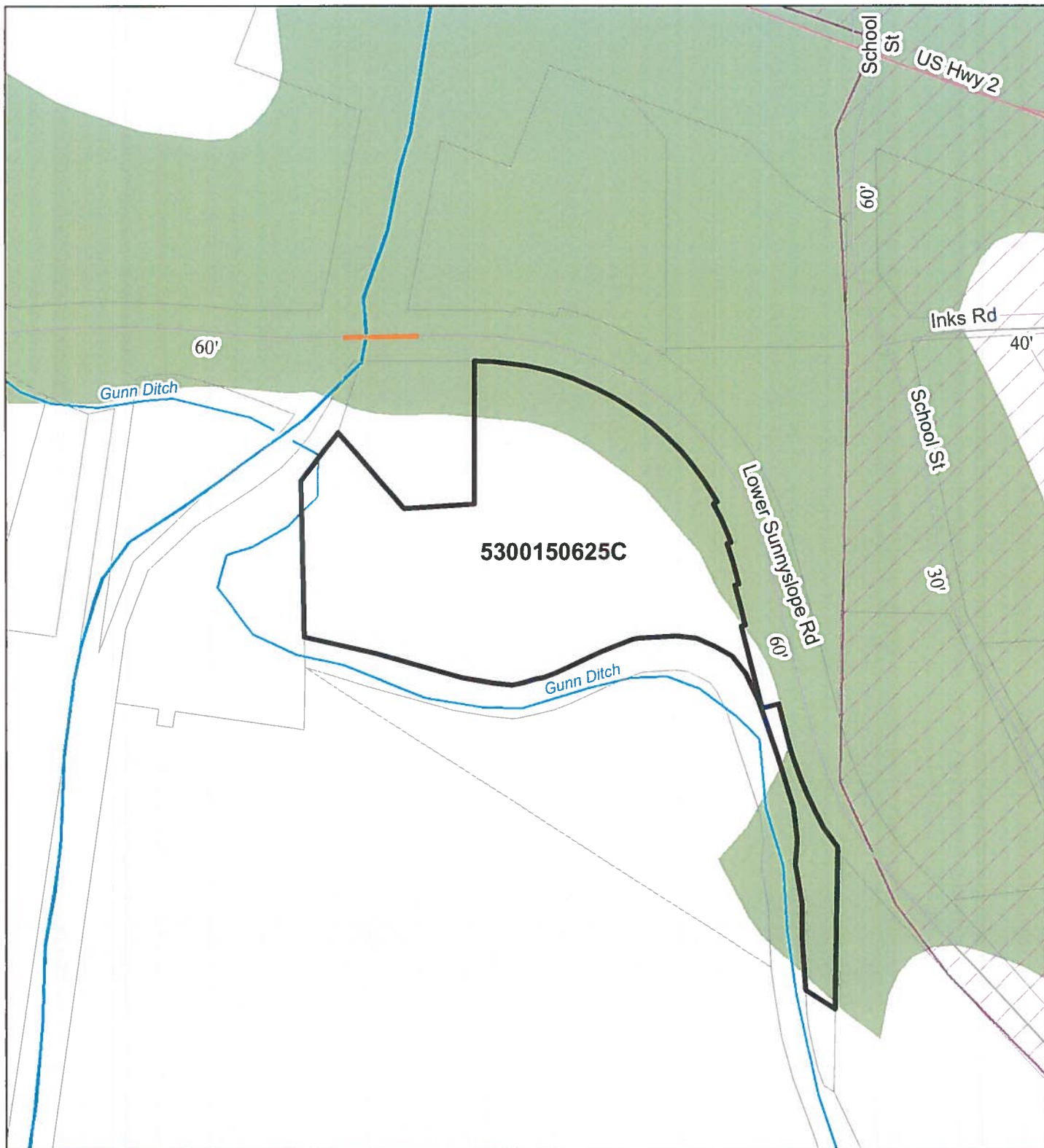
CPA 2020-004

3/6/2020

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CPA 2020-004

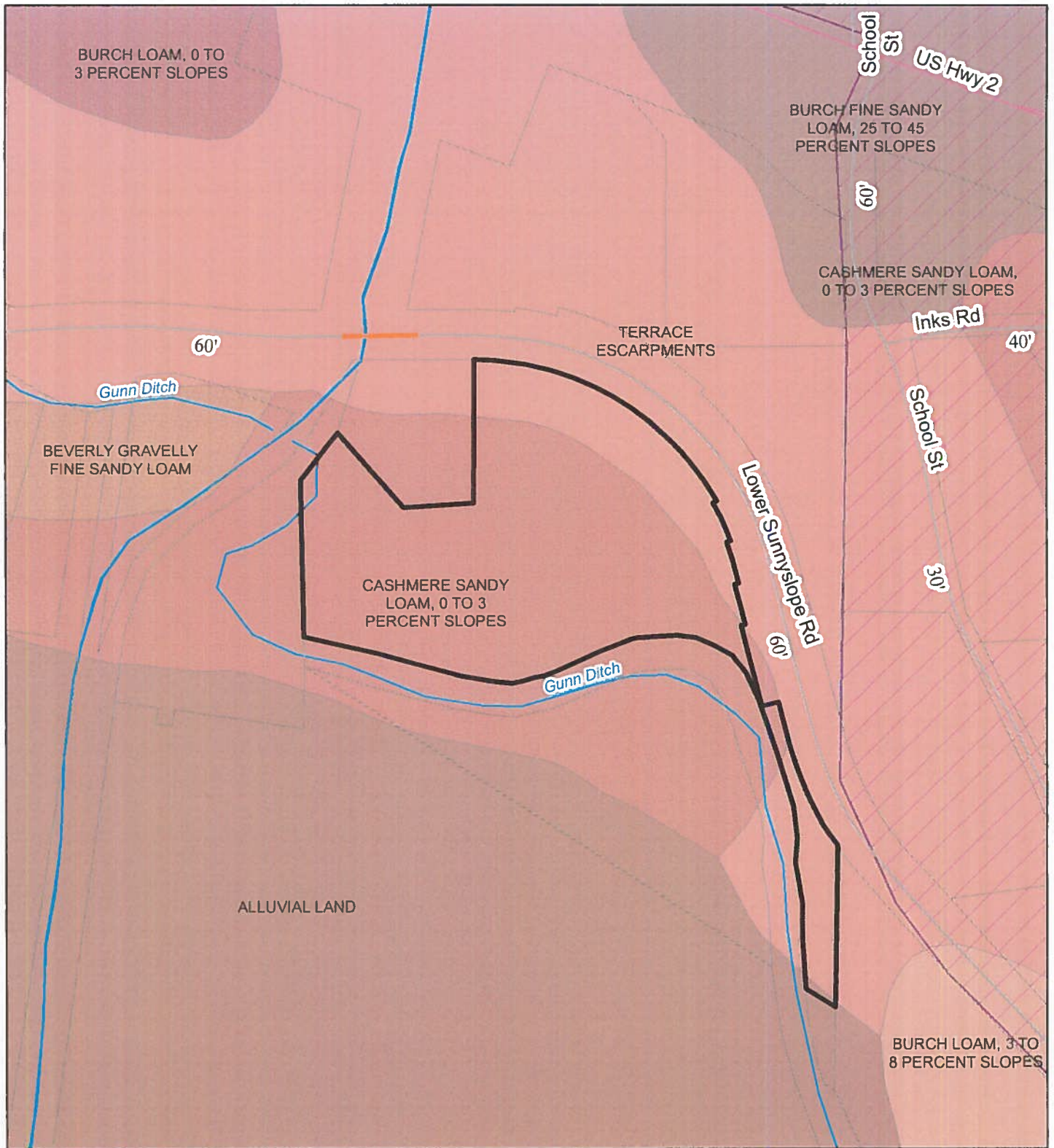
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0 120 240 480 Feet



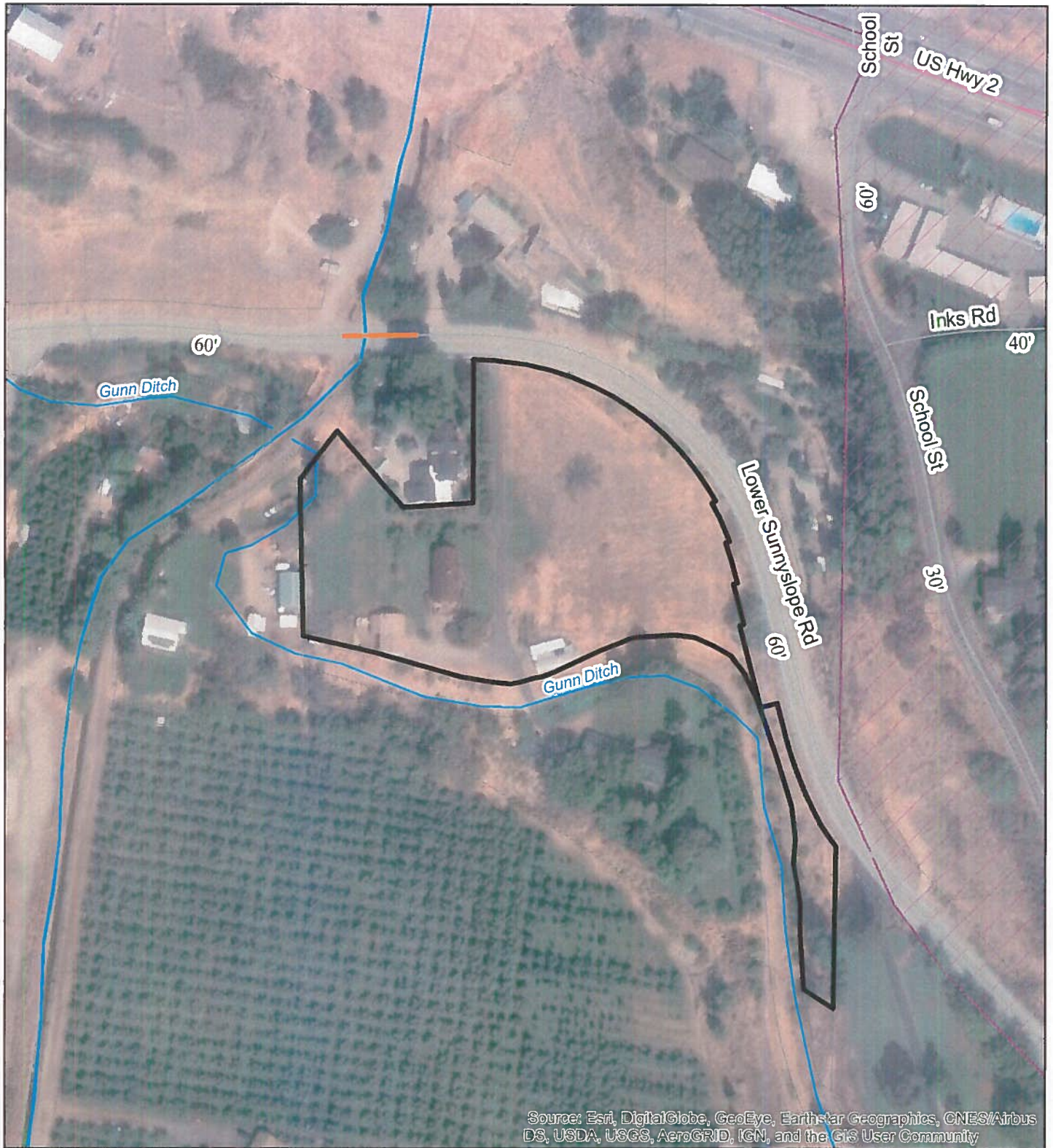
CPA 2020-004

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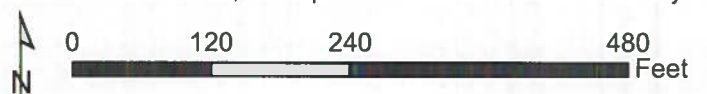


CPA 2020-004

3/6/2020

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CHELAN COUNTY

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

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

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

File Number: CPA 20-004
Parcel Number: 23-20-20-440-100

Site Address: 511 LOWER SUNNYSLOPE RD, WENATCHEE, WA 98801
Owner: SMITH BRENT A & RACHEL G
515 LOWER SUNNY SLOPE RD, WENATCHEE, WA 98801

Agent: SMITH BRENT A & RACHEL G
515 LOWER SUNNY SLOPE RD, WENATCHEE, WA 98801

Lead Agency: Chelan County Department of Community Development

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

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

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

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

Signature: Catherine Lorbeer
Catherine Lorbeer, SEPA Responsible Official

Date: November 5, 2020

Affidavit of Publication

STATE OF WASHINGTON } SS
COUNTY OF CHELAN }

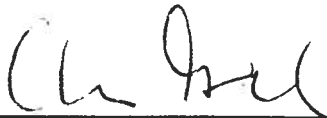
NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

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

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

September 10, 2020

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



Chris Gerber, Notary Public, Chelan County, Washington

My commission expires: March 07, 2022

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

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

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

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

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

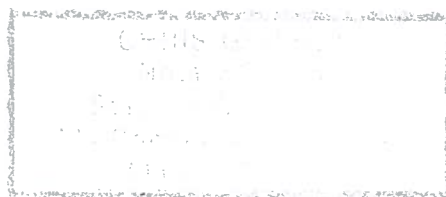
On September 10, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends September 24, 2020. In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd,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

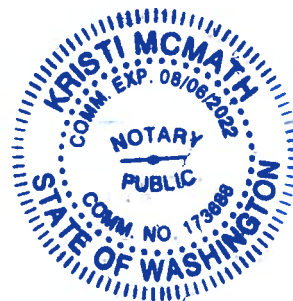
<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>

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

00002552 00094288 509-667-6475

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





CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
)
COUNTY OF CHELAN) SS

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

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

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

- ☐ Notice of Shoreline Application
☒ Notice of Application
☐ Other _____

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

Wendy Lane
Signature

September 10, 2020
Date

ACKNOWLEDGEMENT

This is to certify that on 10th day of Sept., 2020

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

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

My commission expires Feb. 20, 2021



Wendy Lane

From: Wendy Lane
Sent: Wednesday, September 9, 2020 8:32 AM
To: 'bb_smith85@yahoo.com'
Cc: Emily Morgan
Subject: Notice of Application for CPA20-004 Smith - Chelan County Dept. of Community Development
Attachments: CPA 20-004 Smith NOA Optional.pdf; CPA 20-004 Smith NOA AoP.pdf

Greetings,

Please find the attached Notice of Application for a Comprehensive Plan Map Amendment, regarding Brent and Rachel Smith's property, File# CPA 20-004. This notice should be posted on the subject property by September 10, 2020, or as soon as possible. Please place in a prominent position on site and maintain it for 14 days starting from the first day of posting. If you need a sign for posting, you may pick one up at our office. Also attached is the Affidavit of Posting that needs to be filled out with the appropriate information after the 14 days of comment period, signed before a notary and the original returned to this office. If your affidavit of posting is found not to be in the file, it may place a hold on the processing of the file.

If you have any questions pertaining to your application please contact the Chelan County Planner associated with this file, Emily Morgan at 509-667-6225 or Emily.Morgan@co.chelan.wa.us.

Sincerely,

Wendy Lane

Permit Clerk
Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801
Phone: (509) 667-6231 | Fax: (509) 667-6475
Wendy.Lane@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:
[CLICK HERE TO TAKE THE SURVEY!](#)

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Name	Address_1	Address_2	City	State	Countr	Zip Code	PARCEL
CHELAN COUNTY PUD	PO BOX 1231		WENATCHEE	WA		98807	232020440550
PHEASANT HILLS ESTATES LLC	PO BOX 119		WENATCHEE	WA	US	98807	232020130100
NEHER KENNETH	365 INKS RD		WENATCHEE	WA	USA	98801	232021330050
JASPERS DANIEL D/BECKY C	2817 SCHOOL ST		WENATCHEE	WA	USA	98801	232021330100
INKS GALEN F	HELEN C INKS	439 INKS RD	WENATCHEE	WA		98801	232021330125
SMITH JODI A & PAYNE DOYLE R	405 LOWER SUNNYSLOPE RD		WENATCHEE	WA		98801	232028220150
COLLINS FRANCIS J V TRT	413 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232028220200
BROMILEY J KIRK	401 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232028220300
GILL JOHN	393 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232028220320
BIRDSALL BRIAN	2626 SCHOOL STREET		WENATCHEE	WA	USA	98801-5964	232028220350
FIELDS WILLARD D	PO BOX 3303		WENATCHEE	WA	USA	98807-3303	232020440150
MC CORMICK CHRIS E & MICHELLE D	529 LOWER SUNNYSLOPE RD		WENATCHEE	WA		98801	232020440200
DORSEY ROBERT N	609 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801-9617	232020440250
CANTERBURY JAMES	617 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232020440300
CANTERBURY JAMES	617 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232020440350
FARIAS PEDRO	6125 HAY CANYON RD SPC 10		CASHMERE	WA		98815	232020410150
GAULT DWANE W	10303 ANGELINE RD E		BONNEY LAKE	WA		98391	232020410250
POTTER JOSHUA L	530 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232020410300
OWENS BENNIE F	2776 DEBORD DR		WENATCHEE	WA	USA	98801	232021330500
RYAN PATRICK J & KATHLEEN E REV LIVING TRUST	2732 DEBORD DR		WENATCHEE	WA		98801	232021330520
BOVIO IAN M & BRITT S	1 CHIEFS RD		WENATCHEE	WA		98801	232021330530
KITOS RICHARD E	410 N MILLER ST		WENATCHEE	WA	USA	98801	232021330540
JAGOSH JOSEPH & LADONNA LIVING TRUST	5423 N COURT ST		RUSTON	WA	USA	98407-3104	232021330560
SCHNELLER STANLEY	C/O HARDING & CARBONE	1235 N LOOP W STE 205	HOUSTON	TX		77008	232021330800
BARBARA J GIBBONS TESTAMENTARY TRT	2642 SCHOOL ST		WENATCHEE	WA	US	98801	232021330900
BARBARA J GIBBONS TESTAMENTARY TRT	2642 SCHOOL ST		WENATCHEE	WA	US	98801	232021330910
BARBARA J GIBBONS TESTAMENTARY TRT	2642 SCHOOL ST		WENATCHEE	WA	US	98801	232021330920
WRIGHT JON T & MARCY L	2737 SCHOOL ST		WENATCHEE	WA		98801	232021330950
MATHEWS BRETT R	533 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232020440500
CROWE JACK S & CAROL L COSTON	PO BOX 5445		WENATCHEE	WA	USA	98807	232020440510
GRENTZ FAMILY TRUST	C/O JOSEPH C & ALBERTA GRENTZ COTRTEE	PO BOX 204	MONITOR	WA	USA	98836-0204	232021330200
9TH STREET WATERFRONT INV LLC	% MS CLARE MEYETTE	PO BOX 1826	WENATCHEE	WA	USA	98807-1826	232020420210
GAULT DWANE W	10303 ANGELINE RD E		BONNEY LAKE	WA		98391	232020420250
9TH STREET WATERFRONT INV LLC	% MS CLARE MEYETTE	PO BOX 1826	WENATCHEE	WA	USA	98807-1826	232020420300
VALDEZ JACINTO S	625 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232020430200
MERRITT DONALD E JR & SHIRLEY D	520 LOWER SUNNYSLOPE RD		WENATCHEE	WA		98801-9618	232020440050
9TH STREET WATERFRONT INV LLC	% MS CLARE MEYETTE	PO BOX 1826	WENATCHEE	WA	USA	98807-1826	232020440400
NELSON ROGER & CONNIE ETAL	3216 RIVERS EDGE PL		WENATCHEE	WA		98801	232020420100
CHELAN COUNTY	COMMISSIONERS OFFICE	400 DOUGLAS ST	WENATCHEE	WA	USA	98801	232028221100
GOODFELLOW JAMES S & TAMAR CHOTZEN TRUSTEES	PO BOX 1826		WENATCHEE	WA		98807	232020430050
CITY OF WENATCHEE	126 S CHELAN AVE		WENATCHEE	WA		98801	232021310010
DOREY DAVID & REBECCA TRUSTEES	417 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232021330650
BRIDGES LEE	3009 SCHOOL ST		WENATCHEE	WA		98801	232021860043
AUSTIN JASON E TRUSTEE	409 INKS RD		WENATCHEE	WA		98801	232021330055
BILLS MICHAEL P	385 INKS RD		WENATCHEE	WA	USA	98801	232021330060
JASPERS DANIEL D/BECKY C	2817 SCHOOL ST		WENATCHEE	WA	USA	98801	232021330075
GIBBONS GERALD	2642 SCHOOL ST		WENATCHEE	WA	US	98801	232028220100
OCHOA RYAN	1250 N WENATCHEE AVE SUITE H #258		WENATCHEE	WA		98801	232020410350
9TH STREET WATERFRONT INV LLC	% MS CLARE MEYETTE	PO BOX 1826	WENATCHEE	WA	USA	98807-1826	232020440450
BYERS MATTHEW W	2850 DEBORD DR		WENATCHEE	WA	USA	98801	232021330510
DOREY DAVID & REBECCA TRUSTEES	417 LOWER SUNNYSLOPE RD		WENATCHEE	WA	USA	98801	232021330600
SKALE DAVID & DANIKA	409 LOWER SUNNYSLOPE RD		WENATCHEE	WA		98801	232021330750
SMITH BRENT A & RACHEL G	515 LOWER SUNNY SLOPE RD		WENATCHEE	WA		98801	232020440100
SCHNELLER BRUCE S	PO BOX 2371		CHELAN	WA	USA	98816	232021860039
CLANCYS FARM LLC	PO BOX 75		WENATCHEE	WA		98807	232020410160
FLETCHER SHAWN & MELISSA	725 VISTA VIEW PL		EAST WENATCHEE	WA		98802	232021330150
SUNNYSLOPE INVESTMENTS LLC	C/O JAMES MUNSON	6886 CASSEL BERRY WAY	SAN DIEGO	CA		92119	232021860044
GRACE CITY CHURCH	11 SPOKANE ST STE 300		WENATCHEE	WA		98801	232021860042
CHELAN COUNTY PUD	PO BOX 1231		WENATCHEE	WA		98807	232029110100
SUN VALLEY ESTATES HOME OWNERS ASSOCIATION	234 SUN VALLEY DR		WENATCHEE	WA		98801	232020410155
CITY OF WENATCHEE	PO BOX 519		WENATCHEE	WA	USA	98807	232020837250
SUN VALLEY ESTATES HOME OWNERS ASSOCIATION	234 SUN VALLEY DR		WENATCHEE	WA		98801	232020837125
WASHINGTON STATE DOT	NORTH CENTRAL REGION	2830 EUCLID AVE	WENATCHEE	WA		98801	232021400000
PHEASANT HILLS ESTATES LLC	PO BOX 119		WENATCHEE	WA	US	98807	232020130110
GLAUS LIVING TRUST	261 SUN VALLEY DR		WENATCHEE	WA		98801	232020837120
BEACH SANDRA K	262 SUN VALLEY DR		WENATCHEE	WA		98801	232020837130
KOLAR CHRIS R & DIANE E	254 SUN VALLEY DR		WENATCHEE	WA		98801	232020837140
POWERS DAN & ELVA	246 SUN VALLEY DR		WENATCHEE	WA		98801	232020837150

Order Invoice

Wenatchee World / Quincy Valley Post

PO Box 1511
Wenatchee WA 98807-1511

Phone: 5096635161

URL: www.wenatcheeworld.com

CHELAN CO DEPT OF COMMUNITY
DEVELOPMENT (CCDCD)
316 WASHINGTON ST. #301
WENATCHEE, WA 98801

Acct #: 00002552
Phone: (509) 667-6225
Date: 09/08/2020
Ad #: 00094288
Salesperson: LEGL Ad Taker: 340

Class: 0001

Ad Notes: Submitted by Wendy Lane, 9/8

Sort Line: CPA20-001MOONBEAM/WLane

Description	Start	Stop	Ins.	Cost/Day	Amount
01 The Wenatchee World	09/10/2020	09/10/2020	1	144.05	144.05
02 Wenatchee World Online	09/10/2020	09/10/2020	1	0.00	0.00

Ad Text:

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Payment Reference:

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process.

Total: 144.05
Tax: 0.00
Net: 144.05
Prepaid: 0.00

Total Due 144.05

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process. Mitigation measures may be required regardless of whether an EIS is prepared, however possible mitigation measures are unknown at the issuance of this notice. A copy of the subsequent threshold determination for this proposal may be obtained upon request to this department. **This may be the only opportunity to comment on the environmental impacts of this proposal.**

CPA 20-001: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject properties from Rural Residential/Recreational 5 acres (RR5) and Rural Residential/Recreational 10 acres (RR10) to Rural Recreational/Residential (RRR). Project Location: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; & 27-18-32-330-060

CPA 20-003: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5). Project Location: 155 Upper Joe Creek Rd, Manson, WA 98831; and identified by Assessor's Parcel No(s): 28-21-23-440-075

CPA 20-004: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801; and identified by Assessor's Parcel No(s): 23-20-20-440-100

CPA 20-005: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100

On September 10, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends September 24, 2020.

In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link:
<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>

Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

NOTICE OF APPLICATION & ENVIRONMENTAL REVIEW

Project File No.: CPA 20-004
Project Location: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801; and identified by Assessor's Parcel No(s): 23-20-20-440-100
Applicant/Owner: Brent & Rachel Smith
Application Date: February 26, 2020
Determination of Complete: September 3, 2020
Notice of Application Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

Existing Environmental Documents: State Environmental Policy Act (SEPA) Checklist

SEPA Review: Chelan County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used.

Permits Required: None known.

Public Review and Comment Period: PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED and no action will be taken on the project until the Agency comment period ends on **September 24, 2020**. Agencies, tribes, and the public are encouraged to review and comment on the proposed project. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, and should be as specific as possible. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law. Written comments must be submitted to the Department of Community Development, 316 Washington St., Suite 301 Wenatchee, WA 98801; Attention: Emily Morgan or email Emily.Morgan@co.chelan.wa.us for additional information or to review application materials.

In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link:

<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>



CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

DETERMINATION OF APPLICATION STATUS

Pursuant to Title 14, Development Permit Procedures & Administration Section 14.08.030, Determination of Completeness, Chelan County Board of County Commissioners Resolution No. 2004-16, as amended.

Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

File Number: CPA 20-004
Parcel Number: 23-20-20-440-100
Parcel Address: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801
Applicant/Owner: Brent & Rachel Smith
Mailing Address: 515 Lower Sunny Slope Rd Wenatchee, WA 98801
Date Submitted: February 26, 2020
Date Completed: September 3, 2020

Upon Initial Review, The Above Referenced Application is Found To Be: **COMPLETE**

The required components of an application are present and are judged by the review authority to be technically accurate and contain sufficient information necessary to allow the processing of the application(s). All submittal fees have been paid.

Your application has been determined to be complete as of the date of this letter. Pursuant to Chelan County Code Section 14.08.030(5), a Determination of Completeness shall not preclude the department from requesting additional information or studies if the need for more information becomes apparent during processing of the proposed development.

Review Authority: Emily Morgan
Chelan County Department of Community Development
316 Washington St., Suite 301, Wenatchee, WA 98801
Email: emily.morgan@co.chelan.wa.us
Phone: 509-667-6229 Fax: 5096676475

Sincerely,

A handwritten signature in cursive script that reads "Emily Morgan".
Emily Morgan

09/03/2020



CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

DETERMINATION OF APPLICATION STATUS

Pursuant to Title 14, Development Permit Procedures & Administration Section 14.08.030, Determination of Completeness, Chelan County Board of County Commissioners Resolution No. 2004-16, as amended.

Project Description: Proposed comprehensive map amendment to change the designation for Rural Residential/Resource – 1 dwelling unit per 5 acres (RR5) to Rural Village (RV).

File Number: CPA 20-004
Parcel Address: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801
Parcel Zoning: RR5
Applicant/Owner: Brent A. and Rachel G. Smith
Mailing Address: 515 Lower Sunnyslope Road, Wenatchee, WA 98801
Date Submitted: February 26, 2020
Date Incomplete: March 6, 2020

Upon Initial Review, The Above Referenced Application is Found To Be: **INCOMPLETE**

Please provide the following items, as they are necessary to determine a complete application for processing:

- Narrative outlining the information required by Chelan County Code Section 14.14.050(C) including:
 - (i) A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended; and
 - (ii) Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and
 - (iii) A statement of how the amendment complies with or supports the comprehensive plan's goals and policies; and
 - (iv) A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria; and

(v) A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required; and

(vi) For land use designation amendments, identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation; and

(vii) Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas; and

(viii) How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and

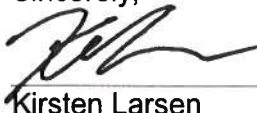
(ix) Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare.

Your application has been determined to be incomplete as of the date of this letter. Pursuant to Chelan County Code Section 14.08.030(3), the above-identified materials must be submitted within sixty (60) days of the date of this letter or this application will be considered null and void, with no refund of the filing fees. The applicant may request additional time, as follows:

- a) First request for forty-five-day time extension: The applicant shall provide written request five working days prior to the original date of void.
- b) Second request for forty-five-day time extension: The application shall provide written request give working days prior to the date of void. The request shall include documentation demonstrating advancement towards a complete application.
- c) Final request for time extension: The applicant shall provide written request with support documentation, as outlined in subsection (3)(B) of this section, a minimum of then working days prior to the date of void. The request shall include a specific date to complete the application requirements. The applicant and the director shall establish a mutually agreed upon time extension.

Review Authority: Kirsten Larsen
Chelan County Department of Community Development
316 Washington St., Suite 301, Wenatchee, WA 98801
Email: kirsten.larsen@co.chelan.wa.us
Phon: 509-667-6246 Fax: 5096676475

Sincerely,



Kirsten Larsen

03/06/2020

Complete Application Checklist

Sections 14.14.050 and 14.14.060

COMPREHENSIVE PLAN MAP AMENDMENTS

Separate applications must be submitted for properties under separate ownerships and must contain the following information:

- ☒ Application information as outlined in the application including:
 - ☒ The name, address and phone number of each person submitting the application; and
 - ☒ The name, address and phone number of any agent acting on the owner's behalf, including a notarized authorization form; and
 - ☒ The name, address and phone number of all owners with an interest in the affected property;
- ☒ Parcel/site information;
- ☐ Narrative including: *- missing*
 - ☐ A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended;
 - ☐ Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter [36.70A](#) RCW as amended) and any applicable county-wide planning policies;
 - ☐ A statement of how the amendment complies with or supports the comprehensive plan's goals and policies;
 - ☐ A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria;
 - ☐ A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required;
 - ☐ Identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation;
 - ☐ Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas;
 - ☐ How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan;
 - ☐ Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare;
 - ☐ *For any proposed urban growth area boundary changes submitted pursuant to Section [14.14.040](#), a detailed statement describing:*
 - ☐ *That the designated area of expansion is contiguous to an existing UGA; and*
 - ☐ *How the area is characterized by urban growth; and*
 - ☐ *The availability of or plans of urban governmental services; and*
 - ☐ *The compatibility of the proposal with designated natural resource lands and the protection of designated critical areas; and*

- ☐ *That there is insufficient land within the existing urban growth area to permit the urban growth that is forecast to occur in the twenty-year time frame covered by the comprehensive plan, or there can be shown an overriding public interest which shall clearly demonstrate that the amendment of the urban growth area is necessary to protect the health, safety, and welfare;*

- ☒ A completed SEPA checklist;
- ☒ Application Fees.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 5, 2020

Ms. Catherine Lorbeer, AICP
Assistant Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

CPA-2020-001, 004 and 005

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.¹ LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

CPA 2020-003

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.⁴ The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.⁵ Counties "should not review resource lands designations solely on a parcel-by-parcel process".⁶ Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.⁷ The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.⁸

CPA-20-007

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)⁹. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

⁹ [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer
November 5, 2020
Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at scott.kuhta@commerce.wa.gov, or 509-795-6884.

Sincerely,

A handwritten signature in blue ink that reads "Scott Kuhta". The signature is written in a cursive, flowing style.

Scott Kuhta, AICP
Senior Planner
Growth Management Services

cc: Jim Brown, CD Director, Chelan County
Steve Roberge, Deputy Managing Director, Growth Management Services
Dave Andersen, Managing Director, Growth Management Services

RECEIVED

SEP 23 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

To whom It may concern:

We have received a Notice of Application & Environmental Review CPA 20-004.

I would like to express my concerns to this Village Zoning that has been proposed. I spoke with Alex in the department of Community development and he was able to send me a map of the zoning of this area. He stated that they would consider Village zoning if it is adjacent to other same zoning parcels. If you look at the map, this would be technically correct. But if you also look at the map, a small portion of the proposed zoning touches a small portion of the existing zoning. In reality, this shared border is a steep bank that comes off the road. Also, if you look at a topographical map, the bordering property has one house, the property across the Lower Sunnyslope road also has one house and has no room for any other residences as it is a very steep hillside. The nearest housing development that actually uses this zoning is a quarter of a mile away.

In each property that borders this property that is being discussed is a single residence property and orchard. I have lived at my current residence for 35 years and have enjoyed the solitude living in the country affords. With this new zoning my understanding is, it can have up to 10 houses. I would encourage you to look at the adjoining properties and see that this is still a fairly open area and houses a spread apart by quite a distance. This zoning would take away the atmosphere of the neighborhood and we would have the encroachment of the city even closer to our doorstep. I, and my immediate neighbors have enjoyed having horses, sheep, pigs and chickens and I know, with development, those things are in danger pending just one lawsuit buy an upset neighbor. Also, our adjoining neighbor, who operates a large orchard with all the orchard sights, smells and noises does not fit with an close in neighborhood development such as this. I can only imagine the first of many new home owners complaining about the required tractor and sprayer running at 4AM in the morning.

To sum up, look at this area in person, and see if this fits the nature of this area. I will think you will find it will be a small grouping that is set aside by itself. The county is looking at short term home rentals because it effects neighbors and neighborhood in a negative way. And these are a day or two at a time. Imagine 10 new neighbors that are permanent. I encourage you to not just look at the zoning map, but look at the neighborhood itself and you will see this does not fit in this area. Do we really need another trailer park in our rural areas.

Brett Mathews;
533 Lower Sunnslope Rd.
Wenatchee, Wa 98801

Chris and Michelle McCormick
529 Lower Sunnyslope Rd.
Wenatchee, WA 98801
(509) 449-1400

RECEIVED

SEP 22 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

September 18, 2020

Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801

Project File No: CPA 20-004
Project location: 511 Lower Sunnyslope Rd., Wenatchee, WA 98801
Assessor's Parcel No(s) 23-20-20-440-100

To whom it may concern,

*We, the undersigned owners of property affected by the requested zoning change described in the above-referenced address do hereby **oppose** any change that would rezone the property to any classification other than RR5.*

This property directly adjoins residential and agricultural property and we oppose any zoning that will increase the noise and traffic that would detrimentally affect the peaceful enjoyment of our neighborhood. We also feel that any change in zoning of this property would negatively affect the value of our homes, safety of children and aesthetics of the environment and wildlife.

The property lies directly next to our home built in 1905. The change of land use from RR5 to RV would allow the owner to develop multiple homes and/or buildings. Though we have discussed the intent with our neighbor, once the property is rezoned, it could be developed and/or sold to a developer who could change the current concept. Multiple units are inconsistent with this low density neighborhood. Rezoning to multi units is not appropriate as there are no public services or transportation to support this type of development. If the city plans to add public transportation through this area, it will significantly impact traffic and require funds from the county to update the roads to accommodate the added wear on the already eroding streets.

Even if a few homes are built, it will have a big impact. Modern homes would not fit into the character of the area. Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the rural, single-family neighborhood.

Traffic and safety of pedestrians are major areas of concern. Because we have a "country road," neighbors walk their dogs and bike ride on our narrow road. While the traffic may be lighter on average, the local neighborhood traffic could disproportionately surge during morning and evening traffic hours and also negatively impact safety for children.

Wildlife is regularly observed in the area, and any development will interrupt their habitat and movement. Any future development of the property should consider the continuing impact to local wildlife habitat.

We were disappointed that only a few notices were mailed. We urge you to disapprove the proposed rezoning. From recent meetings and discussions with our neighbors, we believe our opinions are shared by others who may, or may have not, written letters of opposition.

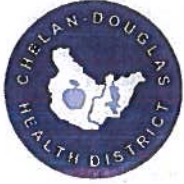
We are requesting a comp plan and notice of any public meeting pertaining to these issues. We would appreciate a copy of the final decision.

Thank you for your continued service and support of our communities.

Respectfully,



Chris and Michelle McCormick



PUBLIC HEALTH
ALWAYS WORKING FOR A SAFER AND
HEALTHIER COMMUNITY

Chelan-Douglas Health District

200 Valley Mall Parkway, East Wenatchee, WA 98802

Personal Health: 509/886-6400 • FAX 886-6478

Environmental Health: 509/886-6450 • FAX 886-6499

Memorandum

To: Emily Morgan, Chelan County
From: Richmond Petty, R.S.
Date: 9/23/2020
Re: Smith (CPA 2020-004) Land Use Comments

I have reviewed the above development Comprehensive Plan Map Amendment application to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). The proposed change would enable the addition of 3 (three) new parcels to the existing property area. The subject property is located at 511 Lower Sunnyslope Rd., Wenatchee (county tax parcel: 232020440100).

As proposed, I have no objections to further approval of this project. Any changes to the project may require additional Health District review.

Fees for review of land-use applications have been established by the Chelan-Douglas Health District Board of Health. The District will bill the applicant upon receipt of our comments (attached).

Project	CDHD 2020 fees
Other Land Use review (CUPs, Zone Changes, etc.) per hour with 1 hour minimum (then 15 min increments if necessary) staff review fee	\$91/hr



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

September 22, 2020

Emily Morgan
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801

Re: CPA 20-004

Dear Emily Morgan:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Comprehensive Plan Map Amendment to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV), proposed by Brent and Rachel Smith. We have reviewed the documents and have the following comments.

TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

If you have any questions or would like to respond to these Toxics Clean-up comments, please contact **Valerie Bound** at 509-454-7886 or email at valerie.bound@ecy.wa.gov.

WATER RESOURCES

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

Emily Morgan
September 22, 2020
Page 2

If you have any questions or would like to respond to these Water Resources comments, please contact **Christopher Kossik** at 509-454-7872 or email at christopher.kossik@ecy.wa.gov .

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
509-575-2012
crosepa@ecy.wa.gov

202004711

RJ Lott

From: RJ Lott
Sent: Thursday, June 4, 2020 10:45 AM
To: 'Brent Smith'
Subject: RE: Application Status

Good morning Brent,

Thank you for the additional information that you recently submitted. At this point, your application is deemed complete.

If you should have any questions, please let me know.

RJ Lott, AICP
Planning Manager
Community Development Department



316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: (509) 667-6515 | Fax: (509) 667-6475

From: Brent Smith <bb_smith85@yahoo.com>
Sent: Wednesday, June 3, 2020 4:05 PM
To: RJ Lott <RJ.Lott@CO.CHELAN.WA.US>
Subject: Application Status

External Email Warning! This email originated from outside of Chelan County.

