



## Chelan County Planning Commission

Chair:

Vice Chair: Vicki Malloy

Commissioners District 1: Vicki Malloy, Ryan Kelso, James Wiggs  
Commissioners District 2: Cherié Warren, Ed Martinez, Joel Walinski  
Commissioners District 3: David Donovanick, Jesse Redell, Doug England

### Meeting Agenda

Wednesday, January 26, 2022 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.

#### Join Zoom Meeting

<https://us02web.zoom.us/j/83768139498?pwd=TXZGV0pmVG5wZUw5ay9jaWlyTW9SZz09>

Meeting ID: 837 6813 9498

Passcode: 863364

#### Call Meeting to Order

##### I. Administrative

- A. Elect Chair and Vice Chair
- B. Review/Approval of Minutes from November 17, 2021

##### 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. Public Hearing PBRS 21-062 White
- B. Public Hearing ZTA 21-587 SMP Appendix B: Critical Areas
- C. Proposed Planning Commission schedule for 2022

##### V. Discussion, at the Chair's discretion

- A. Downloading Packets from Website

##### 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](mailto: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 February 23 at 6:00 pm via Zoom**

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



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission  
Chelan County Community Development VIA ZOOM

Date: November 17, 2021

Called to Order: 6:00 PM  
316 Washington St., Suite 301  
Wenatchee, WA 98801

## CALL TO ORDER

Meeting was called to order at 6:08 pm

## COMMISSIONER PRESENT/ABSENT

<b>Carl Blum</b>	Present	<b>Joel Walinski</b>	Present
<b>Vicki Malloy</b>	Absent	<b>Ed Martinez</b>	Present
<b>Ryan Kelso</b>	Present	<b>Doug England</b>	Present
<b>Jim Newberry</b>	Present	<b>Jesse Redell</b>	Present
<b>James Wiggs</b>	Present		

## STAFF PRESENT

**Jim Brown, Director**  
**Catherine Lorbeer, Assistant Director**  
**Jamie Strother, Senior Planner**  
**Alex White, Planner II**  
**Bob Plumb, Fire Marshall**  
**Steve Rinaldi, Deputy Fire Marshall**  
**Wendy Lane, Permit Clerk**

## PUBLIC PRESENT

ZOOM MEETING – 25 PARTICIPANTS INCLUDING STAFF AND PC MEMBERS

## MINUTES

Chairman Carl Blum asked the Planning Commission if they had read the minutes from the October 27, 2021, meeting.

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

## PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Public Hearing CPA 21-084 NR Climate Grant, to integrate climate resilience strategies into the goals and policies, including updates to existing policies and new policy additions.**

Lisa Grueter, from Burk, and Mike Kaputa, Chelan County Natural Resources Director, gave the presentation, recommends approval.

Chairman Carl Blum opened the hearing for public comment. There were none.

Chairman Carl Blum closed the public portion of the hearing.

Questions and comments from the Commissions were addressed by Mr. Kaputa and Ms. Grueter.

**MOTION:**

Motion made by Commissioner Joel Walinski, seconded by Commissioner Ed Martinez, to approve with change in new policy to add “including but not limited to.”

Discussion among the Commissioners concerning the application and proposed changes.

Vote – in favor: Commissioners Martinez, Blum, England, and Walinski  
opposed: Commissioners Newberry, Kelso, Wiggs

Motion carries.

**Public Hearing CPA 21-071 Henderson, to change the land use designation from RR10, RR20, and AC to RR5.**

Assistant Director Catherine Lorbeer explained the revised application. Senior Planner Jamie Strother gave the presentation. Staff Recommends denial.

Aaron Harris, Ogden Murphy Wallace, attorney for the applicant, gave some background for the application and then gave arguments on why the application should be approved.

David Dormier, agent for the applicant, gave additional information on why the application should be approved. He wanted the Commissioners to consider the revised proposal.

Chairman Carl Blum opened the hearing for public comment.

Bruce Hurst, 178 Chelan Ranch Road, a neighboring property, he spoke on water issues, territorial view, zoning changes around his property and the changes in the deer population.

Bill Prellwitz, 495 McGinty Ln, Chelan, echoed Mr. Hurst’s concerns, especially the water issues.

Commissioner Jesse Redell entered the meeting.

Chairman Carl Blum closed the hearing for public comment.

There was discussion among the Commissioners concerning the application.

**MOTON:**

Motion made by Commissioner Doug England, seconded by Commissioner Ed Martinez, to approve the modified application.

There was a discussion among the Commissioners concerning the modified application.

Commissioner Jesse Redell asked to abstain for business purposes.

Vote – in favor: Commissioners Newberry, England, Wiggs, Kelso, Martinez, Walinski, Blum  
abstain: Commissioner Redell

Motion carries

**Public Hearing CPA 21-078 Tait, to change the land use designations from RR5 to RV.**

Planner II Alex White presented the application. Staff recommends denial.

Matt Tait, 650 Okanogan Ave, Wenatchee, spoke as the applicant. He gave arguments and a presentation on why his application should be approved.

Chairman Carl Blum opened the hearing for public comment.

John Baker, 5101 Moody Road, he spoke against the application and gave arguments on why.

Chairman Carl Blum closed the hearing for public comment.

Discussion among the Commissioners with regard to the application. Staff assisted in answering questions and providing additional information.

Matt Tait gave rebuttal to arguments denying the application.

Discussion continued among the Commissioners concerning the application. Staff answered questions.

**MOTON:**

Motion made by Commissioner Ryan Kelso, seconded by Commissioner James Wiggs, to clean up the lot and turn it into the RV zone.

Vote – unanimous

Motion carries.

**Fire Marshal proposal to strike portions of Title 15 as outdated and unusable code superseded by Title 3 provisions.**

Director Jim Brown gave a brief overview of the action. Deputy Fire Marshall Steve Rinaldi gave the presentation.

Chairman Carl Blum opened the hearing for public comment. There was none.

Chairman Carl Blum closed the hearing for public comment.

**MOTION:**

Motion made by Commissioner Jim Newberry, seconded by Commissioner Ryan Kelso to recommend deletion of Title 15.40 Fire Protection to the County Commissioners

Vote – unanimous

Motion carries.

**DISCUSSION, at the CHAIR's DISCRETION:**

Chairman Carl Blum gave updates on the BOCC study sessions for ZTA 21-075 LocalTel and ZTA 21-352 Limited Code Amendments. The hearings will be on December 7<sup>th</sup> and he encourages the Commissioners to listen in.

**ADJOURNMENT**

**Meeting Adjourned at 8:01 pm.**

Next Planning Commission Meeting to be held on December 15, 2021, at 6:00 pm, – a Zoom meeting.  
**All Planning Commission meetings and hearings are open to the public.**



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**STAFF REPORT**

**TO:** Chelan County Planning Commission  
**FROM:** Chelan County Community Development  
**HEARING DATE:** December 15, 2021  
**FILE NUMBER:** Public Benefit Rating System, PBRs 2021-062  
**PROPOSAL:** An application requesting approval of an 'open space' classification for 8.48 acres of land to the Public Benefit Rating System. The application was submitted on February 17, 2021.

**GENERAL INFORMATION:**

<b>Property location:</b>	1863 Falcon Point Lane, Wenatchee, WA
<b>Applicant:</b>	Greg and Cheryl White 205 Hidden Meadow Lane Wenatchee, WA 98801
<b>Assessor Parcel Number:</b>	22-20-15-500-060
<b>Total acreage involved:</b>	8.48 acres
<b>Comprehensive Plan designation &amp; Zoning district:</b>	Residential Single-Family (RS) within the Wenatchee Urban Growth Area (UGA)
<b>Existing land uses:</b>	Two pole buildings that were built in 1980; one is 1,440 sq.ft. in size and the other is 2,394 sq.ft. in size.
<b>SEPA:</b>	Exempt pursuant to WAC 197-11-80014(k)

RCW 84.34 was enacted by the Washington State Legislature in 1970 for the purpose of maintaining, preserving, conserving, and otherwise continuing in existence open space lands for the production of food and fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic well-being of the state and its citizens. Chelan County Code (CCC) Chapter 14-22 provides a rating system for the evaluation of such open space lands.

The public benefit rating system is used to value property for tax assessment purposes. The amount of property tax reduction is based upon the number of eligibility points for which a property qualifies.

## **Chelan County Code Chapter 14.22.060 Open Space Public Benefit:**

The applicant is seeking the following Open Space classifications:

### **High Priority Resources: 5 Points Each**

**Farm and Agricultural Conservation Land:** *pursuant to CCC 14.22.060(3)(A)(ii), is defined as land that is traditional farmland, grazing land, or range land, may have been classified under agricultural open space, has not been irrevocably devoted to a use inconsistent with agricultural uses, or has a high potential for returning to commercial agriculture. Eligibility requirements include that the subject property is commercial farm lands not presently classified under agricultural open space and meeting the definition of farm and agricultural land under RCW 84.34.020 and zoned for agricultural use.*

**Finding:** The subject property is not zoned as agricultural lands; however, pursuant to the District Use Chart in Chapter 10.10 of the Wenatchee City Code, agricultural use is allowed on properties that are zoned RS in the Wenatchee UGA. Currently the property is classified as Land Use Code 83 per the Chelan County Assessor's Office, which is for Agriculture classified under current use per RCW Chapter 84.34. Due to the current tax classification and that agriculture is an allowed use within the zoning district, the subject property meets the requirements of Farm and Agricultural Conservation Land classification.

**Urban Growth Area Open Space:** *pursuant to CCC 14.22.060(3)(A)(x), is defined as one or more acres of land and located within the boundaries of an urban growth area designated by Chelan County.*

*However, land which is open only to those paying a membership or initiation fee shall be considered open to the public if the following conditions are met:*

- (a) Membership or other access available without discrimination on the basis of race, religion, sexual orientation, creed, ethnic origin, or gender; and*
- (b) in the case of land affording recreational opportunities, it is open to use by organized groups from schools, senior citizen organizations, or bona fide educational or recreational organizations managed by a governmental entity or sponsored by an organization qualifying for tax exempt status under subsection 501(c)(3) of the Internal Revenue Code upon payment of no more than a reasonable user fee.*

**Finding:** The subject property is 8.48 acres in size and is zoned as Residential Single-Family within the Wenatchee UGA. The applicants are not proposing any users to pay a membership or initiation fee; therefore (a) and (b) do not apply.

### **Medium Priority Resources: 3 Points Each**

The applicant is not seeking any Open Space classification under Medium Priority Resources

### **Bonus Categories:**

The applicant is not seeking any Open Space classification under Bonus Categories



**Conclusion:** Staff finds the following are consistent with Chelan County Code:

- Farm and Agricultural Conservation Land = 5 points
- Urban Growth Area Open Space = 5 points

In total the applicant has requested 10 points; staff finds the application and properties are consistent with the criteria for 10 points for a reduction of 50% in the fair market value for 8.48 acres.

**CONDITIONS OF APPROVAL:**

1. Pursuant to RCW 84.34, the applicant shall sign the “Open Space Taxation Agreement” and return to the Chelan County Assessor’s office.

**ATTACHMENT**

- A. Site Plan
- B. File of Record

10. HIDDEN MEADOW DRIVE TO SERVE LOTS 6 AND 7 ONLY

11. SITE EVALUATIONS WILL BE REQUIRED AT THE TIME OF APPLICATION FOR INDIVIDUAL SEPTIC SYSTEM CONSTRUCTION PERMITS. ALTERNATIVE SEPTIC SYSTEMS, AS DESCRIBED BY WAC 246-272, WILL LIKELY BE REQUIRED FOR NEW OR REPAIRED SEPTIC SYSTEMS.

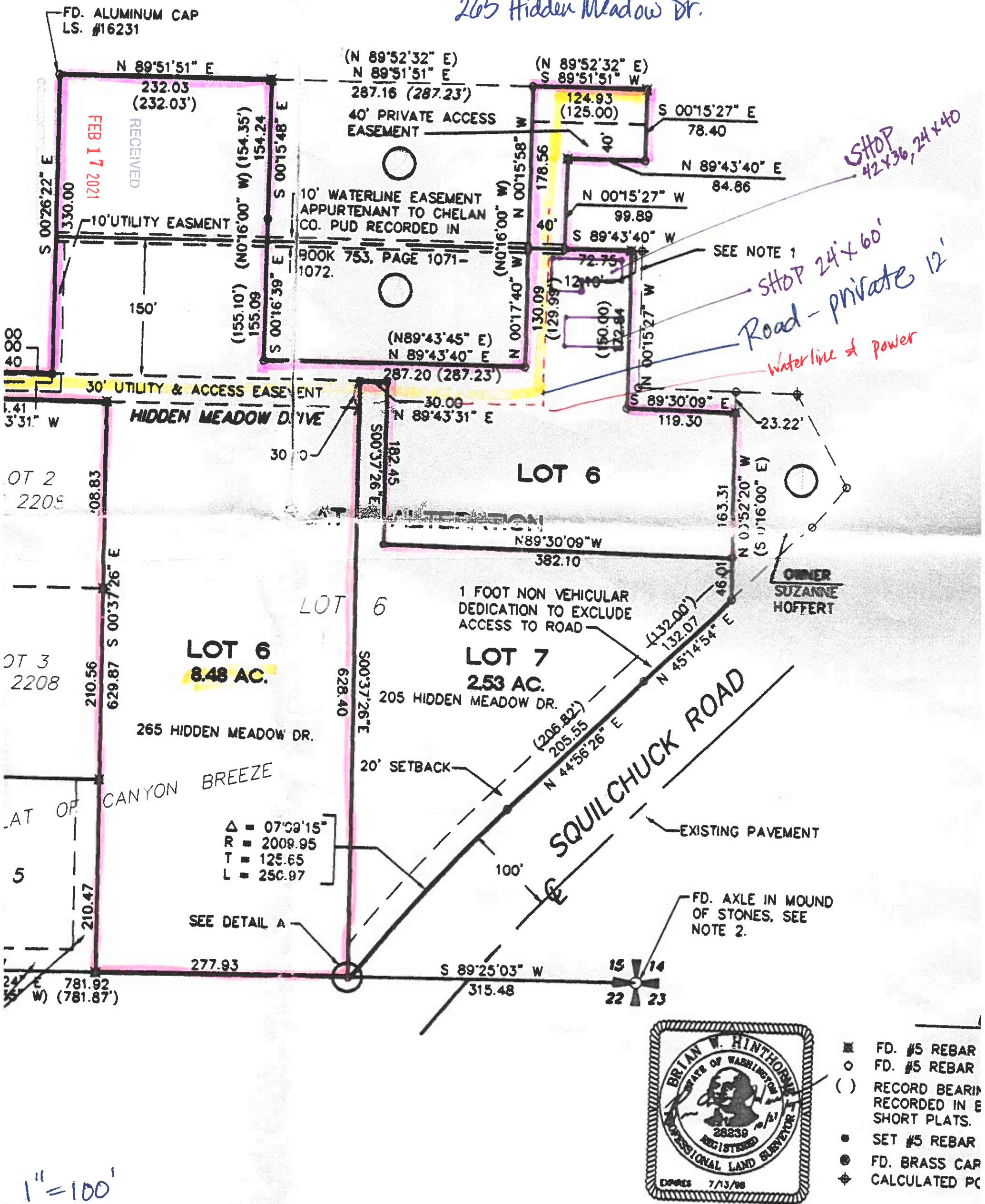
↑ N  
PUBS 21-062

SEI  
SW  
PI

1863 Falcon Pt. Lane  
OR  
265 Hidden Meadow Dr.

CHEI

1778.



RES / P.A.  
98802

**FORSGREN ASSOCIATES / INC.**

**CANYON BREEZE WENATCHEE, WA**



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

**PUBLIC BENEFIT RATING SYSTEM**

This packet is designed to assist you in preparing your application for a Public Benefit Rating (Open Space). The following information is required at the time of submittal. 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. Additional information may be required. **An incomplete application will not be processed.**

The following information is required at the time of submittal:

Department of Revenue Application

Complete the following Cannabis Disclosure Section, Site Plan Checklist Section and Acknowledgement Section

Parcel Number (APN): 222015500060 Lot Size: 8.48 (Acres)

Parcel Address: 1863 Falcon Pt. Lane City/Zip Code: Wenatchee 98801

Property Owner(s): Greg L & Cheryl G. White Zoning: \_\_\_\_\_

**CHAPTER 14.22 OPEN SPACE PUBLIC BENEFIT**

Indicate, using the following chart, each type of "open space benefit" you are requesting. NOTE: For each type of "open space benefit" the applicant is required to provide support documentation, pursuant to CCC14.22.060.

