



Chelan County Planning Commission

Chair: Vicki Malloy Vice Chair: Jesse Redell

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

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

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

Meeting Agenda

Wednesday, July 26, 2023 at 7:00 PM
Chelan County Community Development
400 Douglas Street, Wenatchee, WA
Or via Zoom- details listed below:

Join Zoom Meeting

<https://us02web.zoom.us/j/89624684351?pwd=RERRNGpRQWlrOEplJUEJIRXNQVm0rdz09>

Meeting ID: 896 2468 4351

Passcode: 982992

+12532158782,,89624684351#,,,,*982992# US (Tacoma)

+12532050468,,89624684351#,,,,*982992# US

Meeting to Order

I. Administrative

A. Review/Approval of Minutes from June 28, 2023 PC Meeting

II. Public Comment Period

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

III. Old Business

A. Continued Hearing for CTA 23-260

IV. New Business

V. Discussion, at the Chair's discretion

VI. Adjournment ***Meeting will go no longer than 9:00 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>

Chelan County has been recording Planning Commission meetings which will continue to be accessible on the Community Development Planning Commission web page shortly after the meeting takes place.

**Next Regular Meeting
August 23, 2023 at 7:00 PM**

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



CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission Date: June 29, 2023
Chelan County Community Development VIA ZOOM
Called to Order: 7:00 PM
316 Washington St., Suite 301
Wenatchee, WA 98801

CALL TO ORDER

Meeting was called to order at 7:00 PM

COMMISSIONER PRESENT/ABSENT

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

STAFF PRESENT

Torrey Herrington, Permit Clerk
Deanna Walter, CD Director

PUBLIC PRESENT

Lauri Malmquist, Pat Thirlby, Larry Stoltz, Keith Van den Brock, Alexander Fowler, Hans Andersen, Kari Andersen, Erika Andersen Bowie, Leavenworth Reindeer Farm, Daniel B O'Connell, Karen Lacher, Don Buttes, Smallwoods Harvest, Charles A Monez, Nancy Grette, Glenn Grette, Bob Fallon, Dee Olin, Bruce Wicks, Linda Johnston, Barara Rossing, Aiden Cockrum, Anne Hessburg, Anthony Burnett, Bobby Wright, Brian Patterson, Cindy Simmons, Doug, Don Mackenzie, GDC, ipad, iphone, iphone, iphone (4), Jennifer Bradford, Kendall Newell, Kim Wiley, Kirvil Skinnarland, Leslie's ipad, M Brian Mills, Marty Fallon, Rick Thirlby, Samsung sm-s908u, Suzanne, Tammy, Terri Howard, Veronica, 15098603302, Mark Potter, Nathan Newell, Roy Fore, Sean Reid, Lydia Mcallister, Jennifer S23 Ulra, Carissa Reid, Wilson, Emily Zimmerman, Angela Dye, Sibhan, Christine Potter

Chairwoman Malloy asked the Planning Commission members if all had read the minutes from the May 24, 2023 meeting.

No comments, or changes were made to the May 24, 2023 minutes, minutes were approved.

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

No Comments

OLD BUSINESS:

Signing of the Planning Commission By-Laws

New Business:

Community Development Director Deanna Walter reviews SEPA environmental review, agency, public commenting, and the 60-day notice to Dept. Commerce.

Public Hearing CTA 2023-260 An application for a minor text amendment to Chelan County Titles 3, 11, 12, 13, and 14.

Director Deanna Walter presents proposed changes to Title 3, 3.24.020 (d) Expedited Permit Review

Commissioner Malloy raised concern if this was actually obtainable for the CD Department.

Director Walter addressed concern

No public Comment

Director Deanna Walter presents proposed changes to Title 11, 11.04.020 District Use Chart

Commissioner Cristopher Dye raises questions about proposed change effecting AG business's with Frontage.

No Public Comment.

Director Deanna Walter presents the addition to Title 11, 11.93.XXXX Highway low impact business activity

Planning Commission suggest edits to proposed code amendment

No public Comment

Director Deanna Walter presents proposed changes to Title 11, 11.88.030 Livestock

Planning Commission Members raised concerns about the proposed code text amendment change.

Public Testimony:

Suzanne Brasell

Cindy Simmons

Daniel O' Conell

Charle Monetz

Glenn Grette

Bruce Wicks

Alexander Fowler

Larry Soltz

Jennifer Bradford

Keith Van Den Brock

Kari Anderson

Brian Mills

Sam Wag

Emily Zimmerman

Terri Howard

Christie Cockrum

Cristal Ornelas

Motion:

Motion made by commissioner Doug England, seconded by Commissioner James Wiggs to decline the proposed text amendment and leave the existing code language unchanged.