RJ,

I had sent you a response regarding my updated narrative on May 23rd, I just wanted to confirm that you have received everything needed for my application and wanted to double check if there is anything further needed from me at this point, thanks

Brent

RJ Lott

From: Brent Smith <bb_smith85@yahoo.com>
Sent: Saturday, May 23, 2020 9:04 AM
To: rj.lott@co.chelan.wa.us
Subject: Fw: Determination of Application Status for CPA 2020-004
Attachments: Proposal Narrative.docx

External Email Warning! This email originated from outside of Chelan County.

Hi RJ,

Below is the email correspondence I had with Kirsten regarding the incomplete application. We submitted an updated narrative with Kirsten on April 1st, it is attached. Please let us know if anything else is needed, we would like to continue with the application.

Sincerely

Brent

- RJ Lott <rj.lott@co.chelan.wa.us>

To:bb_smith85@yahoo.com

Fri, May 22 at 2:01 PM

Good afternoon Brent and Rachael,

Attached you will find a copy of an incomplete letter sent from Community Development on March 6, 2020, stating that your application is incomplete.

While looking through your file, I did not find any recent correspondence. With our current pandemic environment, this is not uncommon. As such, I wanted to reach out to you to see what your wishes are with your file.

Please feel free to contact me at your earliest convenience.

RJ Lott, AICP

Planning Manager

Community Development Department



316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: (509) 667-6515 | Fax: (509) 667-6475

----- Forwarded Message -----

From: Kirsten Larsen <kirsten.larsen@co.chelan.wa.us>

To: Mr Smith <bb_smith85@yahoo.com>

Sent: Monday, April 13, 2020, 07:36:11 AM PDT

Subject: RE: Determination of Application Status for CPA 2020-004

Hi Brent,

No. The narrative will be added to your file.

Thank you,

Kirsten

Kirsten Larsen, AICP

Planning Manager

Community Development Department



316 Washington Street, Suite 301

Wenatchee, WA 98807

Kirsten.Larsen@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:

[CLICK HERE TO TAKE THE SURVEY!](#)

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Mr Smith <bb_smith85@yahoo.com>
Sent: Saturday, April 11, 2020 9:41 AM
To: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Subject: RE: Determination of Application Status for CPA 2020-004

External Email Warning! This email originated from outside of Chelan County.

Hi Kristen,

I just wanted check with you to see if anything more is needed for my application to remain complete and active,

Thanks

Brent

----- Original message -----

From: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Date: 4/1/20 9:28 AM (GMT-08:00)
To: Brent Smith <bb_smith85@yahoo.com>
Subject: RE: Determination of Application Status for CPA 2020-004

Hi Brent,

I'm sorry I got your email on Sunday, but I missed the question at the end. Yes, you can submit through email. I will review and let you know if I need anything additional or have any questions.

Thank you,

Kirsten

Kirsten Larsen, AICP

Planning Manager

Community Development Department

316 Washington Street, Suite 301

Wenatchee, WA 98807

Phone: (509) 667-6225 | Fax: (509) 667-6475

Kirsten.Larsen@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:

[CLICK HERE TO TAKE THE SURVEY!](#)

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From: Brent Smith <bb_smith85@yahoo.com>
Sent: Wednesday, April 1, 2020 9:25 AM
To: Kirsten Larsen <Kirsten.Larsen@CO.CHELAN.WA.US>
Subject: Re: Determination of Application Status for CPA 2020-004

External Email Warning! This email originated from outside of Chelan County.

Hi Kristen,

Can I submit my updated narrative online? I have it attached

Sincerely

Brent

On Friday, March 6, 2020, 01:56:35 PM PST, Kirsten Larsen <kirsten.larsen@co.chelan.wa.us> wrote:

Good afternoon,

Wendy Lane

From: Wendy Lane
Sent: Thursday, September 10, 2020 9:10 AM
To: Bob Plumb; David Spencer; 'rosa.perez@cdhd.wa.gov'; 'Karina.Alcantar@cdhd.wa.gov'; Cindy Grubb; 'Hankins, Alicia'; 'dradcliffe@chelancountyfire.com'; 'white.k@wenatcheeschools.org'; 'sepa@dahp.wa.gov'; 'enviroreview@yakama.com'; 'guy.moura.hsy@colvilletribes.com'
Subject: Request for Comments – CPA 20-004 Smith – Chelan County Dept. of Community Development
Attachments: CPA 20-004 Smith Application Materials.pdf

Good Morning,

Chelan County has a **Comprehensive Plan Map Amendment** application in which we are requesting comments from agencies and special districts. Attached are all the materials for your review and the Notice of Application. Please respond by **5:00 pm on September 24, 2020**.

Project File No.: File # CPA 20-004
Project Location: Address and Parcel Number: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801; Assessor's Parcel No(s): 23-20-20-440-100
Applicant/Owner: Name: Brent & Rachel Smith
Application Date: Date: February 26, 2020
Determination of Complete Date: Date: September 3, 2020
Notice of Application Date: Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

SEPA Review: The County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

Application Materials: Attached to this email or may be found on the Chelan County Public Notice Portal: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

Return Comments To: Emily Morgan

Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Email: Emily Morgan

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,

Wenatchee, WA 98801

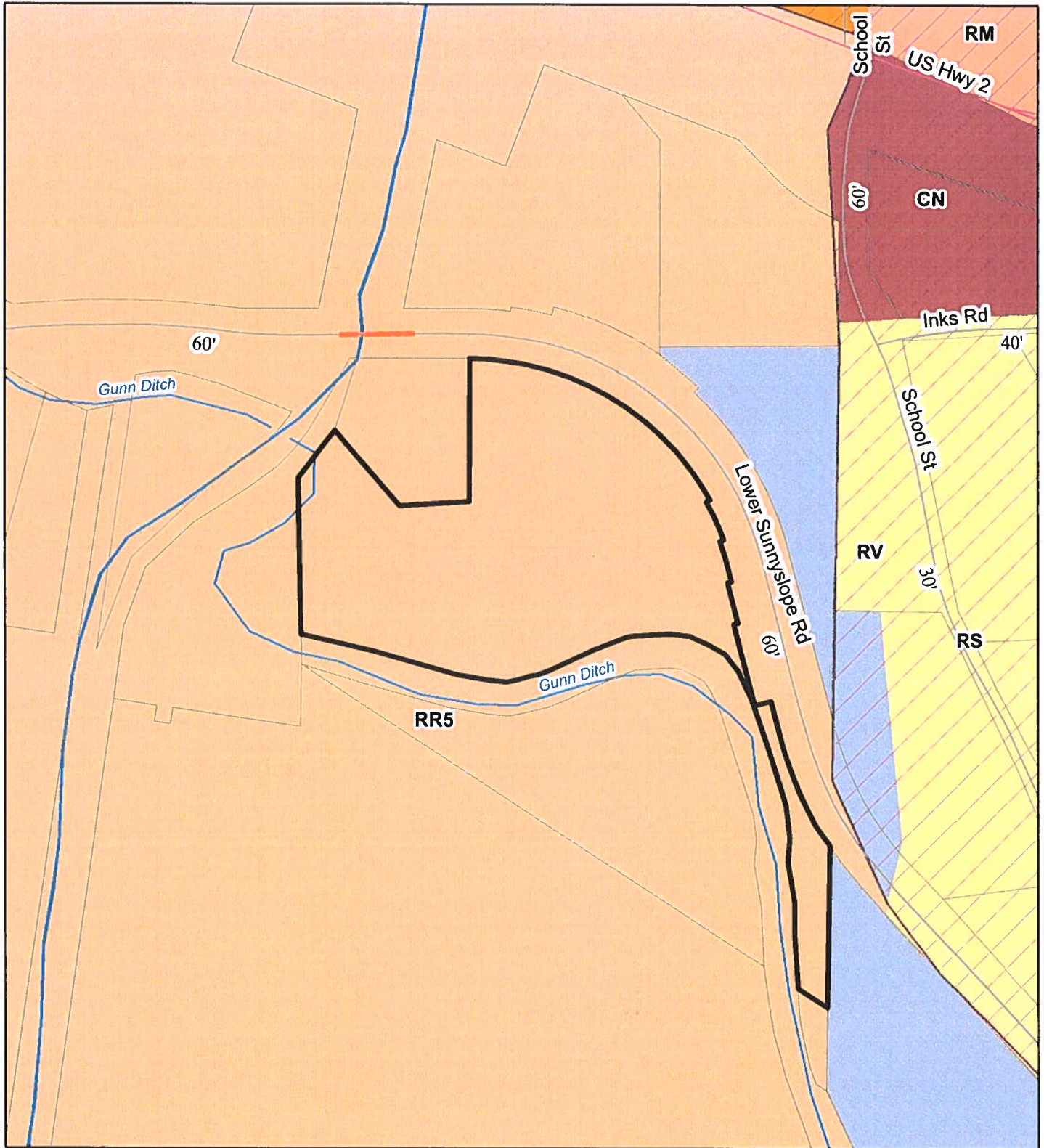
Phone: (509) 667-6231 | Fax: (509) 667-6475

Wendy.Lane@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey.

[CLICK HERE TO TAKE THE SURVEY!](#)

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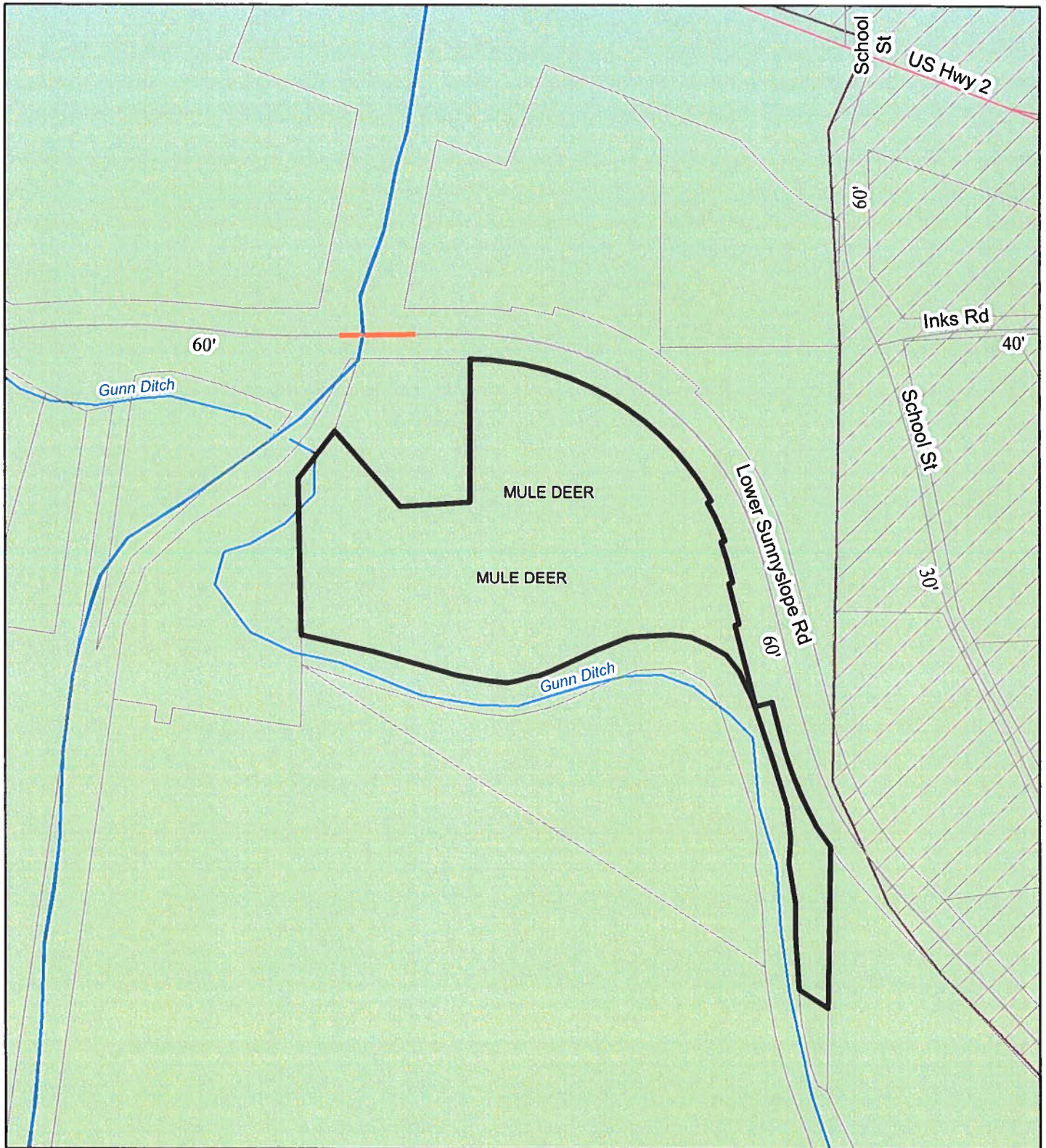
CPA 2020-004

3/6/2020

232020440100

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.





CPA 2020-004

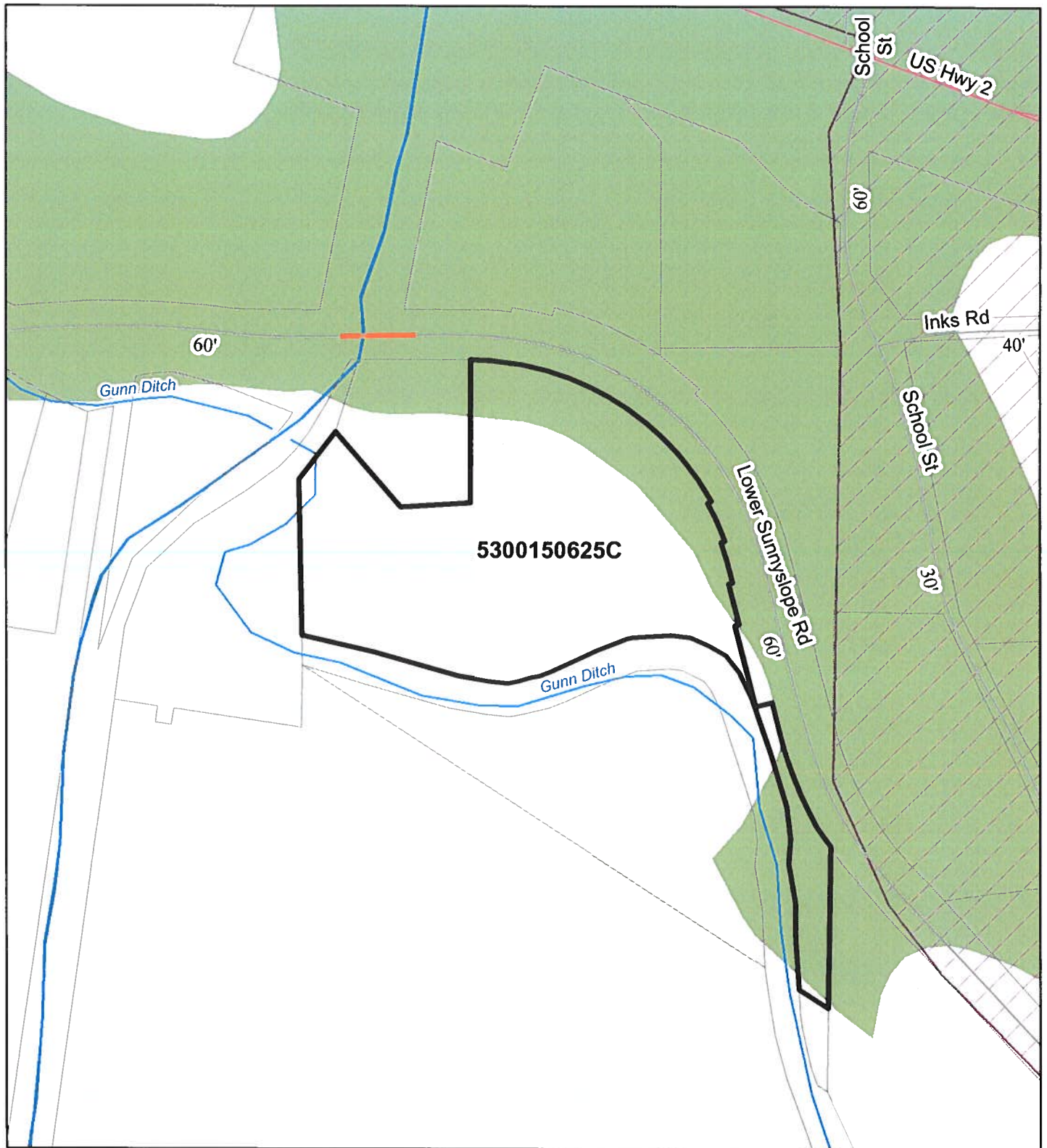
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232020440100

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CPA 2020-004

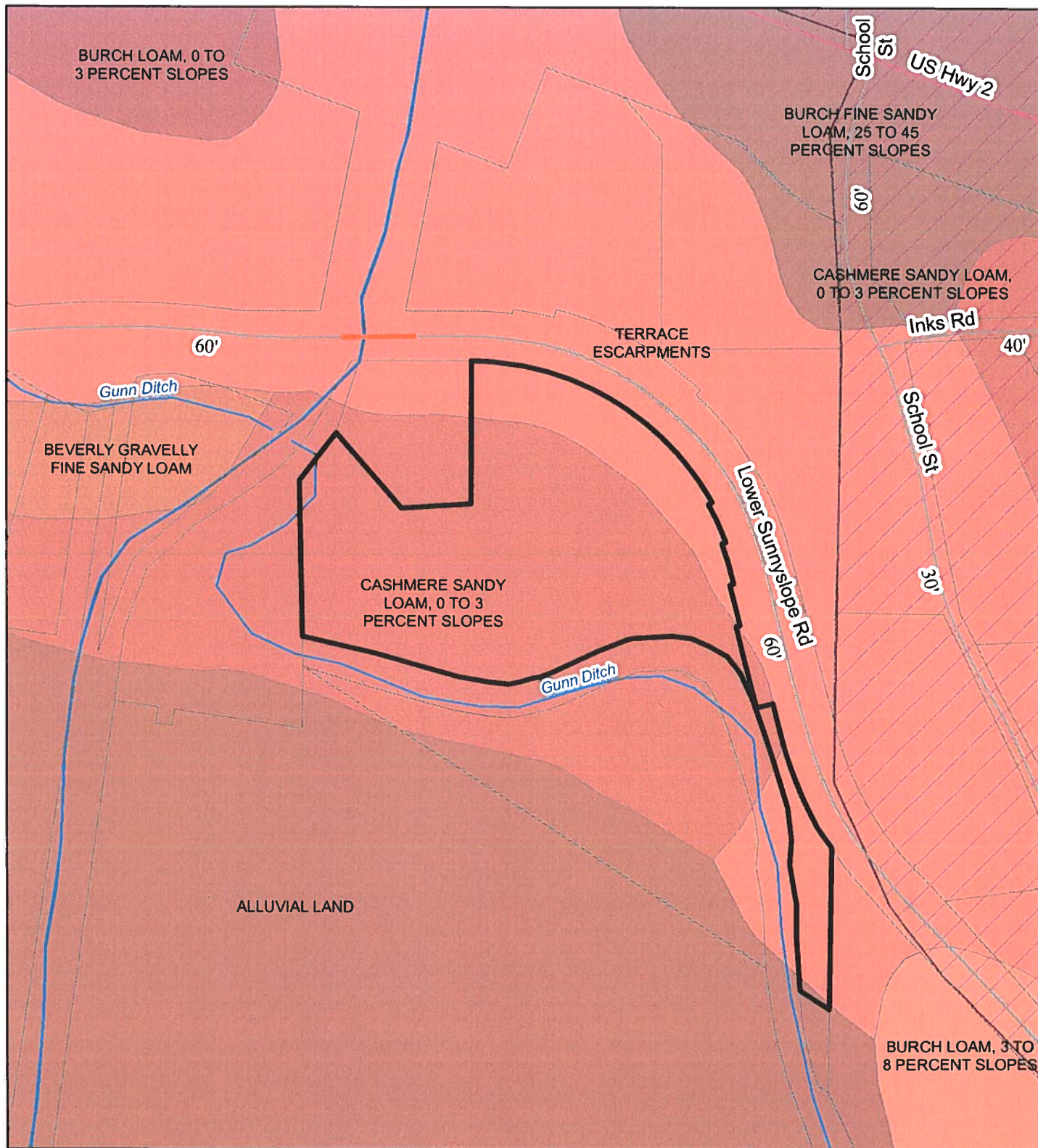
3/6/2020

232020440100

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CPA 2020-004

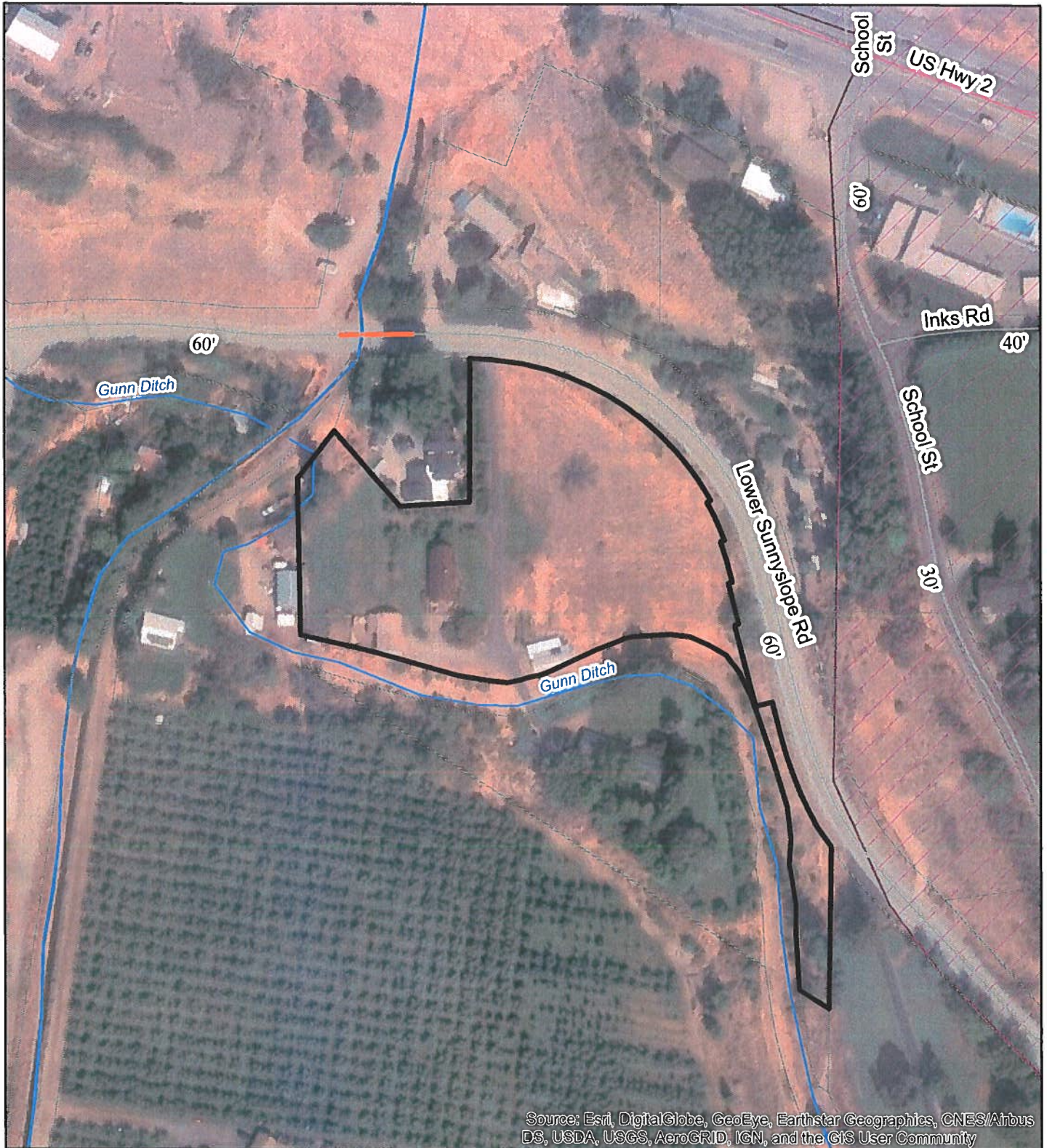
3/6/2020

232020440100

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CPA 2020-004

3/6/2020

232020440100

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.



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CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2020 Comprehensive Plan Map Amendment Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: November 18, 2020
FILE NUMBER: CPA 20-005, Joya

RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report. Staff recommends:

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV), given file number CPA 20-005, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

GENERAL INFORMATION

Planning Commission Workshop	October 28, 2020
Notice of Application to Surrounding Properties	September 10, 2020
Planning Commission Notice of Hearing Published	November 7, 2020
Planning Commission Hearing on	November 18, 2020
60-day State agency review	Received September 17, 2020 with comment period ending November 16, 2020
SEPA Determination	November 5, 2020

SEPA Environmental Review

A Determination of Non-Significance (DNS) was issued under WAC 197-11-340(2) for CPA 20-005 on November 5, 2020 (Attachment 1). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency.

Agency Comments:

Department of Commerce provided comments, dated November 5, 2020, that the proposed amendment would violate the very strict Growth Management Act requirements for Limited Areas of More Intense Rural Development (LAMIRD). The proposed amendment is a clear expansion of the existing development pattern that will result in irregular LAMIRD boundaries and low-density rural sprawl. Refer to Attachment 2 for full comment letter.

Department of Ecology provided comments, dated September 22, 2020, stating that prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water.

The Confederated Tribes of the Colville Reservation provided comments, dated October 12, 2020, that states that the proposed amendment is within the Traditional Territory of the Wenatchi Tribe. If the project moves forward, conditions of development would be requested to manage inadvertent discoveries and post-review discoveries.

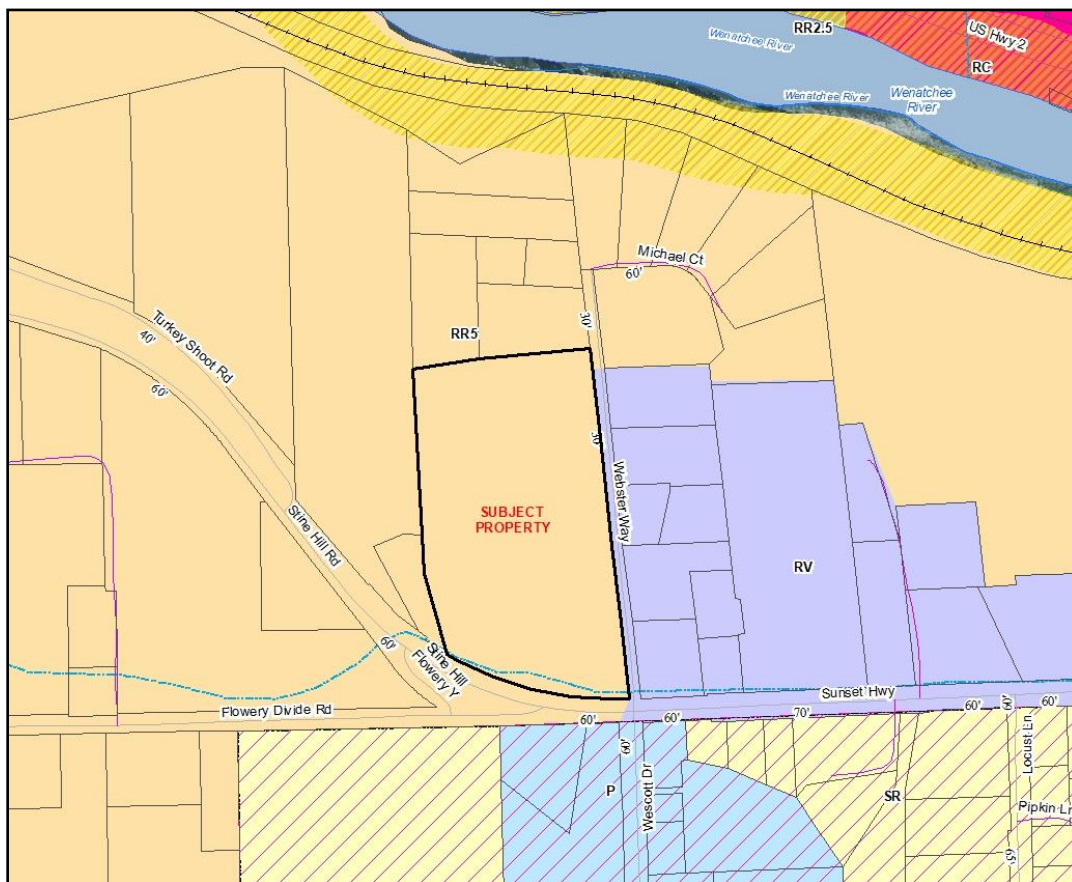
Public Comment:

Karen Carson provided comments, date stamped September 24, 2020, stating her concerns that the proposed land use change would adversely affect her orchard property that is currently in open space. Ms. Carson states that the proposed amendment would severely impact her ability to continue farming the land without interruption. Concerns were also expressed about how adjacent lands were described in the applicant's submitted materials.

PROJECT DESCRIPTION – CPA 20-005 – JOYA

Proposal: An application for a Comprehensive Plan Map Amendment was submitted by Rudy Joya (owners) to change the land use designation for the subject property (10 acres) from Rural Residential/Resource 5 (RR5) to Rural Village (RV). The subject property is located at 5900 Webster Way, Cashmere, WA 98815 and further identified by Assessor's Parcel No: 24-19-31-940-005. See Attachment 4 File of Record.

Chelan County Land Use Designations



Density: Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed amendment would potentially allow for an increased density of the RR5 parcel from 2 lots to a possible 36 lots in the RV zoning district.

COMPREHENSIVE PLAN

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Applicants must demonstrate the merits of the requested change as being consistent with adopted goals and policies.

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-005:

LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.

LU 1.7: Consistent with the Growth Management Act, ensure provision of necessary public facilities and public services for the development, infill and redevelopment of existing residential and mixed-use centers outside urban growth areas, such as LAMIRDs or rural communities. Such services should not be extended in a manner that promotes low density sprawl in rural areas.

RE 2.6: To achieve a variety of rural densities and uses, allow for development clustering, density transfer, design guidelines, conservation easements, and other innovative techniques to accommodate growth consistent with rural character.

RE 3.9: Allow the infill, development, and redevelopment of existing intensely developed rural areas where consistent with the goals and policies of the comprehensive plan, including recreational, residential, mixed-use, and shoreline developments.

RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.

H 2.1: Promote a diversity of housing unit types and densities to meet the needs of all existing and future residents of the County, including both site-built and manufactured and modular homes.

REVIEW CRITERIA

The proposals were analyzed based on information provided by the applicant or when readily available, within existing County resources. While each application may or may not have met all the criteria, the applications must be weighed by their individual and collective impacts. Additionally, agency and public comment play a role in understanding potential impacts to surrounding land uses, impacts to rural character, and how the amendment may serve the general public's interest.

Pursuant to Chelan County Code (CCC) Section 14.14.060(1), the following general review criteria were used to evaluate the proposed amendment.

A. *The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies.*

Finding of Fact: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Transportation, 4) Housing, and 5) Economic Development. The proposed land use change would serve to promote a variety of residential densities and housing types.

The Growth Management Act (GMA) permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion

of these areas outside of logically set boundaries. Requirements of the GMA that allow more intense development in rural areas include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

Agency comments indicate that the proposed amendment would violate the very strict Growth Management Act requirements for LAMIRDs. The proposed amendment would be a clear expansion of the existing development pattern that would result in irregular LAMIRD boundaries and low-density rural sprawl.

County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.

Conclusion: The proposal would not be consistent with the GMA goals and with County-wide Planning Policies.

B. *The amendment is consistent with or supports the Chelan County comprehensive plan goals and policies.*

Finding of Fact: The proposed land use change would support Policy RE 2.6, by allowing for a variety of rural densities and uses to accommodate growth consistent with rural character. The amount of privately-owned developable land in the County is limited. Innovative techniques can provide for rural development while protecting the rural character of the County. The proposed amendment also supports Policy H 2.1 by promoting a diversity of housing unit types and densities. An adequate supply of appropriately zoned land will ensure that the GMA plan does not artificially create inflation in housing prices by restricting competition in the land market.

However, the proposed land use change would not support Policies LU 1.5, LU 1.7, RE 3.9 and RE 6.1. Many vacant and underdeveloped parcels of land are available within existing residential developments that can accommodate further development. The RV land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these RV areas outside of logically set boundaries. LAMIRDs include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

Conclusion: The proposed amendment would not be consistent with and does not support the goals and policies of the Chelan County Comprehensive Plan.

C. *The amendment complies with Comprehensive Plan land use designation/siting criteria.*

Finding of Fact: The subject site is currently used for a single-family residence, accessory structures, and pasture. The proposed amendment would change the 10 acres to the Rural Village (RV) designation, a Type 1 LAMIRD. The RV designation would provide additional development flexibility such as smaller lot sizes or construction of duplex dwellings to support growing housing demands.

Properties to the east across Webster Way are designated Rural Village (RV) and include residential uses. Webster Way currently serves as the boundary separating the existing RV development on the east side from rural residential land use designations on the west side.

The purpose of the RV designation is to provide the opportunity for the development, redevelopment and infill of existing, intensely developed rural residential areas for residential and other rural development. The predominant parcel size is less than 2.5 acres. LAMIRDs are designated to identify more intense areas of existing development, and to minimize and contain those existing developed areas within the rural lands. LAMIRDs are rural; they are contained and compact, and, with minor exceptions, were built before July 1, 1990.

Conclusion: Based on the designation/siting criteria for RV and LAMIRD designations, as outlined in the Comprehensive Plan, the proposed amendment would not be consistent because it would expand the boundary of the RV designation beyond its logical boundary instead of minimizing and containing the land use to existing developed areas.

- D. *The amendment is supported by and consistent with the capital facility element and the transportation element. Amendments that would alter existing provisions of the capital facilities or transportation elements shall demonstrate why existing provisions should not continue to be in effect or why existing provisions should be amended.*

Finding of Fact: Access is from Webster Way, a county right of way. No alteration of the Capital Facility Element or Transportation Element is expected as a result of the proposal. Future development of the site will be reviewed for potential impacts to existing roads and creation of new private or public roads.

Conclusion: No change in the Capital Facility Element or Transportation Element has been identified. The proposed amendment would be supported by and consistent with the existing capital facility element and transportation element.

- E. *The amendment does not adversely affect the surrounding land uses.*

Finding of Fact: The areas surrounding the subject properties are in agricultural and residential use. The properties to the north are designated Rural Residential/Resource 5 (RR5). Properties to the west are designated Rural Residential/Resource 5 (RR5). Properties to the south are designated Suburban Residential (SR) and Public (P) in the Cashmere Urban Growth Area (UGA). Properties to the east across Webster Way are designated Rural Village (RV).

Under the proposed RV land use designation, density may be less than one (1) dwelling unit per acre, when consistent with Health Districts standards; however, in no case may it be less than one (1) dwelling unit per 12,000 sf lot. Development clustering would offer the opportunity to protect the rural character by focusing lots in more buildable locations and placing open spaces near larger, neighboring parcels.

Public comment state concerns that the proposed land use change would adversely affect adjacent orchard property that is currently in open space and would severely impact the ability to continue farming the land without interruption.

Conclusion: The proposed amendment does adversely affect the surrounding land uses because it proposes an abrupt change in density and would inappropriately expand a LAMIRD land use boundary.

- F. *The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.*

Finding of Fact: The subject site is composed of one parcel that is currently in Rural Residential/Resource 5 (RR5) and is located in an Airport Overlay. The site is currently used for a single-family residence, accessory structures, and pasture. Physical characteristics include flat ground, in an area shown to have erosive soils, possible ground contamination from historic orchard use, and a ditch running parallel with the south property line.

Conclusion: The proposed amendment does not appear to adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.

- G. *The amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.*

Finding of Fact: The proposed amendment would make the subject property available for higher density development, thereby accommodating projected growth in the rural, unincorporated areas of Chelan County.

The potential development of 36 lots would modestly contribute to the projected growth of the Comprehensive Plan and would therefore not result in an adverse impact.

Conclusion: The proposed amendment would be unlikely to have an adverse impact on projected growth.

- H. *The proposed amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.*

Finding of Fact: The proposed amendment would increase the density of residential and other rural land uses to the area. However, many vacant and underdeveloped parcels of land are available within existing residential developments that can accommodate further development. But despite availability, the price of land is ever increasing and moderately priced rural properties are highly desired for residential building lots.

The proposed amendment is not anticipated to impact the general public negatively in regards to public health, safety, or welfare.

Conclusion: The proposed amendment specifically serves the applicant but the general public including public health, safety and welfare, is not anticipated to be negatively affected.

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on November 5, 2020.
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on September 17, 2020, submittal ID No. 2020-S-1793 (Attachment 3), pursuant to RCW 36.70A.106.
6. A request for a Comprehensive Plan Map Amendment was submitted by Rudy Joya (owners) to change the land use designation for the subject property (10 acres) from Rural Residential/Resource 5 (RR5) to Rural Village (RV). The subject property is located at 5900 Webster Way, Cashmere, WA 98815 and further identified by Assessor's Parcel No: 24-19-31-940-005.
 - a. The location and characteristics are not consistent with Chelan County Comprehensive Plan designation for Rural Village (RV), as outlined in this staff report.

CONCLUSIONS OF LAW

1. The amendment to the Chelan County Comprehensive Plan is not consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendment does not comply with the Comprehensive Plan designation/siting criteria.
3. The amendment does adversely affect the surrounding land uses.

4. The amendment does not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
5. The amendment does not adversely affect the supply of land for various purposes available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.
6. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
7. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
8. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, SEPA Rules have been satisfied.

STAFF RECOMMENDATION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report. Staff recommends:

- A. Move to recommend **denial** of the Comprehensive Plan Amendment to change the subject property's land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV), given file number CPA 20-005, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

ATTACHMENTS

1. SEPA Determination, signed November 5, 2020
2. Agency Comment dated November 5, 2020 from the WA Dept. of Commerce
3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
4. File of Record for CPA 20-005



CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

SEPA NOTICE ISSUANCE OF DETERMINATION OF NON-SIGNIFICANCE (DNS)

Project Description: Amendment to the Chelan County Comprehensive Plan to change the land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV)

File Number: CPA 20-005
Parcel Number: 24-19-31-940-005

Site Address: 5900 WEBSTER WAY, CASHMERE, WA 98815
Owner: JOYA RUDY & BETHANY
5900 WEBSTER WAY, CASHMERE, WA 98815
Agent: JOYA RUDY & BETHANY
5900 WEBSTER WAY, CASHMERE, WA 98815

Lead Agency: Chelan County Department of Community Development

Based on the lead agency's review of the proposed Comprehensive Plan Amendment, it is determined that there would not be adverse impacts due to the change of land use designation as no development is proposed at this time.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance is issued under WAC 197-11-355, Optional DNS. No additional comment period is required.