**High Priority Resources: 5 Points Each**  
 (7 categories maximum from High and Medium Priority Resource)

<input checked="" type="checkbox"/>	Archaeological Sites
<input checked="" type="checkbox"/>	Farm and Agricultural Conservation Land
<input type="checkbox"/>	Fish-Rearing Habitat: Ponds and Streams I
<input type="checkbox"/>	Shoreline Environments
<input type="checkbox"/>	Historical Sites
<input type="checkbox"/>	Private Recreation Areas
<input type="checkbox"/>	Rural Open Space Close to Urban Growth Area
<input type="checkbox"/>	Significant Wildlife Habitat Area
<input type="checkbox"/>	Special Plants Sites
<input checked="" type="checkbox"/>	Urban Growth Area Open Space
<input type="checkbox"/>	Trail Linkage
<input type="checkbox"/>	Aquifer Protection Area
<input type="checkbox"/>	Surface Water Quality Buffer Area I

**Bonus Categories**

<input type="checkbox"/>	Resource Enhancement/Restoration: <b>5 Points</b>
<input type="checkbox"/>	Surface Water Quality Buffer Area II: <b>3 or 5 Points</b>
<input type="checkbox"/>	Contiguous Parcels Under Separate Ownership: <b>2 points</b>
<input type="checkbox"/>	Conservation/Historic Easement: <b>8 Points</b>

**Public Access**

<input type="checkbox"/>	Unlimited Access: <b>8 Points</b>
<input type="checkbox"/>	Limited Access (due to resource sensitivity): <b>6 Points</b>
<input type="checkbox"/>	Limited Access (seasonal and/or special arrangements): <b>4 Points</b>
<input checked="" type="checkbox"/>	No Public Access: <b>0 Points</b>

**Subtotal points from Bonus and Public Access**

**Super Bonus Category**

Does the site meet the three criteria?  
 Check box if "Yes" to all (100% Reduction)

<input type="checkbox"/> Yes/No	One high priority resource
<input type="checkbox"/> Yes/No	Public access
<input type="checkbox"/> Yes/No	Conservation easement

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**Medium Priority Resources: 3 Points Each**

<input type="checkbox"/>	Public Lands Buffer
<input type="checkbox"/>	Fish-Rearing Habitat: Ponds and Streams II
<input type="checkbox"/>	Scenic Vista or Resources
<input type="checkbox"/>	Geological Features
<input type="checkbox"/>	Fee Recreation and Public Access Parking

**Subtotal points from High and Medium Priority Resources**

10	<b>Grand Total (Add subtotals)</b>
50%	<b>Reduction from Valuation Schedule</b>

**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.

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**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.

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COMMUNITY DEVELOPMENT Page 3 of 6

**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)

- JW CW 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.
- JW CW 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.
- JW CW 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.
- JW CW 4. Additional permit applications and approvals may be necessary to conduct specific activities.
- JW CW 5. Application fees are non-refundable, except when approved by the Board.
- JW CW 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.
- JW CW 7. Chelan County is hereby given consent to enter the property(ies) listed above.
- JW CW 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.
- JW CW 9. I certify that I possess full legal authority and rights necessary to exercise control over the subject property.
- JW CW 10. I certify that this application has been made with the consent of the lawful property owner(s).
- JW CW 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.
- JW CW 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: Wenatchee WA Date: 2-15-21

Print Name: Eric White

Owner/Applicant/Agent Signature: [Signature] Place: Wenatchee WA Date: 2/15/21

Print Name: Cheryl G. White

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# Chelan County Assessor

## Property Search Results > 56590 WHITE GREG L & CHERYL G for Year 2021 - 2022

### Property

#### Account

Property ID:	56590	Abbreviated Legal Description:	CANYON BREEZE LOT 6 PLAT ALT P384-A 8.4800 ACRES
Geographic ID:	222015500060	Agent Code:	
Type:	Real		
Tax Area:	66 - 246 F1	Land Use Code	83
Open Space:	Y	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	22N	Section:	15
Range:	20EWM	Legal Acres:	8.4800

#### Location

Address:	1863 FALCON POINT LN WENATCHEE, WA 98801	Map ID:	1MALR01A01
Neighborhood:	Cycle 1 Malaga_riverside Div 1 Ag		
Neighborhood CD:	1MALR01A01		

#### Owner

Name:	WHITE GREG L & CHERYL G	Owner ID:	54352
Mailing Address:	205 HIDDEN MEADOW WENATCHEE, WA 98801	% Ownership:	%
		Exemptions:	

### Taxes and Assessment Details

Property Tax Information as of 12/06/2021

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							
2021	44607	\$514.59	\$514.51	\$0.00	\$0.00	\$1029.10	\$0.00
▶ Statement Details							
2020	44683	\$512.87	\$512.79	\$0.00	\$0.00	\$1025.66	\$0.00

### Values

(+) Improvement Homesite Value:	+	\$0
(+) Improvement Non-Homesite Value:	+	\$47,258
(+) Land Homesite Value:	+	\$0
(+) Land Non-Homesite Value:	+	\$80,000
(+) Curr Use (HS):	+	\$59,840 \$32,815
(+) Curr Use (NHS):	+	\$0 \$0
-----		
(=) Market Value:	=	\$187,098
(-) Productivity Loss:	-	\$27,025
-----		

(=) Subtotal:	=	\$160,073
(+) Senior Appraised Value:	+	\$0
(+) Non-Senior Appraised Value:	+	\$160,073
-----		
(=) Total Appraised Value:	=	\$160,073
(-) Senior Exemption Loss:	-	\$0
(-) Exemption Loss:	-	\$0
-----		
(=) Taxable Value:	=	\$160,073

**Taxing Jurisdiction**

Owner: WHITE GREG L & CHERYL G  
 % Ownership: 100.0000000000%  
 Total Value: \$187,098  
 Tax Area: 66 - 246 F1

Levy Code	Description	Levy Rate	Appraised Value	Taxable Value	Estimated Tax
110001	County Road General	1.0579343778	\$160,073	\$160,073	\$169.35
010170	Chelan County	0.9530047728	\$160,073	\$160,073	\$152.55
155001	Veteran's Relief	0.0112499997	\$160,073	\$160,073	\$1.80
160001	Mental Health	0.0240458194	\$160,073	\$160,073	\$3.85
656101	Fire No 1 General	1.3843332042	\$160,073	\$160,073	\$221.59
656110	Fire No 1 Bond	0.0000000000	\$160,073	\$160,073	\$0.00
644001	Regional Library	0.3579111729	\$160,073	\$160,073	\$57.29
671101	Port General	0.2281354926	\$160,073	\$160,073	\$36.52
654201	Wenatchee SD 246 General	2.0794898759	\$160,073	\$160,073	\$332.87
654210	Wenatchee SD 246 Bond	1.0802577776	\$160,073	\$160,073	\$172.92
652001	State School Refund	0.0000477646	\$160,073	\$160,073	\$0.01
652003	State School 2	1.0797785754	\$160,073	\$160,073	\$172.84
652005	State School	2.0070413359	\$160,073	\$160,073	\$321.27
652025	State School 2 Refund	0.0000071064	\$160,073	\$160,073	\$0.00
107001	Flood Control Zone	0.0527026626	\$160,073	\$160,073	\$8.44
Total Tax Rate:		10.3159399378			
				Taxes w/Current Exemptions:	\$1,651.30
				Taxes w/o Exemptions:	\$1,651.30

**Improvement / Building**

**Improvement #1: RESIDENTIAL State Code: 11 0.0 sqft Value: \$12,524**

Type	Description	Class CD	Sub Class CD	Year Built	Area
GP-BLD	Pole Type Garage/Bldg	AVERAGE	1 STY	1980	1440.0

**Improvement #2: AG IMPROVEMENT State Code: 81 0.0 sqft Value: \$8,000**

Type	Description	Class CD	Sub Class CD	Year Built	Area
IRRIGATION	IRRIGATION	SSS	1	0	8.0

**Improvement #3: RESIDENTIAL State Code: 11 0.0 sqft Value: \$26,734**

Type	Description	Class CD	Sub Class CD	Year Built	Area
GP-BLD	Pole Type Garage/Bldg	GOOD	1 STY	1980	2394.0

**Improvement #4: AG IMPROVEMENT State Code: 81 0.0 sqft Value: \$0**



Type	Description	Class CD	Sub Class CD	Year Built	Area
NO PLANT	ORCHARD NO PLANT	NO PLANT	*	0	8.4

Sketch

No sketches available for this property.

Property Image

*1420 1-001*

At the end of Canyon Breeze  
Address of Property *at the end of Canyon Breeze*

### IMPROVEMENT SURVEY RECORD

**OPEN SPACE**

Parcel: 296 1 6  
Canyon Breeze  
White, Greg L.

Category	Item	Quantity	Unit	Value
FLOORING	Carpet		Sq. Yd.	
	Hardwood		Sq. Yd.	
	Tile		Sq. Yd.	
	Concrete		Sq. Yd.	
	Other		Sq. Yd.	
	Paint		Sq. Yd.	
	Plaster		Sq. Yd.	
	Insulation		Sq. Yd.	
	Roofing		Sq. Yd.	
	Other		Sq. Yd.	
MECHANICAL	Plumbing			
	Electrical			
	HVAC			
	Other			
	Foundation			
	Roof			
	Other			
	Other			
	Other			
	Other			

**ADDITIONAL BUILDINGS**

Building (Color) Year of Interest

**ADDED FEATURES**

Building #2 near on title before  
As of 0-00 listed in Greg L.C. Orchard  
could prove if building very good match to  
original plans with head start near this  
date.

TWP RGE SEC 48 1/4 8 PARCEL  
22 20 15 - 500 - 060







Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	# Lots	Market Value	Prod. Value
1	ORCH 8K	ORCHARD \$8000/A	7.4800	325828.80	0.00	0.00	1.00	\$59,840	\$32,815
2	SV 80K	SITE VALUE \$80,000	1.0000	43560.00	0.00	0.00	1.00	\$80,000	\$0

Roll Value History

Year	Improvements	Land Market	Current Use	Total Appraised	Taxable Value
2022	N/A	N/A	N/A	N/A	N/A
2021	\$47,258	\$139,840	\$32,815	\$160,073	\$160,073
2020	\$53,782	\$67,840	\$37,202	\$90,984	\$90,984
2019	\$54,681	\$67,840	\$37,202	\$91,883	\$91,883
2018	\$55,131	\$67,840	\$37,202	\$92,333	\$92,333

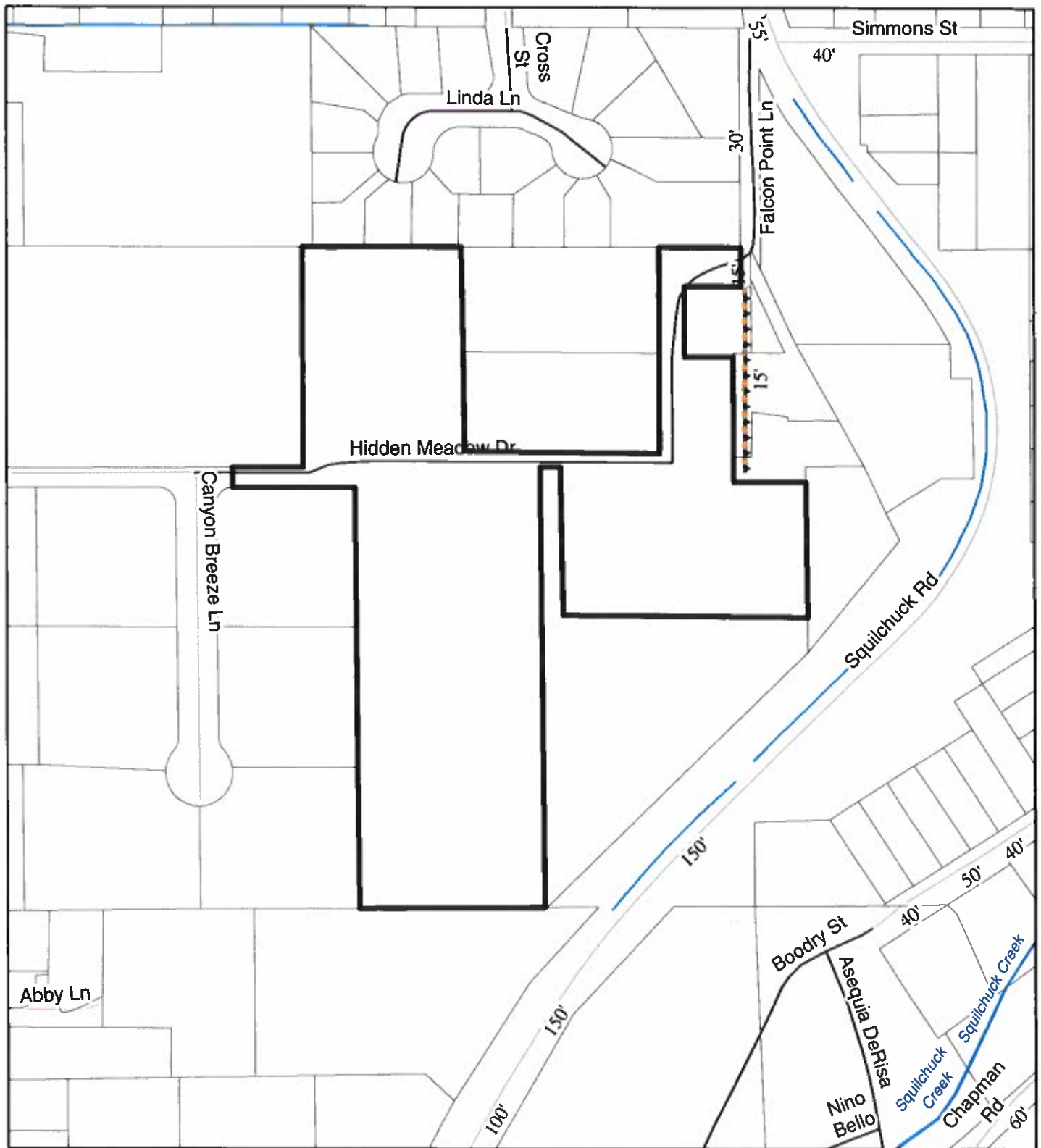
2017	\$56,030	\$67,840	\$37,202	\$93,232	\$93,232
2016	\$62,041	\$67,840	\$37,202	\$99,243	\$99,243
2015	\$62,940	\$67,840	\$37,202	\$100,142	\$100,142
2014	\$63,840	\$67,840	\$37,202	\$101,042	\$101,042
2013	\$64,739	\$67,840	\$37,202	\$101,941	\$101,941
2012	\$59,692	\$67,840	\$37,202	\$96,894	\$96,894
2011	\$59,692	\$67,840	\$37,202	\$96,894	\$96,894
2010	\$59,692	\$67,840	\$37,202	\$96,894	\$96,894
2009	\$59,692	\$67,840	\$35,887	\$95,579	\$95,579
2008	\$49,072	\$42,400	\$20,990	\$70,062	\$70,062
2007	\$22,032	\$48,815	\$0	\$70,847	\$70,847
2006	\$22,032	\$48,815	\$0	\$70,847	\$70,847

### Deed and Sales History

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Sale Price	Excise Number	Deed Number
1	06/01/1990	W	Warranty Deed		WHITE GREG L & CHERYL G	930	247		0	
2	11/22/1967	Q	Quit Claim Deed		MARY C STEWART	685	228		0	
3	07/22/1983	REF	Conversion Code Only	SP #973		1	42		0	

### Payout Agreement

No payout information available..



**Vicinity Map**

12/6/2021

PBRS 21-062

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.