Vote-Unanimous

Motion Carries

Director Deanna Walter presents proposed changes to Title 11, 11.88.200 Accessory Dwelling Unit

Planning Commissioner Kelso, and other commissioners raised concerns about dwelling square foot allotment.

Director Walter addressed concerns

No Public Comment

Director Deanna Walter presents proposed changes to Title 11, 11.88.170 Accessory Use structure

No Comment from planning Commission members

No Public Comment

Director Deanna Walter presents proposed changes to Title 11, 11.93.370 small scale recreational or tourist use

Planning Commission suggest edits to proposed code amendment

Public Testimony:

Barbra Rassing

Pat Thirlby

Bob Fallon

Lauri Malmquist

Charlie Monetz

Don Makenzie

Kirvil Skinnerland

Brian Patterson

Nathan Newell

Commissioner Malloy requested testimony in writing for her to review, was brought up public comment was submitted to CD.Comment@CO.CHELAN.WA.US per the county website, but hadn't been received.

Director Walter addressed we will get the comments pulled, added to the record and distributed to the planning commission.

Motion:

Motion made by commissioner David Donovick, seconded by Commissioner Jesse Redell to continue the hearing.

Vote- Unanimous

Motion Carries

Discussion at the Chair's Discretion:

None

ADJOURNMENT

Meeting Adjourned at 9:36 pm.

Next Planning Commission Meeting to be held on July 26, 2023,
at 7:00 pm

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



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

2023 Development Text Amendments to Titles 3, 11, 12, 13, 14 Staff Report

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: June 28, 2022
FILE NUMBER: PL 2023-260 (Development Regulation Text Amendments)
2023 Docket

RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Development Regulation Text Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report. Suggested motion if the Planning Commission intends to move said proposed amendments forward with a recommendation for approval:

- A. Move to recommend **approval** of the Development Regulation Text Amendments to provide regulatory support and clarification, given file number PL 2023-260, based upon the findings of fact and conclusions of law contained within the June 13, 2023 staff report.

GENERAL INFORMATION

Applicant	Chelan County
Planning Commission Workshop	May 24, 2023
Planning Commission Notice of Hearing Published	June 17, 2023
Planning Commission Hearing on	June 28, 2023
60-day State agency review	Initiated: June 13, 2023
SEPA Determination	June 12, 2023

SEPA Environmental Review

A Determination of Non-Significance was issued under WAC 197-11-340 for PL 2023-260 on June 12, 2023 (Attachment 1). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after a review of a completed environmental checklist and other information on file with the lead agency.

Agency Comments:

None received to date. (If received prior to hearing, will be Attachment 2.)

Public Comment:

None received to date. (If received prior to hearing, will be Attachment 2.)

60-Day Notice:

Sent to Department of Commerce June 13, 2023. Letter of acknowledgement included as attachment 3.

PROJECT DESCRIPTION – PL 2023-260

Proposal: The Board of County Commissioners has requested regulation text amendments to the Chelan Code, numerous titles, to provide regulatory support and clarification. This includes amendments to the Chelan County Code, specifically Titles 3, 11, 12, 13 and 14, to add a new Conditional Use, provide clarifying language for existing uses and definitions, and new definitions to support the new CUP and existing codified (but undefined) uses in the Chelan County Code. The following Chelan County Code Titles and Sections are proposed to be amended:

TITLE 3

3.24.020 (d)

- (d) Expedited Single-Family Permit Review. Gives the option to allow for expedited permit review of single-family residential permits depending upon staff availability. Expedited review may be processed as follows:
- (1) Request for expedited review will be processed on a “first come, first served” basis and reviews will only be conducted after normal business hours and dependent on staff availability.
 - (2) Expedited permit review will be conducted in a manner so as not to interfere with processing of regular permit applications.
 - (3) Staff will complete the first plan check review within two business days of receipt of a complete application for expedited permit review ~~(see also subsection (e)(1) of this section).~~
 - (4) If corrections are issued, the second plan check review will be conducted within two business days of receipt of all corrections from the applicant ~~(see also subsection (e)(1) of this section).~~
 - (5) Fee for the expedited permit review is inclusive of both building and permit center plan review efforts only. The expedited permit review fee is in addition to the normal base plan review and permit fees.
 - (6) Request for expedited permit review will be conducted for any application requiring a discretionary permit (until the decision has been issued and the appeal period has expired) and projects requiring SEPA (until the appeal period has expired).
 - (7) Fees for expedited permit review will be charged for each individual permit request related to a single-family residence.