Responsible Official: Catherine Lorbeer, Assistant Director / SEPA Responsible Official
Address: Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: (509) 667-6225

Signature: 
Catherine Lorbeer, SEPA Responsible Official

Date: November 5, 2020



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 5, 2020

Ms. Catherine Lorbeer, AICP
Assistant Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

CPA-2020-001, 004 and 005

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.¹ LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

CPA 2020-003

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.⁴ The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.⁵ Counties "should not review resource lands designations solely on a parcel-by-parcel process".⁶ Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.⁷ The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.⁸

CPA-20-007

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)⁹. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

⁹ [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer

November 5, 2020

Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at scott.kuhta@commerce.wa.gov, or 509-795-6884.

Sincerely,



Scott Kuhta, AICP

Senior Planner

Growth Management Services

cc: Jim Brown, CD Director, Chelan County
Steve Roberge, Deputy Managing Director, Growth Management Services
Dave Andersen, Managing Director, Growth Management Services



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

09/17/2020

Ms. Catherine Lorbeer
Assistant Director
Chelan County
316 Washington Street Suite 301
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2020-S-1793--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lorbeer:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

1) Rural Residential/Recreational 5 acres and Rural Residential/Recreational 10 acres to Rural Recreational/Residential; 2) Commercial Agricultural Lands to Rural Residential/Recreational 2.5 acres; 3) Rural Residential/Recreational 5 acres to Rural Village; 4) Rural Residential/Recreational 5 acres to Rural Village; 5) Chapter 3 and 4 related to small-scale recreational tourist activities

We received your submittal on 09/17/2020 and processed it with the Submittal ID 2020-S-1793. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/16/2020.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Scott Kuhta, (509) 795-6884.

Sincerely,

Review Team
Growth Management Services



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

RECEIVED

FEB 27 2020

GENERAL LAND USE APPLICATION FORM

CHELAN COUNTY
COMMUNITY DEVELOPMENT

Parcel Number (APN): 241931940005 Lot Size: 10 (Acres)
Parcel Address: 5900 Webster Way City/Zip Code: Cashmere, WA 98815
Property Owner(s): Rudy Joya Zoning: RR5
Mailing Address: 5900 Webster Way Cashmere, WA 98815
City/State/Zip Code: Cashmere, WA 98815
Phone: 509-860-2602 E-mail: rudyajoya@gmail.com

Applicant/Agent (if different than owner): _____
Company and Mailing Address: _____
City/State/Zip: _____ Phone: _____
E-mail: _____

For multiple owners, applicants, or agents, provide additional sheets.

.....

This General Land Use Application Form shall be completed unless specified below. Additional information and supplemental forms may be required. Please review all applicable statutes and regulations pertaining to the proposed development and provide information, documents, studies, and reports (such as a Traffic Impact Study or environmental forms) demonstrating compliance with all statutory and regulatory requirements and other applicable criteria.

Application For: (Check all that apply)

- ☐ Administrative Modification
- ☐ Administrative Determination
- ☐ Administrative Interpretation
- ☐ Binding Site Plan
- ☒ Comprehensive Plan Map Amendment
- ☐ Comprehensive Plan Text Amendment
- ☐ Conditional Use Permit
- ☐ Forest Practice/Conversion

- ☐ Open Space: Public Benefit Rating System
- ☐ Major Subdivision
- ☐ Master Planned Development
- ☐ Planned Development
- ☐ Plat Alteration or Vacation
- ☐ Short Plat
- ☐ Variance (zoning or critical areas)
- ☒ Zoning Text Amendment/ Map Amendment
- ☐ Other: _____

APPLICABILITY SECTION

The following have their own individual application. Do not use this form for:

1. Boundary Line Adjustments. Please use corresponding Boundary Line Adjustment Application Form.
2. Certificate of Exemptions. Please use corresponding Certificates of Exemption Application Form.
3. Shoreline Permits. Provide the JARPA form along with the corresponding Supplemental Form, as necessary.
4. Building and Fire Permits.
5. Pre-Applications.

The following attachments are required for a complete application:

1. Copy of Deed or Proof of Ownership
2. Supplemental Forms, if applicable
3. Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist
4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title 12, Title 14, and Title 15.

GENERAL INFORMATION

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed):

The purpose of this request is to rezone a single 10-acres parcel from RR5 to RV. The property is adjacent to existing property zoned RV (Attachment 1). Rezoning from RR5 to RV is consistent with zoning in the immediate area. This action would require a zoning map amendment.

☐ Narrative attached

Please complete the following:

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1. Any related files (such as Pre-Applications): NA
2. Is the subject property located within an Urban Growth Area (UGA)? ☒ No ☐ Yes
If "yes", which UGA? _____
3. Please describe adjacent land uses in all directions around the subject property:
North: RR5
South: RV
East: RR5
West: Public
4. What is the current use of the property? Vacant Lot
5. Sanitation Disposal: ☐ N/A ☒ Septic Permit ☐ Sewer District: _____
6. Water Source: ☐ N/A ☒ Single Private Well ☐ Shared Private Well ☐ Group B
☐ Public Water Supplier: _____
7. Irrigation Water:
☐ N/A ☒ Yes (Private) ☐ Yes (Public) Irrigation District/Purveyor: _____
8. Fire District: Cashmere Fired Department School District: Cashmere
9. Power Service: Chelan PUD
10. Are there critical areas or critical area buffers on the property?
☐ Airport Overlay: _____
☐ Aquifer Recharge Area (see attached)
☐ Floodplain / Floodway _____
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
☐ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
☐ Habitat/Riparian Area, protected species/area: _____
☐ Streams / Waterbodies: _____ ☐ Shoreline Environment Designation: _____
☐ Drainage or Seasonal Stream: _____ ☐ Wetland, if so what category: _____
☐ Cultural or Archeological: _____
11. Will landfill be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
12. Will excavation be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?
No
14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

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N/A

15. Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:

Subsequent subdivision development may occur if rezoned from RR5 to RV and after preliminary plat approval.

16. Are there any other applications pending for governmental approvals for this or other proposal affecting the property covered by this proposal? ☒ No ☐ Yes, please list:

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AQUIFER RECHARGE AREA DISCLOSURE SECTION

Exempt from this section only are Single Family Residences and their associated development per CCC 11.82.060. An applicant seeking to develop property which requires a development permit, shall submit with the permit application this certified statement, which lists each of the evaluation criteria and shall indicate whether the criteria "applies" or "does not apply" to the site or development. "Unknown" or similar responses will not be accepted.

If the development meets criteria A, B, C, or D or if the site or development meets any two of the remaining criteria, the Department will direct the applicant to determine the vulnerability rating for the development pursuant to Section 11.82.050 Aquifer Recharge Areas. If the development has a high or medium vulnerability rating, the development shall be subject to the performance standards of Section 11.82.060.

If an applicant's statement asserts that the criteria do not apply to the development, the Department will accept the statement and proceed with the permitting process. If any statement is incorrect, the applicant will be advised in writing to either; (a) provide an amended statement adding the evaluation criteria as being applicable and determine the vulnerability rating of the development pursuant to Section 11.82.050, or (b) present sufficient countering information clearly establishing that the basis for the Department's concern is incorrect. If the applicant selects to proceed under (b), upon receipt of the applicant's information, the Department shall review the information and obtain whatever additional assistance may be required to resolve the issue. The final determination as to whether a determination of vulnerability is required shall be made by the Administrator.

EVALUATION CRITERIA

The applicant is required to determine the vulnerability rating for **any development permit**, not otherwise exempted, if the site or development meets criteria A, B, C, or D or meets two or more of the remaining criteria below:

Please write the word(s) "**Applies**" or "**Does Not Apply**" on the lines before each of the following statements:

- Does Not Apply **A.** Within a wellhead protection area designated under WAC 246-290; ***Wellhead Protection Area:** The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.
- Does Not Apply **B.** Within an aquifer recharge area mapped and identified by a qualified ground water scientist;
- Does Not Apply **C.** The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;
- Does Not Apply **D.** The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended;
- Does Not Apply **E.** The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; ****Highly Permeable Soils:** Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand).
- Does not Apply **F.** Within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act (**None currently designated in Chelan County**);

- Does not apply **G.** Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC **(None currently designated in Chelan County);**
- Applies **H.** The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;
- Does Not Apply **I.** The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;
- Does Not Apply **J.** The proposed use is as a commercial feedlot;
- Does Not Apply **K.** The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

Depending upon soil depths from the surface, the following soil series within Chelan County are considered to be highly permeable soils:

- Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam*
- Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam*
- Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly sandy loam; Bg, 0-10 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam*
- Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam*
- BsD, 26-60 inches (depth from surface), very gravelly sandy loam*
- Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; CIA, CIB, CIC, CID, CIE, 35-60 inches (depth from surface), very gravelly sandy loam*
- Jumpe: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam*
- Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam*
- Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam*
- Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam*
- Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam*
- Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam*
- Suplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam*
- Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; ThE 10-60 inches (depth from surface), very gravelly sandy loam*
- Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam*

CANNABIS DISCLOSURE SECTION

SUB-SECTION I: Circle

I AFFIRM there **IS NOT** or **IS** (circle one) an existing or pending Liquor and Cannabis Board (LCB) license or approval for cannabis production, processing, or retail located on the property that is the subject of the requested development permit or approval.

If you circled "**IS NOT**" above, proceed to Sub-Section III of this form.

If you circled "**IS**" above, proceed to Sub-Section II of this form.

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SUB-SECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-Section III.

- _____ I ACKNOWLEDGE AND UNDERSTAND that all cannabis-related activities, development, uses and construction must comply with Chelan County regulations, including but not limited to Chelan County Code Section 11.100.
- _____ I ACKNOWLEDGE AND UNDERSTAND that only those cannabis-related uses authorized pursuant to Chelan County Code Section 11.100 are permitted within Chelan County. All other commercial and noncommercial licensed or registered cannabis uses, including but not limited to cannabis research facilities and medical cannabis cooperatives, are prohibited within all zones of Chelan County.
- _____ I ACKNOWLEDGE AND UNDERSTAND that pursuant to Chelan County Code Section 11.100 a conditional use permit is required to engage in the production or processing of cannabis within Chelan County, and that all cannabis producers and processors must register annually with Chelan County and pay the appropriate registration fee.
- _____ I ACKNOWLEDGE AND UNDERSTAND that it is the responsibility of the property owner to submit for and obtain all necessary development permits and approvals prior to engaging in cannabis-related activities, development, uses or construction, including but not limited to conditional use permits for the production or processing of cannabis, building permits, change of use/occupancy permits, shoreline permits, variances, and mechanical permits.

SUB-SECTION III: Please select one of the following:

- ☒ I certify with the signature below that the building or land use permit requested **IS NOT** related to or in any way supportive of existing or planned cannabis-related activities, development, uses or construction on the property. I further certify that any authorized activities, development, uses or construction **WILL NOT** be utilized to support or expand cannabis-related activities, development, uses or construction.
- ☐ I certify with the signature below that the building or land use permit requested **IS** related to or in support of existing or planned cannabis-related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction will be in strict compliance with LCB licensure requirements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter 69.50 RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and WAC Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW (Shoreline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.

SITE PLAN CHECKLIST SECTION

- ☐ Two copies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. Indicate the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For large parcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient scale and the second page depicting an enlargement of the developed area at a larger scale.
- ☒ Label all property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
- ☐ Label the location, size, and use of all existing building(s). Identify the distance between property lines and buildings. Label structures with previous building permit number(s) issued if applicable.
- ☐ Label the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of all decks, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and stairs.
- ☐ Identify the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both above ground and underground, as well as setback from property lines.
- ☐ Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion.

- ☐ Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest distance between the ordinary high water mark and proposed/existing structures.
- ☐ Label the name and width of roads bordering the property and indicate whether they are public or private.
- ☐ Locate the width of existing and proposed driveways/accesses serving each structure. Include stormwater control facilities such as drains, detention ponds, connection lines, catch basins, etc.
- ☐ Label all existing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the front yard setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless required otherwise. If applicable, show handicapped parking and accessible routes to the structure and within the site to other structures and features.
- ☐ Identify and label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property, including but not limited to access, utilities, railroads, irrigation and overhead power. Include the Auditor's file number(s). *Before Any Development Occurs, Please Call 1-509-661-8400 To Locate Any PUD Easements!*
- ☐ Show the location of all existing and proposed overhead and underground utilities including, but not limited to water, sewer, gas, and electrical.
- ☐ Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site well may impact your project if it overlaps onto your parcel.
- ☐ Identify location of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed structure(s). Show the distance from proposed structure(s) to septic tank, drain field, drinking water well source(s), and any water body, wetland area and/or flood plain to ensure they meet the required horizontal setbacks from each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for details. If applicable, the approved Health District and County site plan must be identical.
- ☐ If drinking water wells, septic tank/drain field is off site, show the location of these systems on the adjacent property or properties and provide a copy of the easement agreement(s).
- ☐ If applicable, identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, size, spacing, and provisions for irrigation).
- ☐ If applicable, include outdoor lighting and signage. Label each as existing or proposed.

ACKNOWLEDGEMENT SECTION

If the Applicant is not the owner of the property, this application and acknowledgment shall also be executed (signed) by each property owner.

By submitting this application, I acknowledge and certify the following:

Initials

(Owner and, if applicable, Applicant)

- Q* 1. All applications will be reviewed for completeness and processed according to Chelan County Code Title 14. Each application may be denied if not consistent with all Chelan County Codes, adopted regulations, Comprehensive Plan and related plans or studies.
- Q* 2. This application does not constitute approval of the proposed development and Chelan County does not make any guarantee, either express or implied, that this application will be approved.
- Q* 3. False statements, errors and/or omissions in this application or information provided with or in regard to this application may be sufficient cause for denial of the request.
- Q* 4. Additional permit applications and approvals may be necessary to conduct specific activities.
- Q* 5. Application fees are non-refundable, except when approve by the Board.
- Q* 6. In the event of any legal proceeding to challenge this application, any environmental determination or any other aspect of the proposed development, the applicant/owner(s) shall be solely responsible to defend such challenge and pay all court costs and attorney's fees necessary for such defense.

- ☒ 7. Chelan County is hereby given consent to enter the property(ies) listed above.
- ☒ 8. I certify that I am the property owner, or authorized agent of the property owner, and I have familiarized myself with the rules and regulations of Chelan County with respect to making this application.
- ☒ 9. I certify that I possess full legal authority and rights necessary to exercise control over the subject property.
- ☒ 10. I certify that this application has been made with the consent of the lawful property owner(s).
- ☒ 11. I certify that all Easements, Deed Restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property have been accurately disclosed and are shown on the site plan submitted with this application.
- ☒ 12. This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Section 14.08.030.

I certify (or declare) under penalty of perjury and under the laws of the State of Washington that the foregoing and all information submitted with this application is true, correct and complete to the best of my knowledge.

Owner Signature: [Signature] Place: CASHMERE WA Date: 2/27/2020

Print Name: RUDY JOYA

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____

Print Name: _____

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____

Print Name: _____

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CHELAN COUNTY
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Chelan County Code 14.14.050**Application for comprehensive plan map or urban growth area amendments****Submitted by: Rudy Joya, February 17, 2020****RECEIVED**

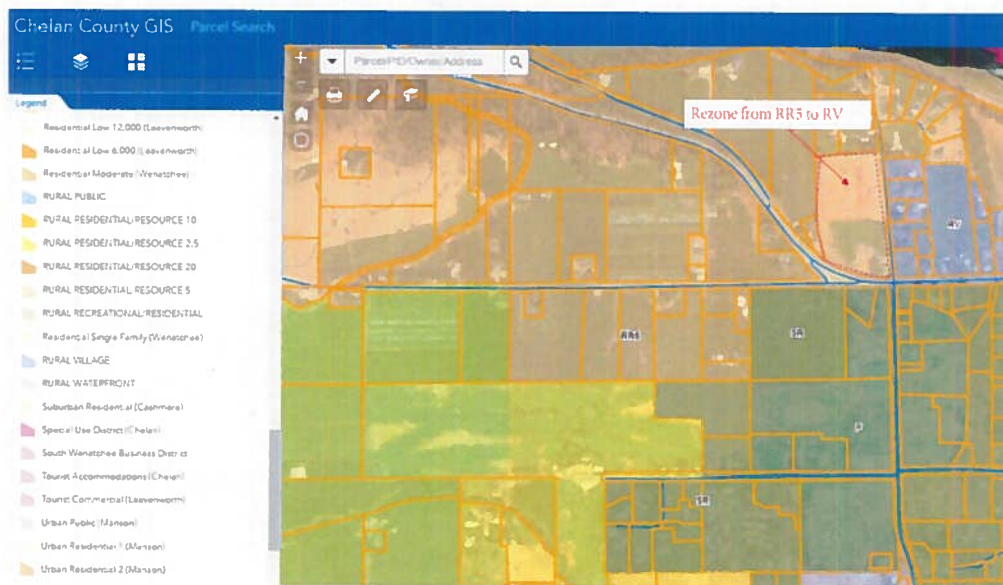
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CHELAN COUNTY
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(A) Name: Rudy Joya
Address: 5900 Webster Way, Cashmere, WA 98815
Phone Number: 1-509-860-2602
Owner: Rudy Joya

(B) Parcel/site information as outlined in the application: 241931940005**(C) Comprehensive Plan amendment information as outlined in the application**

- (i) **Statement:** This proposal is to rezone a single 10 acre-parcel of land within Chelan County from RR5 to RV. There is RV zoned lands adjacent to this property. A rezone would provide future development flexibility by allowing for smaller building lots and the potential for duplex units; RR5 only supports two single family residential dwelling units (see map below).



- (ii) **Comprehensive Plan Consistency** - The amendment complies with the comprehensive goals and policies to “grow” while maintaining the rural character of the City of Cashmere; this request proposes a change from RR5 to RV to accommodate development flexibility with smaller building lots and/or duplex units.
- (iii) The adjacent land is zoned RV; this request is to extend the RV zoning and once approved would be compliant with the Comprehensive Plan land use designation for this area.
- (iv) The rezone request does not impact and/or apply to the capital facility or transportation element of the comprehensive plan. This is a non-project action.
- (v) Lands adjacent are zoned RR5, RV, and Public. This rezone would not affect lands designated as resource lands of long-term commercial significance and/or critical areas.

There are no critical areas or critical recharging aquifers in the area; fish and wildlife PHS database did not identify this area as priority habitat for a species. This is a non-project action that would not impact wildlife or their habitat; there are no water resources within the area – this proposal is consistent with GMA.

- (vi) This is a non-project action on private property. The proposed rezone request would not affect the supply of land that is available for other purposes; this area has been designated for residential development and would support projected growth by providing an additional dwelling unit.
- (vii) The rezone from RR5 to RV would provide additional development flexibility such as smaller lot sizes or construction of a duplex.
- (viii) This request is for a rezone not a request for UGA expansion and/or a UGA change.

(D) SEPA Checklist: Completed on February 16, 2020

(E) Fee: The fee will be paid when submitted

(F) Additional Information: Requesting RR5 be rezoned to RV, which requires a zoning map amendment to the Comprehensive Plan.

Chelan County Code 14.14.60

Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.

(1) General Review Criteria

- (A) GMA Consistency and applicable county-wide planning policies:** Yes. This proposal for a rezone is consistent with providing residential growth while maintaining rural character.
- (B) Chelan County comprehensive goals and policies consistency.** Yes. The amendment complies with the comprehensive goals and policies to grow while maintaining the rural character of the City of Cashmere; this request proposes a change from RR5 to RV to allow for smaller lot sizes and/or a duplex to support growing housing demands.
- (C) Compliance with comprehensive plan land use designation/siting criteria.** Yes. The adjacent land is zoned RV; this request is to extend the RV zoning and once approved would be compliant with the Comprehensive Plan land use designation for this area.
- (D) Supported by the capital facility and transportation element:** NA. This is a non-project action.
- (E) Amendment does not adversely affect the surround land uses:** Correct. Adjacent lands are zoned RV.
- (F) Amendment does not adversely affect lands designated as resource land of long-term commercial significance or critical areas in ways that cannot be mitigated.** Correct. Lands adjacent are zoned RV. This rezone would not affect lands designated as resource lands of long-term commercial significance and/or critical areas. There are no critical areas or critical recharging aquifers in the area; fish and wildlife PHS database did not identify suitable for priority species. This is a non-project action that would not impact wildlife or their habitat; there are no water resources within the area – this proposal is consistent with GMA.

- (G) Amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan.** Correct. This is a non-project action on private property. The proposed rezone request would not affect the supply of land that is available for other purposes; this area has been designated for residential development and would support projected growth by providing additional housing units by creating smaller building lots and allowing for duplex units.
- (H) Amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.** Yes.

(2) Urban Growth Area Amendments – Does not Apply. The proposal is for a rezone.

- (A) Contiguous to an existing urban growth boundary.** NA
- (B) Urban growth areas shall contain areas characterized by urban growth.** NA
- (C) Urban growth area shall be served by or planned to be served by urban growth governmental services.** NA
- (D) Urban growth areas shall be compatible with natural resources lands and the protection of designated critical areas.** NA
- (E) Expansion or an urban growth area should also:**
- (i) Insufficient land within the existing urban growth area?** NA.
 - (ii) Overriding public interest?** NA.

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FEB 27 2020

SEPA ENVIRONMENTAL CHECKLISTCHELAN COUNTY
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Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

- Rezone a single 10-acre parcel of private property from RR5 to RV.

2. Name of applicant: [\[help\]](#)

- Rudy Joya

Reviewed by Emily Morgan, Project planner

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT3. Address and phone number of applicant and contact person: [\[help\]](#)

- 5900 Webster Way
- Cashmere, WA 98815

4. Date checklist prepared: [\[help\]](#)

February 26, 2020

5. Agency requesting checklist: [\[help\]](#)

Chelan County Community Development Department

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

The Zoning Amendment would take place in 2020.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

- A zoning map amendment will need to be prepared by and approved by Chelan County.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

- None that are known.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

- Zoning Amendment - Concurrence from the Planning Commission to approve the amendment and pass a resolution.
- Public Hearing
- Department of Commerce Review and Acceptance

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

- To rezone RR5 to RV for future development flexibility and consistency with adjacent RV property.

FEB 27 2020

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

- This proposal is to rezone a single 10 acre-parcel of land within Chelan County from RR5 to RV (Attachment 1).
- Parcel: 241931940005

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

- Approximately 0%-8%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

- According to the U.S. Department of Agriculture, Natural Resources Conservation Service the following are soils generally located within the proposed rezone site: *Cashmont sandy loam, 0 to 3% slopes (63.7%) and Cashmont sand loam, 3 to 8 % slope (36.3%).*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

- No. The area is identified for potential erosion concerns. *- geo hazard for erosive soils*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

- No.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan county Municipal Code and will be subject to additional compliance and/or approvals – which could include additional impervious surfaces after construction.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

- NA. This is a proposal to update zoning from RR5 to RV.

3. Water [\[help\]](#)

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

- No.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

waters? If yes, please describe and attach available plans. [\[help\]](#)

- NA.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)
 - No.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Code and will be subject to additional compliance and/or approvals.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

- NA

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

- NA

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

- NA

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

- NA.

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

- ☐ deciduous tree: alder, maple, aspen, other
☐ evergreen tree: fir, cedar, pine, other
☐ shrubs
☒ grass
☐ pasture
☐ crop or grain
☐ Orchards, vineyards or other permanent crops.
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other (
☐ Water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

- There are no known threatened or endangered species known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

- NA

- e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

- Puncturevine

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

- Birds: *Songbirds, crow, and hawks*
- Mammals: *Mice*

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

- None known
- The Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) interactive map was queried and results did not indicate the presence of any priority habitat and species in the project area.
- There are no known federally listed threatened or endangered species near the project though the area northwest is a management buffer for NSO.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

- None known.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

- None known.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

- NA

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

- No.

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

CPA 20-065

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

- NA

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.
- Future development will be in accordance with Chelan County Municipal Code and will be subject to additional compliance and/or approvals.

- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

Potential ground contamination from
historic orchard use

- NA.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

- None are known.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

- NA

- 4) Describe special emergency services that might be required. [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

CPA 20-005

- NA. This is a proposal to update zoning from RR5 to RV.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

- NA.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

- RR5 (Attachment A).
- It is not expected the rezone will affect land currently zoned RR5 or RV.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

- No.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

- No.

c. Describe any structures on the site. [\[help\]](#)

- No.

d. Will any structures be demolished? If so, what? [\[help\]](#)

- No.

e. What is the current zoning classification of the site? [\[help\]](#)

- RR5

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

- RR5

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

- NA.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

- geo hazard
- Airport Overlay - located in horizontal surface zone

FEB 27 2020

CHELAN COUNTY

COMMUNITY DEVELOPMENT

CPA 20-005

- No.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

j. Approximately how many people would the completed project displace? [\[help\]](#)

- NA.

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

- None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

- The proposed zone amendment would become incorporated as an element of the 2020 Comprehensive Plan Update.

I. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

- NA

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

- NA.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

- NA.

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

- NA.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

- NA.

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

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COMMUNITY DEVELOPMENT

CPA 20-005

- NA.

b. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

- NA

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

- NA.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

- NA

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

- None.

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

- None.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

- None.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

- No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

- None.

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [\[help\]](#)

- A query of the WISSAARD database on the Department of Archaeology and Historic Preservation website did not reveal any registered historic properties (February 16, 2020).

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation?

FEB 27 2020

CHELAN COUNTY

COMMUNITY DEVELOPMENT

CPA 20-005

This may include human burials or old cemeteries. Are there any material evidence, artifacts or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

- No.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

- None. This is a proposal to update zoning from RR5 to RV.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

- NA

14. Transportation [\[help\]](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

- The rezone area can be accessed from Sunset Highway and Webster Way.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

- NA.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

- No.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

- NA.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

- NA. This is a proposal to update zoning from RR5 to RV.

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

CPA 20-005

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

- No.

h. Proposed measures to reduce or control transportation impacts, if any:

- NA. This is a proposal to update zoning from RR5 to RV.

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

- No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

- None.

16. Utilities [\[help\]](#)

a. Circle utilities currently available at the site:

electrical, natural gas, refuse service, telephone, sanitary sewer, septic system, other

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed, if any

- Chelan County PUD provides electrical services to Chelan County, as well as fiber. This is a proposal to update zoning from RR5 to RV.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____



Date Submitted: _____

2/27/2020

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CHELAN COUNTY
COMMUNITY DEVELOPMENT
CPA 20-005

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal to rezone a single 10 acre-parcel of land within Chelan County from RR5 to RV not expected to increase any discharge to water, emissions to air or release of toxic or hazardous materials. This non-project action complies with all health and safety regulations.

Proposed measures to avoid or reduce such increases are:

No impacts are expected so no measures are proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This non-project action will not have a direct impact on plants, animals, fish or marine life. Site-specific impacts for individual proposals will be addressed during permitting processes.

3. How would the proposal be likely to deplete energy or natural resources?

NA

Proposed measures to protect or conserve energy and natural resources are:

Measures needed to address or reduce impacts on energy or natural resources will be identified during site-specific project review and permitting processes.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed rezone will not have a direct impact on any environmentally sensitive areas or areas designated for government protection. Environmental impacts will be addressed as part of site-specific project review and will follow standard mitigation procedures, beginning with avoidance, then minimization of impacts to critical plants, animals and habitats. If there are unavoidable impacts to the environment then mitigation will be required.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

FEB 27 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

NA

Proposed measures to avoid or reduce shoreline and land use impacts are:

CPA 20-005

Individual proposals will be evaluated for compatibility with surrounding land uses as part of site-specific project review.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This is a non-project action that is consistent with adjacent lands is not expected to increase demands for transportation services or utilities.

Proposed measures to reduce or respond to such demand(s) are:

If requested, measures needed to address or reduce impacts on transportation and public utilities will be identified during site-specific project review and permitting processes but are unlikely to occur.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed rezone will be reviewed and approved by Chelan County for consistency with the Chelan Comprehensive Plan and GMA.

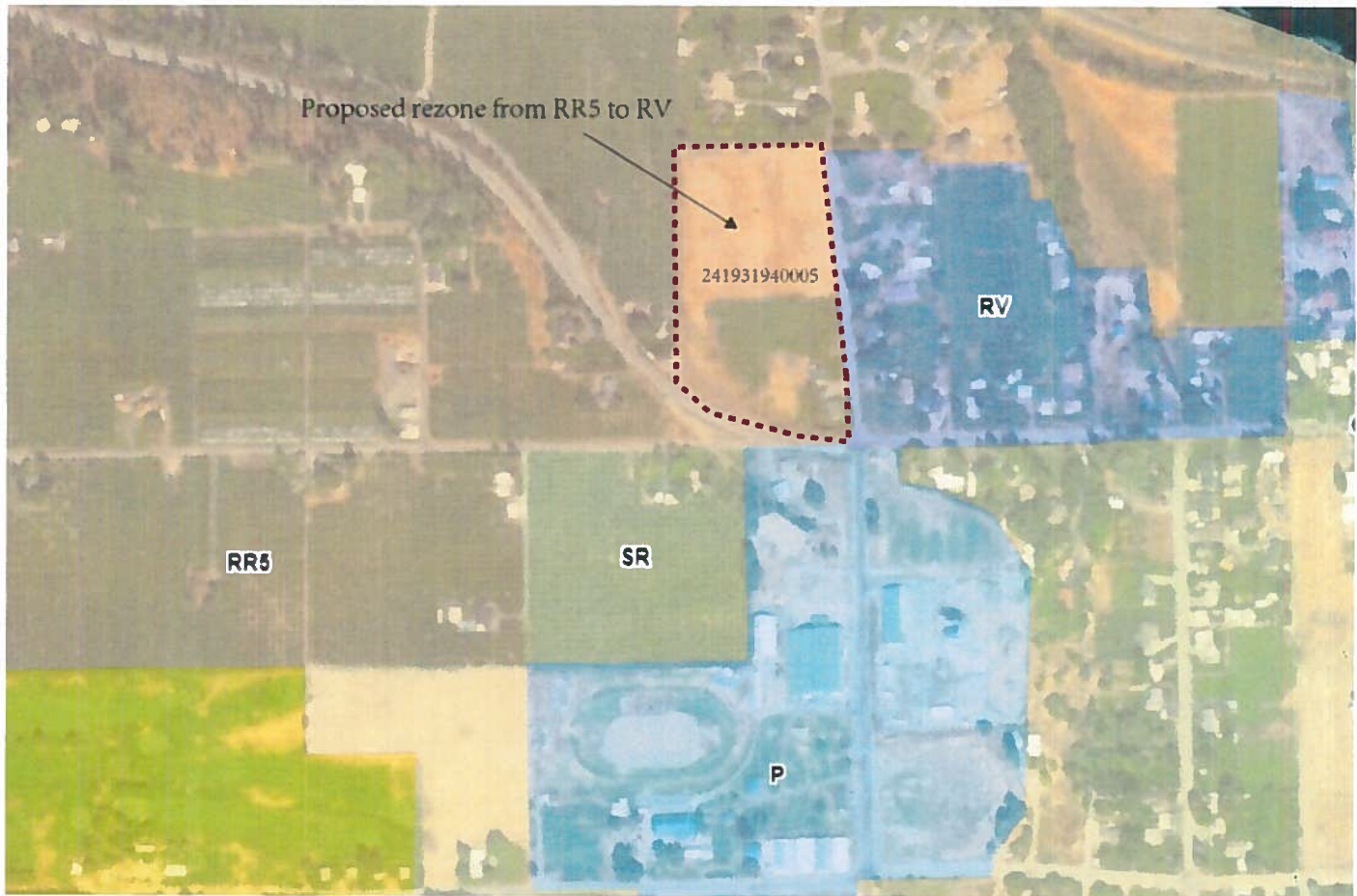
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ATTACHMENT A
REZONING FROM RR5 to RV

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CPA 20-005





Aerial

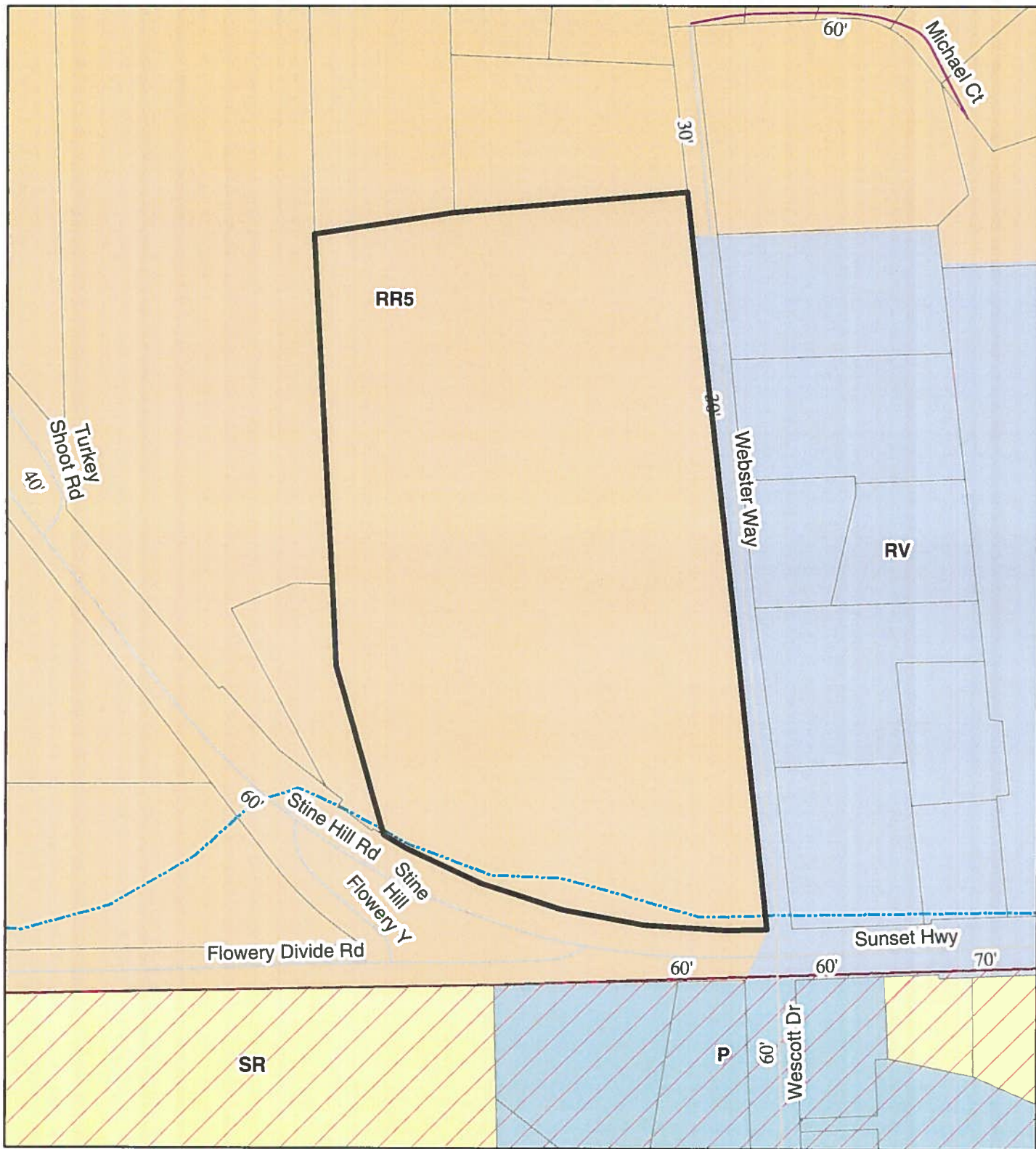
2/27/2020

CPA 20-005

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.



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Zoning

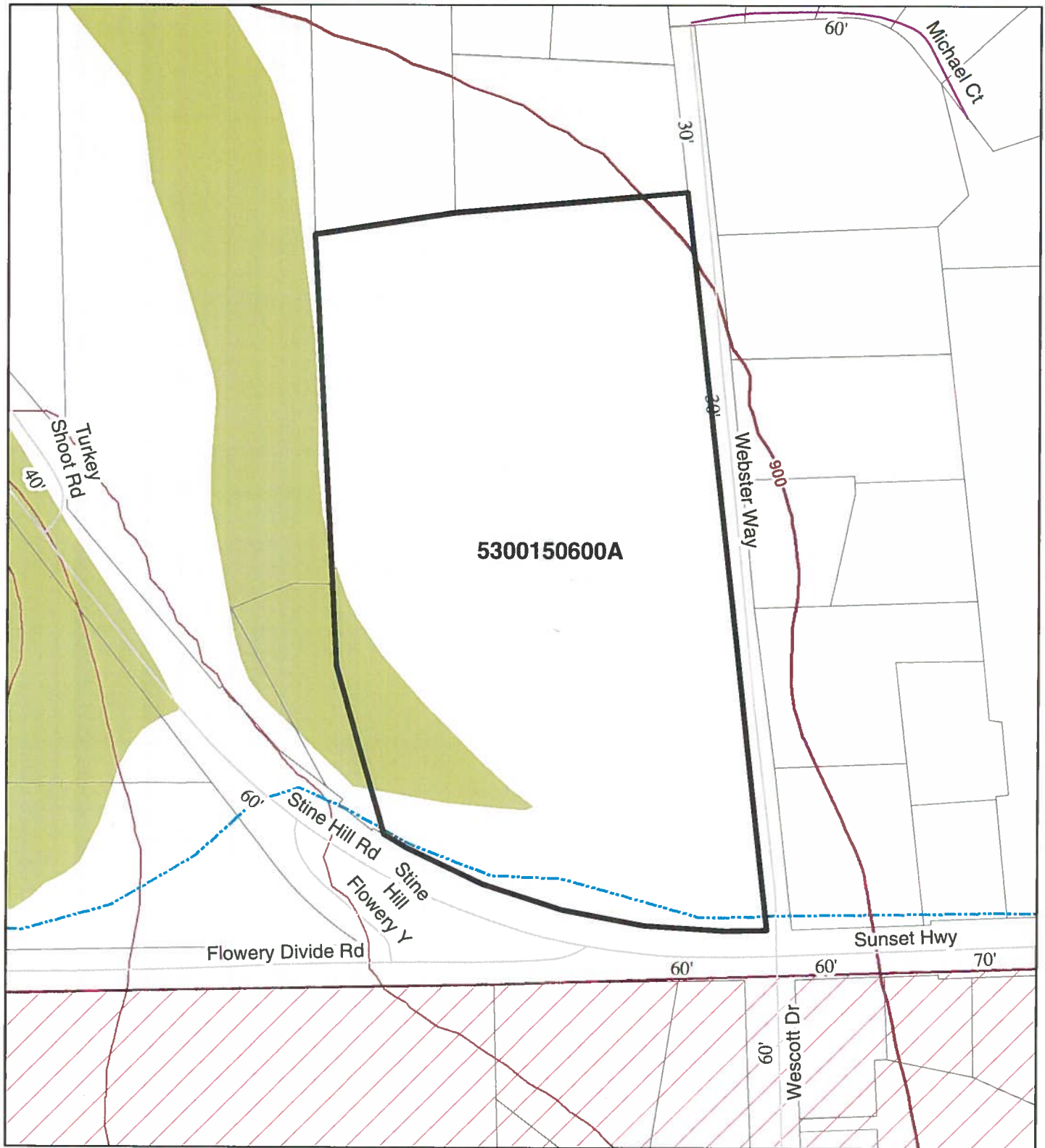
2/27/2020

CPA 20-005

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Critical Areas

2/27/2020

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CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

SEPA NOTICE ISSUANCE OF DETERMINATION OF NON-SIGNIFICANCE (DNS)

Project Description: Amendment to the Chelan County Comprehensive Plan to change the land use designation from Rural Residential/Resource 5 (RR5) to Rural Village (RV)

File Number: CPA 20-005

Parcel Number: 24-19-31-940-005

Site Address: 5900 WEBSTER WAY, CASHMERE, WA 98815

Owner: JOYA RUDY & BETHANY
5900 WEBSTER WAY, CASHMERE, WA 98815

Agent: JOYA RUDY & BETHANY
5900 WEBSTER WAY, CASHMERE, WA 98815

Lead Agency: Chelan County Department of Community Development

Based on the lead agency's review of the proposed Comprehensive Plan Amendment, it is determined that there would not be adverse impacts due to the change of land use designation as no development is proposed at this time.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance is issued under WAC 197-11-355, Optional DNS. No additional comment period is required.