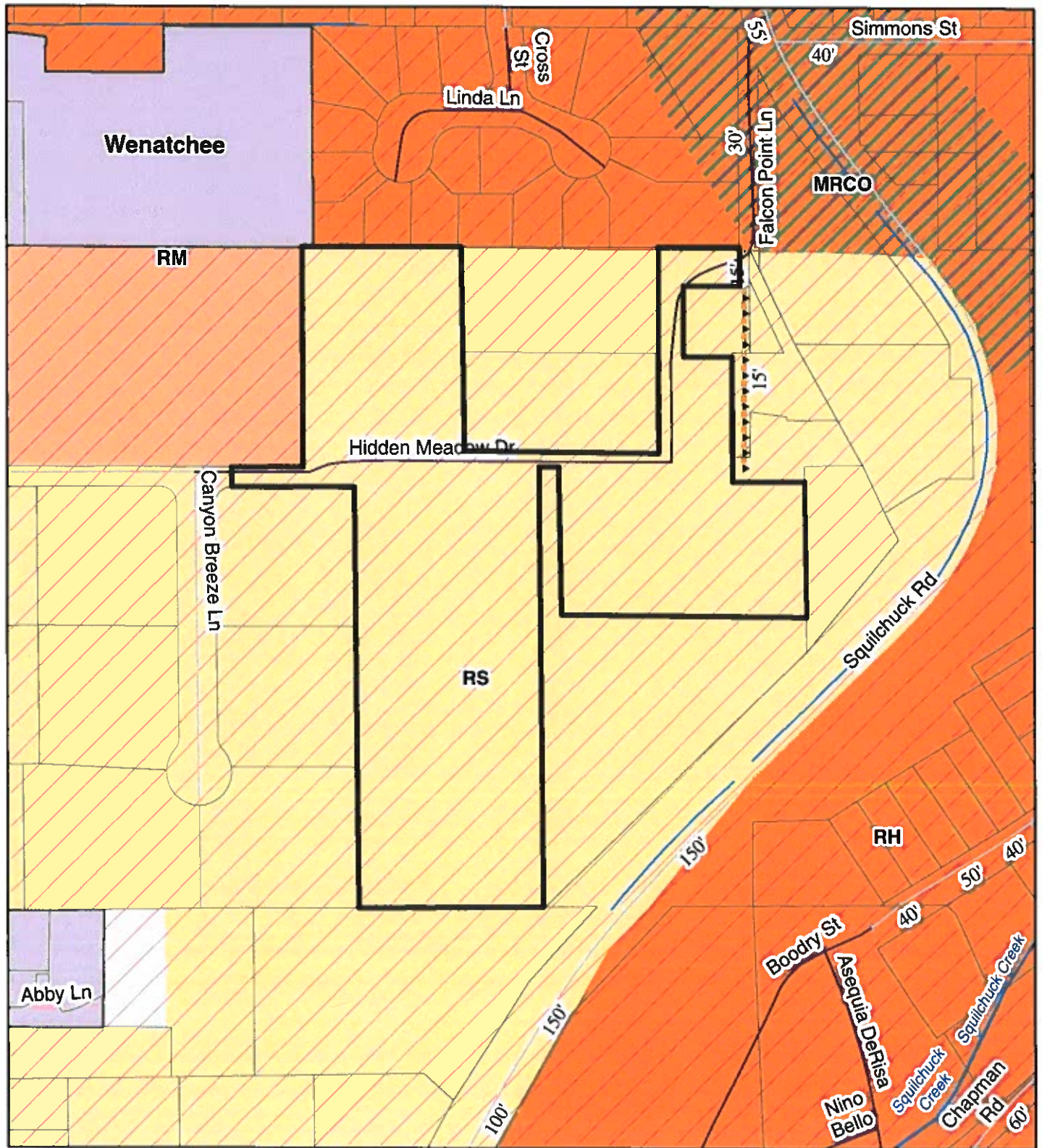
Aerial (2017)

12/6/2021

PBRS 21-062

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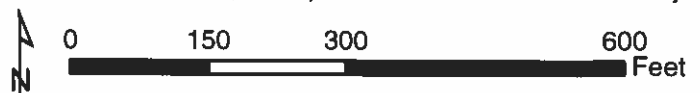


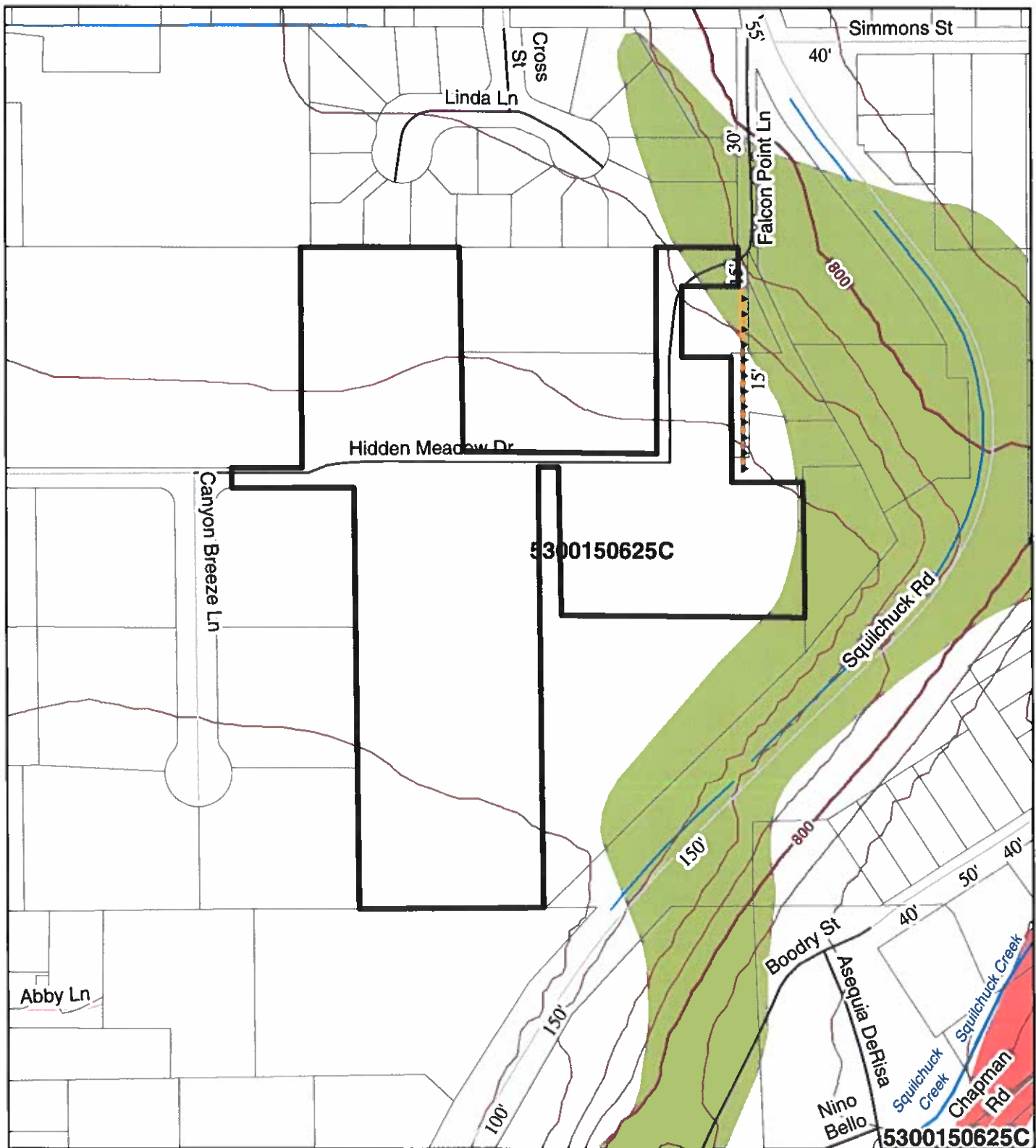
### Zoning (Wenatchee UGA)

12/6/2021

PBRS 21-062

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**Wetlands  
FEMA Floodplains  
Geological Hazards**

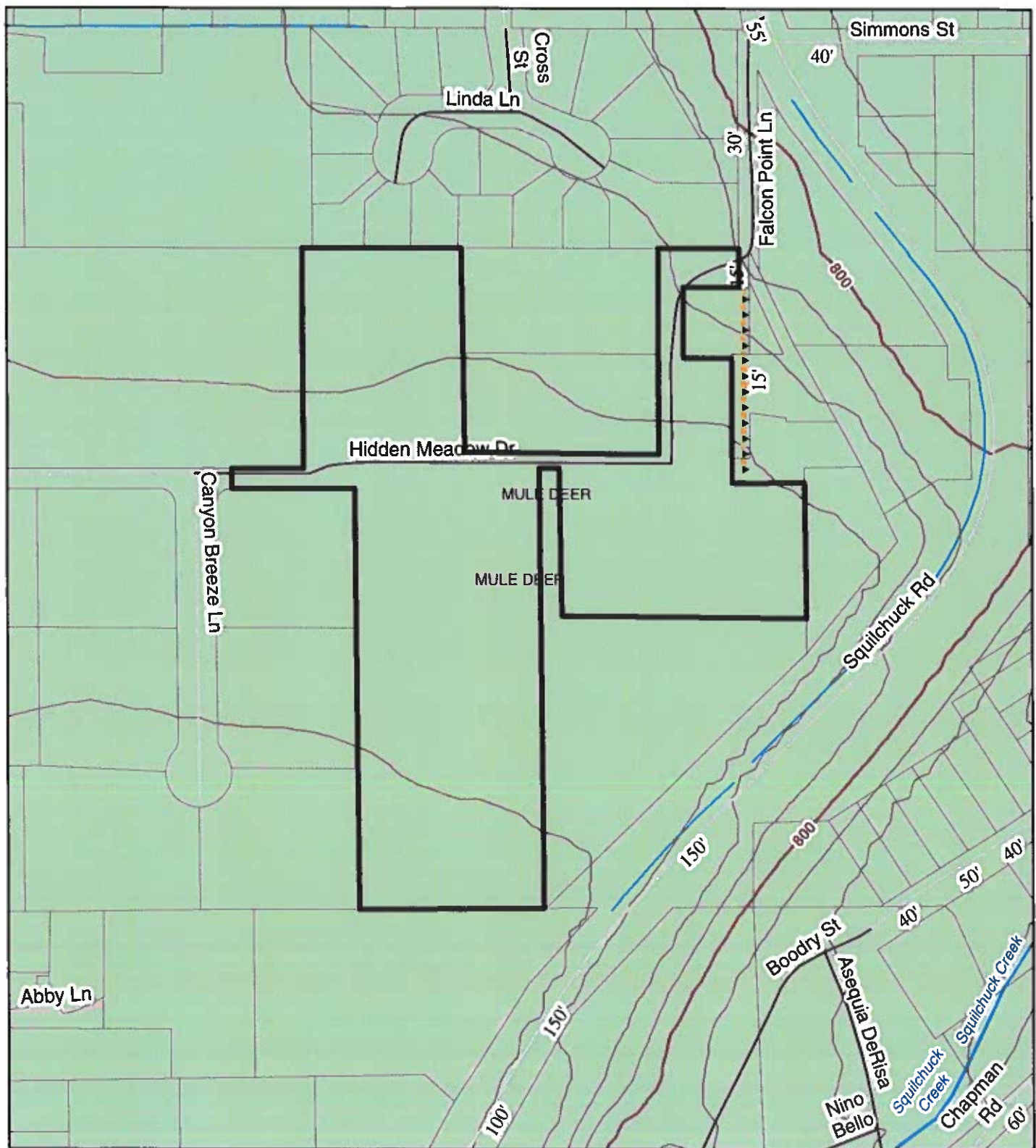
12/6/2021

PBRs 21-062

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**WDFW Habitats**

12/6/2021

PBRS 21-062

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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

**STAFF REPORT**

**TO:** Chelan County Planning Commission  
**FROM:** Chelan County Community Development  
**HEARING DATE:** January 26, 2022  
**FILE NUMBER:** ZTA 21-587, SMP Appendix B Critical Areas Text Amendment

---

**RECOMMENDED MOTION**

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Shoreline Master Program (SMP) Appendix B Critical Areas Text Amendment to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this report and the prior staff report dated February 12, 2021. Staff recommends:

A. Move to recommend **approval** of the Shoreline Master Program (SMP) Appendix B Critical Areas Text Amendment to align the SMP with the adopted critical area ordinances, given file number ZTA 21-587, based upon the findings of fact and conclusions of law contained within the January 26, 2022 and February 12, 2021 staff reports.

**GENERAL INFORMATION**

60-day state agency review	Received December 27, 2021 with comment period ending February 25, 2022.
Planning Commission Hearing Published	December 28, 2021
Public Comment Period	December 28, 2021 to January 27, 2022
Planning Commission Hearing	January 26, 2022
Board of County Commission Hearing	March, 2022 tentative

**STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)**

Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed. A Revised Determination of Non-Significance (DNS) was issued on December 27, 2021 for the proposed SMP Appendix B Critical Areas text amendments pursuant to Washington Administrative Code (WAC) 197-11-340. The SEPA Checklist and Revised DNS are included within the file of record and adopted by reference (See Attachment 3).

**BACKGROUND**

The County and Department of Ecology recently completed the SMP Periodic Review in September 2021. However, an update to the SMP Appendix B Critical Areas did not get included as intended, and the appendix needs to be made consistent with adopted Chelan County Critical Area Ordinances (CAO).

In 2020-21, a Technical Advisory Committee (TAC) convened to evaluate the proposed updates to the CAO and included representatives from public/citizen interests, agencies, consultants, and county staff.

The TAC met on four occasions to review and edit all draft chapters. The Planning Commission (PC) followed with workshops on the revised CAO (ZTA 18-122) and in February 2021, the PC recommended approval to the Board of County Commission (Board). The Board then adopted the revised and updated CAO by Resolution Nos. 21-052 and 21-096.

The proposed text amendments are practical and procedural in nature, and were intended to be wrapped into the 2021 SMP adoption. Before Appendix B may be updated, however, Ecology requested that additional public noticing occur. Therefore, the County has locally initiated this text amendment. Once action is completed by the County, it will be forwarded to Ecology for final review and approval.

Please refer to Attachment 2 for the PC Draft Appendix B: Critical Areas.

## AGENCY AND PUBLIC COMMENT

Agency and public comments are being accepted from December 28, 2021 to January 27, 2022. Agency comments are also being solicited as part of the 60-day Notice of Intent to adopt initiated on December 27, 2021, with the Department of Commerce per RCW 36.70A.106. The Planning Commission accepts public testimony during the public hearing.

## COMPREHENSIVE PLAN

Chelan County 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 goals and policies are relevant to the proposed request for ZTA 21-587:

- LU 4: Preserve the integrity of significant natural, historic, and cultural features by minimizing the impacts of development.
- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 4.2: Partner with agencies responsible for managing public lands to ensure that local interests are represented.
- RE 1: Maintain a balance between human uses and the natural environment in rural areas of the County.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- 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.
- RE 2.4: Encourage the preservation and protection of unique, rare and fragile natural features, scenic vistas, unstable bluffs, and culturally significant features.

## REVIEW CRITERIA

The SMP is both a Comprehensive Planning and Development Regulation document related to development and land uses along and/or over certain rivers, creeks and lakes within Chelan County. Pursuant to Chelan County Code (CCC) Section 14.13.040 and 14.14.047, the following general review criteria for development regulation and comprehensive plan text amendments were used to evaluate the proposed SMP changes.

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

Finding of Fact: RCW 90.58 requires Chelan County to develop and amend the SMP consistent with the guidelines (WAC 173-26 and -27). In 2021, Chelan County worked jointly with Ecology to complete a periodic review and the local and state public comment processes per RCW 90.58.090.

This text amendment clarifies that Appendix B Critical Area will be made consistent with adopted Chelan County Critical Area Ordinances (CAO).

Conclusion: The proposed amendments will ensure the SMP remains current and consistent with new laws and rules and with other local plans and regulations.

2. *The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW; 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 SMA and Growth Management Act (GMA) are directly aligned through state law. For shorelines of the state, the goals and policies of the SMA, as set forth in RCW 90.58.020, are one of the goals of the GMA, as set forth in RCW 36.70A.020. The policies, goals, and provisions of RCW 90.58 and applicable guidelines are the sole basis for determining compliance of a shoreline master program with the GMA.

The recommended updates to Appendix B were developed with guidance from Ecology and once approved, the text amendment will require Ecology's final approval.

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 amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies; 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 shorelines of the state are among the most valuable and fragile of its natural resources. The SMP provides for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. The proposed amendments support goals RE1 and RE2 because a balance will be maintained between human activity and the natural environment. The proposal also supports effective plan administration and reflects public feedback obtained during the CAO process.

SMPs are integrated into the requirements for comprehensive plans pursuant to RCW 36.70A.480. The goals and policies of a SMP under RCW 90.58 shall be considered an element of the county comprehensive plan.

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

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; 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 County's regulations for critical areas located within shoreline jurisdiction are found in SMP Section 4.2. The recent SMP periodic review amendments were evaluated for consistency with the County's Critical Areas Ordinance, under the GMA. The proposed update to SMP Appendix B: Critical Areas Regulations will reference the latest adopted ordinance.

The proposal is consistent with criteria for no net loss of shoreline ecological functions and are anticipated to result in no impacts to the built or natural environment. As future development occurs, the projects will be evaluated in relation to shorelines, designated critical areas and resource lands.

Conclusion: The text amendments are consistent with critical area regulations in CCC Title 11. The proposal 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 amendment is based on sound land use planning practices and would further the general public health, safety and welfare; the proposed amendment would serve the interests of the public as a whole, including health, safety or welfare.*

Finding of Fact: The locally initiated review ensures the SMP remains current and up to date with adopted critical area ordinances, as well as consistent with local plans and policies. A coordinated planning process was conducted with the public and other affected jurisdictions.

Conclusion: The proposed SMP text amendments 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 and Development Regulations consistent with RCW 36.70A. The County followed the procedures required for amendment of the Shoreline Master Program (SMP).
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 and Development Regulations. The County used the applicable guidelines and regulatory review criteria for the SMP text 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. A Revised Determination of Non-Significance (DNS) was issued on December 27, 2021 pursuant to Washington Administrative Code (WAC) 197-11-340. The SEPA Checklist and Revised DNS are included within the file of record and adopted by reference.
5. The required state agency review with the Department of Commerce (COM) and other state agencies initiated on December 27 1, 2021, Submittal ID No. 2021-S-3541 (Attachment 1), pursuant to RCW 36.70A.106.
6. The County initiated the SMP Appendix B Text Amendment to align the SMP with the adopted critical area ordinances. The SMP is both a Comprehensive Planning and Development Regulation document related to development and land uses along and/or over certain rivers, creeks and lakes within Chelan County.
  - a. As recommended, 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 Shoreline Master Program (SMP) Appendix B Critical Areas Text Amendment to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this report and the prior staff report dated February 12, 2021. Staff recommends:

A. Move to recommend **approval** of the Shoreline Master Program (SMP) Appendix B Critical Areas Text Amendment to align the SMP with the adopted critical area ordinances, given file number ZTA 21-587, based upon the findings of fact and conclusions of law contained within the January 26, 2022 and February 12, 2021 staff reports.