Responsible Official: Catherine Lorbeer, Assistant Director / SEPA Responsible Official

Address: Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801

Phone: (509) 667-6225

Signature: 
Catherine Lorbeer, SEPA Responsible Official

Date: November 5, 2020

**CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
AFFIDAVIT OF POSTING**

STATE OF WASHINGTON)
)
COUNTY OF CHELAN) SP 20-013

RUDY & BETHANY JOYA, being first duly sworn, deposes and says:
That at all times mentioned herein she/he was, and now is, a citizen of the United States, a resident of the State of Washington, and over the age of 21 years.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

That the general notice of land use action containing the permit #, applicant name and a description of the proposal for a Short Plat, SP 20-013, was maintained on the subject property, in accordance with the records of property ownership of the Chelan County Assessor, in good conditions from SEPTEMBER 10, 2020 (date of posting the project site by the Chelan County Department of Community Development), through SEPTEMBER 24, 2020 (the end of the public comment period), and the affidavit returned to the Chelan County Department of Community Development on 10/14/2020.

[Signature]
Signature

[Signature]

10/14/2020
Date

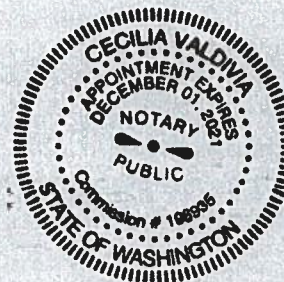
ACKNOWLEDGEMENT

This is to certify that on 14th day of October, 2020.

Rudy Joya, Bethany Joya to me known to be the person(s), who executed the foregoing Affidavit of Posting and acknowledged to me that they signed the same as their free and voluntary act. WITNESS my hand and official seal the day and year last above written.

Cecilia Valdina
Notary Public in and for the State of Washington,
residing in Cashmere

My commission expires 12/01/21



Affidavit of Publication

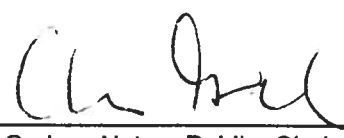
STATE OF WASHINGTON }
COUNTY OF CHELAN } SS

The Wenatchee World is a legal newspaper published in the Chelan County, Washington, and approved as such by the Superior Court of said County and State. Serving the counties of Chelan, Douglas, Grant & Okanogan.

That said newspaper was regularly issued and circulated on those dates.

September 10, 2020

Subscribed to and sworn to me this 10th day of September 2020.

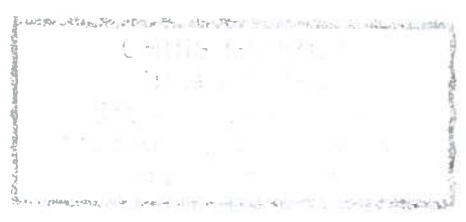


Chris Gerber, Notary Public, Chelan County, Washington

My commission expires: March 07, 2022

00002552 00094288 509-667-6475

CHELAN CO DEPT OF COMMUNITY DEVELOPMENT
(CCDCD)
316 WASHINGTON ST. #301
WENATCHEE, WA 98801



NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process. Mitigation measures may be required regardless of whether an EIS is prepared, however possible mitigation measures are unknown at the issuance of this notice. A copy of the subsequent threshold determination for this proposal may be obtained upon request to this department. This may be the only opportunity to comment on the environmental impacts of this proposal.

CPA 20-001: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject properties from Rural Residential/Recreational 5 acres (RR5) and Rural Residential/Recreational 10 acres (RR10) to Rural Recreational/Residential (RRR). Project Location: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; & 27-18-32-330-060

CPA 20-003: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5). Project Location: 155 Upper Joe Creek Rd, Manson, WA 98831; and identified by Assessor's Parcel No(s): 28-21-23-440-075

CPA 20-004: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801; and identified by Assessor's Parcel No(s): 23-20-20-440-100

Emily

CPA 20-005: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100

On September 10, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends September 24, 2020. In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link:
<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>

Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.

**CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
AFFIDAVIT OF MAILING**

STATE OF WASHINGTON)
)
COUNTY OF CHELAN) SS

Wendy Lane, being first duly sworn, deposes and says:
That at all times mentioned herein she/he was, and now is, a citizen of the United States, a resident of the State of Washington, and over the age of 21 years.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

That on September 10, 2020, I personally mailed true and correct copies of the hereto attached:

- ☐ Notice of Shoreline Application
☒ Notice of Application
☐ Other _____

to all property owners within 300 feet (excluding 60 feet of Street rights of way pursuant to Section 14.08.060 (1)(B), Chelan County Code) of the project boundary in accordance with the records of property ownership of the Chelan County Assessor and any other interested parties. A copy of the mailing list is attached to this affidavit.

Wendy Lane
Signature

September 10, 2020
Date

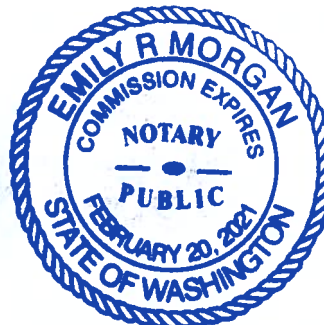
ACKNOWLEDGEMENT

This is to certify that on 10th day of Sept., 2020

Wendy Lane to me known to be the person who executed the foregoing Affidavit of Mailing and acknowledged to me that she signed the same as her free and voluntary act. WITNESS my hand and official seal the day and year last above written.

Emily R. Morgan
Notary Public in and for the State of Washington,
residing in Wenatchee

My commission expires Feb. 20, 2021



Wendy Lane

From: Wendy Lane
Sent: Wednesday, September 9, 2020 8:35 AM
To: 'rudyjoya@gmail.com'
Cc: Emily Morgan
Subject: FW: Notice of Application for CPA20-005 Joya - Chelan County Dept. of Community Development
Attachments: CPA 20-005 Joya NOA Optional.pdf; CPA 20-005 Joya NOA AoP.pdf

Greetings,

Please find the attached Notice of Application for a Comprehensive Plan Map Amendment, regarding Rudy Joya's property, File# CPA 20-005. This notice should be posted on the subject property by September 10, 2020, or as soon as possible. Please place in a prominent position on site and maintain it for 14 days starting from the first day of posting. If you need a sign for posting, you may pick one up at our office. Also attached is the Affidavit of Posting that needs to be filled out with the appropriate information after the 14 days of comment period, signed before a notary and the original returned to this office. If your affidavit of posting is found not to be in the file, it may place a hold on the processing of the file.

If you have any questions pertaining to your application please contact the Chelan County Planner associated with this file, Emily Morgan at 509-667-6225 or Emily.Morgan@co.chelan.wa.us.

Sincerely,

Wendy Lane

Permit Clerk
Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801
Phone: (509) 667-6231 | Fax: (509) 667-6475
Wendy.Lane@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:
[CLICK HERE TO TAKE THE SURVEY!](#)

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

CPA 20-005

Name	Address_1	Address_2	City	State	Countri	Zip Code	PARCEL
VALDIVIA MARIO A & CECILIA	6030 SUNSET HWY	5700 WESCOTT DR	CASHMERE	WA		98815	241932330150
CHELAN COUNTY	C/O EXPO CENTER		CASHMERE	WA		98815	231906110050
CLARK CHERYL J	6045 SUNSET HWY		CASHMERE	WA	USA	98815	231905220360
SOLLINGER GERALD V	6013 SUNSET HWY		CASHMERE	WA		98815	231905220370
PARSONS PATTY J	6087 SUNSET HWY		CASHMERE	WA	USA	98815	231905220400
STROM KAREN TRITEE	320 PARK AVE APT C1		LEAVENWORTH	WA		98826	241932330105
KRIEGEL RICHARD A & KRISTI L	5995 WEBSTER WAY		CASHMERE	WA		98815	241932330118
LIMBECK GREGORY K & MEGAN R	6095 WEBSTER WAY		CASHMERE	WA	US	98815	241932703010
DAHLSTROM PAUL	6075 WEBSTER WAY		CASHMERE	WA	USA	98815-9521	241932703020
WHITE ROBERT E JR & PAULA R	PO BOX 292		CASHMERE	WA		98815	241932703030
MARTINEZ JOSEFINA	C/O SALVADOR MARTINEZ	6045 WEBSTER WAY	CASHMERE	WA	USA	98815	241932703040
HUNTER DONALD F & LYNNE M GIBSON JTROS	19220 168TH AVE NE		WOODINVILLE	WA	USA	98072	241932703050
HOLBEN BRENDA	6015 WEBSTER WAY		CASHMERE	WA	US	98815	241932703060
GUERRERO SILVERIO	6025 WEBSTER WAY		CASHMERE	WA	USA	98815	241932703070
DERUBERTIS BARBARA K LEHDE	10023 MANITOU BEACH DR		BAINBRIDGE ISLAND	WA	US	98810	241931940090
CARSON LYLE N & KAREN A REVOC LIVING TRUST	C/O KAREN CARSON	100 CASCADE PL	CASHMERE	WA		98815	241931940050
ARMSTRONG ABRAHAM & LINDSAY J LEONHARD	6005 WEBSTER WAY		CASHMERE	WA		98815	241932330100
MEHMEL CONSTANCE J	PO BOX 345		CASHMERE	WA		98815	241932330110
FOX JAMES & SANDRA	5941 WEBSTER WAY		CASHMERE	WA		98815	241932330120
SANCHEZ JOAQUIN	5925 WEBSTER WAY		CASHMERE	WA	USA	98815	241932330130
DEMORY ROBERT M & BETTINA W	6026 SUNSET HWY		CASHMERE	WA	USA	98815	241932330140
SCHMIDT HARRY	6010 SUNSET HWY		CASHMERE	WA	USA	98815-9528	241932330250
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA		98815	231905221200
DERUBERTIS IRREVOCABLE TRUST	CORBIN PALMER DERUBERTIS TRUSTEE	10023 MANITOU BEACH DR	BAINBRIDGE ISLAND	WA	US	98110	241931940095
MARTINEZ SALVADOR	6045 WEBSTER WAY		CASHMERE	WA	USA	98815	241931940015
UTECHT DANIEL	6026 WEBSTER WAY		CASHMERE	WA	USA	98815-9521	241931940025
OVERBEY DEAN E & KAREN M	PO BOX 234		CASHMERE	WA		98815	241931940060
HIATT CHARLES	6240 SUNSET HWY		CASHMERE	WA	USA	98815-9583	241931940045
JOYA RUDY & BETHANY	PO BOX 713		CASHMERE	WA	US	98815	241931940005
MARDEN JUSTIN T & KATHERINE	PO BOX 226		CASHMERE	WA		98815	241931940010
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA		98815	231905221250
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA		98815	231905221400
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA		98815	231905221450
HERNDON ANNEKA M & ETAL	6044 WEBSTER WAY		CASHMERE	WA	US	98815	241931940030
NOYD DAMON & JOLENE	6046 WEBSTER WAY		CASHMERE	WA	USA	98815	241931940031
CHELAN COUNTY	C/O EXPO CENTER	5700 WESCOTT DR	CASHMERE	WA		98815	231906110300
DERUBERTIS BARBARA K LEHDE	10023 MANITOU BEACH DR		BAINBRIDGE ISLAND	WA	US	98810	231906110100

Order Invoice

Wenatchee World / Quincy Valley Post

PO Box 1511
Wenatchee WA 98807-1511

Phone: 5096635161

URL: www.wenatcheeworld.com

CHELAN CO DEPT OF COMMUNITY
DEVELOPMENT (CCDCD)
316 WASHINGTON ST. #301
WENATCHEE, WA 98801

Acct #: 00002552
Phone: (509) 667-6225
Date: 09/08/2020
Ad #: 00094288
Salesperson: LEGL Ad Taker: 340

Class: 0001

Ad Notes: Submitted by Wendy Lane, 9/8

Sort Line: CPA20-001MOONBEAM/WLane

Description	Start	Stop	Ins.	Cost/Day	Amount
01 The Wenatchee World	09/10/2020	09/10/2020	1	144.05	144.05
02 Wenatchee World Online	09/10/2020	09/10/2020	1	0.00	0.00

Ad Text:

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Payment Reference:

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process.

Total: 144.05
Tax: 0.00
Net: 144.05
Prepaid: 0.00

Total Due 144.05

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process. Mitigation measures may be required regardless of whether an EIS is prepared, however possible mitigation measures are unknown at the issuance of this notice. A copy of the subsequent threshold determination for this proposal may be obtained upon request to this department. **This may be the only opportunity to comment on the environmental impacts of this proposal.**

CPA 20-001: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject properties from Rural Residential/Recreational 5 acres (RR5) and Rural Residential/Recreational 10 acres (RR10) to Rural Recreational/Residential (RRR). Project Location: NNA Chiwawa Loop Road, Leavenworth, WA 98826; and identified by Assessor's Parcel No(s): 27-18-23-300-050; 27-18-32-330-050; & 27-18-32-330-060

CPA 20-003: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Commercial Agricultural Lands (AC) to Rural Residential/Recreational 2.5 acres (RR2.5). Project Location: 155 Upper Joe Creek Rd, Manson, WA 98831; and identified by Assessor's Parcel No(s): 28-21-23-440-075

CPA 20-004: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 511 Lower Sunnyslope Rd, Wenatchee, WA 98801; and identified by Assessor's Parcel No(s): 23-20-20-440-100

CPA 20-005: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV). Project Location: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100

On September 10, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends September 24, 2020.

In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>

Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

NOTICE OF APPLICATION & ENVIRONMENTAL REVIEW

Project File No.: CPA 20-005
Project Location: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100
Applicant/Owner: Rudy Joya
Application Date: February 27, 2020
Determination of Complete: March 9, 2020
Notice of Application Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

Existing Environmental Documents: State Environmental Policy Act (SEPA) Checklist

SEPA Review: Chelan County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used.

Permits Required: None known.

Public Review and Comment Period: PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED and no action will be taken on the project until the Agency comment period ends on **September 24, 2020**. Agencies, tribes, and the public are encouraged to review and comment on the proposed project. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, and should be as specific as possible. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law. Written comments must be submitted to the Department of Community Development, 316 Washington St., Suite 301 Wenatchee, WA 98801; Attention: Emily Morgan or email Emily.Morgan@co.chelan.wa.us for additional information or to review application materials.

In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link:

<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>



CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

DETERMINATION OF APPLICATION STATUS

Pursuant to Title 14, Development Permit Procedures & Administration Section 14.08.030, Determination of Completeness, Chelan County Board of County Commissioners Resolution No. 2004-16, as amended.

Project Description: Proposed comprehensive map amendment to change the designation from Rural Residential/Resource – 1 dwelling unit per 5 acres (RR5) to Rural Village (RV)

File Number: CPA ~~20-002~~ **20-005**
Parcel Nos.: 5900 Webster Way, Cashmere, WA 98815
Parcel Zoning: RR5
Applicant/Owner: Rudy Joya
Mailing Address: 5900 Webster Way, Cashmere, WA 98815
Date Submitted: February 27, 2020
Date Completed: March 9, 2020

Upon initial review, the above referenced application is found to be:

COMPLETE

The required components of an application are present and are judged by the review authority to be technically accurate and contain sufficient information necessary to allow the processing of the application(s). All submittal fees have been paid.

Your application has been determined to be complete as of the date of this letter. Pursuant to Chelan County Code Section 14.08.030(5), a Determination of Completeness shall not preclude the department from requesting additional information or studies if the need for more information becomes apparent during processing of the proposed development.

Review Authority: Kirsten Larsen
Chelan County Department of Community Development
316 Washington St., Suite 301, Wenatchee, WA 98801
Email: kirsten.larsen@co.chelan.wa.us
Ph.: 509-667-6246 Fax: 509-667-6475

Sincerely,


Kirsten Larsen

03/09/2020

Complete Application Checklist

Sections 14.14.050 and 14.14.060

COMPREHENSIVE PLAN MAP AMENDMENTS

Separate applications must be submitted for properties under separate ownerships and must contain the following information:

- ☒ Application information as outlined in the application including:
 - ☒ The name, address and phone number of each person submitting the application; and
 - ☒ The name, address and phone number of any agent acting on the owner's behalf, including a notarized authorization form; and
 - ☒ The name, address and phone number of all owners with an interest in the affected property;
- ☒ Parcel/site information;
- ☒ Narrative including:
 - ☒ A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended;
 - ☒ Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter [36.70A](#) RCW as amended) and any applicable county-wide planning policies;
 - ☒ A statement of how the amendment complies with or supports the comprehensive plan's goals and policies;
 - ☒ A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria;
 - ☒ A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required;
 - ☒ Identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation;
 - ☒ Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas;
 - ☒ How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan;
 - ☒ Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare;
- ☒ *For any proposed urban growth area boundary changes submitted pursuant to Section [14.14.040](#), a detailed statement describing:*
 - ☐ That the designated area of expansion is contiguous to an existing UGA; and
 - ☐ How the area is characterized by urban growth; and
 - ☐ The availability of or plans of urban governmental services; and
 - ☐ The compatibility of the proposal with designated natural resource lands and the protection of designated critical areas; and

☒ That there is insufficient land within the existing urban growth area to permit the urban growth that is forecast to occur in the twenty-year time frame covered by the comprehensive plan, or there can be shown an overriding public interest which shall clearly demonstrate that the amendment of the urban growth area is necessary to protect the health, safety, and welfare;

☒ A completed SEPA checklist;

☒ Application Fees.

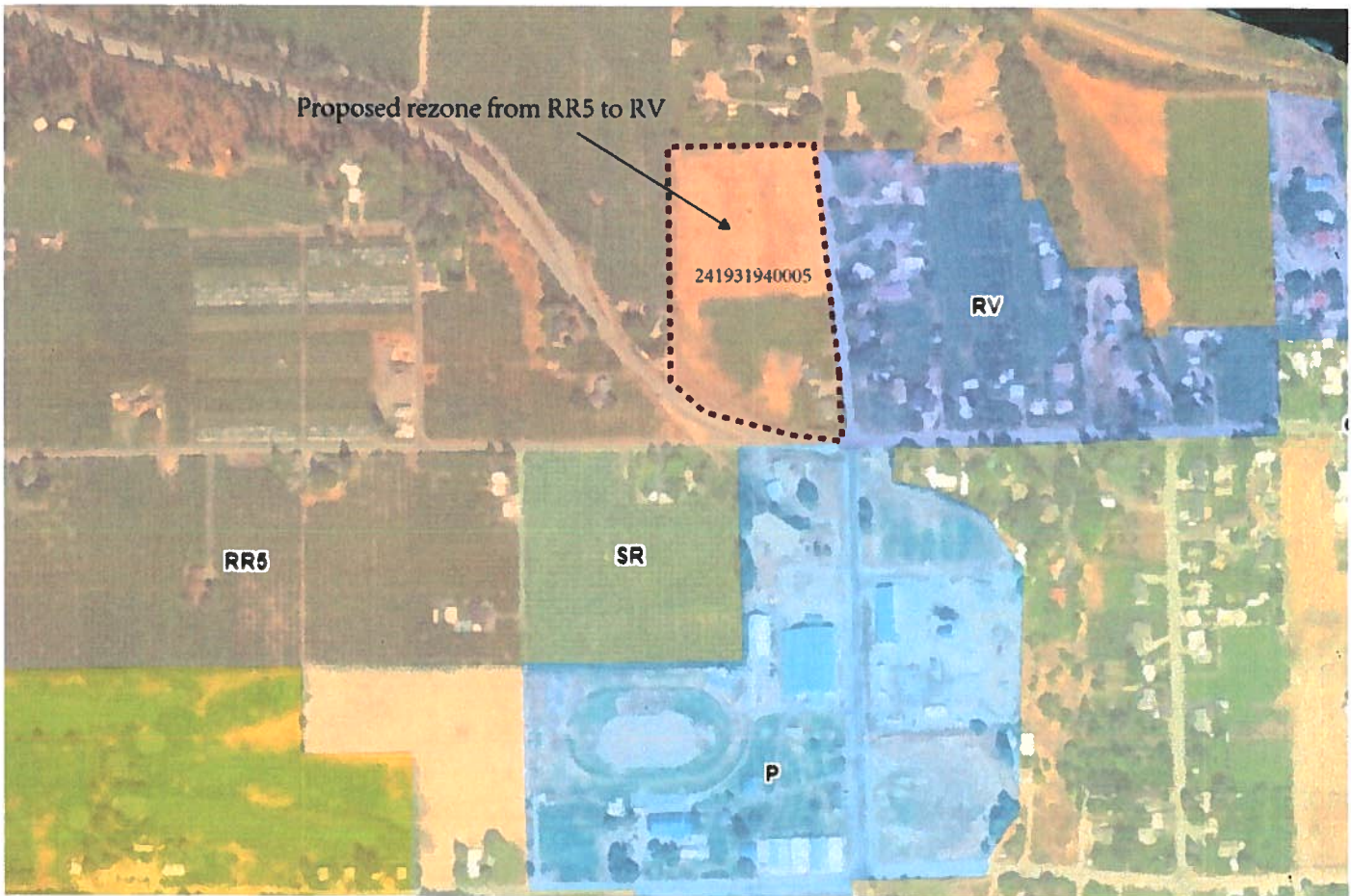
RECEIVED

FEB 27 2020

ATTACHMENT A
REZONING FROM RR5 to RV

CHELAN COUNTY
COMMUNITY DEVELOPMENT

CPA 20.005





Aerial

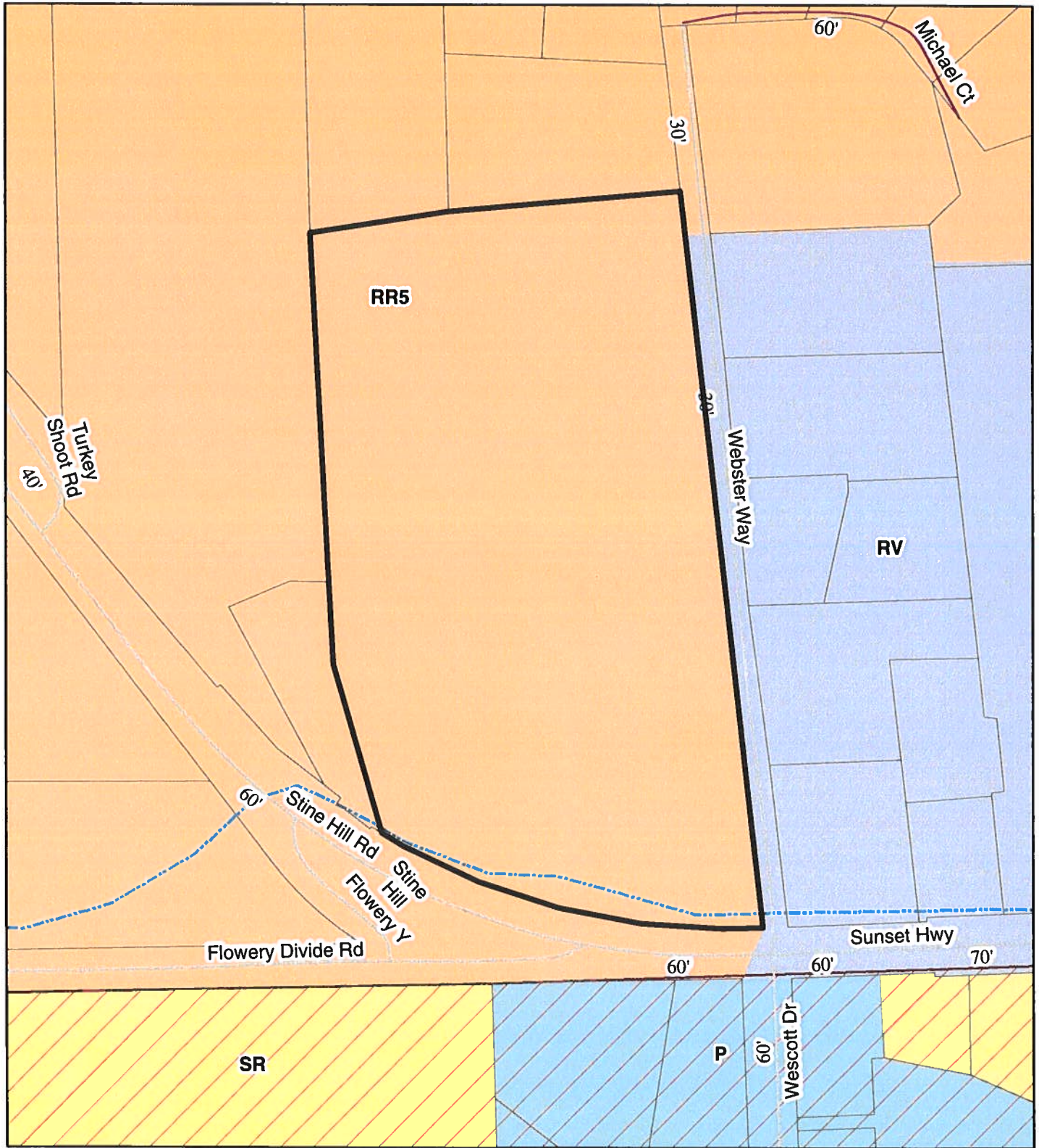
2/27/2020

CPA 20-005

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.



A horizontal scale bar with tick marks at 0, 120, 240, and 480. The word "Feet" is written at the right end of the bar.

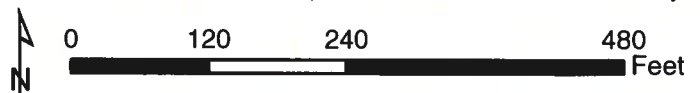


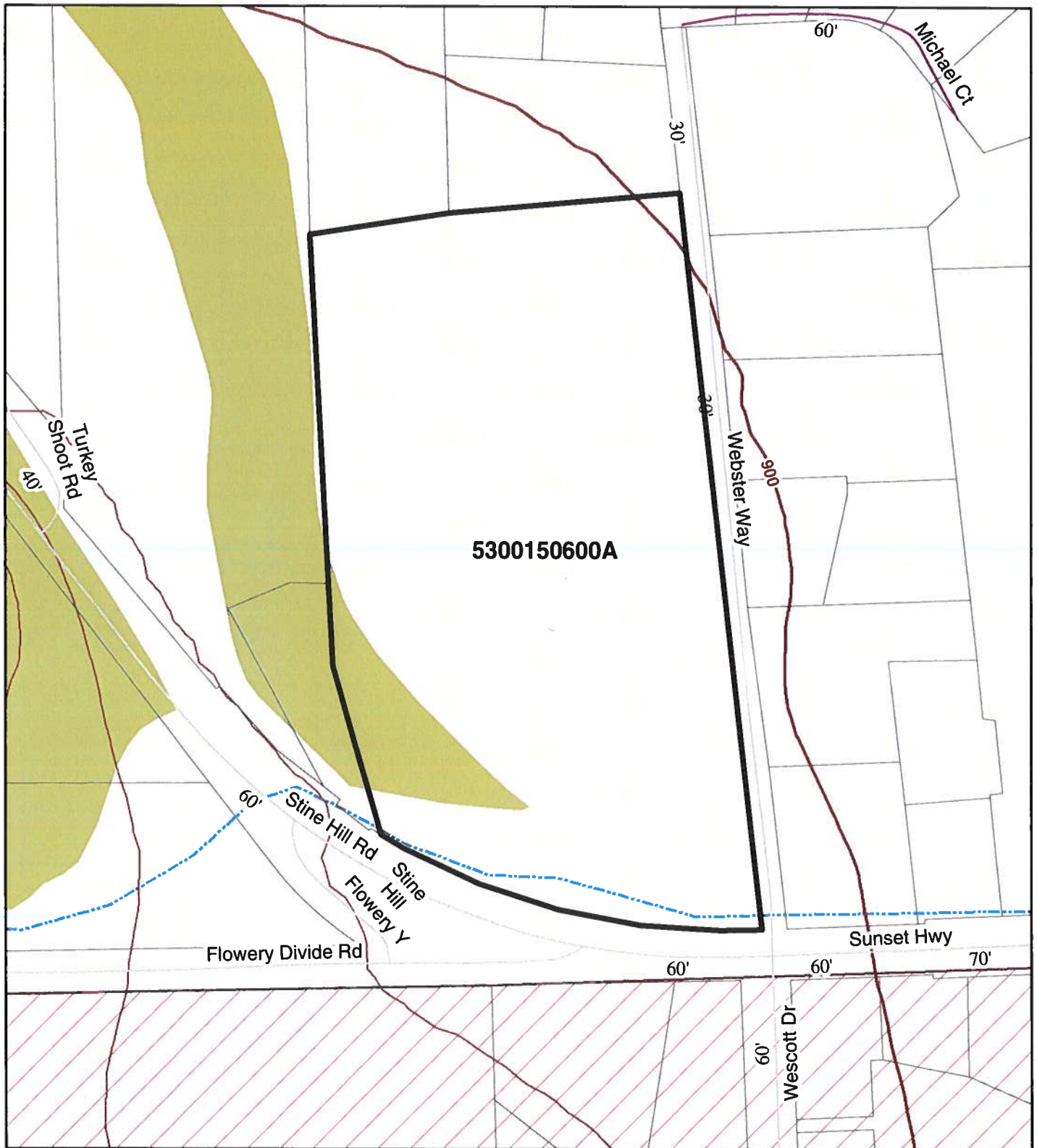
Zoning

2/27/2020

CPA 20-005

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Critical Areas

2/27/2020

CPA 20-005

The County makes no warranty, expressed or implied, concerning the data's content, accuracy, currency or completeness, or concerning the results to be obtained from queries or use of the data. All data is expressly provided "AS IS" and "WITH ALL FAULTS". The County makes no warranty of fitness for a particular purpose, and no representation as to the quality of any data. The Requester shall have no remedy at law or equity against the county in case the data provided is inaccurate, incomplete or otherwise defective in any way.





STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 5, 2020

Ms. Catherine Lorbeer, AICP
Assistant Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

CPA-2020-001, 004 and 005

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.¹ LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

CPA 2020-003

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last year's annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.⁴ The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.⁵ Counties "should not review resource lands designations solely on a parcel-by-parcel process".⁶ Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.⁷ The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.⁸

CPA-20-007

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)⁹. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

⁹ [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer
November 5, 2020
Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at scott.kuhta@commerce.wa.gov, or 509-795-6884.

Sincerely,

A handwritten signature in blue ink that reads "Scott Kuhta". The signature is written in a cursive, flowing style.

Scott Kuhta, AICP
Senior Planner
Growth Management Services

cc: Jim Brown, CD Director, Chelan County
Steve Roberge, Deputy Managing Director, Growth Management Services
Dave Andersen, Managing Director, Growth Management Services

From: Guy Moura (HSY) <Guy.Moura@colvilletribes.com>
Sent: Monday, October 12, 2020 12:43 PM
To: Wendy Lane; Emily Morgan; SEPA (DAHP)
Subject: RE: Request for Comments – CPA 20-005 Joya – Chelan County Dept. of Community Development

External Email Warning! This email originated from outside of Chelan County.

Please be advised that CPA 20-005 Joya is in the Traditional Territory of the Wenatchi Tribe. The Wenatchi Tribe is a constituent tribe of the Confederated Tribes of the Colville Reservation. We are unaware of any archaeological sites on the parcel in question. As the project moves forward, please adhere to the following conditions:

- **Condition 1: Inadvertent Discoveries** - (RCW 68.50.645) - In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or his authorized agent shall adhere to all of the requirements of RCW 68.50.645. They shall immediately cease any activity which may cause further disturbance and then take steps to protect the find from further damage or disruption. They shall then contact the county coroner, who will contact the Washington State Department of Archaeology and Historic Preservation (DAHP). DAHP shall contact the Confederated Tribes of the Colville Reservation Tribal Historic Preservation Officer (THPO) at (509) 634-2695 or the Resource Archaeologist at (509) 634-2744 as soon as possible to report the find. The State Physical Anthropologist may also make notification by email. No further work shall be allowed on the project until there is an approved a plan for managing or preserving the remains or items.
- **Condition 2: Post-Review Discoveries** - (RCW 27.53.060) - On the private and public lands of Washington state it is unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly remove, alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, or remove any archaeological object from such site, without having obtained a written permit from the DAHP for such activities. In the event that prehistoric artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, or flakes from the manufacture of tools, fire pits, peeled trees, etc.) or historic-period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps of old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or his authorized agent shall cease work immediately within 200 ft. of the find. Then they shall contact the Washington State DAHP to report the find. Then they shall contact the THPO at (509) 634-2695 or the Resource Archaeologist at (509) 634-2744. No further work shall be allowed on the project until there is an approved a plan for managing or preserving the artifacts or features.
- **Condition 3:** Activities that have the potential to disturb cultural resources outside the specified project area should not proceed prior to a cultural resources review of potential adverse effects in the new area.

lim læmt, qeʔciéw̓yew̓, thank you

Guy Moura
Manager, History/Archaeology Program
Tribal Historic Preservation Officer
Confederated Tribes of the Colville Reservation
(509) 634-2695

From: Wendy Lane [mailto:Wendy.Lane@CO.CHELAN.WA.US]

Sent: Thursday, September 10, 2020 9:17 AM

To: Bob Plumb; David Spencer; rosa.perez@cdhd.wa.gov; Karina.Alcantar@cdhd.wa.gov; Cindy Grubb; Hankins, Alicia; p_mosher@ccfd6.net; gjohnson@cashmere.wednet.edu; sepa@dahp.wa.gov; enviroreview@yakama.com; Guy Moura (HSY)

Subject: Request for Comments – CPA 20-005 Joya – Chelan County Dept. of Community Development

Good Morning,

Chelan County has a **Comprehensive Plan Map Amendment** application in which we are requesting comments from agencies and special districts. Attached are all the materials for your review and the Notice of Application. Please respond by **5:00 pm on September 24, 2020**.

Project File No.: File # CPA 20-005

Project Location: Address and Parcel Number: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100

Applicant/Owner: Name: Rudy Joya

Application Date: Date: February 27, 2020

Determination of Complete Date: Date: March 9, 2020

Notice of Application Date: Date: September 10, 2020

Proposed Project Description: An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Recreational 5 acres (RR5) to Rural Village (RV).

SEPA Review: The County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

Application Materials: Attached to this email or may be found on the Chelan County Public Notice Portal: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

Return Comments To: Emily Morgan

Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Email: Emily Morgan

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801

Phone: (509) 667-6231 | Fax: (509) 667-6475

Wendy.Lane@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:

[CLICK HERE TO TAKE THE SURVEY!](#)

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

September 22, 2020

Emily Morgan
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801

Re: CPA 20-005

Dear Emily Morgan:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Comprehensive Plan Map Amendment from Rural Residential/Recreational 5 acres to Rural Village, proposed by Rudy Joya. We have reviewed the documents and have the following comments.

WATER RESOURCES

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

Additionally, this proposal falls within the Boundaries of WAC 173-545. This basin was assigned reservations water for future beneficial uses as described in WAC 173-545-090. For more information about the reservation accounting please contact Chelan County.

If you have any questions or would like to respond to these Water Resources comments, please contact **Christopher Kossik** at 509-454-7872 or email at christopher.kossik@ecy.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Clear".

Gwen Clear
Environmental Review Coordinator
Central Regional Office
509-575-2012
crosepa@ecy.wa.gov

202004712

Karen Carson
Lyle and Karen Carson Living Trust
100 Cascade Pl
Cashmere, WA 98815

Emily Morgan
County of Chelan Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801

Re: CPA 20-005

Dear Ms. Morgan,

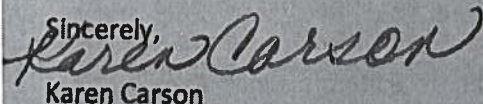
Thank you for the opportunity to provide comment on the proposed Comprehensive Plan Amendment for 5900 Webster Way in Cashmere. I am writing on behalf of my family's interest in the adjacent parcel: 241931940050. This parcel is currently maintained as open space under the Open Space Taxation Act of 1970 and is used as an active commercial pear orchard.

In review of the SEPA checklist and application materials presented by the Joya family, I noticed two areas of concern:

1. Commercial use of the adjacent parcel – the application materials state that this “amendment does not adversely affect lands designated as resource land of long-term commercial significance or critical areas in ways that cannot be mitigated.” I disagree with this interpretation. As aforementioned, our commercial orchard is designated as open space and there are no intentions to remove it from said designation. Approval of this amendment would severely impact our ability to continue farming the land without interruption. Particularly as it relates to pesticide applications which need to be made in a timely fashion for adequate pest control. Increasing the density of the neighboring parcel also increases the notification requirements when spraying said pesticides, jeopardizing our ability to farm within the required timeframes. The RV designation is not clear on the density limitations.
2. Comprehensive Plan Consistency – while the application materials show that our parcel is zoned RR5, many of the questions are answered throughout the application as if the adjacent lands are all RV. This is misleading as only one of the adjacent property lines has the RV designation. The remainder are public or RR-5. A more appropriate zoning designation for the Joya parcel may be something like RR-2.5 or RR-1. This transition would be a more natural flow into the surrounding parcels with lower density requirements.

Thank you again for the opportunity to provide comment. I look forward to discussing this with you further should you have any questions.

Sincerely,



Karen Carson

Lncknc1@gmail.com

(509) 470-7808

RECEIVED

SEP 24 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

Wendy Lane

From: Wendy Lane
Sent: Thursday, September 10, 2020 9:17 AM
To: +DCE Bob Plumb; David Spencer; 'rosa.perez@cdhd.wa.gov'; 'Karina.Alcantar@cdhd.wa.gov'; Cindy Grubb; 'Hankins, Alicia'; 'p_mosher@ccfd6.net'; 'gjohnson@cashmere.wednet.edu'; 'sepa@dahp.wa.gov'; 'enviroreview@yakama.com'; 'guy.moura.hsy@colvilletribes.com'
Subject: Request for Comments – CPA 20-005 Joya – Chelan County Dept. of Community Development
Attachments: CPA 20-005 Joya Application Materials.pdf

Good Morning,

Chelan County has a **Comprehensive Plan Map Amendment** application in which we are requesting comments from agencies and special districts. Attached are all the materials for your review and the Notice of Application. Please respond by **5:00 pm on September 24, 2020**.

Project File No.: File # CPA 20-005
Project Location: Address and Parcel Number: 5900 Webster Way, Cashmere, WA 98815; and identified by Assessor's Parcel No(s): 23-20-20-440-100
Applicant/Owner: Name: Rudy Joya
Application Date: Date: February 27, 2020
Determination of Complete Date: Date: March 9, 2020
Notice of Application Date: Date: September 10, 2020

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SEPA Review: The County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

Application Materials: Attached to this email or may be found on the Chelan County Public Notice Portal: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

Return Comments To: Emily Morgan

Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Email: Emily Morgan

Sincerely,

Wendy Lane

Permit Clerk
Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801
Phone: (509) 667-6231 | Fax: (509) 667-6475
Wendy.Lane@co.chelan.wa.us

The Department of Community Development would appreciate your feedback. Please take a moment to complete our Public Experience Survey:
[CLICK HERE TO TAKE THE SURVEY!](#)

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Catherine Lorbeer

From: Catherine Lorbeer
Sent: Tuesday, October 20, 2020 8:30 AM
To: Sheryl Stansell
Subject: RE: CPA 20-005

Hi Sheryl,

We've added you to the Planning Commission (PC) agenda mailing list. The upcoming PC workshop is scheduled for October 28th starting at 6 PM. It's not the public hearing so it will entail staff describing each Comprehensive Plan Amendment request. The public hearing is tentatively scheduled for November 18th.

Here's the link to the October 28 PC packet:

<https://www.co.chelan.wa.us/files/community-development/archives/planning-commission/2020/10%20October%202020/October-28-2020-PC-Agenda-Packet.pdf>

Please let me know if you have any questions.

Sincerely,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: (509) 667-6246
Main office: (509) 667-6225
Catherine.Lorbeer@co.chelan.wa.us

From: Sheryl Stansell <stansell253@gmail.com>
Sent: Friday, October 9, 2020 5:55 AM
To: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Subject: Re: CPA 20-005

External Email Warning! This email originated from outside of Chelan County.

Thanks Catherine,

Please email me when the planning commission has been scheduled.

Best,
Sheryl

On Thu, Oct 8, 2020 at 11:06 AM Catherine Lorbeer <Catherine.Lorbeer@co.chelan.wa.us> wrote:

Hi Sheryl,

Thank you for your email. The public hearing for CPA 20-005 has not yet been scheduled for Planning Commission review. However, upcoming agendas and meeting information may be found at this link: <https://www.co.chelan.wa.us/community-development/pages/planning-commission>

This webpage includes the details of the virtual meeting. Give us a call if you have questions about joining a Zoom meeting.

The Board of County Commission meeting link may be found here: <https://www.co.chelan.wa.us/board-of-commissioners/pages/join-the-commissioners-meeting>

We will also add your email to our list of interested parties. Please let me know if you have any questions or comments about the proposal. The application materials may be found here: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

Sincerely,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: (509) 667-6246

Main office: (509) 667-6225

Catherine.Lorbeer@co.chelan.wa.us

From: Sheryl Stansell <stansell253@gmail.com>
Sent: Tuesday, October 6, 2020 12:12 PM
To: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Subject: CPA 20-005

External Email Warning! This email originated from outside of Chelan County.



Hi there,

My name is Sheryl Carson and I am writing in regards to the proposed Comprehensive Plan Amendment 20-005. I would like to be made aware of the dates this amendment is being presented to the Planning Commission and subsequently, the County Board of Commissioners. Particularly, I would like to be instructed on how to attend these public meetings virtually and how to submit for public comment.

Thank you in advance for your assistance.

Sheryl



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2020 Comprehensive Plan Text Amendment Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: November 18, 2020
FILE NUMBER: CPA 20-007, SSRT Text Amend

RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report.

Staff recommends Options 1 and 2 below:

- Option 1: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 4 related to the allowances for small-scale recreational tourist activities, specifically in the Commercial Agricultural (AC) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.
- Option 2: Move to recommend **approval** of the Comprehensive Plan Amendment to change Chapter 3, specifically by replacing “intensification of existing development or new development” with “infill, development, or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Waterfront (RW) and Rural Recreational/Residential (RRR) land use designations/siting criteria; and by replacing “intensification of existing” with “infill, development, or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Village (RV) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.
- Option 3: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 3 and Chapter 4 related to the allowances for small-scale recreational tourist activities, and direct Staff to conduct additional research on Type 1 and Type 2 Limited Areas of More Intensive Rural Development (LAMIRDs) for consistency with the intent of the Growth Management Act (GMA) and with guidance in the Washington Administrative Code (WAC); and if necessary, bring back recommended language changes to the Comprehensive Plan and Chelan County Code in next year’s docket.

GENERAL INFORMATION

Planning Commission Workshop	October 28, 2020
Notice of Application to Interested Parties	September 10, 2020
Planning Commission Notice of Hearing Published	November 7, 2020
Planning Commission Hearing on	November 18, 2020

60-day State agency review

Received September 17, 2020 with comment period ending November 16, 2020

SEPA Environmental Review

The proposed Comprehensive Plan Text Amendment is exempt per WAC 197-11-800(19)(b).

Agency Comments:

The Department of Commerce provided comments, dated November 5, 2020, stating that given the complexity of the issue, they recommend that the County take more time to consider amendments to the comprehensive plan text. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations. Refer to Attachment 1 for full comment letter.

Public Comments:

Name	Date Received	Nature of Comment
Tyler and Raye Evans	September 29, 2020	Object to any re-interpretation of Comprehensive Plan that would allow Small Scale Recreation Tourist (SSRT) uses in areas zoned for Commercial Agriculture.
Frank McKenney	September 30, 2020	Whatever is changed in the Comprehensive Plan should not allow previous proposals for SSRT in Commercial Agriculture near his property.
Scot and Robyn Teichner	October 2, 2020	Oppose changing the Comprehensive Plan and expressed concerns about a previous proposal near their property.
Debbie and Bob Neudorfer	October 2, 2020	Object to any re-interpretation of Comprehensive Plan that would allow Small Scale Recreation Tourist (SSRT) uses in areas zoned for Commercial Agriculture and expressed concerns about a previous proposal near their property.
Comment submitted by 40 community members.	October 27, 2020	Do not support amending the Comprehensive Plan and ask that it prohibit new uses in areas zoned Commercial Agriculture. Protect our agriculture zoned properties.
Manson Community Council	October 27, 2020	Do not believe there is any error in the existing Comprehensive Plan or County Code. Existing zoning criteria is consistent and compatible with the goals of the Comprehensive Plan.

PROJECT DESCRIPTION – CPA 20-007 – SMALL SCALE RECREATIONAL TOURIST USES TEXT AMENDMENT

Proposal: Chelan County has initiated a Comprehensive Plan text amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations. Due to geographic limitations, it is common for rural areas to have isolated commercial or tourist activities. These areas provide residents and tourists with necessary services, reduce travel demands on limited roadways, and provide local areas with employment opportunities. This proposed text amendment will allow the public to evaluate the Comprehensive Plan for consistency as to how to support new small-scale recreation or tourist uses.

It is important to emphasize that the Comprehensive Plan is the tool that informs decisions and drives implementation of the Zoning Code, not vice versa. Depending on how the proposed CPA text amendment

is resolved, changes to the zoning code may be appropriate. Any changes to the Zoning Code must be consistent with the Comprehensive Plan.

The County land use designations are be grouped as Rural, LAMIRD, Resource and Urban Growth Area. Chapter 3 is the Rural Element of the Comprehensive Plan and addresses the siting criteria for Rural and LAMIRD designations that are implemented through the zoning map. Chapter 4 is the Resource Element and addresses siting criteria for Resource designations.

In each chapter, uses appropriate to each land use designation are listed. In particular, such uses may include intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include new residential component. However, some of the siting criteria contains the language “or new development” of small-scale recreational or tourist uses.

The table below shows how language is currently adopted and is also shown in Attachment 3 File of Record, along with background information. The underlined language in *italics* and with strike-throughs shows how the text might be amended.

Land Use Designation	Current Language in Chapter 3, Rural Element	Page No.
RR20	intensification of existing small-scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component;	7
RR10, RR5, RR2.5, RP	intensification of existing development or new development of small-scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component;	8, 9, 10
Type 1 LAMIRD	... are described as rural development consisting of existing and potential infill of commercial, industrial, residential, or mixed use, whether characterized as shoreline developments, villages, hamlets, rural activity centers, or crossroads developments.	11
Type 2 LAMIRD	...are an intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses that rely on a rural location and setting.	12
RW (Type 1 LAMIRD)	intensification of existing development or new development <u>infill, development, or redevelopment of existing areas</u> of small-scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component;	13
RRR (Type 1 LAMIRD)	intensification of existing development or new development <u>infill, development, or redevelopment of existing areas</u> of small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component;	14
RV (Type 1 LAMIRD)	intensification of <u>infill, development, or redevelopment of existing areas of</u> small-scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component;	15
RC (Type 1, 2 and 3 LAMIRD)	...; tourist or recreational uses;	16
Land Use Designation	Current Language in Chapter 4, Resource Element	Page No.
AC	intensification of existing small-scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component;	2
FC	intensification of existing development or the development of new small-scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development;	13

COMPREHENSIVE PLAN

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. For the county-initiated text amendments, the merits of the requested change must be demonstrated as being consistent with adopted goals and policies.

The following Comprehensive Plan policies are relevant to the proposed request for CPA 20-007:

LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.

RE 2.3: Ensure that rural development (residential, commercial and industrial) near designated resource lands occurs in a manner that minimizes potential conflicts and reduces conversion of farm and forest land to non-resource uses. Develop mitigating measures to provide adequate protection against potential conflicts.

RE 3.9: Allow the infill, development, and redevelopment of existing intensely developed rural areas where consistent with the goals and policies of the comprehensive plan, including recreational, residential, mixed-use, and shoreline developments.

RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed- use areas, should be principally designed to serve the existing and projected rural population.

RE 6.2: Apply development standards in LAMIRDs to ensure the design of development or redevelopment is consistent with the character of the existing areas and the proposed use conforms to the intent of this Comprehensive Plan.

AL 1.4: Conserve agricultural lands for productive economic use by identifying and designating agricultural resource lands whose principal and preferred land use is commercial agricultural resource management.

REVIEW CRITERIA

The proposals were analyzed based on information provided as background or when readily available, within existing County resources. While each application may or may not have met all the criteria, the applications must be weighed by their individual and collective impacts. Additionally, agency and public comment play a role in understanding how the amendment may advance the Comprehensive Plan goals and policies and how it may serve the general public's interest.

Pursuant to Chelan County Code (CCC) Section 14.14.047, the following general review criteria were used to evaluate the proposed text amendment. Agency and public comments have been incorporated as appropriate.

1. *The proposal is necessary to address a public land use issue or problem; and*

Finding of Fact: The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some land use categories allow "intensification" of existing small-scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses. The Comprehensive Plan description for Rural Waterfront (RW), Rural Recreational/Residential (RRR) and Rural Village (RV) designations, which are Type 1 LAMIRDs, allow for the "intensification of development". However, this is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDS may not allow for intensification of existing uses.

Conclusion: The proposed text amendment will allow the public to evaluate the Comprehensive Plan for consistency as to how to support new small-scale recreation or tourist uses.

2. *The proposed amendment is consistent with the requirements of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and*

Finding of Fact: The Growth Management Act allows counties to plan for isolated pockets of more intense development in the rural area. These are referred to in the Act as LAMIRDs. Existing LAMIRD designations in the Comprehensive Plan are updated as necessary to be consistent with the Growth Management Act (GMA) provisions for Rural Elements in RCW 36.70A.070(5) and Washington Administrative Code (WAC) 365-196-425.

The GMA permits the development, redevelopment and infill of existing intensely developed rural areas known as Type 1 LAMIRDs although new development may occur in some Type 2 and 3 LAMIRDs. Type 1 LAMIRDs are isolated areas that may be characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

To be consistent with the GMA provisions for Type 1 LAMIRDs, the recommended text change to Chapters 3 would specifically replace “intensification of existing development or new development” with “infill, development, or redevelopment of existing areas” of small-scale recreation or tourist uses within the Rural Waterfront (RW) and Rural Recreational/Residential (RRR) land use designations/siting criteria; and would replace “intensification of existing” with “infill, development, or redevelopment of existing areas” of small-scale recreation or tourist uses within the Rural Village (RV) land use designations/siting criteria.

Also, for consistency with GMA provisions concerning agricultural resource lands, no text changes are recommended to Chapter 4, related to the allowances of small-scale recreational tourist activities, specifically in the Commercial Agricultural (AC) land use designations/siting criteria.

Agency comments from the Department of Commerce explain that the Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations; however, Commerce advises that this is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.

Conclusion: The proposal would be consistent with the GMA goals and with County-wide Planning Policies.

3. *The text amendment complies with or supports the comprehensive plan’s goals and policies, or how amendment of the plan’s goals or policies is supported by changing conditions or state or federal mandates; and*

Finding of Fact: The recommended text amendment to Chapter 3 would support Policies LU 1.5, RE 3.9, RE 6.1. and RE 6.2. Many vacant and underdeveloped parcels of land are available within existing intensely developed rural areas that can accommodate further infill or redevelopment. Infill within these areas will allow public facilities and services to be provided in a more efficient manner. LAMIRDs include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate. Requiring infill or redevelopment within LAMIRD designations to match the character of the existing areas ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.

The recommendation for no text changes to Chapter 4 would support Policy RE 2.3. The close proximity of rural lands to resource lands is unavoidable. The presence of these resource activities such as agricultural production adds to the character of these rural lands. However, many activities which take place on these agricultural resource lands are not compatible with other activities, especially residential uses. The conservation of these resource lands may be jeopardized by development which is not sensitive to the activities that characterize a resource-based land use; therefore, adding “new development” of small-scale recreational tourist uses would not be consistent with the GMA or Comprehensive Plan goals and policies.

Conclusion: As recommended by staff, the text amendment to Chapter 3 would be consistent with and support the goals and policies of the Chelan County Comprehensive Plan; and no text changes to Chapter 4 would also be consistent with and support the goals and policies of the Chelan County Comprehensive Plan.

4. *The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and*

Finding of Fact: The GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production. The Chelan County comprehensive plan allows for the intensification of existing small-scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs.

Agency comments emphasize that development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. Additionally, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes.

Numerous public comments expressed opposition to any re-interpretation of Comprehensive Plan text that would allow Small Scale Recreation Tourist (SSRT) uses in areas zoned for Commercial Agriculture (AC).

Conclusion: As recommended by staff, the text amendment to Chapter 3 and no text changes to Chapter 4 would not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.

5. *The proposed amendment would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare.*

Finding of Fact: The overarching objectives of the GMA and the County, with respect to rural land uses, are to protect rural character and to maintain the economic viability of agriculture, forestry and mining. Two critical factors of public interest to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands are: 1) Are the changes consistent with rural character as defined by the County? and 2) Will the changes interfere with resource lands production?

The proposed text amendment to Chapter 3 would be consistent with the Chelan County's rural character, where a pattern of rural living with larger lot sizes used for residential living and often agricultural activities or clustered lots with large areas of protected open space. Rural character includes isolated pockets of more intense commercial and recreational development. Making no changes to Chapter 4 would avoid interference with resource land production.

Conclusion: As recommended by staff, the text amendment to Chapter 3 and no text changes to Chapter 4 would serve the public interest.

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 SEPA Rules have been satisfied. The proposed Comprehensive Plan Text Amendment is exempt per WAC 197-11-800(19)(b).
5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on September 17, 2020, submittal ID No. 2020-S-1793 (Attachment 2), pursuant to RCW 36.70A.106.
6. A request for a Comprehensive Plan Text Amendment was submitted by Chelan County has initiated a Comprehensive Plan text amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations.
 - a. As recommended by staff, the proposed changes are consistent with the Chelan County Comprehensive Plan as outlined in this staff report.

CONCLUSIONS OF LAW

1. The amendments to the Chelan County Comprehensive Plan are consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendments are necessary to address a public land use issue or problem.
3. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
4. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
5. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
6. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11 SEPA Rules have been satisfied.

STAFF RECOMMENDATION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report.

Staff recommends Options 1 and 2 below:

- Option 1: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 4 related to the allowances for small-scale recreational tourist activities, specifically in the Commercial Agricultural (AC) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.
- Option 2: Move to recommend **approval** of the Comprehensive Plan Amendment to change Chapter 3, specifically by replacing “intensification of existing development or new development” with “infill, development, or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Waterfront (RW) and Rural Recreational/Residential (RRR) land use designations/siting criteria; and by replacing “intensification of existing” with “infill, development,

or redevelopment of existing areas” for small-scale recreation or tourist uses within the Rural Village (RV) land use designations/siting criteria, given file number CPA 20-007, based upon the findings of fact and conclusions of law contained within the November 18, 2020 staff report.

Option 3: Move to recommend **denial** of the Comprehensive Plan Amendment to change Chapter 3 and Chapter 4 related to the allowances for small-scale recreational tourist activities, and direct Staff to conduct additional research on Type 1 and Type 2 Limited Areas of More Intensive Rural Development (LAMIRDs) for consistency with the intent of the Growth Management Act (GMA) and with guidance in the Washington Administrative Code (WAC); and if necessary, bring back recommended language changes to the Comprehensive Plan and Chelan County Code in next year’s docket.

ATTACHMENTS

1. Agency Comment dated November 5, 2020 from the WA Dept. of Commerce
2. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
3. File of Record for CPA 20-007



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 5, 2020

Ms. Catherine Lorbeer, AICP
Assistant Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

CPA-2020-001, 004 and 005

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.¹ LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDS is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

CPA 2020-003

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.⁴ The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.⁵ Counties "should not review resource lands designations solely on a parcel-by-parcel process".⁶ Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.⁷ The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.⁸

CPA-20-007

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)⁹. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

⁹ [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer

November 5, 2020

Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at scott.kuhta@commerce.wa.gov, or 509-795-6884.

Sincerely,



Scott Kuhta, AICP

Senior Planner

Growth Management Services

cc: Jim Brown, CD Director, Chelan County
Steve Roberge, Deputy Managing Director, Growth Management Services
Dave Andersen, Managing Director, Growth Management Services



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

09/17/2020

Ms. Catherine Lorbeer
Assistant Director
Chelan County
316 Washington Street Suite 301
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2020-S-1793--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lorbeer:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

1) Rural Residential/Recreational 5 acres and Rural Residential/Recreational 10 acres to Rural Recreational/Residential; 2) Commercial Agricultural Lands to Rural Residential/Recreational 2.5 acres; 3) Rural Residential/Recreational 5 acres to Rural Village; 4) Rural Residential/Recreational 5 acres to Rural Village; 5) Chapter 3 and 4 related to small-scale recreational tourist activities

We received your submittal on 09/17/2020 and processed it with the Submittal ID 2020-S-1793. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/16/2020.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Scott Kuhta, (509) 795-6884.

Sincerely,

Review Team
Growth Management Services

Chapter 3 RURAL ELEMENT

I. Introduction

The Growth Management Act (GMA) requires a Rural Element in the County's comprehensive plan. The Rural Element contains goals and policies to guide the development of rural land including the identification of the general types of uses to be permitted. Rural lands are all lands not designated for urban growth, or agriculture, forest or mineral resource lands.

The GMA recommends providing for a variety of residential densities at levels that are consistent with the preservation of rural character and the requirements of the Rural Element. The Rural Element provides guidance on appropriate land uses and densities for Chelan County's rural areas. Rural governmental services should be provided at a level necessary to support and sustain the land use pattern planned for rural areas. Rural governmental services should not provide the level of service which promotes growth or sprawl in rural areas. The Growth Management Act provides the following definitions of rural development, rural character and rural governmental services:

- A. Rural development refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.
- B. Rural governmental services or rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).
- C. Rural character refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:
 - 1. In which open space, the natural landscape, and vegetation predominate over the built environment;
 - 2. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;



3. That provide visual landscapes that are traditionally found in rural areas and communities;
4. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
5. That generally do not require the extension of urban governmental services; and
6. That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

II. Intent

It is the intent of this Rural Element to preserve the rural character and way of life in the rural area, and to protect private property rights while considering impacts to the environment of Chelan County.

As noted in the Land Use Element, the majority of land within the County is in Federal or State ownership, and is therefore considered unbuildable within the planning horizon of this plan.

As documented in the Parks and Recreation Element, the Federal and State lands provide the County with one of the largest rural and natural park lands, these include: Glacier Peak Wilderness, Lake Chelan Sawtooth Wilderness, Wenatchee National Forest, Alpine Lakes Wilderness, Henry M Jackson Wilderness, North Cascades National Park and Lake Chelan National Recreation Area. These very large wilderness and park areas are not expected to develop but rather enhance the character of the County as a recreation and natural resource to locals and visitors.

In addition to Chelan County's rural character being dominated by park lands, Chelan County has a history of agricultural uses - primarily orchards of various sizes, residential rural living; forest practices, rural industrial activities, mining and small town settlements. Over the last ten years, some areas have transitioned to vineyards, wineries, smaller-scale agricultural production and agricultural and recreational tourism.

Within the Land Use Element each region of the County has been defined by the unique characteristics and rural character, including innovative tools for development. The goals and policies in the Rural Element are to guide land use activities in and surrounding rural lands. Goals and policies have been developed for the preservation of the rural character by:

- Containing or otherwise controlling rural development;
- Assuring visual compatibility of rural development with the surrounding rural area;
- Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- Protection of critical areas, surface water and ground water resources; and,
- Protecting against conflicts with the use of agricultural, forest, and mineral resource lands of long-term commercial significance, see Resource Element.

The County land use designations can be grouped as Rural, LAMIRD, Resource and Urban Growth Area. This Element addresses the siting criteria and Goals and Policies of the Rural and LAMIRD designations. Additionally, each designation is broadly defined with intended uses and densities under the siting criteria. Services for the rural lands are addressed in the Capital Facilities and Utilities Elements.

Rural designations include: Rural Residential/Resource 2.5, 5, 10 and 20

LAMIRD designations include: Rural Waterfront; Rural; Rural Village; Rural Recreational/Residential; Rural Commercial; and, Rural Industrial

III. Goals and Policies – Rural Designations

Goal RE 1: Maintain a balance between human uses and the natural environment in rural areas of the County.

Rationale: Residents who choose to live in the rural areas need to realize that their lifestyle has an impact on the natural environment and efforts need to be made to find and maintain a balance between human activity and the natural environment.

Policy RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.

Rationale: Wildlife habitat and open space are all land uses which are typically located in rural areas and are an important part of the reason why people choose to live in a rural setting. Therefore, development may occur when suitable mitigation is provided to address impacts to Critical Areas existing in rural lands.

Policy RE 1.2: Uses not specifically addressed or prohibited in the comprehensive plan are not automatically allowed and should be reviewed on their own merits for compatibility with existing goals and policies.

Rationale: Should there be a new land use or an innovative technique towards the management of growth, they can be reviewed during the annual review process to analyze their compatibility with existing goals and policies of the plan.

Policy RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.

Rationale: The rural areas of Chelan County contain a variety of land uses and densities that comprise the rural character of the area. Continuing this pattern, will help to maintain and enhance this rural character.

Policy RE 1.4: Essential public facilities and/or services should be sited and developed in a manner that maintains the rural character of the area. Essential public facilities and/or services are appropriate for location in rural areas when suitable mitigation is provided.

Rationale: Essential public facilities and/or services should not compromise the goal of the Rural Lands.

Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.

Rationale: There is value in rural lands that have in the economic vitality, rural lifestyles, and healthy environments.

Policy RE 2.1: Review rural development applications to determine the potential for groundwater contamination.

Rationale: Preventing groundwater contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm.

Policy RE 2.2: Rural development should not preclude use of rural lands for agriculture and timber production and should avoid or mitigate impacts on existing agriculture or timber operations.

Rationale: Productive agriculture and timber lands exist in the rural areas. Potential negative impacts to these lands from more intense land uses should be avoided through the application of appropriate mitigation measures and/or the use of innovative techniques.

Policy RE 2.3: Ensure that rural development (residential, commercial and industrial) near designated resource lands occurs in a manner that minimizes potential conflicts and reduces conversion of farm and forest land to non-resource uses. Develop mitigating measures to provide adequate protection against potential conflicts.

Rationale: The close proximity of rural lands to resource lands is unavoidable. The presence of these resource activities such as forests and agricultural production adds to the character of these rural lands. However, many activities which take place on these resource lands are not compatible with other activities, especially residential uses. Since the conservation of these resource lands may be jeopardized by development which is not sensitive to the activities that characterize a resource based land use; it is important to provide mitigating measures that will provide an adequate transition area between potentially conflicting land uses.

Policy RE 2.4: Encourage the preservation and protection of unique, rare and fragile natural features, scenic vistas, unstable bluffs, and culturally significant features.

Rationale: These features contribute to the character and attractiveness of the rural area. Their preservation enhances the openness and aesthetic quality of the area. The use of voluntary incentives including the Chelan County Public Benefit Rating System used in evaluating applications for current use taxation of property under the Open Space Program and clustering provisions will help to encourage the preservation and protection of these areas.

Policy RE 2.5: When open space areas are provided in a development, provisions shall be made to identify: who owns the open space, what uses or activities will be permitted on it, how the area will be maintained, and whether public access will be provided. This information shall be contained on the face of the plat.

Rationale: One of the drawbacks of providing open space is determining how it should be managed. It is important to establish this at the design stage so everyone is clear on their responsibilities. When the information is noted on the face of the plat, all subsequent property owners will be aware of the open space provisions.

Policy RE 2.6: To achieve a variety of rural densities and uses, allow for development clustering, density transfer, design guidelines, conservation easements, and other innovative techniques to accommodate growth consistent with rural character.

Rationale: The amount of privately owned developable land in the County is limited. Innovative techniques can provide for rural development while protecting the rural character of the County.

Policy RE 2.7: Protect local environmental and visual resources in hillside areas by encouraging development to locate on existing benches and terraces and by applying appropriate development standards and performance criteria.

Rationale: Hillside residential development offers a number of potential advantages, if properly established. If hillsides are to be both used and enjoyed by present and future residents of the area, development policies must include soundly based standards and performance criteria, yet have sufficient flexibility to fit varied environmental conditions.

Policy RE 2.8: Protect hillside areas from erosion by requiring development to adequately capture storm drainage and avoid duplication of road systems.

Rationale: Road cuts impact on the visual quality of hillsides and are a source of erosion and shall be minimized.

Goal RE 3: Develop at densities such that demands will not be created for urban levels of public services and facilities in rural areas.

Goal Rationale: Development in rural areas should not be at densities which require urban levels of service. Development at lower densities will also help protect the rural quality of life.

Policy RE 3.1: Provide government services in non-urban areas at a limited level appropriate to the rural setting, including police, fire, roads, and general utilities.

Rationale: Limited public facilities and services will be provided to persons living and working in rural areas. Urban levels of services should not extend beyond urban growth areas, except where provided for under the Growth Management Act.

Policy RE 3.2: Permit development of rural areas adjacent to urban growth areas at densities that will allow for orderly extension of urban utilities and services as urban growth areas expand in the future.

Rationale: Land that is immediately adjacent to an urban growth area is unique in that it has a greater potential to eventually develop at higher densities. Therefore, it is appropriate that these lands develop at an appropriate rural density so that when they do obtain the opportunity to develop in an UGA, they will permit the orderly extension of public utilities.

Policy RE 3.3: Promote orderly expansion of urban facilities and infrastructure by including rural areas adjacent to urban growth areas with capital facilities and transportation plans. These plans should try to anticipate, where appropriate, where future additional infrastructure and facilities will be sited.

Rationale: Anticipation of future siting needs for facilities and infrastructure will help ensure the orderly expansion of urban growth areas.

Policy RE 3.4: Promote use of innovative site designs that employ alternatives to conventional on-lot wastewater disposal systems.

Rationale: Innovative site designs can take advantage of alternative wastewater systems such as community drain-fields within open space areas which may be effective in reducing potential failures and contamination of water sources.

Policy RE 3.5: Where consistent with State and local requirements, encourage innovative site designs that utilize community water systems.

Rationale: Innovative site designs can provide an affordable option for rural residential development since many of the site improvement costs and restrictions associated with individual wells can be distributed equally between all the home sites.

Policy RE 3.6: Develop fire protection standards for all commercial, industrial and residential development in rural areas, including, but not limited to, use of fire retardant building materials, access to on-site water bodies (lake, ponds, cisterns, pools, etc), and firewise vegetation removal or fire breaks.

Rationale: Rural development depends upon adequate safety standards to protect life and property in rural areas.

Policy RE 3.7: Seek input from rural fire districts and the County Fire Marshal on design standards for adequate ingress and egress to new developments to address fire safety issues.

Rationale: To provide adequate escape routes for residents and emergency vehicles.

Policy RE 3.8: Appropriate rural densities and designations should be applied which maintain the rural character, accommodate rural population projections and can be provided with rural services within the constraints of the County Budget and Capital Facility Plan.

Rationale: In order to plan for and fund the proper size and extent of supporting public facilities, utilities and services, the density and extent of future development areas must be specified.

Policy RE 3.9: Allow the infill, development, and redevelopment of existing intensely developed rural areas where consistent with the goals and policies of the comprehensive plan, including recreational, residential, mixed-use, and shoreline developments.

Rationale: Rural recreational developments provide the opportunity for residential development, multiple uses of a recreational area, and innovative techniques to meet the needs and desires of the public to live and recreate in rural areas, with access or close proximity to natural amenities.

Policy RE 3.10: Necessary public facilities and public services may be provided for the development, infill, and redevelopment of existing intensely developed residential, mixed use, shoreline, commercial and industrial areas outside of urban growth areas. Provision of such services shall not be provided in a manner which permits low density sprawl outside of the boundary of the designation area.

Rationale: This policy recognizes the existence of intensely developed areas in rural lands and provides for the provision of necessary public facilities and services.

Goal RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.

Rationale: The comprehensive plan provides for a range of rural economic activities including: rural agriculture, forestry, and mineral resource industries as well as a range of rural development opportunities consistent with the Growth Management Act.

Policy RE 4.1: Permit rural development of small scale recreational, tourist, and resort uses that rely on a rural location and setting, including commercial facilities to serve such uses, provided they do not include new residential development and are otherwise consistent with other goals and policies of this plan.

Rationale: These uses are appropriate in rural areas when it can be demonstrated that they are compatible with the goals and policies of the comprehensive plan. Public services and public facilities shall be limited to those necessary to serve the recreational or tourist use and shall be provided in a manner that does not permit low density sprawl.

Policy RE 4.2: Additional commercial centers or activities may be considered in existing rural activity centers, villages, hamlets, or crossroad developments in the rural area during the yearly amendment process for the comprehensive plan when consistent with RCW 36.70A.070(5) and the goals and policies of the comprehensive plan.

Rationale: Limited commercial development may be appropriate in some rural areas to meet the needs of residents and visitors.

Policy RE 4.5: Encourage new visitor facilities and services, consistent with the national mandate for recreation and visitors in the Lake Chelan National Recreation Area and in coordination with the General Management Plan for the Lake Chelan National Recreation Area.

Rationale: Growth of the state and all associated areas indicates increased visitor use for Stehekin. Tastefully constructed and environmentally sensitive installations to support the increased number of visitors are required and desired.

Policy RE 4.6: MPRs may be considered within rural areas when consistent with the provisions of the comprehensive plan and RCW 36.70A.360.

Rationale RCW 36.70A.040 requires all land use regulations to be consistent with and implement the adopted comprehensive plan.

Goal RE 5: Support RCW 17.10 purpose to limit economic loss and adverse effects to Washington's agriculture, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the State.

Policy RE 5.1: Encourage public awareness and removal of noxious weeds through the Chelan County Noxious Weed Department and Control Board.

IV. Designations/Siting Criteria – Rural:

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

A. RR20, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 20 ACRES

Purpose: To allow for low intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure. These areas provide greater opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per twenty (20) acres.

Locational Guidelines:

1. Geographical and Geological Characteristics. These areas tend to be remote or have been historically rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Large tracts of undeveloped, open space exist.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require extension or provision of urban level services. In many cases public roads or infrastructure are not available to serve the area, and may not be available in the 20 year planning period.

4. Existing Land Uses. Dispersed single family residences, farms or forest management activities, and other low intensity rural development may be present. Predominant parcel sizes are 20 acres or greater.

B. RR10, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 10 ACRES

Purpose: To allow for rural development, forestry and agricultural uses consistent with the rural character and rural development provisions outlined in the goals and policies of the comprehensive plan. These areas can function as areas of transition between resource lands and areas of more intense rural or urban development. These areas also provide opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide for job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per ten (10) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics. The area is predominantly rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Significant areas of undeveloped open space may exist.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require the extension or provision of urban level services. These areas are rural in character and may have access or limited access to rural governmental services and infrastructure. These areas may have the potential to be provided with rural governmental services within the 20 year planning period.
4. Existing Land Uses. Dispersed single family residences, farms or forest management activities and other rural development may be present. Predominant parcel sizes are 10 acres or larger.

C. RR5, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 5 ACRES

Purpose: Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth

areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per five (5) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics.** The area is predominantly rural in character. Soil characteristics or other physical constraints to development may also be present. Some areas of undeveloped, open space may exist. The area may also be adjacent to designated urban growth areas.
2. **Natural Resources.** The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. **Public Services.** Uses do not require extension or provision of urban level services. Rural governmental services are available or may be provided for within the 20 year planning period.
4. **Existing Land Uses.** Dispersed single family residences, farms or forestry uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are 5 acres or larger.

D. RR2.5, RURAL RESIDENTIAL: 1 DWELLING UNIT PER 2.5 ACRES

Purpose: To maintain the range of rural development opportunities consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas can provide buffering or transitions between existing rural developments and areas of higher or lower densities. This designation should not function as an urban reserve area, although these areas may someday be incorporated into an urban growth area.

Uses appropriate for these areas include: residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not

principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 2.5 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be immediately adjacent to existing residential or rural developments. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has limited resource management potential. The area may be adjacent to resource lands.
3. **Public Services.** Uses do not require extension or provision of urban levels of services. Rural governmental services and infrastructure are typically available, planned and or funded for.
4. **Existing Land Uses.** Single family residences, agricultural uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are currently 2.5 acres or greater in size but typically less than 5 acres.

E. RURAL PUBLIC LANDS AND FACILITIES (RP):

Purpose: To provide open space, recreational opportunities, sites for necessary public facilities, utilities and services, and protection of critical areas. Encourage joint public/private ventures, where consistent with the rural development and rural character provisions, and goals and policies of this comprehensive plan.

Uses appropriate for these areas include: public facilities and services, open space and developed open space; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include new residential development; and intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** These lands are in public ownership and may contain critical areas. The County has no jurisdiction over federal lands.
2. **Natural Resources:** Public lands may contain resource lands.

Public Services: Services should be limited to the needs of the public agencies. Extension of public services can be considered for joint public/private ventures if consistent with the provisions of the comprehensive plan. Development in these areas shall not create a need for urban governmental services.

V. Limited Areas of More Intensive Rural Development (LAMIRD)

Introduction

Generally, the rural element is to provide for a variety of rural densities, uses and facilities and services, and to recognize that a variety of developments already exist in rural areas. This includes some development that is more compact than the surrounding rural lands, which are considered to be Limited Areas of More Intensive Rural Developments (LAMIRD). There are three distinct types of LAMIRDs that may be designated pursuant to RCW 36.70A.070(5)(d). Type 1 can either be commercial, industrial, residential, or mixed-use. Type 2 delineates existing commercial tourist or recreational commercial uses as well as allowing some new commercial tourist uses that rely on a rural location. The Type 3 LAMIRD identifies isolated small-scale businesses. Generally, limited areas of more intensive rural development include necessary public facilities and public services to serve that area.

Intent

LAMIRDs are designated to identify more intense areas of existing development, and to minimize and contain those existing developed areas within the rural lands. LAMIRDs are not intended by the Legislature to be mini-UGAs, suburbs or areas for significant future development. LAMIRDs are rural; they are contained and compact, and, with minor exceptions, were built before July 1, 1990. Though the LAMIRD will recognize existing development, it cannot promote sprawl or low-density growth in the rural area. In designating LAMIRDs, the County has established clear criteria to address each type of LAMIRD. Those criteria generally address the need to contain and control existing development, and the need to preserve the character of the community, its physical boundaries and prevent abnormally irregular boundaries. The criteria will also determine how public facilities and services will be provided in a manner that does not permit low density sprawl.

General LAMIRD Criteria

Lands designated as LAMIRDs will not extend beyond the logical outer boundary of the existing area or use. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but may also include limited undeveloped lands within the LAMIRD. Generally, future development may occur as infill or redevelopment, although new development can occur in some LAMIRD types. In establishing the logical outer boundary, the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl. Upon the initiation or update of a community and/or sub-area plan in the rural areas of the County, future LAMIRDs will be evaluated and existing LAMIRD designations will be updated as necessary to be consistent with the Growth Management Act provisions in RCW 36.70A.070(5) for Limited Areas of More Intensive Rural Development (LAMIRDs).

Type 1 LAMIRD- commercial, industrial, residential, or mixed-use.

Type 1 LAMIRDs are described as rural development consisting of existing and potential infill of commercial, industrial, residential, or mixed use, whether characterized as shoreline developments, villages, hamlets, rural activity centers, or crossroads developments. These LAMIRDs must meet the general criteria listed above, and must be principally designed to serve the existing and projected rural population (with the exception of industrial LAMIRDs and/or industrial uses within a mixed use LAMIRD, which are not required to meet this standard). It is also important that these designations are consistent with the character of the existing uses, particularly in terms of building size, scale, use or

intensity. Changes in use from vacant land or some previous use may be allowed, provided the new use complies with these above requirements.

Type 2 LAMIRD- existing commercial tourist or recreational commercial uses as well as some new commercial tourist uses in a rural location.

Type 2 LAMIRDs are an intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses that rely on a rural location and setting. This type of LAMIRD designation is not required to only serve the existing and projected rural population, but it also may not include new residential development. Public services and public facilities are limited to those necessary to serve the recreation or tourist use and will be provided in a manner that does not permit low-density sprawl.

Type 3 LAMIRD- isolated non-residential, cottage industries and small-scale businesses.

Type 3 LAMIRDs are the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses. This type of LAMIRD is not principally designed to serve the existing and projected rural population and nonresidential uses, but does provide job opportunities for rural residents. The County may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the County through a process consistent with RCW 36.70A.030(14). The County may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the County. Public services and public facilities are limited to those necessary to serve the isolated nonresidential use and will be provided in a manner that does not permit low-density sprawl.

VI. Goals and Policies – LAMIRDs

Where applicable, existing policies identified within the Comprehensive Plan which are consistent with LAMIRD designations should be considered when addressing LAMIRD development.

GOAL RE 6: Designate limited areas of more intensive rural development (LAMIRDs) for infill, development or redevelopment of existing commercial, industrial, residential or mixed use areas.

Policy RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.

Rationale: Requirements of the Growth Management Act allowing more intense development in rural areas include a provision that these areas serve primarily the existing and projected rural population, generally to ensure rural sprawl does not occur where inappropriate.

Policy RE 6.2: Apply development standards in LAMIRDs to ensure the design of development or redevelopment is consistent with the character of the existing areas and the proposed use conforms to the intent of this Comprehensive Plan.