### Attachments:

1. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
2. PC Draft SMP Appendix B – Critical Areas 01262022
3. Revised SEPA DNS and Checklist
4. CAO Staff Report dated February 12, 2021



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

12/30/2021

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

Sent Via Electronic Mail

Re: Chelan County--2021-S-3541--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.

**ZTA 21-587 Shoreline Master Program (SMP) Appendix B– Critical Areas. The County proposes to update Appendix B Critical Areas to aligned the SMP with Chelan County Resolutions 2021-54 and 2021-96, Critical Areas Ordinances. The County recently completed the SMP Periodic Review in September 2021. However, an update to the SMP Appendix B Critical Areas did not get included as intended.**

We received your submittal on 12/27/2021 and processed it with the Submittal ID 2021-S-3541. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 02/25/2022.

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](mailto:reviewteam@commerce.wa.gov), or call Scott Kuhta, (509) 795-6884.

Sincerely,

Review Team  
Growth Management Services

# APPENDIX B: CRITICAL AREAS



*Lake Chelan from Stehekin, unknown date*

SECTION 1	PURPOSE AND OBJECTIVES.....	1
SECTION 2	ESTABLISHMENT OF CRITICAL AREAS.....	2
SECTION 3	INTERPRETATION OF DATA MAPS .....	2
SECTION 4	EFFECT OF DATA MAPS: APPLICABILITY .....	2
SECTION 5	GENERAL PROVISIONS .....	3
SECTION 6	CRITICAL AREAS & DEVELOPMENT STANDARDS .....	4
SECTION 7	WARNING AND DISCLAIMER OF LIABILITY .....	11

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## **SECTION 1 PURPOSE AND OBJECTIVES**

The regulations of this chapter are intended to protect critical areas, and satisfy the requirements of the Shoreline Management Act for critical areas protection as provided in WAC 173-26-221 and through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925 and in consultation with qualified professionals.

This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing development and planned for by the community without decreasing current service levels below minimum standards.



## ***SECTION 2 ESTABLISHMENT OF CRITICAL AREAS***

### **2.1 List of Critical Areas**

Critical areas include (A) Wetlands, (B) Critical aquifer recharge areas, (C) Fish and wildlife conservation areas, (D) Frequently flooded areas, and (E) Geologically hazardous areas, defined in Chapter 8 of the Shoreline Master Program (SMP).

All areas within shoreline jurisdiction meeting the definition of one or more critical areas are hereby designated critical areas and are subject to the provisions of this SMP.

### **2.2 Data Maps**

Critical areas are hereby designated on a series of GIS data maps maintained by Chelan County Community Development. These maps contain the best available graphic depiction of critical areas and will be updated as reliable data becomes available. These maps are for information and illustrative purposes only and are not regulatory in nature.

The critical areas data maps are intended to alert the public of natural features/systems. The presence of a critical area on the data maps is sufficient foundation for the Administrator to require an analysis/report related to a proposed use or development.

## ***SECTION 3 INTERPRETATION OF DATA MAPS***

### **3.1 Interpretation of Data Maps**

The Administrator of the Shoreline Master Program is hereby declared the Administrator of these regulations. An affected property owner or other party with standing has a right to appeal an Administrative Determination to the Hearing Examiner using the procedure for appeals found in Chapter 7 of this SMP.

The data maps are to be used as a general guide to the location and extent of critical areas. Critical areas indicated on the data maps are presumed to exist in the locations shown and these critical areas and any associated buffers are protected under the provisions of this chapter and all other applicable provisions of the SMP. The exact location of critical areas shall be determined by the applicant as a result of field investigations performed by qualified professionals using the standards and definitions found in this SMP. All development applications are required to show the boundary(s) of all critical areas and any applicable buffers on a scaled drawing prior to the development application being considered “complete” for processing purposes.

## ***SECTION 4 EFFECT OF DATA MAPS: APPLICABILITY***

### **4.1 Reference maps and inventories**

The conclusion by the Administrator that a parcel of land, or a part of parcel of land, proposed for development is within the boundary(s) of one or more designated critical areas, as shown on the data maps, shall serve as cause for additional investigation and analysis to be conducted by the applicant.

Development adjacent to an identified critical areas may require further investigation, analysis and/or review when there is information to determine a potential impact to or from the critical area.

#### **4.2 Applicability**

- A. When a chapter reference is used, it shall be inclusive of all of Appendix B.
- B. This chapter applies to all development and uses within Chelan County SMP jurisdiction. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the requirements of these regulations.
- C. This chapter classifies and designates critical areas and establishes a process to apply appropriate protection measures for these critical areas in concert with all applicable provisions of the SMP.
- D. Any development authorized to alter the condition of any land, water or vegetation; or to alter or construct any building, structure or improvement shall be in compliance with the requirements of this chapter and the SMP.
- E. Any individual critical area adjoined by another type of critical area shall apply the buffer standards and meet the requirements that provide the most protection of shoreline resources, when consistent with SMA policy.

### ***SECTION 5 GENERAL PROVISIONS***

#### **5.1 Permit Approval**

- A. The Administrator of the SMP shall not approve any permit or issue any authorization to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of this chapter and the SMP.
- B. Critical area site analysis/reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat.
- C. Any action taken pursuant to this chapter shall result in equivalent or greater functions and values of the critical areas associated with the proposed action, as determined by the best available science. Applicants must first demonstrate an inability to avoid or reduce impacts, before restoration and compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the ecological functions or values of critical areas.

#### **5.2 Qualified Professional**

No site analysis/report required by Section 6 of this chapter will be considered complete unless completed by a qualified professional, as defined in Chapter 8 of the SMP.

#### **5.3 Surety**

If a development proposal is subject to mitigation, maintenance or monitoring plans, an assurance device or surety may be required by the Administrator in accordance with Title 14 of the Chelan County Code.

#### **5.4 Site Analysis/Reports**

The preparation of site analysis/reports or information and materials required by this Chapter are the responsibility of the applicant.

#### **5.5 Applications**

The Administrator shall make available to applicants resources and information on the type(s) of critical areas and/or buffers that may be present. Information shall be provided to the applicant on the type of evaluation and site-specific analysis that will be required as a supplement to the application materials necessary to bring the application up to a standard that can be characterized as “complete” and eligible for processing.

If it is determined after the issuance of a permit that the site contains a critical area, the Administrator may revoke the permit pending appropriate review and possible modification of the application.

#### **5.6 Fees**

The County shall establish fees for filing a critical area review and other services provided by the County as required by this chapter. These fees shall be based on the anticipated sum of direct costs incurred for any individual development or action and may be established as a sliding scale that will recover all of the costs including the enforcement of these code provisions. Basis for these fees shall include, but not be limited to, the cost of engineering and planning review time, cost of inspection time, costs for administration, and any other special costs attributable to the critical area review process.

#### **5.7 Administrative Procedures**

The administrative procedures followed during the critical area review process shall conform to the standards and requirements of the associated application type provided in Chapter 7 of the SMP and Chelan County Code (CCC) Section 11.77, CRITICAL AREAS OVERLAY DISTRICT GENERAL PROVISIONS AND ADMINISTRATION.

### ***SECTION 6 CRITICAL AREAS & DEVELOPMENT STANDARDS***

Critical areas are subject to the following minimum requirements for classification, buffers and development requirements.

#### **6.1 Wetlands**

Wetlands are defined within Chapter 8 of the SMP. They are mapped by Chelan County using best available science and data. The GIS maps do not provide a conclusive or definitive indication of wetland presence or extent. Other wetlands may exist that do not appear on the maps and some wetlands that appear on the maps may not meet all of the wetland designation criteria.

**6.1.1 Wetlands within Chelan County shall be classified, designated and regulated through the County’s critical areas provisions in Chelan County Code, Chapter 11.80.**

#### **~~6.1.1 Wetland Delineations~~**

~~Wetlands shall be identified and delineated by a qualified wetlands professional in accordance with the most current approved federal wetland delineation manual and applicable regional supplements. All areas within the County meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this-~~

Chapter. Wetland delineations are valid for five years; after such date the County shall determine whether a revision or additional assessment is necessary.

The Administrator may require the onsite wetland boundary to be surveyed by a qualified professional. This professional shall field stake, flag or mark the onsite wetland boundary to aid in reviewing and finalization of the development proposal. The Administrator may also require an applicant to identify the approximate location or presence of any wetlands within three hundred (300) feet of a proposed development site.

Wetlands that occur or extend beyond the boundaries of the development site, onto adjoining properties, do not need to be flagged or formally delineated but their general location must be disclosed in order to assess wetland buffer impacts.

### **6.1.2 Categorization and rating**

Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetlands shall be identified, rated, categorized, and delineated by a qualified wetland professional in accordance with the current version of the Washington State Wetland Rating System for Eastern Washington, the procedure outlined in WAC 173-22-035, and the appropriate rating forms approved by the Washington State Department of Ecology.

These categories are generally defined as follows:

- A. ~~Category I wetlands: Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible or too difficult to replace within a human lifetime, and provide a high level of functions. The following types of wetlands are Category I: (i) Alkali wetlands; (ii) Wetlands that are identified by scientists of the Washington Department of Natural Resources Natural Heritage Program as high quality, relatively undisturbed wetlands, or wetlands that support state Threatened or Endangered plant species; (iii) Bogs; (iv) Mature and old-growth forested wetlands; (v) Forest wetlands with stands of Aspen; and, (vi) Wetland scoring between twenty two and twenty seven (22-27) points in the Eastern Washington Wetland Rating System.~~
- B. ~~Category II wetlands: Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include: (i) Forested wetlands in the floodplains of rivers; (ii) Mature and old-growth forested wetlands with native fast growing trees; (iii) Vernal pools; and, iv. Wetlands scoring between nineteen and twenty-one (19-21) points in the Eastern Washington Wetland Rating System.~~
- C. ~~Category III wetlands are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands include: i. Vernal pools that are isolated; and ii. Wetlands scoring between sixteen and eighteen (16-18) points in the Eastern Washington Wetland Rating System.~~
- D. ~~Category IV wetlands have the lowest levels of functions, scoring between nine and fifteen (9-15) points in the Eastern Washington Wetland Rating System, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases improved. These wetlands may provide some important functions, and also need to be protected.~~

### **6.1.3 Wetland Buffers and Regulations**

#### **6.1.3.1 Buffer widths**

Buffers shall be established and maintained to protect all regulated wetlands. The minimum buffers for wetlands are listed below. The buffer shall not be altered except as authorized by this Program; provided that such alterations meet all other standards for the protection of

regulated wetlands. Buffers are measured horizontally in all directions from the regulated wetland edge as marked in the field.

The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the intensity of the impacts from proposed land use. Different land uses that can cause these levels of impact are listed in Table XX.

Table 1

Category of Wetland	Land Use with Low Impact	Land Use with Moderate Impact	Land Use with High Impact
I	125 ft	190 ft	250 ft
II	100 ft	150 ft	200 ft
III	75 ft	110 ft	150 ft
IV	25 ft	40 ft	50 ft

Table 2

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Urban</li> <li>• Industrial</li> <li>• Institutional</li> <li>• Retail sales</li> <li>• Residential (more than 1 unit/acre)</li> <li>• Conversion to high intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</li> <li>• High intensity recreation (golf courses, ball fields, etc.)</li> <li>• Hobby farms</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Residential (1 unit/acre or less)</li> <li>• Moderate intensity open space (parks with biking, jogging, etc.)</li> <li>• Conversion to moderate intensity agriculture (orchards, hay fields, etc.)</li> <li>• Paved trails</li> <li>• Building of logging roads</li> <li>• Utility corridor or right of way shared by several utilities and including access/maintenance road</li> </ul>
Low	<ul style="list-style-type: none"> <li>• Forestry (cutting of trees only)</li> <li>• Low intensity open space (hiking, bird watching, preservation of natural resources, etc.)</li> <li>• Unpaved trails</li> <li>• Utility corridor without a maintenance road and little or no vegetation management.</li> </ul>

### **6.1.3.2. Wetland buffer condition**

Wetland buffer areas shall be retained in a natural condition or may be improved to enhance buffer functions and values. Where buffer disturbance is allowed pursuant to this Chapter, revegetation with native vegetation shall be required. Alterations of the buffer that are not associated with an allowed shoreline use or development shall be prohibited.

### **6.1.3.3. Multiple buffers**

In the event that buffers for any shorelines and/or critical areas are contiguous or overlapping, the landward most edge of all such buffers shall apply.

### **6.1.3.4. Interrupted buffer**

When a wetland buffer contains an existing legally established public road or private access road, the Administrator may allow development on the landward side of the road provided that the development will not have a detrimental impact to the wetland. The applicant may be required to provide a wetland critical areas report to describe the potential impacts. In determining whether a critical areas report is necessary, the Administrator may consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption.

### **6.1.3.5. Buffers of restored wetlands**

The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

### **6.1.3.6. Buffer averaging**

The Administrator may allow averaging of the standard wetland buffer widths when necessary to accommodate a single family residence or residential development subdivision. With buffer averaging, the buffer width is reduced in one location and increased in another location to maintain the same overall buffer area and level of function.

Proposals for buffer averaging or reduction shall meet the following conditions:

- A. The buffer has not been averaged or reduced by any prior actions administered; and,
- B. No feasible site design could be accomplished without buffer averaging; and,
- C. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and that wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and,
- D. An approved critical area report demonstrates that the averaging or reduction will not adversely impact wetland function and values; and,
- E. The minimum width of the buffer at any given point is at least fifty percent (25%) of the required buffer or twenty-five (25) feet, whichever is greater; and
- F. Any area that is added to the buffer is well-vegetated and, when appropriate, separated and screened from incompatible land uses such as parking lots, commercial or industrial uses or high intensity uses. The Administrator may require vegetation enhancement if needed to ensure this criterion is met.

### **6.1.3.7. Permitted buffer uses**

The following uses may be permitted within a wetland buffer without a variance; provided they are not prohibited by any other applicable law, are consistent with the provisions of this SMP, and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland, including wetland functions and values:

- A. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

- ~~B. Trails associated with a residential use.~~
- ~~C. Passive recreation facilities designed in accordance with an approved critical area report, including:
 
  - ~~1. Walkways and trails constructed with a surface that is not impervious to water. Raised boardwalks utilizing non-treated pilings may be acceptable; and~~
  - ~~2. Wildlife viewing structures.~~~~
- ~~D. Stormwater management facilities, limited to stormwater dispersion facilities, outfalls and bioswales, may be provided that:
 
  - ~~1. No other location is feasible; and~~
  - ~~2. The location of such facilities will not degrade the functions or values of the wetland.~~~~

### **6.1.3.8 Wetland compensatory mitigation**

Proposed activities or uses that would impact a wetland must follow the mitigation sequencing requirements of Section 4.2 of the SMP. Wetland impacts may be allowed when there is no reasonable alternative site design that would result in less adverse impact to a wetland or its buffer. When a project involves wetland and/or buffer impacts, a compensatory mitigation report, prepared by a qualified professional, shall be required. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans – Version 1*, (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington)* (Publication #10-06-07, November 2010). All wetland impacts shall comply with these compensatory mitigation requirements:

- ~~A. Department of Ecology's Debit/Credit tool; or~~
- ~~B. Compensatory mitigation is required for all alterations to wetlands or their buffers, except for buffer averaging when done in accordance with this Section.~~
- ~~C. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:
 
  - ~~1. Restoring and/or rehabilitating filled or altered wetlands to their original or near original condition.~~
  - ~~2. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of nonnative introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.~~
  - ~~3. Enhancing significantly degraded wetlands in combination with restoration or creation.~~~~
- ~~D. Activities and uses within Category I wetland shall be limited to the following:
 
  - ~~1. An existing public facility that must be expanded or extended into the wetland;~~
  - ~~2. Utility construction or maintenance, where there is no other site that can serve the utility's function; or~~
  - ~~3. Development associated with an approved variance that allows the impact.~~~~
- ~~E. Mitigation for lost or affected functions shall replace functions affected by the alteration and shall provide equal or greater functions compared to the impacted wetland.~~
- ~~F. Mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.~~
- ~~G. The Administrator may authorize a one-time temporary delay, up to one hundred twenty calendar days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The request for the temporary delay must include a written justification that documents the environmental constraints which preclude implementation of the mitigation plan. The justification must be verified and approved by the Administrator and include a financial guarantee.~~

- H. ~~Mitigation ratios shall be used when impacts to wetlands cannot be avoided and under the following criteria:~~
1. ~~The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.~~
  2. ~~Compensatory mitigation shall restore, create, rehabilitate or enhance equivalent or greater wetland functions.~~
  3. ~~The ratios shall apply to mitigation that is in-kind, is on-site, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success.~~
  4. ~~Remedial actions resulting from unauthorized alterations are restoration.~~
  5. ~~These ratios do not apply to the use of credits from a certified wetland mitigation bank or in-lieu fee program. When credits from a certified bank or in-lieu fee program are used, replacement ratios should be consistent with the requirements of the bank's/program's certification.~~

### Compensatory mitigation ratios

Category and Type of Wetland	Restoration or Creation <sup>1,2</sup>	Rehabilitation Only <sup>1,2</sup>	Enhancement Only <sup>1,3</sup>
Category I Forested	6:1	12:1	24:1
Category I Non-Forested	4:1	8:1	16:1
Category II Forested	4:1	8:1	16:1
Category II Vernal pool	2:1	4:1	Case by case
All other Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

<sup>1</sup> Natural heritage sites, alkali wetlands, and bogs are considered irreplaceable wetlands because they perform special functions that cannot be replaced through compensatory mitigation. Impact to such wetlands would therefore result in a net loss of some functions no matter what kind of mitigation is provided.