Rationale: Requiring new and/or redevelopment within LAMIRD designations to be consistent with the provisions of this element ensure that the County remains consistent with the requirements of the Growth Management Act with respect to LAMIRD designations.

VII. Designations/Siting Criteria – LAMIRDs:

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. Comprehensive Plan Land Use Designation for the Rural areas are identified and discussed in the Land Use Element. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

A. RURAL WATERFRONT (RW):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed shoreline areas for residential, and water related/water dependent recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct water related lifestyle. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural shorelines; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: ~~intensification of existing development or new development~~ **infill, development, or redevelopment of existing areas** of small scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 1 acre per dwelling unit, when consistent with the Health District standards. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary. Existing urban governmental services in some areas, may allow for higher densities than those with rural governmental services.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** Parcels are located on or near shorelines identified by the Chelan County Shoreline Master Program. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. **Natural Resources:** This designation shall not be applied on resource lands of long term commercial significance.
3. **Public Services:** Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. There may be some existing urban

governmental services. Rural governmental services are typically available, planned and or funded for.

4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

B. RURAL RECREATIONAL/RESIDENTIAL (RRR)

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural recreational/residential areas for residential, recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Chelan County. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural recreational development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: ~~intensification of existing development or new development~~ infill, development, or redevelopment of existing areas of small scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 1 acre per dwelling unit, when consistent with Health District standards. The provision of necessary public facilities and services shall not permit or encourage low-density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics: Developments are closely associated with natural amenities found within Chelan County. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. Natural Resources: This designation shall not be applied on resource lands of long term commercial significance.
3. Public Services: Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. Rural governmental services are typically available, planned and/or funded for.
4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

C. RURAL VILLAGE (RV):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation recognizes the existence of intensely developed rural residential developments and communities, with densities less than 2.5 acres per dwelling unit, which typically will not have sewer service. This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural residential areas for residential and other rural development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural residential development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: ~~intensification of~~ infill, development, or redevelopment of existing areas of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 2.5 acres per dwelling unit. The establishment of densities shall consider pre-existing development patterns, Health District standards, proximity to resource lands, existence of critical areas and the availability of necessary public facilities and services. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development, and areas with varying residential densities. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has low resource management potential. The area may be adjacent to resource lands.
3. **Public Services:** Sewer service is typically not available. Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment, or infill of these areas may be provided.
4. **Existing Land Uses.** Single family residences and other rural development may be present. Predominant parcel sizes are less than 2.5 acres.

E. RURAL COMMERCIAL (RC):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act where it is applied to existing mixed use areas. Additionally, this designation is considered an implementation of Type 2 and Type 3 LAMIRDs as described above, consistent with the Growth Management Act where the existing uses consist of only commercial activities, whether general retail or tourist recreational in nature.

Purpose: To provide for a range of commercial uses to meet the needs of local residents, and small scale tourist or recreational uses including commercial facilities to serve those recreational or tourist uses within the rural areas to meet the needs of local residents and visitors. This designation will provide the opportunity for the development, redevelopment and infill of commercial uses in existing rural commercial developments, mixed use areas or intensely developed residential areas consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing rural commercial developments, mixed use areas or intensely developed residential developments; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage new rural commercial development outside of these boundaries.

Uses appropriate for these areas include: commercial facilities and services; developed open space; above ground floor residential housing; agriculture; forestry; natural resource support facilities and services, tourist or recreational uses; home occupations; bed and breakfasts; and community facilities.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development.
2. **Natural Resources.** These areas have low resource management potential. The area may be adjacent to resource lands.
3. **Public Services:** Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided.
4. **Existing Land Uses.** Commercial, or higher intensity residential uses may be present, in addition to other rural development.

F. RURAL INDUSTRIAL (RI):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: To recognize the need for rural industrial and resource based industrial activities within the rural areas. This designation will provide the opportunity for the development, redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing rural industrial developments or former industrial sites; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage new industrial development outside of these boundaries.

Uses appropriate for these areas include: industrial facilities and services; intensification of development on lots containing isolated nonresidential uses; agriculture; forestry; caretaker residence for industrial facilities; and natural resource support facilities and services. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: mineral resource activities.

New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan. Such a new industrial area would be designated as an urban growth area and have the potential to receive urban services.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development.
2. **Natural Resources.** Existing rural industrial sites have low resource management potential. The area may be adjacent to resource lands. Future industrial sites may be located in areas with agricultural or forestry uses if consistent with the criteria outlined in RCW 36.70A.365.
3. **Public Services:** Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment, or infill of these areas may be provided. Some industrial sites may currently have sewer service. Industrial sites designated pursuant to RCW 36.70A.365, as urban growth areas, would have access to urban services.
4. **Existing Land Uses.** Industrial developments currently exist or the area may have been utilized in the past for an industrial use. Areas identified as having potential for infill for industrial uses may be currently utilized for a variety of rural development and resource activities. Future industrial sites designated pursuant to RCW 36.70A.365, may presently have a variety of rural development and resource activities.

Chapter 4 Resource Element

I. Introduction

This Resource Element provides a concise overview of the Agricultural, Forest and Mineral Resources and critical areas within Chelan County consistent with the Goals of the Growth Management Act, in accordance RCW 36.70A, WAC 365 and with the County-Wide Planning Policies. Furthermore, it has been integrated with all other planning elements to ensure consistency throughout the comprehensive plan.

The goals and policies contained in the Resource Element form the basis of the land use strategy to support long-term resources:

- Providing for a supply and distribution of land use types to accommodate the population and employment growth projected for the planning area;
- Reducing development pressures and patterns of sprawl within rural areas;
- Conserving agricultural, forest and mineral resource lands of long-term commercial significance; and
- Preserving and protecting critical areas and areas of rural character.

II. Overview of Chelan County

Chelan County is divided by mountains and rolling hills which form several valley and basins areas where agricultural and mineral resources compete with growing rural and urban land uses. It is not uncommon for development and resource lands to be intermixed or in close proximity to each other.

This Element summarizes the current resource lands, provides guidance for locating and protecting resources and specific goals and policies for managing these resources to “assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.”¹

Overall, two key issues, land ownership and access, currently restrict the County for accessing the vast potential for resources. First, as discussed in the Land Use Element, most of Chelan County is in federal or state ownership. Ownership has less of an impact on Forest/Timber resource management than on Agriculture and Mineral Resources.

The State legislature found that it is in the public interest to identify and provide long-term conservation of those productive natural resource lands that are critical to and can be managed economically and practically for long-term commercial production of food, fiber, and minerals. Successful achievement of the natural resource industries' goal set forth in RCW 36.70A.020

requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses

¹ RCW 36.70A.060

Secondly, as discussed in the Transportation Element, the road network provides major trucking routes which support related resources industries. Hauling routes are limited, in part, due to topography. For the three types of resources reviewed in this Element, mineral, agriculture and forestry, the current primary economic exports are agriculture and forestry products.

III. Chelan County Agricultural Lands

Chelan County contains agricultural lands that are important to the economy of the area. It must be recognized that in order to continue to exist, orchards must remain profitable. In an attempt to encourage existing and future agricultural development as a viable land use and a significant economic activity within the County, agricultural lands of long term commercial significance have been designated according to the U.S. Soil Conservation Service's classification for prime and unique farmland soils, and criteria outlined in WAC 365-190-050. These areas have been identified on the land use map designated as Commercial Agricultural Lands (AC). The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

Typically the most successful agricultural land conservation programs in the United States have been ones that combine incentive and regulatory techniques chosen according to the needs and conditions of a community. The opportunity for differential tax assessment for orchardists in Chelan County, helps to provide landowners an incentive to remain in an agricultural use. Buffers, parcel size, and a clustering development option provide regulatory techniques to retain agricultural land. This combination of conservation techniques provides property owners the flexibility for some non-farm development, helps reduce conflict between non-farm development and agricultural operations, and preserves farmable orchard parcels in support of retaining a viable orchard industry.

Chelan County participates in the Voluntary Stewardship Program (VSP) program. The VSP is an optional, incentive-based approach to protecting critical areas while promoting agriculture. The VSP is allowed under the Growth Management Act (RCW 36.70A.700-760) as an alternative to traditional approaches to critical areas protection, such as "no touch" buffers. Chelan County is one of 28 counties that has "opted in" to VSP.

Land Use Designation/Siting Criteria: Commercial Agricultural Lands

Purpose: To assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses.

Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 10 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan

may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographic and Geological Characteristics: The area contains farmland soils classified as prime or unique by the Natural Resource Conservation Service. Soil characteristics, moderate slopes or other physical constraints to development may be present. The area should not be adjacent to intensive urban or incompatible rural development. The predominant land use in the area is agriculture.
2. Natural Resources: The area should contain or have the potential to contain agricultural or agriculture support activities. The area should meet the criteria under WAC 365-190-050, as agricultural lands of long term commercial significance.
3. Public Services: Uses should not require extension or provision of urban level services. These areas may have access to rural governmental services and infrastructure or have the potential to be provided with rural governmental services within the 20 year planning period. Urban services should not be present.
4. Existing Land Uses: The prevailing land use pattern consists of agricultural operations and agricultural support facilities and services. Dispersed single family residences and low intensity rural uses may be present. The predominant parcel size is typically 5 acres or larger.

Agricultural Resource Lands: Goals & Policies

While developing goals and policies and designating agricultural resource lands, many issues and concerns were identified during the public participation process and addressed during the development of the goals and policies for the agricultural section of the Land Use Element including: Agriculture vs. residential development

- 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
- 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 1.1: Encourage air quality standards and policies that accommodate necessary agricultural practices.

Rationale: Burning is essential to orchard renewal.

Policy AL 1.2: The farmer shall have the right to farm, consistent with appropriate local, state and federal requirements.

Rationale: Agriculture plays a significant role in the welfare of the County and its residents, and should be supported.

Policy AL 1.3: Encourage the maintenance of agricultural lands in current use property tax classification consistent with RCW 84.34, the Open Space Taxation Act.

Rationale: Open space taxation allows property owners to be assessed at current use rather than highest and best use. This provides an incentive for the property owner to continue to use land for resource production.

Policy AL 1.4: Conserve agricultural lands for productive economic use by identifying and designating agricultural resource lands whose principal and preferred land use is commercial agricultural resource management.

Rationale: Activities in designated agricultural resource lands should be discouraged that would limit or eliminate the ability to continue agricultural operations.

Policy AL 1.5: Agricultural resource lands should be classified and designated based on the criteria and procedures established in WAC 365-190-040, and 050, with special consideration given to long-term viability commercially significant agricultural land.

Rationale: Agricultural Resource lands should be identified based on the best available information at the time of the designation.

Policy AL 1.6: Support public and private programs and efforts to ensure the viability of the agricultural industry.

Rationale: Strong agricultural markets and a supportive regulatory environment are two of the necessary components of a healthy agricultural industry. Attempts to secure these will be beneficial to the general welfare of the County.

Policy AL 1.7: In rural and resource lands, permit facilities and services that support Chelan County's natural resource industries, provided such facilities are compatible with surrounding uses and potential impacts can be mitigated.

Rationale: The agricultural industry in Chelan County is a significant economic activity. Necessary support services and facilities should be accommodated.

Policy AL 1.8: Protect the economic viability of the agricultural industry by supporting construction of agricultural worker housing near orchard areas. Where permitted by state agencies, consider the reduction of site development and fire protection standards for temporary housing units for migrant workers.

Rationale: This will assist the agricultural industry to remain economically viable, reduces transportation needs, and provides adequate housing for agricultural workers.

Policy AL 1.9: Develop regulations promoting agriculture-related accessory uses on existing farms to supplement farm income, improve farming efficiency, and provide employment for farm family members.

Rationale: Regulatory opportunities for limited enterprises such as direct marketing of unprocessed and value added agricultural products and agriculturally related small scale tourist

operations can help supplement the agricultural industry and maintain the primary use of agriculture.

Goal AL 2: Conserve agricultural lands of long-term significance by controlling encroachment of incompatible uses.

Goal Rationale: Limiting the encroachment of incompatible uses will help to insure that agricultural lands remain viable.

Policy AL 2.1: All plats, short plats, binding site plans, development permits and building permits issued for development activities on or within five hundred feet of lands designated as agricultural resource lands, shall contain a notice that the subject property is within or near designated agricultural resource lands. The notice shall further state that a variety of commercial activities may occur on these designated lands that are not compatible with the development.

Rationale: Such notification will help property owners and purchasers to make educated decisions.

Policy AL 2.2: Encourage clustering of residential development on lands adjacent to agricultural resource lands provide open space buffers between uses and address incompatibility issues.

Rationale: Clustering can provide for open space adjacent to the resource use and may help to minimize conflicts.

Policy AL 2.3: Require new non-farm development in rural areas, adjacent to an existing orchard operation, to provide appropriate buffers and/or mitigation measures to minimize potential conflicts.

Rationale: Orchard operations in rural lands account for a significant amount of the agriculture within Chelan County. It is important to protect the farmer's ability to continue to farm by minimizing potential conflicts.

Policy AL 2.4: Development on or adjacent to designated agricultural resource lands, including plats, short plats, and binding site plans, should avoid and minimize potential conflicts with agricultural operations through appropriate siting and mitigation measures, such as buffers, screening, dust control, and pest control.

Rationale: Buffers can reduce the potential for conflicts between agricultural operations and other land uses.

Policy AL 2.5: Designated agricultural resource lands should be protected from inappropriate infrastructure improvement assessments. Deferral programs or other measures should be considered that would protect the farmer's ability to continue farming.

Rationale: Additional taxes would impact the viability of agricultural operations. Infrastructure improvements or assessments inconsistent with the comprehensive plan should not be supported.

IV. Chelan County Mineral Lands²

Chelan County has a Mineral Resource Lands Overlay (MRLO) which identifies and protects lands that have the potential to contain mineral resource deposits of long-term commercial significance, to recognize the importance of preserving mineral lands to ensure the future supply and to ensure compatibility between mineral resource lands and surrounding land uses.

² Mineral Resource data contained within this Element reflects work completed by BERK Consulting, Inc with grant funds from the Department of Commerce, July 26, 2017.

Mineral resources in Chelan County are classified into two tiers of commercial importance. This MRLO focuses on Primary resources:

Primary: Sand, gravel, and rock/stone (either solid or crushed for use in aggregate). The Mineral Resource Lands Overlay (MRLO) is generally applied to areas of existing production and those rural lands with high potential for production. It should be noted that large areas of potential mineral production are under federal ownership and therefore not considered available or mapped but may be designated if the site meets the MRLO criteria.

Secondary: All other metallic, non-metallic, and petroleum mineral resources occurring in Chelan County. Historically, mining was a major component of the regional economy, including extraction of copper, zinc, silver and gold. The MRLO is not generally applied to areas where these resources occur, but property owners may apply for designation if the site meets the MRLO criteria.

Surface Mineral Extraction Sites

In 2017, the Washington State Department of Natural Resources (DNR) records documented eleven active surface mining sites in Chelan County. Three of these mines are rock/stone quarries, and the remaining eight are sand and gravel extraction sites. Morrill Asphalt and Paving, the recorded owner of two pits in Wenatchee, appears to be out of business, reducing the number of active permitted surface mining sites in the County to nine.

In addition to DNR-permitted surface mines, mineral extraction also occurs in Chelan County at smaller scales. Mines with surface disturbance of less than three acres or a depth of less than 30 feet may operate without a DNR surface mining permit, and DNR does not track these operations. The Chelan County Assessor documents an additional 12 locations with a current land use classification of "Mining Activities." Of these, one is owned by a land conservation organization, four are owned by the federal government and one appears to be a single-family residence.

Mining operations occur near agriculture, forestry, manufacturing/industrial, single-family residential, government service, and undeveloped land, by the County Assessor. Of the eleven active mines in the County, five³ are adjacent to or located on land classified as single-family residential. This is consistent with Exhibit 1 which identifies high-potential mineral sources lands within the Rural Residential/Resource zoning district, covering nearly 57,000 acres. Current and potential impacts to residential development may occur and should be reflected in mitigation measures.

Current Mining Operations

A review of DNR permits, in 2017, indicated that five of the 11 permits estimated a total lifetime deposit sizes between 1 million and 1.5 million cubic yards of material. Tunnel Hill Granite estimated their lifetime extraction volume at 3 million cubic yards, and R&P Rock estimated theirs at 6 million cubic yards. Three producers, Wenatchee Rock Products, Morrill Asphalt, and Chelan Concrete, had much smaller deposits at 660,000 cubic yards, 200,000 cubic yards, and 150,000 cubic yards, respectively. Public information on the acreage permitted for mining and permitted depth indicates that a volume of approximately 71,987 acre-feet (116,138,787 cubic yards) is permitted for mining in Chelan County; this is inclusive of overburden and any other waste material that must be excavated to access the mineral deposits themselves.

³ Two Rivers Quarry, the R&P Rock Blewett Pass Quarry, the Pipkin Construction Entiat Mine, the Wenatchee Rock Products Rock Pit, and the Chelan Sand and Gravel Howard Flats Mine

Demand

Past sales⁴ indicate that during most of the previous decade, sales associated with mining varied between \$300,000 and \$600,000, but sales dipped slightly in 2009 before rising again, likely due to effects of the recent recession. The average annual sales between 2006-2015 were approximately \$454,000.⁵

Making detailed predictions about future mineral product demand from this data would be difficult, but the information available provides an estimate of baseline mineral product production value in Chelan County and reinforces the idea that the mineral products market is potentially subject to periodic spikes in demand.

Mineral Resource Lands Overlay

Based on review of available mineral resources data, information gained from local businesses and agencies, the requirements of the Growth Management Act, and designation frameworks employed by other jurisdictions, the Mineral Resource Lands Overlay (MRLO), shown on Exhibit 1, covers the following areas:

- Properties housing active mining operations and adjacent parcels under unified ownership;
- Lands classified by NRCS as “good” sources of sand, gravel, or road fill material; and
- Lands classified by NRCS as “fair” sources of sand, gravel, or road fill material and which are located outside cities and urban growth areas.

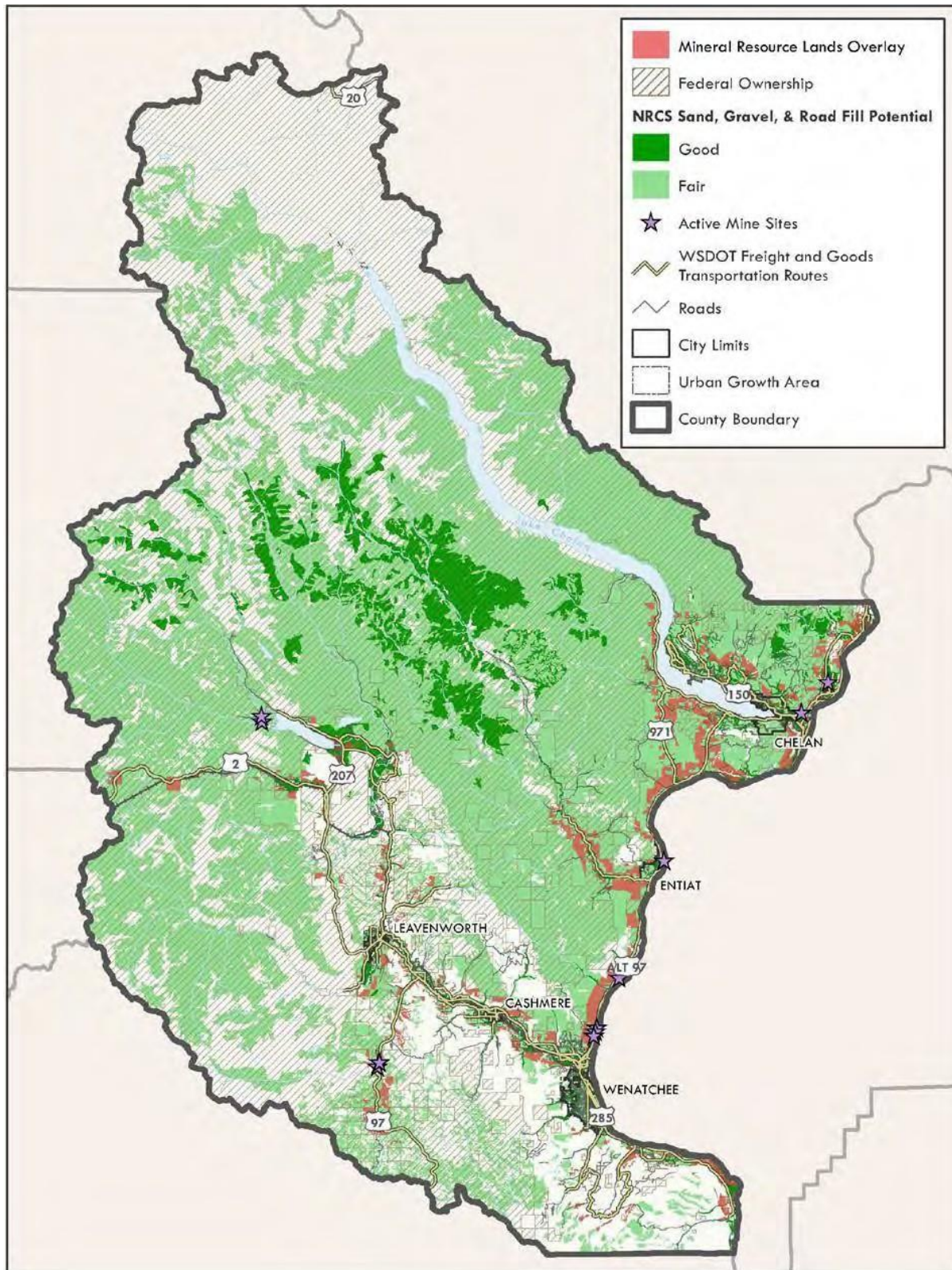
The following areas are excluded from the overlay:

- Properties currently developed for single-family residential or commercial uses.
Rationale: Mining on or near these lands poses a possibility of adverse impacts that must be mitigated.
- Properties zoned for commercial or residential uses at urban intensities.
- Land zoned for a minimum lot size smaller than 10 acres.
- Developed properties less than 20 acres in size.
Rationale: Large properties are better able to accommodate buffers from surrounding uses.
- Properties under Federal ownership.
- Lands designated as Natural by the Chelan County Shoreline Master Program.
Rationale: The SMP prohibits mining activities in these areas for the protection of valuable shoreline natural resources.
- Lands more than one mile from a designated WSDOT Freight and Goods Transportation route.
Rationale: WAC 365-190 requires consideration of the availability of roads and public infrastructure, as well as the distance from mineral deposits to market. Mining operations have the potential to generate significant truck traffic, which will require roads designated to handle high volumes of freight trips.

⁴ Taxable Retail Sales data from the Washington State Department of Revenue

⁵ Washington Department of Revenue, 2017

Exhibit 1. Draft Proposed Mineral Resource Lands Overlay



Land Use Designation/Siting Criteria: Commercial Mineral Lands

The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations.

Designation Guidelines:

1. Geographic and Geologic Characteristics: The designated property should be at least 20 acres in size, and the estimated deposit size should be sufficient to meet both of the following:
 - a. Depth of overburden should be no more than 25 feet, and
 - b. The ratio of the amount of resource to be extracted to the amount of overburden to be removed should be at least 3:1.
2. Natural Resources: The designated property does not contain environmentally critical areas, including wetlands, riparian areas, threatened or endangered species, geological hazards, and critical aquifer recharge areas, or adequate mitigation can be provided.
3. Transportation Infrastructure: Extraction and processing sites have adequate access to the regional transportation network:
 - a. Mineral Resource Lands should be located within one mile of a designated WSDOT Freight and Goods Transportation System route; and
 - b. Truck haul routes from the site should avoid areas of residential development or employ appropriate mitigation measures to avoid impacts to residences.
4. Existing Land Uses: Adjacent land uses are generally compatible with mineral extraction and processing activities – examples include mining, agriculture, commercial forestry, industrial development, and undeveloped land. Designation of land adjacent to large-lot residential (no more than 1 dwelling per 5 acres) is conditional on mitigation of impacts from any future mineral extraction or processing activities on nearby residences.

Mineral Resource Lands: Goals & Policies

Goal ML 1: Protect Chelan County's mineral resource lands of long-term commercial significance and allow for short-term mineral resource extraction opportunities in unincorporated areas, where appropriate.

Rationale: Conservation of these resources must be assured through measures designed to prevent incompatible development in or adjacent to designated mineral resource lands, and to mitigate impacts of mineral extraction activities on adjacent land uses.

Policy ML 1.1: Assure conservation of designated mineral resource lands through land use regulations that prevent incompatible development on or adjacent to mineral resource lands.

Rationale: Mineral resource extraction, such as sand and gravel, pits are typically incompatible with residential and other types of land uses due to noise, dust and heavy equipment traffic. Therefore, it is important to develop appropriate land use regulations that protect mineral resource lands as well as adjacent land uses.

Policy ML 1.2: Require the reclamation of land after the completion of gravel and mineral extraction.

Rationale: Effective reclamation of mining sites can insure future redevelopment of the site and prevent impacts from erosion and visual impacts.

Policy ML 1.3: Require mining and extraction operations to be sited and designed to avoid and mitigate conflicts with surrounding land uses. Screening, buffers, the provision of open space and other mitigation measures should be considered and required where necessary.

Rationale: The careful design and siting of mining operations can prevent or minimize impacts to surrounding land uses.

Policy ML 1.4: Require mining sites to be served by roadways, adequate to handle industrial traffic and not endanger public health and safety.

Rationale: Transportation system impacts and public health and safety issues must be addressed.

Policy ML 1.5: Encourage development locating adjacent to designated mineral resource lands to incorporate screening, buffers, open space, or other design features to prevent conflicts with existing or future mineral resource extraction activities.

Rationale: The minimization of potential conflicts helps to maintain the viability of mineral resource extraction operations.

Policy ML 1.6: Protect water quality and prevent sedimentation through use of settling ponds, retaining basins, ditches, diking and re-vegetation of slopes and other measures for mining and production operations.

Rationale: Water resources must be protected.

Policy ML 1.7: Surface mining should not lower the ground water table of surrounding properties in a manner that directly impacts their use.

Rationale: Lowering of the ground water table could have serious effects on domestic water supplies.

Policy ML 1.8: Clustering of residential development on adjacent non-resource lands is encouraged.

Rationale: Clustering will provide for open space adjacent to the resource use and will minimize conflicts.

Policy ML 1.9: Designated mineral resource lands not included in urban growth areas should be protected from infrastructure improvement assessments such as, but not limited to, local improvement districts and local utility districts with deferral programs or other measures.

Rationale: Additional taxes would pressure the property owner into converting resource land into other uses.

Policy ML 1.10: Support the maintenance and development of mineral resource extraction that is consistent with the comprehensive plan to provide necessary materials for the development of roads, structures and other projects.

Rationale: Materials provided by mineral extraction operations are vital to the community, and are a significant economic activity and supports broader economic development.

Policy ML 1.11: Protection of mineral resources under the MRLO shall occur in two tiers:

- Lands actively being mined for commercial production of sand, gravel, or rock/stone are designated as mineral resource lands of long-term commercial significance. Owners of these properties may request an amendment to remove the MRLO once mineral production has permanently ceased.

- For lands not currently in active mineral production, the MRLO shall act as an interim measure to protect mineral resources until the presence of a commercially viable mineral deposit can be verified through a geologic study. Property owners who wish to finalize designation of their property and undertake mining activities may submit a study by a qualified geologist indicating the presence of commercially significant, accessible mineral resources. Likewise, property owners may request removal of their property from the MRLO by submitting a study from a qualified geologist confirming the absence of such resources.

Rationale: Sand, gravel, and rock are the primary mineral products in Chelan County and are therefore given the highest protection. Mineral resources not currently under production can be evaluated and added to the overlay as more detailed information becomes available.

Policy ML 1.12: Inclusion of a property under the MRLO does not imply approval for a specific mineral extraction activity and does not substitute for any necessary local or state mining permit required.

Rationale: The MRLO is designed to protect and preserve mineral lands, but permitting is necessary to ensure mineral extraction is conducted consistent with applicable laws and regulations.

Policy ML 1.13: As part of the periodic comprehensive plan update process under the Growth Management Act, the County shall regularly review the criteria for economic viability of a mineral resource and update the criteria for designation as appropriate.

Rationale: Economic conditions, market trends, and demand for mineral products can change over time, and the MRLO designation criteria may need to be periodically revised to reflect current conditions. The regular GMA plan review cycle is an appropriate time to review this information.

Policy ML 1.14: All plats, short plates, development permits, and building permits issued on properties within 500 feet of lands designated as part of the MRLO shall include a notice to that effect. The notice shall disclose that development of the nearby MRLO lands may include uses and activities that are not compatible with residential development.

Rationale: This notice is required under the Growth Management Act (RCW 36.70a.060(1)(b)). Additionally, such notification will allow potential real estate purchasers to make educated decisions.

Policy ML 1.15: Mineral extraction and processing activities in the MRLO shall be required to implement best management practices (BMPs) to avoid, reduce, or mitigate environmental impacts associated with mining activities. Such BMPs shall be designed to protect the natural environment, adjacent land uses, and the long-term viability of mineral lands.

Rationale: Mineral resource extraction operations are intensive land uses that can involve large amounts of ground disturbance, noise, dust, and heavy equipment traffic. BMPs are necessary to prevent unnecessary impacts on sensitive natural resources and nearby development.

Policy ML 1.16: Once mining activities have commenced on a MRLO-designated property, development of said property under the rules of the underlying zoning may apply in conjunction with the restoration of the mining activities.

Rationale: Postponing development of any part of the site until after reclamation is complete ensures that the property is safe for use and that no incompatible land uses are introduced while mining operations are ongoing.

Policy ML 1.17: At the time of permitting, the County should coordinate with property owners and the Department of Natural Resources to identify post-reclamation uses for MRLO properties that are consistent with the County's comprehensive plan and zoning code, both for the mine site itself and for planned adjacent uses.

Rationale: Coordination on future use of the property will help ensure that County plans recognize post-mining conditions in these areas and reduce the potential for future development that is incompatible with surrounding uses.

V. Chelan County Forest/Timber Lands

Forestland is defined as *"land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production...and has long-term commercial significance,"* RCW 36.70A.030.

Timber harvesting is a type of natural resource industry with a long history in Chelan County. The following outlines the declining trend of timber harvesting, as documented by the Department of Natural Resources.⁶ The following table denotes "thousand board feet" of harvested timber.

Year	1990	1995	2000	2005	2010	2015
Ownership						
Private Industrial	5,710	18,192	1,800	-	-	19,820
Private Large		7,486	636	9,482	1,866	-
Private Small	866	31,286	6,698	2,780	882	2,374
Private Unknown					186	719
Total Private	6,576	56,964	9,134	12,262	2,934	22,913
State	7,989	5,921	897	2,455	1,100	43
Federal	68,382	6,703	8,990	15,913	6,200	-
Other Public	13,035	9,708		588	-	9,091
Total Public	89,406	22,332	9,887	18,956	7,300	9,134
Total All:	95,982	79,296	19,021	31,218	10,234	32,047

Land Use Designation/Siting Criteria: Commercial Forest Lands

The growth management process requires identification of forest lands of long-term commercial significance as part of the growth management process. The identification of these lands is an attempt to conserve and encourage existing and future forest practice land uses as a viable, permanent land use and a significant economic activity within the County. Forest land also provides recreational opportunities, scenic value and wildlife habitat. In addition, the identification and land use regulations of the commercially significant forest lands will provide protection for forest lands from encroachment and incompatible land uses. The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial

⁶ Industry – companies and individuals operating wood, using plants; private large – non-industrial companies and individuals not operating wood-using plants but with statewide holdings totaling 1,000 or more acres; private small – non-industrial companies and individuals not operating wood-using plants and owning less than a total of 1,000 acres.

production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations.

Purpose: To assure the long-term conservation of commercial forest lands; to preserve and encourage existing and future forest land uses as a viable, permanent land use and a significant economic activity within the community; and to protect forest lands of long term commercial significance not already characterized by urban development from encroachment of incompatible uses.

Uses appropriate for these areas include: forestry, open space; residential; and agriculture. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 20 acres.

Locational Guidelines:

1. Geographic and Geological Characteristics: Soil characteristics, steep slopes or other physical constraints to development may be present. The area should not be adjacent to intensive urban or incompatible rural development. Large tracts of land oriented to forest resource management exist.
2. Natural Resources: The area should contain or have the potential to contain commercial forest resource management operations and commercial forest support facilities and services. The area should meet the criteria under WAC 365-190-060, as forest resource lands of long term commercial significance.
3. Public Services: Uses should not require extension or provision of urban level services. These areas may have access to rural governmental services and infrastructure or have the potential to be provided with rural governmental services within the 20 year planning period. Urban services should not be present.
4. Existing Land Uses: The prevailing land use pattern consists of commercial forest resource management operations and commercial forest support facilities and services. Dispersed single family residences and low intensity rural uses may be present. The predominant parcel size is typically 20 acres or larger. Recreational and small scale tourist commercial opportunities may be present.

Forest/Timber Resource Lands: Goals & Policies

Goal FL 1: Conserve forest lands of long term commercial significance. Encourage sustainable timber production in rural and resource lands as a viable, permanent land use and a significant economic activity within the community.

Goal Rationale: Timber production remains an important aspect of the County's economy.

Policy FL 1.1: Conserve forest lands for productive economic use by identifying and designating forest resource lands where the principle and preferred land use is commercial resource management.

Rationale: Timber production remains an important aspect of the County's economy and the productive capacity of area forests cannot be ignored. Activities in designated forest resource lands that would limit or eliminate the ability to continue commercial forest resource management should be discouraged.

Policy FL 1.2: Promote multiple uses of forest resource lands where such uses do not eliminate or limit commercial forest resource management.

Rationale: Forest resource lands provide unique opportunities and locations for land uses such as natural resource extraction and open space and recreation development.

Policy FL 1.3: Protect designated forest resource lands from inappropriate infrastructure improvement assessments through deferral programs or other measures that would protect the ability to continue long-term commercial forest resource management.

Rationale: Additional taxes would impact the viability of commercial forest resource management operations. Infrastructure improvements or assessments inconsistent with the comprehensive plan should not be supported.

Policy FL 1.4: Classify and designate forest resource lands based on the criteria and procedures established in WAC 365-190-040, and 060 with special consideration given to the determination of whether forest resource lands considered for designation are viable as long term commercial significant forest resource lands.

Rationale: Resource lands should be identified based on the best available information at the time of the designation.

Policy FL 1.5: Support maintenance of forest lands in timber and current use property tax classification consistent with RCW 84.28, 84.33, and 84.34.

Rationale: Open space taxation assists the property owner in maintaining property in commercial forest production.

Policy FL 1.6: Promote cooperative resource management between government agencies and private entities.

Rationale: This policy would provide for equal representation and efficient management regarding forest issues.

Policy FL 1.7: Use the permit review process to promote implementation of forest management practices that minimize the potential for catastrophic wildfires.

Rationale: The potential for catastrophic forest fires as in 1994 should be reduced.

Goal FL 2: Icicle River Valley: Where appropriate, encourage sustainable timber production in the Icicle Valley.

Goal Rationale: Timber production remains an important aspect of Chelan County's economy, and the productive capacity of forest in the Icicle Valley cannot be ignored. Consideration of visual management to maintain the scenic quality of the Icicle Valley should be encouraged, while at the same time providing for the growing, management, and harvesting of timber resources.

Policy FL 2.1: Promote timber production in the Icicle Valley, subject to appropriate conditions for protection of the area's scenic qualities and water resources.

Rationale: It is important to maintain the environmental and scenic qualities of the Icicle Valley.

Policy FL 2.2: Protect the visual character of the Icicle Valley by discouraging clear cutting, except where such cuts can be designed in the form of small, irregular patch cuts that take advantage of natural variations in the vegetation and topography.

Rationale: Such measures will help to mitigate the visual impact of clear cutting.

Policy FL 2.3: Minimize logging road construction; approval of new logging roads should be conditional on evaluation of visual and environmental impacts.

Rationale: Minimizing the construction of logging roads will help to preserve the environmental quality of the area.

VI. Chelan County Natural Systems/Critical Areas

The Growth Management Act states that counties should “protect critical area.” Critical areas include the following areas and ecosystems: (a) wetland; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

The County has completed the planning process for developing these goals and policies and corresponding regulations following an extensive citizen participation process.

Natural Systems: Critical Area Goals & Policies

GOAL CL 1: Identify and protect critical areas from adverse environmental impacts while providing for reasonable use of private property.

Goal Rationale: Preservation of critical areas will help protect the environment and maintain and enhance the quality of life. Implementation regulations should provide for reasonable use of private property.

Policy CL 1.1: Promote residential, commercial, and industrial development regulations that protect the availability of potable water by preventing contamination of ground water sources.

Rationale: The maintenance of a safe potable water supply is vital to the County.

Policy CL 1.2: Encourage restoration of contaminated ground water sources.

Rationale: The restoration of contaminated ground water helps to meet County needs for potable water and is beneficial to the environment.

Policy CL 1.3: Classify, designate and protect all critical areas, including frequently flooded areas, wetlands, fish and wildlife habitat conservation areas, aquifer recharge areas and geologically hazardous areas using best available science, pursuant to RCW 36.70A.172 and WAC 365-190.

Rationale: Critical areas add to the quality of life within a community, as well as performing important natural functions that assist with protecting private property from damage from natural disasters and events. Identifying critical areas and protection measures for those areas are important steps in ensuring that those functions and values are preserved for future generations’ enjoyment and protection.

Policy CL 1.4: Regulate development in floodplains to protect property and mitigate the loss of floodplain storage capacity.

Rationale: The loss of floodwater storage results in a potentially greater level of destruction to downstream properties from the resultant higher flood elevations and water flow velocities.

Policy CL 1.5: Discourage development on unstable soils or steep slopes and in areas susceptible to landslide, flood, or avalanche.

Rationale: Discouraging development in natural hazard areas helps to protect the public health, safety and general welfare.

Policy CL 1.6: Adopt an excavation and grading ordinance to regulate excavation, grading and earthwork construction activities.

Rationale: Uncontrolled filling and grading can cause erosion and siltation of streams, rivers and ponds. These activities can also be detrimental to adjacent properties.

Policy CL 1.7: Support the purchase of critical areas by public or private organizations for purposes of preservation or conservation.

Rationale: This option allows interested private and public organizations to purchase lands they wish to put into a long term conservation or preservation programs.

Policy CL 1.8: Critical area regulations shall not preclude reasonable use of property or affect a taking in violation of the U.S. Constitution, the Constitution of the State of Washington, or substantive due process.

Rationale: Private property rights must be protected.

Policy CL 1.9: Allow for open space and recreational use of critical areas where such use does not negatively impact critical areas.

Rationale: Open space and recreational use of critical areas provides an opportunity for residents and visitors to enjoy the natural amenities of the County.

Policy CL 1.10: When reviewing development proposals, the County shall apply appropriate conditions to avoid or mitigate negative impacts to critical areas. Proposal review should also include evaluation of the cumulative impacts of development proposals in critical areas.