<sup>2</sup> Provides gains in a whole suite of functions both at the site and landscape scale. Rehabilitation actions often focus on restoring environmental processes that have been disturbed or altered by previous ongoing human activity.

<sup>3</sup> Actions which provide gains in only a few functions. Enhancement actions often focus on structural or superficial improvements to a site and generally do not address larger scale environmental processes.

<sup>3</sup> Compensatory mitigation for vernal pool impacts must be seasonally ponded wetland area(s).

## 6.2 Critical Aquifer Recharge Areas

6.2.1 Critical Aquifer Recharge Areas within Chelan County shall be classified, designated and regulated through the County's critical areas provisions in Chelan County Code, Chapter 11.82

## 6.3 Frequently Flooded Areas

### 6.3.1 Classification.

Frequently Flooded Areas within Chelan County shall be classified, designated and regulated through the County's critical areas provisions in Chelan County Code, Chapter 11.84. Those areas located within the one-hundred-year floodplain as defined by the Federal Emergency Management Agency are classified as frequently flooded areas. Only those frequently flooded areas located in shoreline jurisdiction are subject to these regulations and this SMP.

### 6.3.2 Designation.

Best available science will be used in the designation of the county's frequently flooded areas. The



~~flood insurance rate maps (FIRM) and floodway maps along with the Flood Insurance Study—Chelan County prepared by the National Flood Insurance Program (NFIP) are adopted as the formal designation for frequently flooded areas. Upon review and approval by the county, subsequent studies delineating the boundaries of the floodways and floodway fringe areas of the one hundred-year floodplains for the county, or portion thereof, shall constitute the best available science and be utilized as the official designation information for frequently flooded areas. A review committee comprised of the directors of the department of building, fire safety and planning, and the public works department shall review each set of new information to make a recommendation to the Chelan County board of commissioners whether it should be adopted as new designation criteria. Before final adoption, this will be distributed for public and agency review.~~

~~When base flood elevation data is not available from the above information to designate frequently flooded areas, the above defined review committee shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from federal and state governmental agencies or other sources including but not limited to historical data, high water marks or photographs of past flooding to make the appropriate designations.~~

### **6.3.3 — Protection measures.**

- (1) ~~New lots may be created within frequently flooded areas, provided:~~
  - (A) ~~A designated buildable area in each lot is provided for outside the floodway and is identified on the face of the final plat, short plat or binding site plan mylar;~~
  - (B) ~~All improvements, including parking areas, are located outside the floodway;~~
  - (C) ~~Roads necessary to access permitted improvements may cross the floodway if no reasonable route exists outside the floodway;~~
  - (D) ~~Open space lots may be located within the one hundred-year floodplain; and~~
- (2) ~~No residential structures may be built or placed within a designated floodway;~~

### **6.3.4 — Anchoring.**

~~All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over the top and frame ties to ground anchors; provided however, that double wide units having a width of seventeen feet or more from end to end, and any units manufactured since 1976 that have been certified in compliance with the construction standards of the Department of Housing and Urban Development, require only frame ties.~~

~~Anchoring requirements for manufactured homes are as follows:~~

- (1) ~~Over the top ties shall be provided at the end of each manufactured home. Two additional over the top ties shall be provided at intermediate locations for manufactured homes greater than fifty feet in length while those units less than fifty feet in length shall require one additional over the top tie.~~
- (2) ~~Frame ties shall be provided at each corner of a manufactured home. Five additional frame ties shall be provided at intermediate locations for manufactured homes greater than fifty feet in length while those units less than fifty feet in length shall require four additional frame ties.~~
- (3) ~~All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds as certified by a registered professional engineer or manufacturer's specifications.~~
- (4) ~~Any additions to a manufactured home shall be similarly anchored.~~

### **6.3.5 — Construction materials and methods.**

~~All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage and shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

### **6.3.6—Utilities.**

The following standards shall apply to all utilities within the flood hazard area:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. The proposed water well should be located on high ground that is not in the floodway;
- (2) Manhole covers shall be designed so as to seal themselves, thereby preventing infiltration of floodwaters;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration by floodwaters into the system and prevent the discharge from the sewage systems into floodwaters and contamination during flooding. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The compliance with these requirements shall be as directed by the Chelan Douglas Health District.
- (4) All utility systems shall be underground except where the presence of bedrock or other obstructions makes undergrounding prohibitive; provided, that electric transmission lines in excess of fifteen KV are exempt from undergrounding.

### **6.3.7—Use of other base flood data.**

When base flood elevation data has not been provided in accordance with Section 4.020, Designation, the administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer Chapter 4 of Appendix B of this SMP.

### **6.3.8—Construction activities.**

(1) Residential Construction. New construction or substantial improvement of any residential structure shall require the lowest floor including basement to be elevated to three feet or higher above the base flood elevation (BFE). Where new construction or substantial improvement is to occur in a flood hazard area designated as an AO zone, the lowest floor including basement shall be elevated above the highest adjacent grade of the building site, to one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified). Where hazardous velocities are noted on the FIRM consideration shall be given to mitigating the effects of these velocities in proper construction techniques and methods. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (B) The bottom of all openings shall be no higher than one foot above grade.
- (C) Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
- (D) In an AO zone adequate drainage paths shall be provided on slopes to guide floodwaters around and away from proposed structures.

(2) Nonresidential Construction. New construction or the substantial improvement of any commercial, industrial or other nonresidential structure shall require the lowest floor, including basement, to be elevated to or above one foot higher than the base flood elevation (BFE). Where new construction or substantial improvement is to occur in a flood hazard area designated as an AO zone, the lowest floor including basement shall be elevated above the highest adjacent grade of the building site, to one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified). Where hazardous velocities are noted on the FIRM consideration shall be given to mitigating the effects of these velocities in proper construction techniques and methods. As an alternative to the elevation of nonresidential structures, such structures, with attendant utility and sanitary facilities, shall:

- (A) Be floodproofed so that below one foot above the base flood level the structure is

watertight with walls substantially impermeable to the passage of water;

(B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(C) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to and maintained by the administrator;

(D) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as provided in subsection (1)(A) through (C) of this section.

### **6.3.9 Grading and filling.**

No fill, including fill for roads, and levees; grading; or excavating that unduly affects the efficiency or the capacity of the channel or floodway, or unduly decreases flood storage or increases flood heights, shall be permitted. Any fill proposed to be deposited in a flood hazard area shall not be contrary to the need for storage of floodwater nor shall the amount of fill proposed be greater than is necessary to achieve the purpose for which the fill is intended. Fill materials shall be clean with a minimum potential for degrading water quality. All fill materials shall be protected against erosion with retaining walls or other mechanisms to deter erosions. If vegetative cover is chosen, the side slopes of the fill should not exceed two units of horizontal distance to one unit of vertical distance.

### **6.3.10 Manufactured homes and recreational vehicles.**

The following standards shall be applicable for all new or replacement manufactured home installations and for any existing manufactured home which has incurred substantial damage as the result of flood.

(1) Manufactured homes in designated zones A1 through A30, AH, AE and AO shall be elevated on a permanent foundation consisting of a minimum of reinforced concrete footings and piers such that the lowest flood of the manufactured home is elevated to at least three feet above the base flood elevation and adequately anchored to resist flotation, collapse and lateral movement. In flood hazard areas designated as an AO zone the lowest floor of the manufactured home shall be elevated above the highest adjacent grade of the building site, to one foot or more above the depth number specified on the FIRM. Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through engineering design.

(2) All recreational vehicles located in designated zones A1 through A30, AH, AE and AO shall not be located in the flood hazard area for more than one hundred eighty consecutive days unless parked at an occupied single family residence and must be licensed and ready for highway use.

### **6.3.11 Regulatory floodways.**

Development within a regulatory floodway is prohibited as follows:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements, or other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (A) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (B) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places may be excluded in the fifty percent.

(3) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 6.3 of Appendix B of this

SMP.

### **6.3.12 Critical facilities.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the same flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible. Compliance with these requirements must be certified by a registered professional engineer or architect.

### **6.3.13 Subdivision.**

(1) In the event the applicant is dividing property through the short subdivision, major subdivision, binding site plan, or plat alteration process, a notation shall appear on the face of the final plat referencing the requirements of this chapter, as amended, and the delineated floodway and floodway fringe of the one-hundred-year floodplain shall be shown.

(2) All subdivision proposals shall be consistent with the need to minimize flood damage;

(3) All subdivision proposals shall locate and construct public/private utilities to minimize flood damage;

(4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(5) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments.

(6) No subdivision or part thereof shall be approved if related improvements such as levees, fills, or other features will individually or collectively significantly increase flood flows, heights, velocities or potential for damage. All subdivisions shall be consistent with and in conformance with the requirements of this chapter.

(7) If a subdivision or portion thereof lies within the one-hundred-year floodplain, conformance with all applicable local, state and federal requirements shall be required including, but not limited to, this chapter, the Chelan County zoning resolution, the Chelan County subdivision resolution, and the Chelan County shoreline master program.

### **6.3.14 Reasonable use.**

Nothing in this chapter is intended to preclude reasonable use of property, or to effect a taking in violation of the U.S. Constitution, the State of Washington Constitution and substantive due process. Where project proponents would seek a "Reasonable Use" exception to their proposal, they shall seek relief through the SMP Shoreline Conditional Use or Shoreline Variance Permit process. Shoreline Variances may be granted by the hearing examiner as set forth in Section 7.8, Shoreline Variance Permits of this SMP.

## 6.4 Geologically Hazardous Areas

### 6.4.1 Purpose.

Geologically Hazardous Areas within Chelan County shall be classified, designated and regulated through the County's critical areas provisions in Chelan County Code, Chapter 11.86. The purpose of the geologically hazardous overlay district is to reduce the risk to the health and safety of citizens by designating and regulating geologically hazardous critical areas in shoreline jurisdiction consistent with the Growth Management Act and Chapter 395-190 WAC, Minimum Guidelines to Classify Agricultural, Forest, Mineral Lands and Critical Areas.

### 6.4.2 Applicability.

The provisions of this chapter shall apply to any land use or development under county shoreline jurisdiction that is proposed to be located within designated geologically hazardous areas with the exception of (1) residential footprint expansions less than fifty percent of the square footage of the primary structure to be expanded, including any attached nonhabitable space, and (2) accessory structures that do not contain habitable space. Designated geologically hazardous areas include all areas classified as geologically hazardous areas under Section 5.030.

### 6.4.3 Classification.

Classification of each geologically hazardous area (which include areas susceptible to erosion, sliding, earthquake, or other geological events that may pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard) will be based upon the risk to development. The following categories shall be used:

(1) Known or Suspected Risk. Areas that are susceptible to one or more of the following types of hazards shall be classified as a geologically hazardous area with a known or suspected risk and shall require a geologic site assessment as described in Section 5.090.

(A) Erosion hazard areas identified by the U.S. Department of Agriculture Natural Resources Conservation Service and Chelan County Soil Survey Manual which may experience significant erosion. Erosion hazard areas also include channel migration zones.

(B) Landslide hazard areas shall include areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors. They include any areas susceptible to mass movement because of any combination of bedrock soil, slope (gradient), slope aspect, structure, hydrology, damage or removal of vegetative cover, or other factors. Examples of these may include, but are not limited to, the following:

(i) Sites that are located on or within two hundred fifty feet of areas of documented or historic failures, such as:

(a) Those areas delineated by the United States Department of Natural Resource Conservation Service as having a "severe" limitation for building site development.

(b) Areas designated as quaternary slumps, earthflows, mudflows, or landslides on maps published by the United States Geological Survey or the Department of Natural Resources Division of Geology and Earth Resources.

(c) Areas located on a landslide feature which has shown movement during the past ten thousand years or which is underlain or covered by mass wastage debris of that period.

(d) Slopes that are adjacent to existing fault planes or similar geologic formations.

(ii) Sites that are located on or within two hundred fifty feet from areas with all three of the following characteristics:

(a) Slopes steeper than fifteen percent; and

(b) Hillside intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

(c) Springs or groundwater seepage.

(iii) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones.

(iv) Areas located on or within two hundred fifty feet from an alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding.

(v) Steep Slopes. Any slope of forty percent or steeper with ten feet of relief or areas adjacent to these slopes, of which shall cover a distance equal to the vertical height of the slope or two hundred fifty feet, whichever is less.

(vi) Areas that show evidence of, or are at risk from, sliding that may pose a threat to the public health and safety.

(C) Sites that are located on or within five hundred feet from snow avalanche areas. Snow avalanche areas include areas that show evidence of, or are at risk from, snow avalanches.

(D) Sites that are located on or within seismic hazard areas. Seismic hazard areas include areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting, or tsunamis. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington, and ground settlement may occur with shaking. The strength of ground shaking is primarily affected by:

- (i) The magnitude of an earthquake;
- (ii) The distance from the source of an earthquake;
- (iii) The type or thickness of geologic materials at the surface; and
- (iv) The type of subsurface geologic structure.

(E) Other geologically hazardous areas:

(i) Volcanic hazard areas must include areas subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

(ii) Mine hazard areas are those areas underlain by, adjacent to, or affected by mine workings such as adits, gangways, tunnels, drifts, or air shafts. Factors which should be considered include: Proximity to development, depth from ground surface to the mine working, and geologic material.

(F) Upon examination of the subject property by a qualified professional pursuant to Section 5.080, if a determination is made that none of the foregoing conditions are present on or adjacent to the property, the qualified professional may state in letter form the circumstances under which the site assessment or report may be waived.

(2) No Risk. Areas classified initially as geologically hazardous areas with a known or suspected risk or unknown risk may, upon further study, actually pose no risk to development or to the public health and safety. Where the administrator can determine that no risk from the geologically hazardous area is present, based upon geotechnical reports or best available science, these areas shall be classified as geologically hazardous areas determined to be of no risk.

(3) Unknown Risk. Geologically hazardous areas may be present in the county that cannot readily be identified based upon the criteria of subsection (1) of this section. Geologically hazardous areas of unknown risk include areas where data is not available to determine the presence or absence of a geological hazard. The administrator may require a geologic site assessment and/or geotechnical report to determine the actual presence or absence of a geologically hazardous area.

#### **6.4.4 — Classification challenge.**

An applicant may challenge the geologically hazardous area classification determination made by the administrator. Said challenge shall be in the form of a geotechnical report under the provisions of Section 5.090. If the geotechnical report indicates that the geologically hazardous area does not exist or should be classified as no risk, the administrator may find that the performance standards outlined in this chapter do not apply to the site or project.

**6.4.5 — Administrative review.**

The administrator may modify the requirements of this chapter when existing or intervening natural or manmade features would preclude the development proposal from geologic risk. An applicant may request such review from the department of community development as part of the permit application process.

**6.4.6 — Designation.**

Areas classified as geologically hazardous areas pursuant to Section 5.030 are designated as geologically hazardous areas.

**6.4.7 — Performance standards.**

(1) Upon completion of a geotechnical report, the following performance standards shall be applied during county review of proposed development projects that are the subject of the geotechnical report. Additional mitigation measures may be required pursuant to the findings of a geotechnical report. The administrator may agree to alternative mitigation measures set forth by the geotechnical report, if such alternative measures provide greater or equal protection than the application of the performance standards below. Development proposals may be approved pursuant to the performance standards of this section and/or mitigation measures of a geotechnical report, if they are determined to satisfy the purposes of this chapter. A development permit may be denied based upon the administrator's evaluation of the inability of said measures to reduce risks associated with the geologically hazardous area. Performance standards to be utilized include:

(A) Construction methods should be used which minimize risks to structures and do not increase the risk to the site, or to adjacent properties and their structures, from the geologic hazard. Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion.

(B) Site planning should minimize disruption of existing topography and vegetation, and should incorporate opportunities for phased clearing.

(C) Disturbed areas shall be replanted within one year of project completion, in accordance with an approved revegetation plan, and be appropriately bonded for.

(D) Impervious surface coverage shall be minimized.

(E) Excavation and grading shall be minimized. A clearing and grading schedule shall consider limitations based upon seasonal weather conditions.

(F) Detailed drainage plans may be required for projects affecting areas of geologic hazard. These plans shall indicate the effect the project may have on the hazard areas and adjacent properties and mitigating measures, with stormwater detention standards based upon the technical studies required under this document.

(G) Any limitations to site disturbance, such as clearing restrictions, imposed as a condition of development approval should be marked in the field and approved by the county prior to undertaking the project.

(H) A monitoring program should be prepared for construction activities occurring in geologic hazard areas and be marked on the face of the building permit.

(I) All authorized clearing for roads, utilities, etc., should be limited to the minimum necessary to accomplish engineering design. Alternatives should meet the following requirements:

(i) Clearing, grading or filling of sloped sites containing erosion hazard areas shall be limited by weather conditions and an approved erosion control plan.

(ii) The face of cut and fill on slopes shall be prepared and maintained to control against erosion.

(J) An erosion control plan shall be submitted by the applicant for a development, prior to approval of the proposal. Temporary erosion and sedimentation controls shall be utilized during construction and until a permanent control measure is achieved. Further, to minimize blowing soil during development, appropriate water and/or mulch material should be applied to any areas without a vegetative cover.

~~(K) To maintain the natural integrity of landslide hazard areas and to protect the environment, and the public health and safety, adequate vegetation shall be maintained around all sides of the landslide hazard area.~~

~~(L) Development proposals that involve altering land upon areas identified as landslide or avalanche hazard areas must demonstrate the following for approval:~~

~~(i) There is no evidence of recent landslides or avalanches in the vicinity of the proposed development and quantitative analysis of slope stability and/or other pertinent factors indicate no significant risk to the proposed development or other properties.~~

~~(ii) The landslide or avalanche hazard areas can be modified or the project can be designed so that the landslide or avalanche hazard to the project is eliminated.~~

~~(iii) The development proposal would cause no increase in surface water discharge, sedimentation, or avalanche hazard to other properties, and will not decrease slope stability on other properties.~~

~~(iv) Disturbance of trees and vegetation shall be the minimum necessary in order to prevent erosion and/or an increase in avalanche hazard, to stabilize slopes, and preserve the natural character of the area.~~

~~(v) Structures and improvements shall be located to preserve the most sensitive portion of the site and its natural landforms and vegetation.~~

~~(M) Projects in snow avalanche hazard areas shall provide technical studies, which identify the location and extent of the potential avalanche area and include mitigation measures, which ensure that the proposed activity will not increase the potential for an avalanche on the subject property and adjacent properties.~~

~~(2) Performance standards or mitigation measures outlined in a geologic site assessment or geotechnical report shall be implemented and incorporated into conditions of approval, if applicable.~~

~~(3) If performance standards or mitigation measures are outlined in a geologic site assessment or geotechnical report, an engineer or geologist shall verify that said measures/standards have been adequately completed and provide written notification of completion to the department.~~

#### **6.4.8 — Report preparer qualifications and criteria.**

~~(1) A geologic site assessment, when required, shall be prepared by either a professional civil engineer with geologic expertise licensed by the state of Washington; a geologist licensed by the state of Washington; an engineering geologist licensed by the state of Washington; or a person with applicable qualifications as determined by the administrator.~~

~~(2) A geotechnical report, when required, shall be prepared by either an engineering geologist licensed by the state of Washington or a professional civil engineer licensed by the state of Washington. A civil engineer must also have the following experience and background.~~

~~(A) Five years of geotechnical experience evaluating geologically hazardous conditions and site development activities, such as landform recognition; unstable geologic units; roads; structural footings, foundations and retaining walls; swimming pools and sport courts; and other activities such as timber removal, site disturbance and mining.~~

#### **6.4.9 — Site assessment and report requirements.**

~~Geologic site assessments and geotechnical reports shall be prepared in compliance with the following provisions. A geotechnical report contains all of the provisions of a geologic site assessment and shall be considered to meet the requirements of a geologic site assessment.~~

~~(1) The geologic site assessment shall include the following:~~

~~(A) Evaluate the actual presence of geologically hazardous areas within or in the vicinity of the site and the need for a geotechnical report. Specifically mention the circumstances or conditions which require the report to be prepared (steep slopes, erodible soils, suspected landslide or avalanche hazard, adverse hydrologic or flood risk, etc.).~~

~~(B) Evaluate safety issues related to proposed activities. Address issues that could involve personal injury, worksite safety, or property damage.~~



(C) Address existing geologic, topographic, and hydrologic conditions on the site, including an evaluation of the ability of the site to accommodate the proposed activity. Describe the proposed development, including property size and location, nature and extent of the planned development (i.e., house, garage, shop, swimming pool, etc.), and its specific location on the property. Include evidence of prior grading, excavation, cut banks, fill areas, or mining activity, and their potential impact on the project. Note and evaluate any features that could adversely affect development such as drainage gullies, erosion channeling, alluvial fans, evidence for debris flow or avalanche, surface creep and slope failure, observed or suspected spring activity and flood risk potential.

(D) A discussion of the surface and subsurface geological and engineering properties of the soils, sediments, and/or rocks on the subject property and adjacent properties and their effect on the stability of the slope. Where known from field inspection or reference maps and literature, include bedrock identification and age, structural attitude with respect to slope inclination, fracturing, faults and shear zones, hydrothermal alteration, weathering characteristics, presence of landslide diamictite and its age and consolidation, etc. Use cross-sections if necessary for better representation of subsurface character.

(E) A description of the soils in accordance with the Unified Soil Classification System. Give general soil characteristics that could affect site development (i.e., frost action and shrink/swell potential, permeability, plasticity and wet/dry behavior, erodibility, etc.). Especially note the presence or suspected presence of clay-rich horizons and their position/location in the soil profile, and any indication that a building site could be subjected to differential soil compression or setting.

(F) Evidence and history of avalanches, faults, significant geologic contacts, landslides, or downslope soil movement on the subject property and adjacent properties not detailed in subsection (1)(C) of this section.

(G) A summary of the site assessment and its conclusions, mentioning the presence or absence of geohazards and site suitability. Include any recommendations for mitigation of potential hazards that can be dealt with without requiring a complete geotechnical report (control measures such as footing or intercept drainage systems, retaining walls, erosion control, vegetative management and restoration, and the probable need for engineering consultation and design).

(H) A topographic map showing the proposed development site location and approximate parcel shape location and boundaries.

(I) Cite all references and information used in the assessment preparation, such as United States Geologic Survey (USGS) and Department of Natural Resources Geologic Maps and Bulletins, soil studies, surveys and previous reports.

(2) The geotechnical report determined to be required by the geologic site assessment shall include the following:

All of the information required for a geologic site assessment as well as the following:

(A) Determine the appropriate hazard category according to the classification of the geologically hazardous area consistent with Section 5.030.

(B) Determine the appropriate application of the performance standards of Section 5.070 and/or alternative mitigation measures that provide an equal or greater level of protection.

(C) Include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the administrator. Slopes shall be clearly delineated for the ranges between fifteen and twenty-nine percent, and thirty percent or greater, including figures for a real coverage of each slope category on the site. When site-specific conditions indicate the necessity, the administrator may require the topographic data to be field surveyed.

(D) A site development plan drawn to scale which shows the boundary lines and dimensions of the subject property, the location, size and type of any existing or proposed structures, impervious surfaces, wells, drainfields, drainfield reserve areas, roads, easements, and utilities proposed or located on site.

(E) The location of springs, seeps, or other surface expressions of groundwater. The location of surface water or evidence of seasonal surface water runoff or groundwater.

(F) The extent and type of vegetative cover prior to development activity or site disturbance.

(G) The proposed method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, and the locations and methods for erosion control.

(H) An identification of all existing fill areas.

(I) Information demonstrating compliance with all applicable codes and ordinances for the proposed development permit.

(J) A vegetation management and restoration plan or other means for maintaining long-term stability of slopes.

(3) Geologic site assessments and geotechnical reports, when completed in accordance with this chapter, shall be valid for a period of five years. A qualified professional, as outlined in Section 5.080(2), may extend the applicability of a valid geologic site assessment or geotechnical report by five years by submittal of a letter stating the validity of the existing document and its application for the five-year extension; provided, that such letter must address any changes in surrounding land use activity or site conditions.

#### **6.4.10 — Subdivision notation.**

In the event the applicant is dividing property through the short subdivision, major subdivision, binding site plan, or plat alteration process, and all or a portion of the property division is located within a geologically hazardous area, a notation shall appear on the face of the final plat mylar that states the following:

All or part of this area may be located within a suspected or known geologically hazardous area, and development proposals proposed within this area will be subject to the requirements of Chapter 5: Geologically Hazardous Areas Overlay District (GHOD) of the County's Shoreline Master Program. Geologic site assessments and technical reports completed for subdivision approval may not be adequate for site development and additional assessment may be necessary.

## **6.5 Fish and Wildlife Habitat Conservation Areas**

### **6.5.1 Purpose**

Fish and Wildlife Habitat Conservation Areas within Chelan County shall be classified, designated and regulated through the County's critical areas provisions in Chelan County Code, Chapter 11.78.

It is the purpose of this chapter to designate and classify fish and wildlife conservation areas and to protect, restore where practical, and enhance fish and wildlife populations and their associated habitats.

### **6.5.2 — Applicability**

The provisions of this chapter shall apply to development that is proposed to be located within fish and wildlife habitat conservation areas by definition or within a review area of one thousand feet from a mapped point location (den or nest site) of a priority species.

"Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

Fish and wildlife protection is not intended to preclude reasonable use of property, nor is it intended to authorize public use of private property or prevent trespassing laws from being enforced.

### **6.5.3 — Fish and wildlife habitat conservation areas classification and designation.**

(1) Classification. The following classifications shall be used in designating fish and wildlife

conservation areas:

(A) Class I Fish and Wildlife Habitat Conservation Areas.

- (i) State natural area preserves and natural resource conservation areas; and
- (ii) Habitat which have a primary association with species listed by federal agencies as endangered or threatened under the Federal Register for the Endangered Species Act of 1973, or species listed by state agencies as endangered (WAC [232-12-014](#)), threatened (WAC [232-12-011](#)) or sensitive (WAC [232-12-011](#)).

(2) Class II Fish and Wildlife Habitat Conservation Areas.

- (A) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
- (B) Waters of the state;
- (C) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- (D) Priority habitats and species as identified by the Washington State Department of Fish and Wildlife Priority Habitats and Species Program;
- (E) Mule deer and/or elk winter range and migration corridors.

(3) Designation. All lands and shorelands classified as fish and wildlife habitat conservation areas are designated as fish and wildlife habitat conservation areas. The Chelan County department of building, fire safety and planning will maintain maps to provide information to the public and aid in the administration of this section. Sites that include fish and wildlife habitat conservation areas not mapped shall be subject to the provisions of this section. In the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail. Maps utilized by Chelan County to identify fish and wildlife habitat conservation areas include the following maps and map databases:

- (A) The Washington State Department of Fish and Wildlife Priority Habitats and Species and Wildlife Heritage Maps and Database, as amended;
- (B) Washington Rivers Information System Maps and Database, as amended;
- (C) National Wetlands Inventory Maps and Database, as amended;
- (D) Chelan County shoreline master program, as amended;
- (E) DNR Stream Type Maps for Type S, F, Np, and Ns waters per criteria as set forth in WAC [222-16-031](#), Interim water typing system, as amended;
- (F) Mule deer and/or elk winter range and migration corridors in Chelan County identified on the Chelan County mule deer and elk winter range maps in the community development department.

#### **6.5.4 Class I wildlife habitat conservation area standards.**

(1) Major Development Within Class I Wildlife Habitat Conservation Areas. A review area of one thousand feet of a mapped point location of a den or nest site or a polygon of a species listed as endangered, threatened, or sensitive by the state of Washington, or registered as endangered or threatened by the federal government, shall be subject to the following standards:

(A) Pertinent agencies including but not limited to the Washington State Department of Fish and Wildlife shall be given written notice of the development proposal. In order for agency comments to be considered, the agencies shall have thirty days from the date of mailing of the notice to submit written comments to the county. The referral is necessary to determine the accuracy of mapping, presence of habitat, and potential impacts of the development.

(B) If the site does contain wildlife habitat regulated by this chapter, the applicant must meet the requirements outlined in this section. A habitat management and mitigation plan, pursuant to Section 6.5.6, shall be required for major developments in Class I wildlife habitat conservation areas. In the case of bald eagles, an approved bald eagle management

plan by the Washington State Department of Fish and Wildlife meeting the requirements and guidelines of the bald eagle protection rules (WAC [232-12-292](#), as amended) will satisfy the requirements for a habitat management and mitigation plan.

(2) Minor Development Within Class I Wildlife Conservation Areas. A review area of one thousand feet of a mapped point location of a den or nest site, or a polygon of a species listed as endangered, threatened, or sensitive by the state of Washington, or registered as endangered or threatened by the federal government, shall be subject to the following standards:

(A) Pertinent agencies, including but not limited to the Washington State Department of Fish and Wildlife, shall be given written notice of the development proposal. In order for agency comments to be considered, the agencies shall have thirty days from the date of mailing of the notice to submit written comments to the county. The referral is necessary to determine the accuracy of mapping, presence of habitat, and potential impacts of the development.

(B) If the site does contain wildlife habitat regulated by this section, the applicant shall meet the requirements outlined in subsections (2)(C) and (D) of this section.

(C) The administrator shall review comments from pertinent agencies and the following criteria to determine if the standards outlined in subsection (2)(D) of this section are adequate to protect wildlife habitat:

(i) Published guidelines regarding the protection and management of the affected species, including but not necessarily limited to those published by the Washington State Department of Fish and Wildlife;

(ii) Physical characteristics of the subject parcel and vicinity, including topography and vegetation;

(iii) Historic, current and proposed uses, proposed density of the development site, and development characteristics in the vicinity of the site;

(iv) Is the site within an urban growth area, rural area or resource land?

(v) What are the potential land uses for the site as identified by the comprehensive plan and zoning code?

(vi) Is the site's habitat fragmented or is it connected to significant habitat blocks or open spaces?

(vii) Consider the habitat located on the site and in the surrounding area. Would impacts of the development be site specific or have the potential to be cumulative with existing and potential future developments in the area?

If it is determined by the administrator that the standards outlined in subsection (2)(D) of this section are not adequate to protect the wildlife habitat, a habitat management and mitigation plan, pursuant to Section 6.5.6, shall be required. In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife meeting the requirements and guidelines of the bald eagle protection rules (WAC [232-12-292](#), as amended) will satisfy the requirements for a habitat management and mitigation plan, pursuant to Section 6.5.6. The administrator shall base his or her decision on written findings of fact and conclusions.

(D) Minor development within Class I wildlife habitat conservation areas shall be subject to the following standards:

(i) Disturbed areas shall be revegetated with native vegetation within one growing season of project completion in accordance with an approved revegetation plan, where appropriate.

(ii) Site planning shall minimize disruption of existing topography and vegetation, and shall incorporate opportunities for phased clearing.

(iii) Any limitations to site disturbance, such as clearing restrictions, imposed as a condition of development approval shall be marked in the field and approved by the county prior to undertaking the project.

(iv) Fencing requirements as outlined in Section 6.5.6.

(v) An erosion and drainage control plan will be required for any clearing, grading and/or excavation of one acre or greater in area.

(vi) Building sites are encouraged to be located away from critical wildlife habitat corridors as feasibly as possible.

#### **6.5.5 — Class II wildlife habitat conservation area standards**

(1) Major development within Class II wildlife habitat conservation areas within a review area of one thousand feet from a mapped point location of a nest or den site or polygon of a priority species shall be subject to the following standards:

(A) Pertinent agencies, including but not limited to the Washington State Department of Fish and Wildlife, shall be given written notice of the development proposal. In order for agency comments to be considered, the agencies shall have fourteen days from the date of mailing of the notice to submit written comments to the county. The referral is necessary to determine the accuracy of mapping, presence of habitat, and potential impacts of the development.

(B) If the site does contain wildlife habitat regulated by this section, the applicant shall meet the requirements outlined in subsections (1)(C) and (D) of this section.

(C) The administrator shall review written comments from the agencies and the following criteria to determine if the standards outlined in Section [11.78.070\(2\)\(D\)](#) are adequate to protect wildlife habitat:

(i) Published guidelines regarding the protection and management of the affected species, including but not necessarily limited to those published by the Washington State Department of Fish and Wildlife;

(ii) Physical characteristics of the subject parcel and vicinity, including topography and vegetation;

(iii) Historic, current and proposed uses, proposed density of the development site, and development characteristics in the vicinity of the site;

(iv) Is the site within an urban growth area, rural area or resource land?

(v) What are the potential land uses for the site as identified by the comprehensive plan and zoning code?