Rationale: It is important to take a comprehensive approach to development in a critical area since there is often a compounding effect resulting from changes to natural systems

Policy CL 1.11: Protect water quality and fish habitat by requiring dredging and filling activities to minimize introduction of suspended solids, leaching of contaminants, or habitat disturbance.

Rationale: Uncontrolled dredging and filling activities can negatively impact fish habitat and water quality.

Policy CL 1.12: Encourage the restoration and enhancement of critical areas.

Rationale: The enhancement and restoration of critical areas improves the functions and values they provide.

Policy CL 1.13: Encourage the use of innovative techniques to protect critical areas, such as purchase of development rights, transfer of development rights, clustering, conservation easements, land trusts, and the Public Benefit Rating System.

Rationale: Innovative techniques can benefit the public, land owner, and help to protect critical areas.

Policy CL 1.14: In designating and protecting critical areas, the County shall use best available science to develop policies and development regulations. The County should also give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Rationale: Inclusion and consideration of best available science ensures that the best available information and protection measures are utilized.

Policy CL 1.15: Critical area regulations and designations shall be reviewed when adopting a comprehensive plan under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may be altered to ensure consistency. In addition, subsequent studies and information will be reviewed when drafting development regulations.

Rationale: Consistency between the comprehensive plan and development regulations is required. Additional studies may constitute best available science.

Policy CL 1.16: The goals and policies of the Chelan County Shoreline Master Program, as amended, are considered an element of the comprehensive plan, and are included by reference as if fully set forth herein.

Rationale: The goals and policies of the Shoreline Management Act, as set forth in RCW 90.58.020, are considered one of the goals of the Growth Management Act. The Growth Management Act requires that shoreline master programs be integrated as an element of the comprehensive plan.

Policy CL 1.17: Support ongoing watershed planning efforts.

Rationale: Watershed planning is essential to address a variety of issues including endangered and threatened species listings and water quantity issues.

Natural Systems: Air Goals & Policies

GOAL NS 1: Protect and maintain air quality.

Goal Rationale: The protection of air quality is important for the public health, the local economy, the environment, and helps to maintain the high quality of life enjoyed by County residents and visitors alike.

Policy NSL 1.1: Support future and ongoing air quality monitoring programs.

Rationale: Monitoring of air quality helps to determine the impacts of growth and development to air quality. Should air quality problems arise, determining the sources of air quality degradation, and educational and regulatory tools to maintain or improve air quality would be necessary.

Policy NS 1.2: Promote industrial development that meets air quality standards and is compatible with adjacent property.

Rationale: Air pollution can cause health problems, obscure visibility, create unpleasant odors and damage animal and plant life.

Policy NS 1.3: Support public awareness of air quality, including wood stove standards and burning restrictions as adopted by the Department of Ecology.

Rationale: Federal and state agencies set air quality standards for outdoor air. The purpose of these standards is to prevent air pollution from reaching levels that hurt human health. When an area does not meet an air quality standard, the state must develop a plan to clean up the air.

Natural Systems: Icicle Valley Goals & Policies

Goal NS 2: ICICLE RIVER VALLEY: Encourage retention of the scenic character and environmental quality of the Icicle Valley.

Goal Rationale: The preservation of the scenic and environmental qualities of the Icicle Valley, ensures the retention of significant open space and recreational opportunities, and critical areas.

Critical Area Policy CL 2.1: Continue to utilize the Icicle Valley Design Review Overlay District or design guidelines to retain the scenic and environmental qualities of the Icicle Valley.

Rationale: The Icicle Valley Design Review Overlay District provides additional standards to ensure that development does not negatively impact the scenic and environmental qualities of the Icicle Valley.

Critical Area Policy CL 2.2: Residential development should occur at a very low density, and in a scattered, diffused pattern in the Icicle Valley Design Review Overlay District.

Rationale: Dispersed very low density development will help to limit negative visual and environmental impacts.

Critical Area Policy CL 2.3: Implement visual quality standards within the Icicle Valley Design Review Overlay District to protect scenic resources.

Rationale: These standards will allow for continued recreational use of the Icicle Valley and avoid or mitigate visual and environmental impacts.

Critical Area Policy CL 2.4: Private property within the Icicle Valley Design Review Overlay District should continue to be designated as an environmentally sensitive area under the provisions of the State Environmental Policy Act.

Rationale: This designation helps assure that environmental aspects are properly considered.

Critical Area Policy CL 2.5: Protect both wilderness values and reserved rights within the Alpine Lakes Wilderness so that clean and reliable water resources and water supply continue into the future.

Rationale: A variety of users, including wilderness recreationists and water suppliers (municipal, irrigation and fish hatchery) rely on the cold, clean and clear water resources of the Icicle Valley for people, farms and fish.



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
ADMINISTRATIVE MODIFICATION

To: Deanna Walter, Interim Community Development Director
From: RJ Lott, Planning Manager
Date: April 16, 2020
File Number: AI 2020-001
Request: Dwight J. Hume of Land Use Solutions and Entitlement is requesting an Administrative Interpretation of the Chelan County Comprehensive Plan as it relates to the use of small scale recreational and tourist uses.

FINDINGS OF FACT:

1. On March 19, 2020, Dwight J. Hume submitted a request for an Administrative Interpretation of Chelan County Comprehensive Plan and the District Use Chart as it relates to the use of small scale recreational and tourist uses.
2. Pursuant to Chelan County Code Section 14.02.020, any person may request in writing an administrative interpretation of any development regulation. The county official charged with the responsibility of enforcing and interpreting the applicable regulation shall provide the requested interpretation in writing with supporting documentation within thirty calendar days of receipt of the request.
3. The Chelan County Comprehensive Plan, Chapter 3, Part IV, RR20, Rural Residential/Resource: 1 Dwelling Unit Per 20 Acres, page 7 of 17, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
 - 3.1 The Chelan County Comprehensive Plan, Chapter 3, Part VII, Designations/Siting Criteria – LAMRIDs, Section C, Rural Villages, page 15 of 17 states: *Such uses may include: intensification of existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing*

isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

3.2 The Chelan County Comprehensive Plan, Chapter 4, Part III, Land Use Designation/Siting Criteria: Commercial Agricultural Lands, page 2 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include A new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

3.3 The Chelan County Comprehensive Plan, Chapter 4, Part V, Forest/Timber Lands, page 3 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

4. Chelan County Code Section 11.04.020, District Use Chart, states that Recreation/Tourist Uses are allowed in the following zoning districts: RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart as to permitting no new Recreation/Tourist Uses in these zones.
5. Chelan County Code Section 11.93.040(9), Conditional Use Permit Criteria, states that: *The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.*
6. Chelan County Code Section 14.98.1795, Definitions, Small scale recreation and tourism is defined as: *"Small scale recreation and tourism" means a land use that relies on a setting to provide recreational or tourist use, including recreational center and commercial facilities to serve those uses, but that does not include new residential development. It includes activities and facilities such as, but not limited to, cultural/religious camps, retreat centers, campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities, and similar uses. Small scale recreational and tourist uses are of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure and public service.*

CONCLUSIONS OF LAW:

1. The Director of Community Development is the Administrator of the Chelan County Code and has authority to render this interpretation, pursuant to Chelan County Code Section 14.02.020.
2. The application was determined complete and processed consistent with the requirements of Chelan County Code Title 11 and Title 14.

ANALYSIS:

The Chelan County Comprehensive Plan is not consistent throughout Chapter 3 and Chapter 4 as it relates to the allowances of new small scale recreational tourist activities in locations throughout the County. A small scale tourist activity is identified as being a compatible activity in the Forest/Timber Lands but not in areas such as Rural Residential 20, Rural Villages and Commercial Agriculture Lands.

The Chelan County District Use Chart identifies that Recreational/Tourist Uses RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart to disallow new Recreation/Tourist Uses in these zones.

Chelan County Code states that the granting of a conditional use permit must be compatible with the intent, goals, objectives and policies of the comprehensive plan.

INTERPRETATION:

According to the above analysis and based on the file of record, the Chelan County Comprehensive Plan is inconsistent as to how to support new small scale tourist recreational or tourist uses in the same zoning districts that allow for Recreational/Tourist uses in Chelan County's District Use Chart. Additional work is needed to determine that the Comprehensive Plan and the District Use Chart are compatible. This item is not appropriate to be determined via the Administrative Interpretation as it is inconsistent, not an oversight or omission. The appropriate remedy is through the public amending the Comprehensive Plan.

DECISION:

- ☒ Concur
☐ Do not concur

Deanna Walter 4/17/20
Deanna Walter Date
Interim Director of Chelan County Community Development

RECEIVED

A1 20-001

File(s) No. _____

CPA 20-007



MAR 19 2007

CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801

TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): N/A Lot Size: N/A (Acres)
 Parcel Address: N/A City/Zip Code: N/A
 Property Owner(s): N/A Zoning: AC
 Mailing Address: N/A
 City/State/Zip Code: N/A
 Phone: N/A E-mail: N/A

Applicant/Agent (if different than owner): Dwight J Hume

Company and Mailing Address: Land Use Solutions and Entitlement 9101 N Mt. View Lane

City/State/Zip: Spokane WA 99218

Phone: 509-435-3108

E-mail: dhume@spokane-landuse.com

For multiple owners, applicants, or agents, provide additional sheets.

.....

This General Land Use Application Form shall be completed unless specified below. Additional information and supplemental forms may be required. Please review all applicable statutes and regulations pertaining to the proposed development and provide information, documents, studies, and reports (such as a Traffic Impact Study or environmental forms) demonstrating compliance with all statutory and regulatory requirements and other applicable criteria.

Application For: (Check all that apply)

- ☐ Administrative Modification
☒ Administrative Determination
☒ Administrative Interpretation
☐ Binding Site Plan
☐ Comprehensive Plan Map Amendment
☒ Comprehensive Plan Text Amendment
☐ Conditional Use Permit
☐ Forest Practice/Conversion

- ☐ Open Space: Public Benefit Rating System
☐ Major Subdivision
☐ Master Planned Development
☐ Planned Development
☐ Plat Alteration or Vacation
☐ Short Plat
☐ Variance (zoning or critical areas)
☐ Zoning Text Amendment/ Map Amendment
☐ Other: _____

APPLICABILITY SECTION

The following have their own individual application. Do not use this form for:

1. Boundary Line Adjustments. Please use corresponding Boundary Line Adjustment Application Form.
2. Certificate of Exemptions. Please use corresponding Certificate of Exemption Application Form.
3. Shoreline Permits. Provide the JARPA form along with the corresponding Supplemental Form, as necessary.
4. Building and Fire Permits.
5. Pre-Applications.

The following attachments are required for a complete application:

1. Copy of Deed or Proof of Ownership
2. Supplemental Forms, if applicable
3. Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist
4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title 12, Title 14, and Title 15.

SEPA exempt per WAC 197-11-800(19)(b)

GENERAL INFORMATION

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed):

Non-Project Administrative Determination Request

☐ Narrative attached

Please complete the following:

1. Any related files (such as Pre-Applications): _____
2. Is the subject property located within an Urban Growth Area (UGA)? ☐ No ☐ Yes
If "yes", which UGA? _____
3. Please describe adjacent land uses in all directions around the subject property:
North: _____
South: _____
East: _____
West: _____
4. What is the current use of the property? _____
5. Sanitation Disposal: ☐ N/A ☐ Septic Permit ☐ Sewer District: _____
6. Water Source: ☐ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B
☐ Public Water Supplier: _____
7. Irrigation Water:
☐ N/A ☐ Yes (Private) ☐ Yes (Public) Irrigation District/Purveyor: _____
8. Fire District: _____ School District: _____
9. Power Service: _____
10. Are there critical areas or critical area buffers on the property?
☐ Airport Overlay: _____
☐ Aquifer Recharge Area (see attached)
☐ Floodplain / Floodway _____
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
☐ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
☐ Habitat/Riparian Area, protected species/area: _____
☐ Streams / Waterbodies: _____ ☐ Shoreline Environment Designation: _____
☐ Drainage or Seasonal Stream: _____ ☐ Wetland, if so what category: _____
☐ Cultural or Archeological: _____
11. Will landfill be required? ☐ No ☐ Yes, approximate _____ (cubic yards)
12. Will excavation be required? ☐ No ☐ Yes, approximate _____ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?

14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

15. Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:

N/A

16. Are there any other applications pending for governmental approvals for this or other proposal affecting the property covered by this proposal? ☐ No ☐ Yes, please list:

N/A

AQUIFER RECHARGE AREA DISCLOSURE SECTION

Exempt from this section only are Single Family Residences and their associated development per CCC 11.82.060. An applicant seeking to develop property which requires a development permit, shall submit with the permit application this certified statement, which lists each of the evaluation criteria and shall indicate whether the criteria "applies" or "does not apply" to the site or development. "Unknown" or similar responses will not be accepted.

If the development meets criteria A, B, C, or D or if the site or development meets any two of the remaining criteria, the Department will direct the applicant to determine the vulnerability rating for the development pursuant to Section 11.82.050 Aquifer Recharge Areas. If the development has a high or medium vulnerability rating, the development shall be subject to the performance standards of Section 11.82.060.

If an applicant's statement asserts that the criteria do not apply to the development, the Department will accept the statement and proceed with the permitting process. If any statement is incorrect, the applicant will be advised in writing to either; (a) provide an amended statement adding the evaluation criteria as being applicable and determine the vulnerability rating of the development pursuant to Section 11.82.050, or (b) present sufficient countering information clearly establishing that the basis for the Department's concern is incorrect. If the applicant selects to proceed under (b), upon receipt of the applicant's information, the Department shall review the information and obtain whatever additional assistance may be required to resolve the issue. The final determination as to whether a determination of vulnerability is required shall be made by the Administrator.

EVALUATION CRITERIA

The applicant is required to determine the vulnerability rating for **any development permit**, not otherwise exempted, if the site or development meets criteria A, B, C, or D or meets two or more of the remaining criteria below:

Please write the word(s) "**Applies**" or "**Does Not Apply**" on the lines before each of the following statements:

- DNA A. Within a wellhead protection area designated under WAC 246-290; *Wellhead Protection Area: The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.
- DNA B. Within an aquifer recharge area mapped and identified by a qualified ground water scientist;
- DNA C. The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;
- DNA D. The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended;
- DNA E. The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; **Highly Permeable Soils: Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand).
- Does not Apply F. Within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act (**None currently designated in Chelan County**);

- Does not apply **G.** Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC
(None currently designated in Chelan County);
- DNA **H.** The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;
- DNA **I.** The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;
- DNA **J.** The proposed use is as a commercial feedlot;
- DNA **K.** The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

Depending upon soil depths from the surface, the following soil series within Chelan County are considered to be highly permeable soils:

Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam
 Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam
 Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly sandy loam; Bg, 0-10 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam
 Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam
 BsD, 26-60 inches (depth from surface), very gravelly sandy loam
 Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam
 Jumpe: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam
 Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam
 Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam
 Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam
 Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam
 Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam
 Supplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam
 Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; ThE 10-60 inches (depth from surface), very gravelly sandy loam
 Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam

CANNABIS DISCLOSURE SECTION

SUB-SECTION I: Circle

I AFFIRM (there **IS NOT** or **IS** (circle one) an existing or pending Liquor and Cannabis Board (LCB) license or approval for cannabis production, processing, or retail located on the property that is the subject of the requested development permit or approval.

If you circled "**IS NOT**" above, proceed to Sub-Section III of this form.

If you circled "**IS**" above, proceed to Sub-Section II of this form.

SUB-SECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-Section III.

- ____ I ACKNOWLEDGE AND UNDERSTAND that all cannabis-related activities, development, uses and construction must comply with Chelan County regulations, including but not limited to Chelan County Code Section 11.100.
- ____ I ACKNOWLEDGE AND UNDERSTAND that only those cannabis-related uses authorized pursuant to Chelan County Code Section 11.100 are permitted within Chelan County. All other commercial and noncommercial licensed or registered cannabis uses, including but not limited to cannabis research facilities and medical cannabis cooperatives, are prohibited within all zones of Chelan County.
- ____ I ACKNOWLEDGE AND UNDERSTAND that pursuant to Chelan County Code Section 11.100 a conditional use permit is required to engage in the production or processing of cannabis within Chelan County, and that all cannabis producers and processors must register annually with Chelan County and pay the appropriate registration fee.
- ____ I ACKNOWLEDGE AND UNDERSTAND that it is the responsibility of the property owner to submit for and obtain all necessary development permits and approvals prior to engaging in cannabis-related activities, development, uses or construction, including but not limited to conditional use permits for the production or processing of cannabis, building permits, change of use/occupancy permits, shoreline permits, variances, and mechanical permits.

SUB-SECTION III: Please select one of the following:

- ☒ I certify with the signature below that the building or land use permit requested **IS NOT** related to or in any way supportive of existing or planned cannabis-related activities, development, uses or construction on the property. I further certify that any authorized activities, development, uses or construction **WILL NOT** be utilized to support or expand cannabis-related activities, development, uses or construction.
- ☐ I certify with the signature below that the building or land use permit requested **IS** related to or in support of existing or planned cannabis-related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction will be in strict compliance with LCB licensure requirements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter 69.50 RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and WAC Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW (Shoreline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.

SITE PLAN CHECKLIST SECTION

- ☐ Two copies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. Indicate the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For large parcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient scale and the second page depicting an enlargement of the developed area at a larger scale.
- ☐ Label all property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
- ☐ Label the location, size, and use of all existing building(s). Identify the distance between property lines and buildings. Label structures with previous building permit number(s) issued if applicable.
- ☐ Label the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of all decks, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and stairs.
- ☐ Identify the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both above ground and underground, as well as setback from property lines.
- ☐ Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion.

- ☐ Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest distance between the ordinary high water mark and proposed/existing structures.
- ☐ Label the name and width of roads bordering the property and indicate whether they are public or private.
- ☐ Locate the width of existing and proposed driveways/accesses serving each structure. Include stormwater control facilities such as drains, detention ponds, connection lines, catch basins, etc.
- ☐ Label all existing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the front yard setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless required otherwise. If applicable, show handicapped parking and accessible routes to the structure and within the site to other structures and features.
- ☐ Identify and label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property, including but not limited to access, utilities, railroads, irrigation and overhead power. Include the Auditor's file number(s). *Before Any Development Occurs, Please Call 1-509-661-8400 To Locate Any PUD Easements!*
- ☐ Show the location of all existing and proposed overhead and underground utilities including, but not limited to water, sewer, gas, and electrical.
- ☐ Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site well may impact your project if it overlaps onto your parcel.
- ☐ Identify location of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed structure(s). Show the distance from proposed structure(s) to septic tank, drain field, drinking water well source(s), and any water body, wetland area and/or flood plain to ensure they meet the required horizontal setbacks from each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for details. If applicable, the approved Health District and County site plan must be identical.
- ☐ If drinking water wells, septic tank/drain field is off site, show the location of these systems on the adjacent property or properties and provide a copy of the easement agreement(s).
- ☐ If applicable, identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, size, spacing, and provisions for irrigation).
- ☐ If applicable, include outdoor lighting and signage. Label each as existing or proposed.

ACKNOWLEDGEMENT SECTION

If the Applicant is not the owner of the property, this application and acknowledgment shall also be executed (signed) by each property owner.

By submitting this application, I acknowledge and certify the following:

Initials

(Owner and, if applicable, Applicant)

- ____ *[Signature]* 1. All applications will be reviewed for completeness and processed according to Chelan County Code Title 14. Each application may be denied if not consistent with all Chelan County Codes, adopted regulations, Comprehensive Plan and related plans or studies.
- ____ *[Signature]* 2. This application does not constitute approval of the proposed development and Chelan County does not make any guarantee, either express or implied, that this application will be approved.
- ____ *[Signature]* 3. False statements, errors and/or omissions in this application or information provided with or in regard to this application may be sufficient cause for denial of the request.
- ____ *[Signature]* 4. Additional permit applications and approvals may be necessary to conduct specific activities.
- ____ *[Signature]* 5. Application fees are non-refundable, except when approved by the Board.
- ____ *[Signature]* 6. In the event of any legal proceeding to challenge this application, any environmental determination or any other aspect of the proposed development, the applicant/owner(s) shall be solely responsible to defend such challenge and pay all court costs and attorney's fees necessary for such defense.

A120-001

File(s) No. CPA 20-007

- ____ N/A 7. Chelan County is hereby given consent to enter the property(ies) listed above.
- ____ N/A 8. I certify that I am the property owner, or authorized agent of the property owner, and I have familiarized myself with the rules and regulations of Chelan County with respect to making this application.
- ____ N/A 9. I certify that I possess full legal authority and rights necessary to exercise control over the subject property.
- ____ N/A 10. I certify that this application has been made with the consent of the lawful property owner(s).
- ____ N/A 11. I certify that all Easements, Deed Restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property have been accurately disclosed and are shown on the site plan submitted with this application.
- ____ N/A 12. This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Section 14.08.030.

I certify (or declare) under penalty of perjury and under the laws of the State of Washington that the foregoing and all information submitted with this application is true, correct and complete to the best of my knowledge.

Owner Signature: _____ Place: _____ Date: _____

Print Name: _____

Owner/Applicant/Agent Signature: Dwight J Hume Place: 9101 N Mt View Lane Date: 3-18-20

Print Name: Dwight J Hume Spokane WA 99218

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____

Print Name: _____

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CPA 20-007

MAR 19 2020

CHELAN COUNTY

Land Use Solutions & Entitlement

Land Use Planning Services
9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V)

3-18-20

Deanna Walter, AICP
Interim Director
Chelan County
Dept. of Community Development
316 Washington St. Suite 301
Wenatchee WA 98801

Ref: Administrative Determination Request

Dear Ms Walter:

I have been reviewing the Chelan County Zone Code as it relates to Small Scale Recreation Tourist (SSRT) aka Recreation/Tourist (RT) within the Commercial Agricultural Lands (AC) zone and while the District Use Chart allows Recreation/Tourist Uses by CUP (11.04.020), the CUP criteria at 11.93.040 (9) requires that it be consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan.

However, while the District Use Chart allows Recreation/Tourist uses by CUP within the AC and FC zones, there seems to be an error when addressing this use within Chapter 4 Resource Lands of the Chelan County Comprehensive Plan. That error is as follows:

- 1) Chapter 4 Resource Lands, Part III Chelan County Agricultural Lands at page 2 of 18 under Land Use Designations states: "Such uses may include... intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component.."
- 2) Chapter 4 Resource Lands Part V Chelan County Forest/Timber Lands at page 13 of 18 under Land Use Designations states: "Such use may include... intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development...." (emphasis mine).

So, while the Use Chart allows Recreation/Tourist Use by CUP in both the AC and FC zones, it differs within the guidance and language of the Comprehensive Plan Text by saying you can only "intensify" an existing SSRT within the AC zone but, in contrast, can build a new SSRT

A1 20-001
CPA 20-007

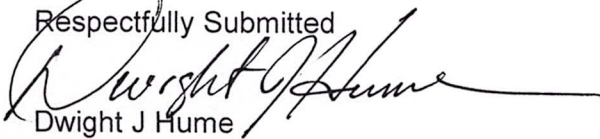
within the FC zone. Really? Intensify an existing SSRT but not build a new one? What is this protecting, if it doesn't matter within the FC zone?

The same contradiction occurs within the Rural Village and Rural Residential 20 zones where it is limited to existing use expansion. The one is within a LAMIRD and the other is the lowest density of the rural residential categories. Again, what is the purpose of limiting an SSRT to intensification within a LAMIRD and a Rural Village category? The same question is generated when the Rural Residential 20 cannot do what the RR-10, RR-5 and RR-2.5 can do.

If, in fact, the Zone Code intended to create this limitation, then why didn't the Use Matrix footnote those three zones and reference this peculiar limitation to intensification only? If limitations to existing SSRT's in those three zones was intended, then why didn't the Matrix leave them out and declare them legal non-conforming uses? The obvious answer is that there was no intent to limit SSRT's in these three zones, so why not have the option of expansion or new in all eleven zones?

I can only conclude that the text variation in these three categories is an editorial error and the Zone Code reflects the intent of the comprehensive plan to allow both intensification or new SSRT's within each of these eleven zones. I trust you will make the same determination.

Respectfully Submitted



Dwight J Hume

Enclosure: General Application with attachments
Application Fee

Copy: R J Lott Planning Manager

District Use Chart

A1 20-001
CPA 20-007

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Accessory Dwelling Unit	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Agricultural Structure	P	P	P	P	A	A	P	A	P	P	P	P	P
Accessory Use/Structure ¹	A	A	A	A	A	A	A	A	A	A	A	A	A
Electric Vehicle Charging Station	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Fences	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Isolated Cottage Industries		CUP	CUP	CUP						CUP			
Isolated Nonresidential Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP			CUP	CUP	CUP	
Isolated Small-Scale Businesses		CUP	CUP	CUP						CUP			
Recreation/Tourist Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP	
Planned Developments		P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
Sign, Agricultural Identification								P			P		
Signs	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)
Land Division	P	P	P	P	P	P	P	P	P	P	P	P	P
Cluster Subdivision	P(1)	P(1)	P(1)	P(1)							P(1)	P(1)	
Indoor Cannabis Production/Processing	CUP	CUP							CUP		CUP		
Outdoor Cannabis Production/Processing	CUP												
RESIDENTIAL USES													
Adult Family Home	P	P	P	P	P	P	P	A(1)					
Bed and Breakfast (3 or Fewer Rooms)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Caretaker Dwelling Unit								A(1)	A(1)				
Detached Garages	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)			P(2)	P(2)	
Dock/Pier, Single or Joint Use	P	P	P	P	P	P					P	P	
Dock/Pier, Community for Residential Development	A	A	A	A	A	A	A	A	A	A	A	A	
Dock/Pier, Community for Commercial Development	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Duplex Dwellings							P						
Guest Inn—4 to 6 Rooms	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP		
Home-Based Business	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
Home Occupations	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
In-Home Daycare	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)			A(1)	A(1)	
Mobile/Manufactured Home Park			CUP	CUP	CUP	CUP	CUP						

Rationale: Growth of the state and all associated areas indicates increased visitor use for Stehekin. Tastefully constructed and environmentally sensitive installations to support the increased number of visitors are required and desired.

Policy RE 4.6: MPRs may be considered within rural areas when consistent with the provisions of the comprehensive plan and RCW 36.70A.360.

Rationale RCW 36.70A.040 requires all land use regulations to be consistent with and implement the adopted comprehensive plan.

Goal RE 5: Support RCW 17.10 purpose to limit economic loss and adverse effects to Washington's agriculture, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the State.

Policy RE 5.1: Encourage public awareness and removal of noxious weeds through the Chelan County Noxious Weed Department and Control Board.

IV. Designations/Siting Criteria - Rural:

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

A. RR20, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 20 ACRES

Purpose: To allow for low intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure. These areas provide greater opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per twenty (20) acres.

Locational Guidelines:

1. **Geographical and Geological Characteristics.** These areas tend to be remote or have been historically rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Large tracts of undeveloped, open space exist.
2. **Natural Resources.** The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. **Public Services.** Uses do not require extension or provision of urban level services. In many cases public roads or infrastructure are not available to serve the area, and may not be available in the 20 year planning period.

4. Existing Land Uses. Dispersed single family residences, farms or forest management activities, and other low intensity rural development may be present. Predominant parcel sizes are 20 acres or greater.

B. RR10, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 10 ACRES

Purpose: To allow for rural development, forestry and agricultural uses consistent with the rural character and rural development provisions outlined in the goals and policies of the comprehensive plan. These areas can function as areas of transition between resource lands and areas of more intense rural or urban development. These areas also provide opportunities for protecting sensitive environmental areas and creating open space typical of a rural setting.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide for job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per ten (10) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics. The area is predominantly rural in character. Soil characteristics, steep slopes or other physical constraints to development may be present. Significant areas of undeveloped open space may exist.
2. Natural Resources. The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. Public Services. Uses do not require the extension or provision of urban level services. These areas are rural in character and may have access or limited access to rural governmental services and infrastructure. These areas may have the potential to be provided with rural governmental services within the 20 year planning period.
4. Existing Land Uses. Dispersed single family residences, farms or forest management activities and other rural development may be present. Predominant parcel sizes are 10 acres or larger.

C. RR5, RURAL RESIDENTIAL/RESOURCE: 1 DWELLING UNIT PER 5 ACRES

Purpose: Provides opportunities for small scale agricultural activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth

areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.

Uses appropriate for these areas include: open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per five (5) acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics.** The area is predominantly rural in character. Soil characteristics or other physical constraints to development may also be present. Some areas of undeveloped, open space may exist. The area may also be adjacent to designated urban growth areas.
2. **Natural Resources.** The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may also be adjacent to designated resource lands.
3. **Public Services.** Uses do not require extension or provision of urban level services. Rural governmental services are available or may be provided for within the 20 year planning period.
4. **Existing Land Uses.** Dispersed single family residences, farms or forestry uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are 5 acres or larger.

D. RR2.5, RURAL RESIDENTIAL: 1 DWELLING UNIT PER 2.5 ACRES

Purpose: To maintain the range of rural development opportunities consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas can provide buffering or transitions between existing rural developments and areas of higher or lower densities. This designation should not function as an urban reserve area, although these areas may someday be incorporated into an urban growth area.

Uses appropriate for these areas include: residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not

principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 2.5 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be immediately adjacent to existing residential or rural developments. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has limited resource management potential. The area may be adjacent to resource lands.
3. **Public Services.** Uses do not require extension or provision of urban levels of services. Rural governmental services and infrastructure are typically available, planned and or funded for.
4. **Existing Land Uses.** Single family residences, agricultural uses, cottage industries and small businesses, and other rural development may be present. Predominant parcel sizes are currently 2.5 acres or greater in size but typically less than 5 acres.

E. RURAL PUBLIC LANDS AND FACILITIES (RP):

Purpose: To provide open space, recreational opportunities, sites for necessary public facilities, utilities and services, and protection of critical areas. Encourage joint public/private ventures, where consistent with the rural development and rural character provisions, and goals and policies of this comprehensive plan.

Uses appropriate for these areas include: public facilities and services, open space and developed open space; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing or new development of small scale recreational or tourist uses that rely on a rural location or setting but that do not include new residential development; and intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** These lands are in public ownership and may contain critical areas. The County has no jurisdiction over federal lands.
2. **Natural Resources:** Public lands may contain resource lands.

Public Services: Services should be limited to the needs of the public agencies. Extension of public services can be considered for joint public/private ventures if consistent with the provisions of the comprehensive plan. Development in these areas shall not create a need for urban governmental services.

VII. Designations/Siting Criteria – LAMIRDs:

The following designations apply to the implementation of the Comprehensive Plan through the zoning map. Comprehensive Plan Land Use Designation for the Rural areas are identified and discussed in the Land Use Element. The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations, see the Land Use Element.

A. RURAL WATERFRONT (RW):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed shoreline areas for residential, and water related/water dependent recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct water related lifestyle. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural shorelines; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 1 acre per dwelling unit, when consistent with the Health District standards. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary. Existing urban governmental services in some areas, may allow for higher densities than those with rural governmental services.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** Parcels are located on or near shorelines identified by the Chelan County Shoreline Master Program. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. **Natural Resources:** This designation shall not be applied on resource lands of long term commercial significance.
3. **Public Services:** Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. There may be some existing urban

governmental services. Rural governmental services are typically available, planned and or funded for.

4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

B. RURAL RECREATIONAL/RESIDENTIAL (RRR)

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural recreational/residential areas for residential, recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Chelan County. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural recreational development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 1 acre per dwelling unit, when consistent with Health District standards. The provision of necessary public facilities and services shall not permit or encourage low-density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. Geographical and Geological Characteristics: Developments are closely associated with natural amenities found within Chelan County. The area may have moderate soil limitations and may have other limited physical constraints to development.
2. Natural Resources: This designation shall not be applied on resource lands of long term commercial significance.
3. Public Services: Necessary public facilities and public services to serve the development, redevelopment or infill of these areas may be provided. Rural governmental services are typically available, planned and/or funded for.
4. Existing land uses: Seasonal and year-round residences, tourist and recreational activities and other rural development may be present. Predominant parcel sizes are 1 acre or smaller.

C. RURAL VILLAGE (RV):

This designation is considered an implementation of a Type 1 LAMIRD as described above, consistent with the Growth Management Act.

Purpose: This designation recognizes the existence of intensely developed rural residential developments and communities, with densities less than 2.5 acres per dwelling unit, which typically will not have sewer service. This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed rural residential areas for residential and other rural development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural residential development; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development.

Uses appropriate for these areas include: developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: May allow for less than 2.5 acres per dwelling unit. The establishment of densities shall consider pre-existing development patterns, Health District standards, proximity to resource lands, existence of critical areas and the availability of necessary public facilities and services. The provision of necessary public facilities and services shall not permit or encourage low density sprawl or urban type development outside of the designation boundary.

Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan may be permitted. Topography, critical areas, other environmental constraints, and compliance with all other applicable development standards shall be considered in the provisions to allow for clustering.

Locational Guidelines:

1. **Geographical and Geological Characteristics:** The area may have moderate soil limitations and may have other limited physical constraints to development. The area may be adjacent to a variety of rural development, and areas with varying residential densities. The area may be adjacent to urban growth areas.
2. **Natural Resources.** The area has low resource management potential. The area may be adjacent to resource lands.
3. **Public Services:** Sewer service is typically not available. Rural governmental services and infrastructure are typically available, planned and/or funded for. Necessary public facilities and public services to serve the development, redevelopment, or infill of these areas may be provided.
4. **Existing Land Uses.** Single family residences and other rural development may be present. Predominant parcel sizes are less than 2.5 acres.

Secondly, as discussed in the Transportation Element, the road network provides major trucking routes which support related resources industries. Hauling routes are limited, in part, due to topography. For the three types of resources reviewed in this Element, mineral, agriculture and forestry, the current primary economic exports are agriculture and forestry products.

III. Chelan County Agricultural Lands

Chelan County contains agricultural lands that are important to the economy of the area. It must be recognized that in order to continue to exist, orchards must remain profitable. In an attempt to encourage existing and future agricultural development as a viable land use and a significant economic activity within the County, agricultural lands of long term commercial significance have been designated according to the U.S. Soil Conservation Service's classification for prime and unique farmland soils, and criteria outlined in WAC 365-190-050. These areas have been identified on the land use map designated as Commercial Agricultural Lands (AC). The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

Typically the most successful agricultural land conservation programs in the United States have been ones that combine incentive and regulatory techniques chosen according to the needs and conditions of a community. The opportunity for differential tax assessment for orchardists in Chelan County, helps to provide landowners an incentive to remain in an agricultural use. Buffers, parcel size, and a clustering development option provide regulatory techniques to retain agricultural land. This combination of conservation techniques provides property owners the flexibility for some non-farm development, helps reduce conflict between non-farm development and agricultural operations, and preserves farmable orchard parcels in support of retaining a viable orchard industry.

Chelan County participates in the Voluntary Stewardship Program (VSP) program. The VSP is an optional, incentive-based approach to protecting critical areas while promoting agriculture. The VSP is allowed under the Growth Management Act (RCW 36.70A.700-760) as an alternative to traditional approaches to critical areas protection, such as "no touch" buffers. Chelan County is one of 28 counties that has "opted in" to VSP.

Land Use Designation/Siting Criteria: Commercial Agricultural Lands

Purpose: To assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses.

Uses appropriate for these areas include: agriculture; open space; residential; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include A new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 10 acres. Clustering consistent with the underlying densities and the rural character and rural development provisions of the goals and policies of the comprehensive plan

Policy ML 1.17: At the time of permitting, the County should coordinate with property owners and the Department of Natural Resources to identify post-reclamation uses for MRLO properties that are consistent with the County's comprehensive plan and zoning code, both for the mine site itself and for planned adjacent uses.

Rationale: Coordination on future use of the property will help ensure that County plans recognize post-mining conditions in these areas and reduce the potential for future development that is incompatible with surrounding uses.

V. Chelan County Forest/Timber Lands

Forestland is defined as *"land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production...and has long-term commercial significance,"* RCW 36.70A.030.

Timber harvesting is a type of natural resource industry with a long history in Chelan County. The following outlines the declining trend of timber harvesting, as documented by the Department of Natural Resources.⁶ The following table denotes "thousand board feet" of harvested timber.

Year	1990	1995	2000	2005	2010	2015
Ownership						
Private Industrial	5,710	18,192	1,800	-	-	19,820
Private Large		7,486	636	9,482	1,866	-
Private Small	866	31,286	6,698	2,780	882	2,374
Private Unknown					186	719
Total Private	6,576	56,964	9,134	12,262	2,934	22,913
State	7,989	5,921	897	2,455	1,100	43
Federal	68,382	6,703	8,990	15,913	6,200	-
Other Public	13,035	9,708		588	-	9,091
Total Public	89,406	22,332	9,887	18,956	7,300	9,134
Total All:	95,982	79,296	19,021	31,218	10,234	32,047

Land Use Designation/Siting Criteria: Commercial Forest Lands

The growth management process requires identification of forest lands of long-term commercial significance as part of the growth management process. The identification of these lands is an attempt to conserve and encourage existing and future forest practice land uses as a viable, permanent land use and a significant economic activity within the County. Forest land also provides recreational opportunities, scenic value and wildlife habitat. In addition, the identification and land use regulations of the commercially significant forest lands will provide protection for forest lands from encroachment and incompatible land uses. The Growth Management Act defines "long term commercial significance" to include the growing capacity, productivity, and soil composition of the land for long-term commercial

⁶ Industry – companies and individuals operating wood, using plants; private large – non-industrial companies and individuals not operating wood-using plants but with statewide holdings totaling 1,000 or more acres; private small – non-industrial companies and individuals not operating wood-using plants and owning less than a total of 1,000 acres.

production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

The following purpose and locational guidelines provide a basic understanding of the zoning districts intent and how they relate to the Comprehensive Plan designations.

Purpose: To assure the long-term conservation of commercial forest lands; to preserve and encourage existing and future forest land uses as a viable, permanent land use and a significant economic activity within the community; and to protect forest lands of long term commercial significance not already characterized by urban development from encroachment of incompatible uses.

Uses appropriate for these areas include: forestry, open space; residential; and agriculture. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

Density: One (1) dwelling unit per 20 acres.

Locational Guidelines:

1. Geographic and Geological Characteristics: Soil characteristics, steep slopes or other physical constraints to development may be present. The area should not be adjacent to intensive urban or incompatible rural development. Large tracts of land oriented to forest resource management exist.
2. Natural Resources: The area should contain or have the potential to contain commercial forest resource management operations and commercial forest support facilities and services. The area should meet the criteria under WAC 365-190-060, as forest resource lands of long term commercial significance.
3. Public Services: Uses should not require extension or provision of urban level services. These areas may have access to rural governmental services and infrastructure or have the potential to be provided with rural governmental services within the 20 year planning period. Urban services should not be present.
4. Existing Land Uses: The prevailing land use pattern consists of commercial forest resource management operations and commercial forest support facilities and services. Dispersed single family residences and low intensity rural uses may be present. The predominant parcel size is typically 20 acres or larger. Recreational and small scale tourist commercial opportunities may be present.

Forest/Timber Resource Lands: Goals & Policies

Goal FL 1: Conserve forest lands of long term commercial significance. Encourage sustainable timber production in rural and resource lands as a viable, permanent land use and a significant economic activity within the community.