(vi) Is the site's habitat fragmented or is it connected to significant habitat blocks or open spaces?

(vii) Consider the habitat located on the site and in the surrounding area. Would impacts of the development be site specific or have the potential to be cumulative with existing and potential future developments in the area?

The administrator will have up to thirty days after the end of the comment period to determine if the standards outlined in Section [11.78.070\(2\)\(D\)](#) provide adequate protection to wildlife habitat. If it is determined that the standards of Section [11.78.070\(2\)\(D\)](#) are not adequate to protect wildlife habitat, a habitat management and mitigation plan shall be required pursuant to Section [11.78.100](#). The administrator shall base his or her decision on written findings of fact and conclusions.

(D) Major development within Class II wildlife habitat conservation areas shall be subject to the standards outlined in Section [11.78.070\(2\)\(D\)](#).

(2) Minor development within Class II wildlife habitat conservation areas within a review area of one thousand feet from a mapped point location of a nest or den site or polygon of a priority species shall be subject to the following standards:

(A) If the site does contain fish and wildlife habitat regulated by this chapter, the applicant must meet the requirements outlined in subsection (2)(B) of this section.

(B) The administrator shall review written comments from the agencies and the following criteria to determine if the standards outlined in Section [11.78.070\(2\)\(D\)](#) are adequate to protect wildlife habitat:

(i) Published guidelines regarding the protection and management of the

affected species, including but not necessarily limited to those published by the Washington State Department of Fish and Wildlife;

(ii) Physical characteristics of the subject parcel and vicinity, including topography and vegetation;

(iii) Historic, current and proposed uses, proposed density of the development site, and development characteristics in the vicinity of the site;

(iv) Is the site within an urban growth area, rural area or resource land?

(v) What are the potential land uses for the site as identified by the comprehensive plan and zoning code?

(vi) Is the site's habitat fragmented or is it connected to significant habitat blocks or open spaces?

(vi) Consider the habitat located on the site and in the surrounding area. Would impacts of the development be site-specific or have the potential to be cumulative with existing and potential future developments in the area?

The administrator will have up to thirty days after the end of the comment period to determine if the standards outlined in Section [6.5.4 \(2\)\(d\)](#) provide adequate protection to wildlife habitat. If it is determined that the standards of Section [11.78.070\(2\)\(D\)](#) are not adequate to protect wildlife habitat, a habitat management and mitigation plan shall be required pursuant to Section [11.78.100](#). The administrator shall base his or her decision on written findings of fact and conclusions:

(3) Minor development within Class II wildlife habitat conservation areas shall have the following standards:

(A) Minor development within Class II wildlife habitat conservation areas may be subject to the minimum standards, all or in part, of Section [6.5.4 \(2\)\(d\)](#), as determined by the administrator utilizing the following criteria:

(i) Is the site's habitat fragmented or is it connected to significant habitat blocks or open spaces?

(ii) What is the level of human activity in the area and what are the surrounding land uses?

(iii) Is the site within an urban growth area, rural area or resource land?

(iv) What are the potential land uses for the site as identified by the comprehensive plan and zoning code?

(v) What are the potential impacts of the development to wildlife habitat and species?

(vi) Can a reasonable balance be achieved between wildlife habitat protection and the reasonable use of private property?

#### **6.5.6—Habitat management and mitigation plan.**

(1) If required, this plan shall identify how the impacts from the proposed use or activity will be avoided or mitigated consistent with the purposes of this section. The Washington Priority Habitat and Species data as now or hereafter amended, other priority habitat and species publications, and consultation with a habitat biologist from the Washington State Department of Fish and Wildlife may be used as the basis for the plan.

(2) The habitat management and mitigation plan shall be approved or denied in writing by the administrator and shall contain but not be limited to the following information:

(A) A map(s) prepared at an easily readable scale (at least one inch equals two hundred feet) showing:

(i) The location of the proposed site;

- (ii) The relationship of the site to surrounding topographic and built features;
- (iii) The nature and density of the proposed use or activity;
- (iv) Proposed building locations and arrangements;
- (v) A legend which includes:

- (a) A complete and accurate legal description. The description shall include the total acreage of the parcel,

- (b) Title, scale and north arrow,

- (c) Date;

- (vi) Existing structures, improvements and landscape features including the name and location of all water bodies;

- (vii) Location of priority habitat types and priority species point locations, including nesting, roosting and den sites, winter range areas, riparian zones and migration corridors.

(B) A report which contains:

- (i) A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such a land use change upon identified wildlife habitat including the proposed amounts of excavation, grading, and vegetation disturbance.

- (ii) An analysis of the effect of the proposed use or activity upon fish and wildlife species and their habitats, identified within the priority habitat and species program.

- (iii) A plan which explains how the applicant will avoid, minimize or mitigate adverse impacts to fish and/or wildlife habitats created by the proposed use or activity. Mitigation measures within the plan may include, but are not limited to:

- (a) Establishment of buffer areas;

- (b) Preservation of critically important plants and trees, preferably in consolidated areas;

- (c) Limitation of access to habitat area;

- (d) Seasonal restriction of construction activities;

- (e) Clustering of development and preservation of open space, if permitted by the underlying zoning district;

- (f) Signs marking habitats or habitat buffer areas;

- (g) Title notice or plat dedication warning statements;

- (h) Conservation easements;

- (i) Preserve and introduce native plant species which serve as food and shelter from climatic extremes and predators and structure and cover for reproduction and rearing of young for critical wildlife;

- (j) The use of native species or species recommended by the

~~Washington State Department of Fish and Wildlife in the revegetation or landscaping of disturbed or developed areas and in any enhancement of habitat or buffers.~~

~~(iv) Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife will be required.~~

~~The administrator shall have the authority to approve or deny habitat management and mitigation plans or require additional information based upon criteria within this section and review comments from relevant agencies. The administrator shall base his or her decision on written findings of fact and conclusions. The administrator's written decision shall be forwarded to the Washington State Department of Fish and Wildlife, other agencies or tribal entities which provided comments to the department and to any other agency/individual(s) who request a copy of the written decision.~~

~~(C) Mitigation shall be completed prior to granting of final occupancy, or the completion of final approval of any development activity for which mitigation measures have been required. Bonding at one hundred fifty percent of the cost of uncompleted activities is an acceptable alternative to completion where a contract to complete the work is in force. Bonding shall be in effect for a maximum of two years.~~

#### ~~6.5.7 Fish and wildlife habitat conservation areas regulations~~

- ~~A. All Development within known fish and wildlife habitat conservation containing federal-listed and state-listed endangered, threatened, and priority species and which, if altered, may reduce the likelihood that a species will maintain its population and reproduce over the long term shall require a site analysis/report which:~~
- ~~1. Identifies the endangered species and related habitats; and,~~
  - ~~2. Identifies other known threatened or sensitive species and their related habitats; and,~~
  - ~~3. Includes the relative density and species richness, breeding, habitat, seasonal range dynamics and movement corridors; and,~~
  - ~~4. Addresses the relative tolerance by species of human activities; and,~~
  - ~~5. Evaluates the development/use in terms of its influence on the above wildlife factors and recommend mitigation measures for any area that would potentially degrade base-line populations and reproduction rates over the long term.~~
- ~~B. Development and uses shall comply with the following:~~
- ~~1. No development approval shall be granted unless mitigation of adverse effects can be provided that will ensure continuation of base-line populations for all endangered, threatened and sensitive species.~~
  - ~~2. Development reviews shall include regional species occurrence and movements and will avoid creating isolated sub-populations.~~
- ~~C. Stream buffers:~~
- ~~The area adjacent to the shoreline is the riparian buffer. The point of measurement for the riparian buffer begins at the ordinary high water mark on each bank and is measured horizontally from this point or from the top of the bank where the ordinary high water mark cannot be identified. No development, except as outlined in the provisions of SMP, is allowed in this area. Shoreline buffers for streams and their associated shoreline rivers can be found in Table 3.8a of the SMP.~~



## ***SECTION 7 WARNING AND DISCLAIMER OF LIABILITY***

### **7.1 Warning and Disclaimer of Liability**

The degree of hazard protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Catastrophic natural disasters can, and will, occur on rare occasions. This chapter does not imply that land outside the critical areas or activities permitted within such areas will be free from exposure or damage. This chapter shall not create liability on the part of the County, and officers or employees thereof, for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.



## CHELAN COUNTY

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

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

**Project Description:** Description of Proposal: Amendments to Chelan County Code Title 11 Zoning, to update Chelan County's Critical Area Ordinance (CAO) and supplementing the Shoreline Master Program (SMP) Appendix B – Critical Areas.

**File Number:** ZTA 21-587 and ZTA 18-122

**Location:** The proposed amendment covers all of unincorporated Chelan County.  
**Proponent:** Chelan County, Washington

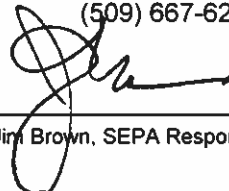
**Lead Agency:** Chelan County Department of Community Development

The proposed amendments are programmatic in nature and are not anticipated to have any direct, immediate impacts on the environment. It is expected that subsequent, site-specific projects will provide a more in-depth analysis of potential adverse environmental impacts and any specific mitigation measures necessary.

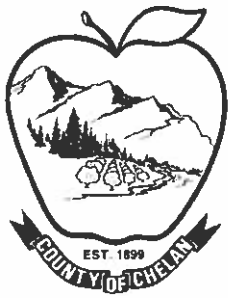
The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information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

This Determination of Non-Significance is issued under WAC 197-11-340, DNS. The lead agency will not act on this proposal for fourteen (14) days from the date of publication. Comments must be submitted by January 11, 2022 for consideration.

**Responsible Official:** Jim Brown, Director / SEPA Responsible Official  
**Address:** Chelan County Department of Community Development  
316 Washington Street, Suite 301  
Wenatchee, WA 98801  
**Phone:** (509) 667-6225

**Signature:**   
Jim Brown, SEPA Responsible Official

**Date:** 12/27/2021



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

**ISSUANCE OF  
DETERMINATION OF NONSIGNIFICANCE**

**Description of Proposal:** Amendments to Chelan County Code Title 11 Zoning, to update Chelan County's Critical Area Ordinance (CAO).

**Proponent:** Chelan County, Washington

**Location of Proposal:** The proposed amendments cover all of unincorporated Chelan County.

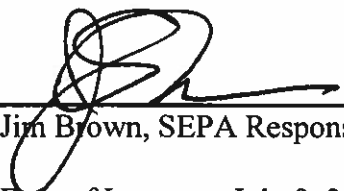
**Lead agency:** Chelan County Department of Community Development.

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 DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for fourteen (14) days from the date of publication on July 14, 2020.

Appeals of this SEPA determination may be made pursuant to Chelan County Code 14.12.030.

**Responsible Official:** Jim Brown  
**Position/Title:** SEPA Responsible Official  
Director, Chelan County Department of Community Development  
**Phone:** 509-667-6228  
**Address:** 316 Washington Street, Suite 301  
Wenatchee, WA 98801



---

Jim Brown, SEPA Responsible Official

Date of Issuance: July 9, 2020      Date of Publication: July 14, 2020

# **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:

Chelan County Critical Area Ordinance (CAO) Update.

2. Name of applicant:

Chelan County

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

RJ Lott, AICP  
Chelan County Community Development  
316 Washington St. STE 301  
Wenatchee, WA 98801

4. Date checklist prepared:

July 9, 2020

5. Agency requesting checklist:

Chelan County

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

Anticipated timing of the proposed amendments are:

Planning Commission public hearing: August 2020

County Commissioners public hearing: September 2020

Anticipated adoption: September/October 2020

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

There are no plans for future additions, expansions, or further activity related to this proposal at this time.

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

There are no existing documents that have been prepared and none are anticipated at this time.

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.

There are no pending applications for government approvals of other proposals directly affecting unincorporated Chelan County.

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

Review and comment by the Washington State Department of Commerce and the Washington State Department of Ecology. Chelan County Commissioners must approve any amendments to the Chelan County Code.

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.)

The purpose of the Critical Areas Ordinance Update is to achieve compliance with the Washington State Growth Management Act update requirement found at RCW 36.70A.130 and 36.70A175.

The proposed CAO Update is to ensure that the best available science has been incorporated into the classification, designation, and protection standards for critical areas within Chelan County, including wetlands, frequently flooded areas, critical aquifer recharge areas, fish and wildlife habitat, and geologically hazardous areas.

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.

All lands encumbered by critical areas as classified, designated, regulated, and mapped by Chelan County within the unincorporated areas of Chelan County.

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

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

a. General description of the site: Locations vary throughout Chelan County. Section 1 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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

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

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.

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

- 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.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

## **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.

Locations vary throughout Chelan County. Section 2 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

## **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.

Locations vary throughout Chelan County. Section 3 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

- 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.
- 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.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
- 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.

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.
- 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.

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.
- 2) Could waste materials enter ground or surface waters? If so, generally describe.
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

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

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

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



Locations vary throughout Chelan County. Section 4 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

- \_\_\_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?
- c. List threatened and 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:
- e. List all noxious weeds and invasive species known to be on or near the site.

**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 \_\_\_\_\_

Locations vary throughout Chelan County. Section 5 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

- b. List any threatened and endangered species known to be on or near the site.
- c. Is the site part of a migration route? If so, explain.

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

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

## **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.

Locations vary throughout Chelan County. Section 6 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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

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:

## **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.

Locations vary throughout Chelan County. Section 7 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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.

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.

4) Describe special emergency services that might be required.

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

**b. Noise**

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

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.

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

**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.

Locations vary throughout Chelan County. Section 8 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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?

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:

c. Describe any structures on the site.

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

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

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

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

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

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

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

Locations vary throughout Chelan County. Section 9 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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

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

**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?

Locations vary throughout Chelan County. Section 10 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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

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

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

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

Locations vary throughout Chelan County. Section 11 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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

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

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

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

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

Locations vary throughout Chelan County. Section 12 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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

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

### **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.

Locations vary throughout Chelan County. Section 13 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

- 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.
- 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.
- 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.

**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.

Locations vary throughout Chelan County. Section 14 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

- 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?
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- 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).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- 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?

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.

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

**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.

Locations vary throughout Chelan County. Section 15 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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

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

a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_

Locations vary throughout Chelan County. Section 16 of this SEPA checklist generally does not apply to this non-project action. Please see section D for more information.

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.

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

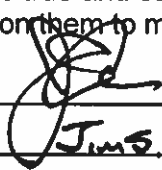
The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_

Name of signee \_\_\_\_\_

Position and Agency/Organization \_\_\_\_\_

Date Submitted: \_\_\_\_\_



Jim S. Brown

Chelan Co. Community Development, Director

7/9/2020

**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 proposed Critical Areas Ordinance Update is not likely to result in any increase in discharge, emission, production, or release of any kind of above or beyond what is already occurring or permitted. Any specific development resulting from adoption of this proposal shall be subject to all applicable codes, regulations and statutes from the applicable local, state and federal jurisdictions.

Proposed measures to avoid or reduce such increases are:

None required. The critical area regulations address no net loss of critical area functions and values. In addition to critical area regulations, other standards continue to apply to address water, air, hazardous substances, and noise.

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

The proposed Critical Areas Update is not likely to have an adverse affect on any of the above beyond what is already occurring or permitted. The proposal is intended to protect the functions and values of critical areas including wetlands, frequently flooded areas, critical aquifer recharge areas, fish and wildlife habitat areas, and geologically hazardous areas. Any specific development resulting from this proposal shall be subject to all applicable codes, regulations, and statues from the local, state and federal jurisdictions.

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

Buffers relate to the sensitivity of the critical area, habitat and listed species. The County has the authority to require increased buffers, condition proposals, and require mitigation in order to ensure no net loss of critical areas functions and values.

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

The proposal would not facilitate any depletion of energy or natural resources beyond what is already occurring or permitted.



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

None required with this proposal.

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 is not likely to have any adverse affect on any of the above beyond what is already occurring or permitted. The proposal is intended to protect the functions and values of critical areas including wetlands, frequently flooded areas, critical aquifer recharge areas, fish and wildlife conservation areas and geologically hazardous aeras. Any specific development resulting from this proposal shall be subject to all applicable codes, regulations and statutes from the applicable local, state and federal jursidictions.

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

None required with this proposal.

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 proposed CAO update is intended to strengthen environmental protection. The proposal does not change the designation of land uses in the Comprehensive Plan, Zoning Code, or Shoreline Master Program. The regulations are intended to protect critical area functions and values while allowing for managed development and working lasnd such as agriculture consistent with GMA.

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

None required with this proposal.

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

The regulations would not increase densities or range of land uses that would generate demands for transportation or public services or utilities. The County's level of service standards would still apply.

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

None required with this proposal.

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 is intended to comply with GMA requirements to periodically review its critical areas regulations. The proposal is not anticipated to conflict with local, state, or federal laws or requirements for the protection of the environment.