Goal Rationale: Timber production remains an important aspect of the County's economy.

Policy FL 1.1: Conserve forest lands for productive economic use by identifying and designating forest resource lands where the principle and preferred land use is commercial resource management.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 5, 2020

Ms. Catherine Lorbeer, AICP
Assistant Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, Washington 98801

Sent Via Electronic Mail

Re: Annual Comprehensive Plan Amendments

Dear Ms. Lorbeer:

Thank you for sending Growth Management Services Chelan County's proposed 2020 Comprehensive Plan amendments. We appreciate the opportunity to provide the following comments.

CPA-2020-001, 004 and 005

The Department of Commerce has significant concerns about these proposed amendments, which, if adopted, are clear violations of Washington State's Growth Management Act (GMA).

The GMA was amended in 1997 to provide flexibility in comprehensive plans for economic development while maintaining rural character. The amendments allowed counties to identify limited areas of more intense rural development (LAMIRDs), which are areas of higher intensity residential, mixed use, commercial or industrial development.¹ LAMIRDs are typically rural hamlets, crossroads, lakeshore development or unincorporated burghs with smaller residential lot sizes, businesses and services.

When designating LAMIRDs, counties must "adopt measures to minimize and contain the existing areas or uses of areas of more intensive rural development".² The law is very specific in limiting LAMIRDs to the existing development patterns on the landscape as they existed on July 1, 1990.³ This is primarily determined by the built environment at that time. A core function of LAMIRDs is a logical outer boundary that does not allow for expansion of low-density rural sprawl.

¹ RCW 36.70A.070(5)(d)

² RCW 36.70A.070(5)(d)(iv)

³ RCW 36.70A.070(5)(d)(v)

Each of the proposed amendments violate the very strict GMA LAMIRD requirements. They are clear expansions that will result in irregular LAMIRD boundaries and low-density rural sprawl.

CPA 2020-003

This amendment proposes to change approximately 8 acres of land from designated agricultural resource lands of long-term commercial significance (AC) to rural residential (RR 2.5). The subject property appears to include a productive vineyard, winery and residence, all permitted uses in the AC zone. The following comments are nearly identical to those provided during last years' annual comprehensive plan amendment process for a similar proposal, which was appealed to the Growth Management Hearings Board. The Hearings Board decision on the appeal is pending.

Agriculture is a cornerstone of the state economy and the GMA has strong provisions to protect natural resource lands. The market value of agricultural products sold in Chelan County was \$258,434,000 as of the 2017 Agricultural Census.⁴ The agriculture industry in Washington State constitutes 13% of our total economy, is a \$49 billion industry, and one of Commerce's key sectors for economic growth. Although this proposal only involves approximately 8 acres of land, the continued "chipping away" at productive agricultural lands could have long-term, negative effects on agricultural viability in Chelan County.

The GMA requires counties to designate and conserve resource lands of long-term commercial significance.⁵ Counties "should not review resource lands designations solely on a parcel-by-parcel process".⁶ Once the county establishes a willingness to "de-designate" productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural viability and Chelan County's economy.

WAC 365-190-050 includes criteria to classify and designate commercial resource lands, including the following that are particularly relevant to the proposal:

- Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
- The intent of the landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production.

If Chelan County has concerns about the current designation of agricultural lands, we recommend the County conduct a comprehensive assessment of natural resource lands designations on a countywide or regional basis during your next periodic update process, rather than a parcel-by-parcel basis.

⁴ United States Department of Agriculture

⁵ RCW 36.70A.050 and .060

⁶ WAC 365-190-050

Chelan County's Comprehensive Plan provides guidance for designating commercial agricultural land and any de-designation process should use the same criteria in deciding whether to retain or change to another comprehensive plan land use category.⁷ The commercial agriculture designation should be retained unless it no longer meets the criteria identified in the countywide assessment.

The application expresses concern about the non-conforming lot size limiting the ability to use the property. Subdividing the parcel is the only limit currently, as the minimum lot size is 10 acres in the AC zone. Chelan County Code allows all structures and uses identified in the AC land use matrix to be established or constructed on legal lots of record.⁸

CPA-20-007

The proposed text amendment considers appropriate locations for small scale recreation or tourist activities. Some Land Use categories allow "intensification" of existing small scale recreation or tourist uses while other categories allow "new" small scale recreation or tourist uses.

Two critical things to consider when evaluating changes to the Rural Land Use Element and designated commercial resource lands:

- Are the changes consistent with rural character as defined by the County?
- Will the changes interfere with resource lands production?

With regard to rural land use, the overarching objectives of the GMA and the County are to protect rural character and to maintain the economic viability of agriculture, forestry and mining.

The GMA and implementing WACs provides specific guidance for designating Limited Areas of More Intense Rural Development (LAMIRD)⁹. Three types of LAMIRDS are described as follows:

Type 1: Shoreline development, villages, hamlets activity centers or crossroad development that allow for "infill, development or redevelopment of existing areas". Development or redevelopment may be allowed "provided it is consistent with the character of existing area "in terms of building size, scale, use and intensity".

Type 2: Small-scale recreation uses through redevelopment of an existing site, intensification of an existing site, or new development on a previously undeveloped site, but not new residential development. Small-scale recreation uses may be added as accessory uses for resource-based industries. For accessory uses on agricultural lands of long-term agricultural significance, see [WAC 365-196-815](#).

⁷ [Chelan County Comprehensive Plan – Resource Element](#)

⁸ [CCC Chapter 11.97.020 - Nonconforming lots of record](#)

⁹ [RCW 36.70A.070](#) and [WAC 365-196-425](#)

Type 3: Isolated small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities through intensification of development on existing lots or undeveloped sites. Counties are not required to designate Type 3 LAMIRDs on the future land use map and may allow them as a conditional use subject to GMA statutory criteria.

Chelan County LAMIRD designations must be consistent with GMA laws (RCWs) and administrative rules (WACs). The Rural Recreational/Residential (RRR) and Rural Village (RV) designations are listed as Type 1 LAMIRDs. The comprehensive plan description for both designations allow for the “intensification of development on lots containing, or development of, small-scale recreational or tourist uses...”. This is the statutory language for Type 2 LAMIRDs and should be amended to be consistent with the law. Type 1 LAMIRDs may not allow for intensification of existing uses.

The Chelan County comprehensive plan allows for the intensification of existing small scale recreational tourist uses on Agricultural Commercial (AC) resource lands, but does not allow new recreational tourist uses. Conversely, the Forest Commercial (FC) allows development of new small scale recreational or tourist uses. While it may appear that this is an inconsistency that should be corrected, the GMA and implementing WACs provide specific guidance for counties to follow with regard to land uses that may impact agricultural production.

Development regulations must prevent the conversion of all designated resource lands to uses that removes lands from resource production. However, WAC 365-196-815(1)(b)(i) specifically states that development regulations must not allow primary use of agricultural resource lands that would convert those lands to non-resource purposes. Further, accessory uses on agricultural resource lands may be allowed, consistent with criteria listed in WAC 365-196-815(3)(c). Non-agricultural accessory uses must support or add value to agricultural production.

New small-scale tourist or recreation uses may be appropriate on designated forest land provided it meets the goals and intent of the comprehensive plan, GMA and implementing WACs. Prospective tourist or recreation uses must not interfere with the conservation of those lands or the production of timber.

Please keep in mind that the comprehensive plan establishes land use policy and zoning regulations implement those policies. Any changes to the comprehensive plan would then trigger a review and potential amendments to zoning regulations to ensure consistency between policy and regulation.

Given the complexity of the issue, we recommend that the County take more time to consider amendments to the comprehensive plan text. This will allow staff to conduct research and prepare draft language for the public, the Planning Commission and County Commissioner’s consideration. It would also allow for a concurrent zoning text amendment process that will ensure consistency between the comprehensive plan and development regulations.

Ms. Catherine Lorbeer
November 5, 2020
Page 5

Thank you for the opportunity to comment on the proposal. If you have any questions or need technical assistance with any growth management issues, please feel free to contact me at scott.kuhta@commerce.wa.gov, or 509-795-6884.

Sincerely,

A handwritten signature in blue ink that reads "Scott Kuhta". The signature is written in a cursive, flowing style.

Scott Kuhta, AICP
Senior Planner
Growth Management Services

cc: Jim Brown, CD Director, Chelan County
Steve Roberge, Deputy Managing Director, Growth Management Services
Dave Andersen, Managing Director, Growth Management Services

From: Raye Evans
To: Catherine Lorbeer
Cc: Tyler Evans
Subject: CPA 20-007 - Comment of Opposition
Date: Tuesday, September 29, 2020 5:18:39 PM

External Email Warning! This email originated from outside of Chelan County.

Dear Catherine,

We would like to comment on the proposed Comprehensive Plan Text Amendment being considered related to allowances of small-scale recreational tourist activities in certain locations. We object to any reinterpretation of the Comp Plan or new language that would allow SSRTs in areas zoned for commercial agriculture. This change would drastically change the provisions in place when we purchased our property and is an over-reach to allow SSRTs in this zoning.

We specifically oppose Magic Earth's attempt to implement a loop hole to push their proposal forward when it was previously denied for such use. Please hold up our rights as property owners and the premise under which ownership was promised.

Sincerely,

Tyler and Raye Evans
210 Griffith Ranch Road
Manson, WA. 98816
509-470-1819

Sent from Mail for Windows 10

Catherine Lorbeer

From: Deanna Walter
Sent: Thursday, October 1, 2020 3:25 PM
To: f.mckenney@yahoo.com
Cc: Catherine Lorbeer
Subject: RE: Antheia at Chelan

Categories: CPAs

We can certainly make sure you are on the distribution list for this particular file (CPA 20-007).

One thing I need to clarify is that the Comp Plan Text Amendment file is not site specific. Your comments regarding any former or future development of a particular site aren't really relevant to the proposed comp plan amendment. The amendment request was due to an alleged lack of consistency between the County Comp Plan and County Zoning Code. That is the issue at hand, and any resolution from this application would be a county wide language change in the Comprehensive Plan, not for one parcel or development.

I am transitioned out of the Planning Department as they have a new Director and Assistant Director. I've copied Catherine Lorbeer (Asst Director) into this response as she will be the point of contact for the Community Development department.

Thank you for your comments.
Deanna

Deanna C. Walter

Chelan County Assessor
350 Orondo St
Wenatchee, WA 98801
(509) 667-6367
Fax (509) 667-6664
Deanna.walter@co.chelan.wa.us

From: f.mckenney@yahoo.com <f.mckenney@yahoo.com>
Sent: Thursday, October 1, 2020 2:32 PM
To: Deanna Walter <Deanna.Walter@CO.CHELAN.WA.US>
Subject: Re: Antheia at Chelan

External Email Warning! This email originated from outside of Chelan County.

Sorry for the delay...actually I didn't receive a notice but our entire community was involved in the first effort to create an MPR at this site and continue to be involved in this latest attempt..I'd love to be cc'd on any future communications.

File. cpa 20-007

Thanks,
Frank McKenney f.mckenney@yahoo.com

On Wednesday, September 30, 2020, 09:15:56 AM PDT, Deanna Walter <deanna.walter@co.chelan.wa.us> wrote:

Mr. McKenney,

What protect application are you referring to? Can you please give me the file number, as I'm assuming you receive a notice of a pending application.

Thanks,
Deanna

Deanna C. Walter
Chelan County Assessor
350 Orondo St
Wenatchee, WA 98801
(509) 667-6367
Fax (509) 667-6664
Deanna.walter@co.chelan.wa.us

-----Original Message-----

From: f.mckenney@yahoo.com <f.mckenney@yahoo.com>
Sent: Wednesday, September 30, 2020 9:00 AM
To: Deanna Walter <Deanna.Walter@CO.CHELAN.WA.US>
Subject: Antheia at Chelan

External Email Warning! This email originated from outside of Chelan County.

Good morning Deanna,

We thought this issue/ problem was behind us after the Superior Court ruling but unfortunately here we go again. Our neighborhood community are overwhelming opposed to this project. I noticed in WAC 365-196-425 when referring to the rural element in counties comprehensive plans "This element shall include lands that are not designated for urban growth, agriculture..." Antheia is on ag land. The water use problems of this project have not been overcome. The placement of the two communal bathrooms on each side of the lane to the Evans residence is a non-starter. The olive grove died. I believe they have attempted phytoremediation with sunflowers but at the end of the season the EPA requires that the plants be pulled, incinerated, bagged, and delivered to a hasmat official for final disposal. The entire project lacks focus, and a strong visual concept that is identifiable. Whatever adjustments the county has to make to its zoning for ssrp's this shouldn't make Antheia a qualified candidate for inclusion.

Thanks
Frank McKenney

Catherine Lorbeer

From: i»¿Robyn <rteichen@frontier.com>
Sent: Friday, October 2, 2020 5:34 PM
To: Catherine Lorbeer
Cc: nk@ryankuehler.com
Subject: Project File #CPA 20-007

Categories: CPAs

External Email Warning! This email originated from outside of Chelan County.

Good morning,

We are writing to you this morning to voice our opposition to the proposed amendment which relates to small-scale recreational tourist activities.

An amendment would be made for the purpose of making an improvement, however in this case it would be doing the opposite. Increased traffic on Klate Road would create safety issues for pedestrians and agricultural activity in the neighborhood. Noise is another issue to be considered in this rural community of single family homes. Homes in this area rely on well water and a commercial venue could have an effect on groundwater levels.

The Chelan and Manson communities rely greatly on tourism for revenue and welcome visitors but it is also important to support the quality of life for residents, as they have a long term interest in the health of the region.

Thank you for hearing our concerns in this matter,

Scot and Robyn Teichen
50 Snuffy Smith Road
Manson, WA 98831
206-786-0031
425-883-4013

Catherine Lorbeer

From: Debbie Neudorfer <debneudorfer@gmail.com>
Sent: Friday, October 2, 2020 6:09 PM
To: Catherine Lorbeer
Subject: Project CPA 20-007

Categories: CPAs

External Email Warning! This email originated from outside of Chelan County.

Dear Catherine,

I have been informed by our neighbors about this above mentioned project being reviewed.

I am sure you are aware of the very long history of this project, and the fact that there are numerous reasons it was rejected in the past. Those reasons still stand today, along with the fact that seven more parcels of land have now been sold or are pending sales within very close proximity to this project.

This is truly a neighborhood of families with more moving in and absolutely not the correct location for this project. To consider a reinterpretation of the Comp Plan or any new language that would allow SSRT's in areas that are zoned for commercial agriculture does not make sense for this location.

I strongly urge you and your team to come visit our neighborhood to be able to understand what a negative impact this project would be.

Thank you for your consideration. If you have any questions, we would welcome the opportunity to speak with you.

Best Regards,
Debbie and Bob Neudorfer
105 Meraki Lane
Manson, WA 98831
425-765-7048

Catherine Lorbeer

From: Catherine Lorbeer
Sent: Monday, October 5, 2020 8:18 AM
To: 'Debbie Neudorfer'
Subject: RE: Project CPA 20-007

Categories: CPAs

Good morning Debbie and Bob,

Thank you for your feedback. As you mentioned, the proposed county wide language change is not project or site specific. The County has technically initiated the amendment request to consider whether there is a lack of consistency within the Comprehensive Plan as it relates to small-scale recreational tourist uses.

You may reach me at the contact information below should you have any additional questions or comments.

Sincerely,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: (509) 667-6246
Main office: (509) 667-6225
Catherine.Lorbeer@co.chelan.wa.us

From: Debbie Neudorfer <debneudorfer@gmail.com>
Sent: Friday, October 2, 2020 6:09 PM
To: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Subject: Project CPA 20-007

External Email Warning! This email originated from outside of Chelan County.

Dear Catherine,

I have been informed by our neighbors about this above mentioned project being reviewed.

I am sure you are aware of the very long history of this project, and the fact that there are numerous reasons it was rejected in the past. Those reasons still stand today, along with the fact that seven more parcels of land have now been sold or are pending sales within very close proximity to this project.

This is truly a neighborhood of families with more moving in and absolutely not the correct location for this project. To consider a reinterpretation of the Comp Plan or any new language that would allow SSRT's in areas that are zoned for commercial agriculture does not make sense for this location.

I strongly urge you and your team to come visit our neighborhood to be able to understand what a negative impact this project would be.

Thank you for your consideration. If you have any questions, we would welcome the opportunity to speak with you.

Best Regards,
Debbie and Bob Neudorfer
105 Meraki Lane
Manson, WA 98831
425-765-7048

Catherine Lorbeer

From: Jim Brown
Sent: Tuesday, October 27, 2020 9:49 AM
To: Catherine Lorbeer
Subject: FW: CPA 20-007

Categories: CPAs

He sent this to me, presumably because there is no email box for the PC on the webpage. ??

Not sure what you want to do with this.

Jim Brown

Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6228 Main office (509) 667-6225
Jim.Brown@co.chelan.wa.us



NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Raye Evans <Raye.Truenorth@outlook.com>
Sent: Tuesday, October 27, 2020 9:43 AM
To: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: CPA 20-007

External Email Warning! This email originated from outside of Chelan County.

Chelan County, Washington
Planning Commission
316 Washington Street, Suite #201
Wenatchee, WA 98801
Email: jim.brown@co.chelan.wa.us

VIA EMAIL AND MAIL

Re: Protect Our Agriculturally Zoned Areas!

Dear Planning Commission Members:

We have been notified that the Planning Commission is considering amendments to Chelan County's comprehensive plan that would allow small scale recreational or tourist uses, and urge you strongly to prohibit such new

uses in areas currently zoned as Commercial Agricultural Lands (AC). Chelan's Comprehensive Plan recognizes that agricultural lands are important to the economy of the area, and has identified areas zoned as AC for the specific purpose of ensuring the following goals: (i) to assure their long-term conservation; (ii) to encourage existing and future agricultural land uses; and (iii) to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses.

The Comprehensive Plan correctly explains that the appropriate use for these areas is agriculture, open space, residential, and forestry, and – with additional limitations – intensification of certain pre-existing uses. New small scale recreational or tourist uses (SSRTs) are not allowed in areas zoned as AC, and they should not now be allowed. We believe that allowing new SSRTs will impede agriculture by encouraging the development of parcels currently being productively farmed and adding vehicular traffic on already overburdened roads. SSRTs will also interrupt quiet residential enjoyment of these areas and depress property values in neighborhoods prized for their quiet, agricultural feel, while benefitting only the family or corporation planning to develop SSRTs.

Turning the Chelan Comprehensive Plan on its head to allow new tourism uses in prized agricultural zones would destroy the very areas that make Chelan County such a beautiful place to live, work, and visit. Please protect our agricultural neighborhoods and continue Chelan's valued and proven practice of prohibiting the development of new SSRTs in areas identified and zoned as Commercial Agricultural Lands.

Sincerely,

Raye Evans on behalf of Klate Road Neighbors and
the Undersigned Citizens of Chelan County

PRINT NAME	ADDRESS	I AM 18 OR OLDER
Raye Evans	210 Griffith Ranch Road, Manson	Yes
Tyler Evans	210 Griffith Ranch Road, Manson	Yes
Kristen Sather Nolen	411 W. Columbia, Chelan	Yes
Jon Sather	11 Keupkin Ave, Manson	Yes
Norma Sather	11 Keupkin Ave, Manson	Yes
Delores Kinsman	223 Meraki Lane, Manson	Yes
Bob Neudorfer	105 Meraki Lane, Manson	Yes
Debbie Neudorfer	105 Meraki Lane, Manson	Yes
Donald Coleman	215 S. Washington, Chelan	Yes
Kristin Ayling	26 Big Boulder Lane, Chelan	Yes
Kristopher Ayling	26 Big Boulder Lane, Chelan	Yes

Jaxon Ayling	26 Big Boulder Lane, Chelan	Yes
Colt Corrigan	210 Griffith Ranch Road, Manson	Yes
Cash Corrigan	210 Griffith Ranch Road, Manson	Yes
Gary Shively	117 Fairway, Chelan	Yes
Kristin Shively	117 Fairway, Chelan	Yes
Sierra Shively	117 Fairway, Chelan	Yes
Don & Lynn Holdings, LLC	120 Howard Flats Road, Chelan	Yes
Scott Sandum	497 Boyd Road, Manson	Yes
Sandi Sandum	497 Boyd Road, Manson	Yes
PRINT NAME	ADDRESS	I AM 18 OR OLDER
Sarah Cushing	387 Ridgewood Drive, Manson	Yes
Mike Cushing	387 Ridgewood Drive, Manson	Yes
Frank McKenney	563 Klate Road, Manson	Yes
Vickie McKenney	563 Klate Road, Manson	Yes
Tim Evans	360 Gobblers Lane, Manson	Yes
Autumn Evans	360 Gobblers Lane, Manson	Yes
Rebekah Escoto	202 Barkley Road, Manson	Yes
Efrain Escoto	202 Barkley Road, Manson	Yes
Mac Riggan	1915 Broadview, Wenatchee	Yes
Tyler Rogers	1025 Sunny Brooke, Chelan	Yes
Stephanie Rogers	1025 Sunny Brooke, Chelan	Yes
Reggie Collins	23824 Hwy 97A, Chelan	Yes

Carole Collins	23824 Hwy 97A, Chelan	Yes
Casey Collins	25 Hugo Road, Chelan	Yes
Kristi Collins	25 Hugo Road, Chelan	Yes
Bill King	24 Hugo Road, Chelan	Yes
Heather King	24 Hugo Road, Chelan	Yes
Edward Corrigan	2203 Howard Flats Road, Chelan	Yes
Dinah Corrigan	2203 Howard Flats Road, Chelan	Yes
Kaylin Boykin	2490 Auvil Avenue, Entiat	Yes

Catherine Lorbeer

From: Kathy Blum <kathleenb.mcc@gmail.com>
Sent: Tuesday, October 27, 2020 2:48 PM
To: Catherine Lorbeer; Jim Brown
Cc: Doug England; Kari Sorensen
Subject: Manson Community Council Response to CPA 2020-007
Attachments: Respne to CPA2020-007a.pdf

External Email Warning! This email originated from outside of Chelan County.

Ms Lorbeer

Attached is our response to the subject CPA. We do not believe there is an error in the Comprehensive Plan or the Zoning Code.

Please remember we are volunteers, not professionals. Any help on this or other matters is greatly appreciated!

Kathy Blum
Vice Chair
Manson Community Council

***M*anson Community Council**

"Building a better community, through our community!"

Catherine Lorbeer
Assistant Director
Chelan County Community Development

Re: CPA 2020-007

Dear Ms. Lorbeer,

The Manson Community Council believes there is no error in the Chelan County Comprehensive Plan (CCCP) or the Chelan County Code as it relates to zoning. We believe the criteria at 11.93 is, in fact, consistent and compatible with the intent, goals, and objectives of the CCCP.

The statement in Chapter 4, Part III Chelan County Agricultural Lands (AL) under Land Use Designations, "Such uses may include... intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component." is intended to allow for existing recreational/tourist (essentially farmer owned and operated fruit stands) but **NOT** to promote new recreational/tourist uses as this is incompatible with Agricultural/Commercial zoning.

In fact, the goals and policy statements for agricultural resource lands support this position.

"GOAL AL 1: Support the viability of agriculture and **encourage the continued use of rural and resource lands for agriculturally related land uses.** (our emphasis)."

"Policy AL 1.4: Conserve agricultural lands for productive economic use by identifying and designating agricultural resource lands whose principal and preferred land use is commercial agricultural resource management.

Rationale: **Activities in designated agricultural resource lands should be discouraged that would limit or eliminate the ability to continue agricultural operations.** (our emphasis)"

Policy AL 1.9 addresses the tourist uses, which are limited to "...enterprises such as direct marketing of unprocessed and value added agricultural products and agriculturally related small scale tourist operations can help supplement the agricultural industry and maintain the primary use of agriculture." The small scale tourist use is intended **ONLY** to allow farmers to have fruit stands, etc. that support directly benefits the farmer.

"Goal AL 2: Conserve agricultural lands of long-term significance by **controlling encroachment of incompatible uses.** (our emphasis)" This explains why no new small scale recreational or tourist uses are allowed.

The statement in Chapter 4, Part V Chelan County Forest/Timber Lands, "Such uses may include... intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development." allows for adding recreational/tourist uses in areas that are highly unlikely to conflict with existing uses (primarily residential).

Additionally, the goals of the Forest/Timber Lands also support potentially new small scale tourist use.

"Policy FL 1.2: Promote multiple uses of forest resource lands where such uses do not eliminate or limit commercial forest resource management.

Rationale: Forest resource lands provide unique opportunities and locations for land uses such as natural resource extraction and **open space and recreation development.** (our emphasis)"

Finally, the district use chart is also correct, as a CUP is required for intensification in agricultural commercial lands and for intensification or new in forest/timber lands. If anything is done, a note should be added to the CUP of AC indicating no new recreation/tourist will be allowed.

We believe the language of the Chelan County Comprehensive Plan was intentional and no error exists. We believe the CCCP should be left as written and the district use chart updated. Please feel free to contact the Manson Community Council through myself, at KathleenB.MCC@gmail.com or by telephone, 509-687-9179.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen A. Blum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathy Blum
Vice Chair
Manson Community Council

Catherine Lorbeer

From: Susan Hinkle
Sent: Wednesday, September 16, 2020 1:57 PM
To: Deanna Walter; Jim Brown; Catherine Lorbeer
Cc: Marcus Foster
Subject: Fw: Magic Earth/Antheia - Ustanik

Categories: CPAs

Hello all:

this would be a question for community development at this time. It is in the Manson area. Thank you. Susan

From: Raye Evans <Raye.Truenorth@outlook.com>
Sent: Tuesday, September 15, 2020 12:43 PM
To: Doug England; Susan Hinkle; Natalie Kuehler; deanna.walterCD@co.chelan.wa.us
Subject: RE: Magic Earth/Antheia - Ustanik

External Email Warning! This email originated from outside of Chelan County.

Hello all,

Can I please get an update on the Ustanik file? Are there any hearings or workshops on the schedule for September for plan or code changes that may affect this project?

Please keep me in the loop as new movement happens.

Best Regards,

Raye L. Evans
210 Griffith Ranch Road
Manson, WA. 98816
(509)470-1819

Sent from Mail for Windows 10

From: robin Werner <robinnjimw@msn.com>
Sent: Tuesday, August 18, 2020 8:54:35 PM
To: Doug England <Doug.England@co.chelan.wa.us>; susan.hinkle@co.chelan.wa.us <susan.hinkle@co.chelan.wa.us>; Natalie Kuehler <nk@ryankuehler.com>; deanna.walterCD@co.chelan.wa.us <deanna.walterCD@co.chelan.wa.us>; rj.lott@co.chelan.wa.us <rj.lott@co.chelan.wa.us>
Cc: Raye.truenorth@outlook.com <Raye.truenorth@outlook.com>
Subject: Magic Earth/Antheia - Ustanik

Hi.

RJ Lott

From: Susan Hinkle
Sent: Friday, May 22, 2020 10:58 AM
To: CD Director; RJ Lott; Deanna WalterCD; Jim Brown
Subject: RE: AI 2020-001 Dwight Hume request

Sensitivity: Confidential

Hello Again All:

Can I have a copy of the application for the comp plan amendment? Is it a request to amend just text or is it also a request to amend a map/designation? Is it site specific or county wide? Does it impact the AC zone permitted uses? Please also confirm timelines for a comp plan amendment; goes to PC and is governed by CCC ch. 14.14. Is it on the PC agenda yet for a specific hearing date? Neighbors of Magic Earth/Ustanik/Anteia of Chelan want notice of anything and everything. robinjimw@msn.com Robin Werner. Please add her to the notice list for all things re: the comp plan amendment.

Thanks. Susan

From: Susan Hinkle
Sent: Thursday, May 21, 2020 5:03 PM
To: CD Director <CD.Director@CO.CHELAN.WA.US>; RJ Lott <RJ.Lott@CO.CHELAN.WA.US>; Deanna WalterCD <Deanna.WalterCD@CO.CHELAN.WA.US>; Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: RE: AI 2020-001 Dwight Hume request
Sensitivity: Confidential

Thank you for the update. Susan

From: CD Director
Sent: Thursday, May 21, 2020 5:01 PM
To: RJ Lott <RJ.Lott@CO.CHELAN.WA.US>; Susan Hinkle <Susan.Hinkle@CO.CHELAN.WA.US>; Deanna WalterCD <Deanna.WalterCD@CO.CHELAN.WA.US>; Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: RE: AI 2020-001 Dwight Hume request
Sensitivity: Confidential

He did not appeal, but instead due to the acknowledged inconsistency, we took in an application for the comp plan amendment to make it go through the public process.

Deanna Walter, AICP

Interim Assistant Director
Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: Direct (509) 667-6246 Main office (509) 667-2225
deanna.walterCD@co.chelan.wa.us



NOTICE OF APPLICATION

Notice is hereby given that the Chelan County Department of Community Development, 316 Washington Street, Suite 301, Wenatchee, WA 98801, has received and found the following land use application to be complete and ready for processing, public review and comment.

CPA 20-007: Chelan County has initiated the proposed Comprehensive Plan Map Amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations. Project Location: Chelan County

On September 19,, 2020, this application was noticed to the public and no action will be taken on the project until the Agency comment period ends October 3, 2020.

All reports and file of record are available at 316 Washington St., Suite 301 Wenatchee, WA 98801 for review. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.

Order Invoice

Wenatchee World / Quincy Valley Post

PO Box 1511
Wenatchee WA 98807-1511

Phone: 5096635161

URL: www.wenatcheeworld.com

CHELAN CO DEPT OF COMMUNITY
DEVELOPMENT (CCDCD)
316 WASHINGTON ST. #301
WENATCHEE, WA 98801

Acct #: 00002552
Phone: (509) 667-6225
Date: 09/17/2020
Ad #: 00094615
Salesperson: LEGL Ad Taker: 340

Class: 0001

Ad Notes: Submitted by Wendy Lane 9-16

Sort Line: CPA20-007/WLane

Description	Start	Stop	Ins.	Cost/Day	Amount
01 The Wenatchee World	09/19/2020	09/19/2020	1	63.90	63.90
02 Wenatchee World Online	09/19/2020	09/19/2020	1	0.00	0.00

Ad Text:

NOTICE OF APPLICATION

Payment Reference:

Notice is hereby given that the Chelan County Department of Community Development, 316 Washington Street, Suite 301, Wenatchee, WA 98801, has received and found the following land use application to be complete and ready for processing, public review and comment.

CPA 20-007: Chelan County has initiated the proposed Comprehensive Plan Map Amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations. Project Location: Chelan County

Total: 63.90
Tax: 0.00
Net: 63.90
Prepaid: 0.00

Total Due 63.90

Name	Address_1	Address_2	City	State	Countr	Zip Code	P.A.RCEL
KLUDT-WALDRON ORCHARDS INC	463 SNUFFY SMITH RD		MANSON	WA	USA	98831	2822329607225
KLUDT-WALDRON ORCHARDS INC	463 SNUFFY SMITH RD		MANSON	WA	USA	98831	282229607195
LEWIS HANSON AND COMPANY INC TRUSTEE	GRIFFITH PARK LOT LOANS	PO BOX 766	ALBANY	OR		97321	282229607200
MAGIC EARTH LLC	PO BOX 337		MANSON	WA		98831	282229607133
KLUDT-WALDRON ORCHARDS INC	463 SNUFFY SMITH RD		MANSON	WA	USA	98831	282229607175
DOEDE TERRANCE P	2648 SWEET CLOVER CT		MINDEN	NV	USA	89423	282229320150
APPLE EYE LAND LLC	PO BOX 1390		CHELAN	WA	US	98816	282229140050
APPLE EYE LAND LLC	PO BOX 1390		CHELAN	WA	US	98816	282229310100
TEICHEN SCOT A & ROBYN J	22433 NE MARKET PLACE DRIVE G3042		REDMOND	WA	US	98053	282229607105
STOVER APRIL & KEVIN	211 VILLAGE DR		MANSON	WA		98831	282229607110
LORD ALLISON R & CHRISTOPHER J	415 10TH AVE W		KIRKLAND	WA		98033	282229607120
RADIANCE WINERY LLC	546 KATE RD		MANSON	WA	US	98831	282229607170
LEWIS HANSON AND COMPANY INC TRUSTEE	GRIFFITH PARK LOT LOANS	PO BOX 766	ALBANY	OR		97321	282229607265
EIGNER ERICK D & EVA T	2809 155TH ST SE		MILL CREEK	WA		98012	282229320050
VYBORN Y CHRISTOPHER A & JANICE M	950 KATE RD		MANSON	WA		98831	282229320100
EVANS TYLER N & RAYE L	210 GRIFFITH RANCH RD		MANSON	WA		98831	282229607190
MAGIC EARTH LLC	PO BOX 337		MANSON	WA		98831	282229607135
GRIFFITH EARL ETAL	87 MERAKI LN		MANSON	WA	USA	98831	282229607140
MAGIC EARTH LLC	PO BOX 337		MANSON	WA		98831	282229607155
HEI ALISSA J & DASHIELL	714 KATE RD		MANSON	WA		98831	282229607160
CROWDER GARY LEE & JULIE JOY	546 KATE RD		MANSON	WA		98831	282229607165

dhume@
Spokane - landuse
.com

Dwight Hume

Dwight Hume
Hume Land Use
Solutions & Entitlements
9101 N Mt. View Lane
Spokane, WA 99218

Documents for
CPA 20-007 SSRT
Text Amend

Should you need them.

Wendy L.



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

NOTICE OF APPLICATION

Project File No.: CPA 20-007
Project Location: Chelan County
Applicant/Owner: Chelan County
Agent: Catherine Lorbeer, AICP, Assistant Director
Application Date: April 17, 2020
Determination of Complete: Not applicable
Notice of Application Date: September 19, 2020

Proposed Project Description: Chelan County has initiated the proposed Comprehensive Plan Text Amendment to consider changes to Chapter 3 and 4 related to the allowances of small-scale recreational tourist activities in certain locations.

SEPA Review: The proposed Comprehensive Plan Text Amendment is exempt per WAC 197-11 (6)(19).

Permits Required: None known.

Public Review and Comment Period: PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED and no action will be taken on the project until the Agency comment period ends on **October 3, 2020**. Agencies, tribes, and the public are encouraged to review and comment on the proposed project. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, and should be as specific as possible. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law. Written comments must be submitted to the Department of Community Development, 316 Washington St., Suite 301 Wenatchee, WA 98801; Attention: Catherine Lorbeer or email Catherine.Lorbeer@co.chelan.wa.us for additional information or to review application materials.

In an effort to protect the safety of both our customers and employees and pursuant to the Governor's order issued on Monday, March 23rd, our office is to remain closed to the public until further notice. The complete case file on this matter is available for digital review at the following link:

<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
ADMINISTRATIVE MODIFICATION

To: Deanna Walter, Interim Community Development Director
From: RJ Lott, Planning Manager
Date: April 16, 2020
File Number: AI 2020-001
Request: Dwight J. Hume of Land Use Solutions and Entitlement is requesting an Administrative Interpretation of the Chelan County Comprehensive Plan as it relates to the use of small scale recreational and tourist uses.

FINDINGS OF FACT:

1. On March 19, 2020, Dwight J. Hume submitted a request for an Administrative Interpretation of Chelan County Comprehensive Plan and the District Use Chart as it relates to the use of small scale recreational and tourist uses.
2. Pursuant to Chelan County Code Section 14.02.020, any person may request in writing an administrative interpretation of any development regulation. The county official charged with the responsibility of enforcing and interpreting the applicable regulation shall provide the requested interpretation in writing with supporting documentation within thirty calendar days of receipt of the request.
3. The Chelan County Comprehensive Plan, Chapter 3, Part IV, RR20, Rural Residential/Resource: 1 Dwelling Unit Per 20 Acres, page 7 of 17, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely on a rural location or setting, but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*
 - 3.1 The Chelan County Comprehensive Plan, Chapter 3, Part VII, Designations/Siting Criteria – LAMRIDs, Section C, Rural Villages, page 15 of 17 states: *Such uses may include: intensification of existing small scale recreational or tourist uses that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing*

isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

3.2 The Chelan County Comprehensive Plan, Chapter 4, Part III, Land Use Designation/Siting Criteria: Commercial Agricultural Lands, page 2 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include A new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

3.3 The Chelan County Comprehensive Plan, Chapter 4, Part V, Forest/Timber Lands, page 3 of 18, states: *Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.*

4. Chelan County Code Section 11.04.020, District Use Chart, states that Recreation/Tourist Uses are allowed in the following zoning districts: RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart as to permitting no new Recreation/Tourist Uses in these zones.
5. Chelan County Code Section 11.93.040(9), Conditional Use Permit Criteria, states that: *The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.*
6. Chelan County Code Section 14.98.1795, Definitions, Small scale recreation and tourism is defined as: *"Small scale recreation and tourism" means a land use that relies on a setting to provide recreational or tourist use, including recreational center and commercial facilities to serve those uses, but that does not include new residential development. It includes activities and facilities such as, but not limited to, cultural/religious camps, retreat centers, campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities, and similar uses. Small scale recreational and tourist uses are of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure and public service.*

CONCLUSIONS OF LAW:

1. The Director of Community Development is the Administrator of the Chelan County Code and has authority to render this interpretation, pursuant to Chelan County Code Section 14.02.020.
2. The application was determined complete and processed consistent with the requirements of Chelan County Code Title 11 and Title 14.

ANALYSIS:

The Chelan County Comprehensive Plan is not consistent throughout Chapter 3 and Chapter 4 as it relates to the allowances of new small scale recreational tourist activities in locations throughout the County. A small scale tourist activity is identified as being a compatible activity in the Forest/Timber Lands but not in areas such as Rural Residential 20, Rural Villages and Commercial Agriculture Lands.

The Chelan County District Use Chart identifies that Recreational/Tourist Uses RR20, RR10, RR5, RR2.5, RW, RRR, RV, RC, RP, AC, and FC via a Conditional Use Permit. There is no reference in the District Use Chart to disallow new Recreation/Tourist Uses in these zones.

Chelan County Code states that the granting of a conditional use permit must be compatible with the intent, goals, objectives and policies of the comprehensive plan.

INTERPRETATION:

According to the above analysis and based on the file of record, the Chelan County Comprehensive Plan is inconsistent as to how to support new small scale tourist recreational or tourist uses in the same zoning districts that allow for Recreational/Tourist uses in Chelan County's District Use Chart. Additional work is needed to determine that the Comprehensive Plan and the District Use Chart are compatible. This item is not appropriate to be determined via the Administrative Interpretation as it is inconsistent, not an oversight or omission. The appropriate remedy is through the public amending the Comprehensive Plan.

DECISION:

- ☒ Concur
☐ Do not concur

Deanna Walter 4/17/20
Deanna Walter Date
Interim Director of Chelan County Community Development

Pursuant to 14.12.010 Administrative appeals, an administrative appeal to the hearing examiner shall be filed with the department within ten (10) working days of the issuance of the decision appealed, together with the applicable appeal fee. The notice of appeal shall contain a concise statement identifying: (A) The decision being appealed; (B) The name and address of the appellant and his/her interest(s) in the application or proposed development; (C) The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous; (D) The specific relief sought by the appellant; (E) The appeal fee.