**STAFF REPORT**  
**Chelan County Critical Areas Ordinance**

**FROM:** Department of Community Development  
**TO:** Chelan County Planning Commission  
**DATE:** February 12, 2021  
**SUBJECT:** Proposed Critical Areas Ordinance Update

---

**A. Introduction**

In 2019 Chelan County started an update of the 2007 Critical Areas Ordinance for consistency with State law as a required essential element of the Comprehensive Plan. The Critical Area Ordinance is to be reviewed and updated on an eight-year cycle which in Chelan County's case, meant the code update was due in 2017. The comprehensive plan was updated, but the Critical Area Ordinance portion of the plan was not. Any previous designations and regulations must be reviewed in the comprehensive plan process to ensure consistency between previous designations and the comprehensive plan. Critical areas include the following areas and ecosystems (WAC 365-196-485):

- (a) Wetlands;
- (b) Areas of 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.

This recent update process included:

- Preparation of a gap analysis and best available science review performed by a consultant and reviewed by staff.
- Development of preliminary drafts, which included revisions to the five existing chapters, updates to the definitions, and creation of a new general provisions chapter.
- Agency review of the preliminary drafts.
- Two workshops with the Planning Commission over summer 2020 to discuss the preliminary drafts.
- The decision to form a Technical Advisory Committee (TAC) to further refine the preliminary drafts.
- Four TAC meetings to discuss and refine the preliminary draft.
- Development of a TAC-approved Draft Critical Areas Ordinance to present to the Planning Commission for further workshops.

After workshop completion, the Planning Commission will hold a public hearing on the Draft Critical Areas Ordinance.

This Staff Report reviews the adoption of the Critical Areas Ordinance, appendices and support documents. Pursuant to RCW 36.70A and Chelan County Code Section 14.14.025, the Critical Areas Ordinance goals and policies are to be consistent with the Chelan County Comprehensive Plan. In addition to the Chelan County amendment criteria, this Staff report includes a review for consistency with RCW 36.70A.

At this time, the Planning Commission is being asked to review, consider, and make a recommendation for actions to the Board of County Commissions. Suggested findings of fact

and conclusions, which may be modified, are included for the Planning Commission and Board consideration.

## **B. Chelan County Code Requirements**

**Changes to the Critical Areas Ordinance require review using the Chelan County Code Section 14.14.047:**

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

**Finding:** The State legislature in RCW 36.70A.050 requires the periodic update of Critical Areas Ordinances consistent with guidelines (WAC 365-196).

The Washington State Departments of Commerce, Ecology and Fish and Wildlife have made several updates to the guidance regulations for Critical Areas Ordinances which differed from the existing 2007 Critical Areas Ordinance.

Chelan County was required to have the review and adoption process completed on or before June 30, 2017 per RCW 36.70A.130. Because the update was not completed, the County is currently out of compliance with the Growth Management Act and needs to update the regulations to regain compliance.

**(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;**

**Finding:** In 1995, the State legislature integrated Critical Areas Ordinances into the requirements for comprehensive plans, RCW 36.70A.70 and .170. The change requires that the goals and policies of the Critical Areas Ordinance be a "required element" of the County Comprehensive Plan and the corresponding development regulations and environmental designations be part of the land use regulations for the County.

**(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;**

**Finding:** The Draft Critical Areas Ordinance supports the Critical Areas Goals and Policies within the Resource Element of the 2017 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;**

**Finding:** The Critical Areas Ordinance included a review of what data exists and what is needed to provide clarity to the lands on which the code applies. This is an improvement that is to address potential impacts for critical areas.

**(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:** The proposed updated Critical Areas Ordinance is consistent with the requirements of State law, RCW 36.70A and WAC 365-196.

## **C. State Review Criteria**

**Pursuant to RCW 36.70A.060, -.140, -.170, the Chelan County Critical Areas Ordinance is required to address the following items:**

**(1) When preparing the Critical Areas Ordinance, the County was required, to the extent feasible, to:**

- a. Adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170.
- b. Review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.
- c. Establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans.
- d. Designate where appropriate: (d) Critical areas.

**Finding:** The Draft Critical Areas Ordinance clarifies regulations and processes to protect required critical areas. The draft code identifies data sources in order to confirm designated critical areas within the code. It also provides direction to the county on what steps to take in analysis of projects near or within critical areas to achieve the required protective measures or avoidance. The process of code development involved public noticing of planning commission workshops and proposed hearings, as well as the formation of a Technical Advisory Committee that had representatives from the county, environmental advocacy community, engineers, land developers, project consultants, and state agencies. A copy of the draft codes will be posted and available on the county webpage for public review. Written testimony will also be taken during the workshop process. And critical areas are designated in various GIS mapping layers relevant to each critical area section and in the Priority Habitats and Species mapping of WDFW.

In 2020-21 the Technical Advisory Committee (TAC) included the following consultants and members including, public citizens/interests, and agencies, in addition to three county representatives:

Christina Wollman	Perteet, Inc.
Bill Sullivan	American Land and Water (Geological and hydrogeological engineer)
Jason Walker	Perteet, Inc.
Nate Smith	Washington State Department of Ecology
Dave Dormier	Erlandsen and Associates
Liz Smith	Washington Department of Natural Resources
Wyatt Leighton	Washington Department of Natural Resources
Ryan Walker	Grette and Associates
Graham Simon	Washington Department of Fish & Wildlife
Susan Ballinger	Native Plant Society and CD Land Trust
Vicki Malloy	Chelan County Planning Commissioner
Mike Kaputa	Chelan County Natural Resources
Jim Brown	Chelan County Community Development
Alex White	Chelan County Community Development

The TAC met on four occasions to review and edit all draft chapters. After their review, edits, and approval, the code was re-referred to the Planning Commission for their workshop process to begin again.

In July 2020, the Code Draft was sent to all agencies via the Department of Commerce filing portal.

**(2) The Critical Areas Ordinances shall include, when appropriate, the following (WAC 365-196-485):**

- a. The best available science in developing policies and development regulations to protect the functions and values of critical areas.

**Finding:** The Draft Critical Areas Ordinance drew from the input of state and county subject matter experts as well as professional consultants. The best available science used to develop the draft was outlined in the Gap Analysis and Best Available Science Report. The most up to date GIS mapping layers for each critical area code will need to be added to the county mapping resource files.

- b. Identify open space corridors within and between urban growth areas for multiple purposes, including those areas needed as critical habitat by wildlife.

**Finding:** The Draft Critical Areas Ordinance has a Fish and Wildlife overlay code addresses the need to protect critical habitat and will utilize available the most current PHS data from the Department of Fish and Wildlife to determine those critical habitat areas requiring protection.

- c. Provide for protection of the quality and quantity of ground water used for public water supplies in the land use element.

**Finding:** The Draft Critical Areas Ordinance has an Aquifer Recharge overlay code utilizing GIS mapping for critical area identification that will provide protections for groundwater resources.

- d. Because the critical areas regulations must be consistent with the comprehensive plan, each comprehensive plan should set forth the underlying policies for the jurisdiction's critical areas program.

**Finding:** The Draft Critical Areas Ordinance is consistent with the Chelan County Comprehensive Plan Resource Element, specifically the goals and policy statements contained within section VI.

- e. In pursuing the environmental protection and open space goals of the act, such policies should identify nonregulatory measures for protecting critical areas as well as regulatory approaches.

**Finding:** The Draft Critical Areas Ordinance includes sections on incentives and education within Chapter 11.77 Critical Area Overlay District General Provisions and Administration. The Draft Critical Areas Ordinance does not have transfer of development rights proposed within the draft, however, there is a docket item from the 2020 docket that may be retained within the 2021 upcoming docket in order to explore options in support of this code.

- f. Requirements. Prior to the original development of comprehensive plans under the act, counties and cities were required to designate critical areas and adopt development regulations protecting them. Any previous designations and regulations must be reviewed in the comprehensive plan process to ensure consistency between previous designations and the comprehensive plan.

**Finding:** The Draft Critical Areas Ordinance was reviewed in the context of the earlier existing code through the gap analysis and best available science review of the existing codes. The drafts were developed as a direct outcome of that analysis and review.

g. Recommendations for meeting requirements.

(i) In the initial period following adoption of the act, much of the analysis which was the basis for the comprehensive plan came later than the initial identification and regulation of critical areas. Subsequently, jurisdictions updating local critical areas ordinances are required to include the best available science.

(ii) The department has issued guidelines for the classification and designation of critical areas which are contained in chapter 365-190 WAC.

(iii) Critical areas should be designated and protected wherever the applicable environmental conditions exist, whether within or outside of urban growth areas. Critical areas may overlap each other, and requirements to protect critical areas apply in addition to the requirements of the underlying zoning.

(iv) The review of existing designations by counties must address the requirements to include the best available science in developing policies and development regulations to protect the functions and values of critical areas, and give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. To the extent that new information is available or errors have been discovered, the review process should take this information into account.

(v) The department recommends that planning jurisdictions identify the policies by which decisions are made on when and how regulations will be used and when and how other means will be employed (purchases, development rights, etc.). See WAC 365-196-855.

**Finding:** The Draft Critical Areas Ordinance has improved definitions and an all-new General Provisions chapter which compliments other chapters for guiding ordinance implementation. Known or found errors have been corrected. Code language in the general provisions chapter will clarify processes, and duties and obligations of the county and of project proponents in moving forward with the new code. This clarity did not exist in the former (current) code.

h. Avoiding impacts through appropriate land use designations.

**Finding:** The Draft Critical Areas Ordinance and current draft codes provide for this avoidance, minimization of impacts, and expectations of mitigation for unavoidable impacts to critical areas.

**(3) The Critical Area Ordinances should take advantage of data and analyses prepared by other governmental agencies and use it to shape the form and content of comprehensive plans and development regulations under the act where relevant (WAC 365-196-715).**

(a) Governmental entities with expertise in subjects affecting or affected by the act and private companies that provide public services should, as practicable, offer technical assistance to counties and cities planning under the act.

**Finding:** The Draft Critical Areas Ordinance included comments from Washington Department of Fish and Wildlife, Commerce, Ecology, Health, and county Public Works.

(b) When drafting or amending comprehensive plans and development regulations, counties and cities should identify other related laws, evaluate any potential areas of conflict and make efforts to avoid such conflicts.

**Finding:** The Draft Critical Areas Ordinance includes GIS and Priority Habitats and Species overlay data to be adopted as the official maps. Additionally, the Draft Critical Areas Ordinance includes charts, tables, and diagrams meant to clarify the intent and simplify the use of the regulations.

## **D. Procedural Requirements**

### **SEPA (State Environmental Policy Act) or Environmental Review**

Chelan County issued a determination of non-significance issued on July 9, 2020, published on July 14, 2020.

### **60-day State Agency Review**

The Department of Commerce received the Critical Areas Ordinance for agency review on July 9, 2020, submittal ID #2020-S-1562.

The current draft, reflects the public and agency comments received during the 60-day review along with some staff clarifications. Updated drafts were re-submitted to Commerce on February 10, 2021 after the completion of the TAC final review.

### **Public Hearings**

Chelan County Planning Commission will host a Public Hearing on March 24, 2021, as noticed in the Wenatchee World and distributed to parties of record via email on March 12, 2021.

The Chelan County Board of County Commissioner's is expected to hold a Public Hearing in May 2021 with required noticing in the Wenatchee World.

### **Additional Public Review**

An ad hoc Technical Advisory Committee met four times and provided comments and suggested edits and clarifying language to the code. This committee represented a diverse set of interests.

Initial public meetings from Fall 2020 did not provide for public testimony but written comments will be accepted in parts of February and March 2021. A Public Hearing will occur at the end of march and all the written and oral testimony will be available to the planning commissioners for their consideration.

## **E. Staff Recommendation**

Staff finds that the proposed Critical Areas Ordinance and appendices are consistent with the requirements of Chelan County Code Title 14 adoption requirements and RCW 36.70A, WAC 365-196 and recommends approval of proposed documents, as attached.

## **F. Suggested Findings of Fact**

1. RCW 36.70A requires Chelan County to develop and amend the Critical Areas Ordinance consistent with WAC 365-196 and RCW 36.70A.



2. The current Critical Areas Ordinance was originally approved by Department of Ecology in 2000 and last amended in 2007, and should have been updated in 2017.
3. The current Critical Areas Ordinance does not reflect existing conditions and does not effectively implement the requirements of RCW 36.70A or WAC 365-196.
4. The Draft Critical Areas Ordinance is based on a Gap Analysis and Best Available Science Review report, dated September 12, 2019.
5. The Draft Critical Areas Ordinance is necessary to protect critical areas as an essential element of the county's comprehensive plan and is required by state law to be updated.
6. Chelan County completed a SEPA review and issued a determination of non-significance on July 9, 2020, published in the Wenatchee World on July 14, 2020.
7. Chelan County sent notice of proposed adoption to Department of Commerce on July 8, 2020, Submittal ID#2020-S-1562.
8. Reviewing agencies and the general public were given opportunities to comment on the proposed amendments including, but not limited to:
  - i. Planning Commission workshops in July and August 2020.
  - ii. Technical Advisory Committee meetings held November 2020 -February 2021.
  - iii. Planning Commission workshops in and February and March, 2021.,
  - iv. Public comment period which was open from February 24, 2021 through March 19, 2021.
9. A Public Hearing was held with the Chelan County Planning Commission on March 24, 2021, for the purposes of taking oral testimony and deliberating on the proposed Critical Areas Ordinance amendments and to formulate a recommendation to the Board of County Commissioners. Public testimony was taken and included in the recommendation subsequently passed by the Planning Commission that day. Notice of the public hearing was posted on the County website and advertised in the Wenatchee World on March 12, 2021.
10. A Board of Commissioner workshop was held on April 13, 2021 and a Public Hearing was held on April 20, 2021 where oral public testimony was taken, and written comments were accepted through April 23, 2021, with subsequent deliberations on April 27, 2021, and a decision on May 4, 2021.
  - a. The Board reviewed and considered need to protect all critical area resources and to protect the private property rights of individuals in the county.
  - b. The Board reviewed the documents as a whole. Based on Staff's Draft Report for the April 13, 2021 workshop, the Board reviewed specific sections of the draft code amendments to provide direction to staff for the final adoption draft.

## **G. Suggested Conclusions of Law**

1. The proposed Critical Areas Ordinance address changes in State law consistent with and implements the goals, policies, and requirements of the Growth Management Act (Chapter 36.70A RCW), the Critical Areas Ordinance Guidelines (WAC 365-196), the Protection of Critical Areas requirement (WAC 365-196-830), and the Chelan County development regulations text amendments (Chapter 14.13).

2. The procedural requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 have been satisfied.
3. The required State agency review with the Department of Commerce and other State agencies was completed.
4. Opportunity for public participation and comment was provided and considered in the drafting, final review and adoption process.
5. The adoption of these amendments is in the best interest of the public and furthers the health, safety, and welfare of the citizens of Chelan County.

#### **H. Final Adoption Process and Expected Timeline**

After review by the Planning Commission, the Draft Critical Areas Ordinance will be forwarded with the Planning Commission's recommendation to the Board of County Commissioners who will hold a public hearing and take action. The action of the Board will be memorialized in a resolution adopting the ordinance.

#### **I. Attachments**

Attachment A: Critical Areas Ordinance – Adoption Draft

Attachment B: SEPA Determination

**CHELAN COUNTY PLANNING COMMISSION  
SCHEDULE - 2022**

<p style="text-align: center;"><b><u>January</u></b></p> <p style="text-align: center;"><b>January 26</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on January 14</p>	<p style="text-align: center;"><b><u>February</u></b></p> <p style="text-align: center;"><b>February 23</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on February 11</p>	<p style="text-align: center;"><b><u>March</u></b></p> <p style="text-align: center;"><b>March 23</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on March 11</p>	<p style="text-align: center;"><b><u>April</u></b></p> <p style="text-align: center;"><b>April 27</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on April 15</p>
<p style="text-align: center;"><b><u>May</u></b></p> <p style="text-align: center;"><b>May 25</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on May 13</p>	<p style="text-align: center;"><b><u>June</u></b></p> <p style="text-align: center;"><b>June 22</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on June 10</p>	<p style="text-align: center;"><b><u>July</u></b></p> <p style="text-align: center;"><b>July 27</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on July 15</p>	<p style="text-align: center;"><b><u>August</u></b></p> <p style="text-align: center;"><b>August 24</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on August 12</p>
<p style="text-align: center;"><b><u>September</u></b></p> <p style="text-align: center;"><b>September 28</b></p> <p style="text-align: center;">7:00 PM</p> <p style="text-align: center;">Send info to Commissioners on September 16</p>	<p style="text-align: center;"><b><u>October</u></b></p> <p style="text-align: center;"><b>October 26</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on October 14</p>	<p style="text-align: center;"><b><u>November</u></b></p> <p style="text-align: center;"><b>November 16</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on November 4</p>	<p style="text-align: center;"><b><u>December</u></b></p> <p style="text-align: center;"><b>December 21</b></p> <p style="text-align: center;">6:00 PM</p> <p style="text-align: center;">Send info to Commissioners on December 9</p>