~~(8) If staff does not deliver the application within the time frames outlined in subsections (e)(3) and (4) of this section, sixty percent of the expedited review fees will be returned to the applicant, with the remaining balance used to offset overtime pay to staff.~~

Title 11

11.04.020

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
<u>Highway Low Impact Business Activity</u>		<u>CUP</u>	<u>CUP</u>	<u>CUP</u>									

11.93.XXXX Highway low impact business activity (Development Standards):

1. The property/parcel must be existing in it's current legally described configuration as of the date of adoption (insert date)
2. The property shall meet the minimum lot size of the underlying zoning designation as of the date of adoption (insert date)
3. The property shall have existing approved access from either a private road or direct access to the limited access state highway – no new access shall be permitted
4. No use requiring either a traffic study or required access improvements will be permitted
5. The property shall be adjacent to a US or State Route (US2, US97, US97A, SR207, SR971) and have 200 feet of continuous frontage on said US or State Route
6. The proposed commercial use shall not be elsewhere defined in the CCC
7. The applicant shall provide a narrative of the potential impact to surrounding properties and proposed mitigation
8. No retail sales on site – no customers on-site
9. The applicant shall provide a lighting plan. Only areas immediately surrounding structures may be illuminated after dusk, with only indirect, shielded lighting.
10. The applicant shall provide hours of operation compatible with the surrounding uses
11. The business shall be limited to no more than 4 employees (including the owner/manager) on site at one time, and provide a parking plan to accommodate employee on-site parking.
12. Building footprint (cumulative for all structures) may not exceed 10,000 sf or the maximum lot coverage for the zone, whichever is smaller
13. No outdoor storage of materials or vehicles/machinery waiting for repair shall be permitted

14. Parking of commercial vehicles in use for the business shall be wholly screened from all adjacent residentially zoned properties.

11.88.030 Livestock.

- (1) A fence adequate to contain the fowl/animals shall be maintained at all times.
- (2) Animal Densities.
 - (A) Inside a county urban growth area:
 - (i) Lots less than one acre:
 - (a) No livestock.
 - (b) Four poultry, rabbits or other similarly sized animals, excluding roosters, within a fenced area adequate to contain the fowl/animals.
 - (c) Two pot belly pigs, within a fenced area adequate to contain the animals.
 - (ii) Lots one acre or greater:
 - (a) One head of livestock per acre of fenced area adequate to contain the animals, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.
 - (b) Twelve poultry, rabbits or other similarly sized animals per acre of fenced area, adequate to contain the fowl/animals.
 - (c) Two pot belly pigs, within a fenced area adequate to contain the animals.
 - (B) Outside an urban growth area:
 - (i) Lots less than one-half acre:
 - (a) No livestock.
 - (b) Twenty-four poultry, rabbits or other similarly sized animals excluding roosters within a fenced area adequate to contain the fowl/animals.
 - (c) Two pot belly pigs, within a fenced area adequate to contain the animals.
 - (ii) Lots one-half acre or greater, but less than five acres:
 - (a) One head of livestock per one-half acre of fenced area adequate to contain the animals, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.
 - (b) Twenty-four poultry, rabbits or other similarly sized animals per one-half acre, of fenced area, adequate to contain the fowl/animals. Roosters are limited to one per half-acre, of fenced area, adequate to contain the fowl/animals.
 - (c) Two pot belly pigs, within a fenced area adequate to contain the animals.
 - (iii) Lots five acres or greater:
 - (a) Four head of livestock per acre of fenced area adequate to contain the animals, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.
 - (b) Twenty-four poultry, rabbits or other similarly sized animals per one-half acre of fenced area, adequate to contain the fowl/animals. Roosters are limited to two per acre, of fenced area, adequate to contain the fowl/animals.
 - (c) Two pot belly pigs, within a fenced area adequate to contain the animals.

11.88.200 Accessory dwelling unit.

Accessory dwelling units shall meet the following criteria:

- (1) There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family dwelling unit, or duplex.
- (2) An accessory dwelling unit may be attached to, created within, or detached from a new or existing single-family dwelling unit.

- (3) The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the primary residence, unless used as a Short-Term Rental pursuant to 11.88.290 (additional parking required).
- (4) The floor area of the accessory dwelling unit may be attached to, created within, or detached from a new or existing single-family dwelling unit; provided, that the floor area of an accessory dwelling shall not exceed one thousand two hundred (1,200) square feet. Excluded from the calculation of the allowed floor area are the following: garages, and any space subservient to the primary garage use (e.g., storage, mechanical, ~~bathroom, utility room~~), carports, ~~stairwells~~ and ~~uncovered~~ decks.
- (5) The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence only if property is permitted and used as a Short Term Rental, pursuant to 11.88.290.
- (6) No recreational vehicle shall be considered an accessory dwelling unit.
- (7) A common driveway servicing both the existing or new single-family dwelling unit and the accessory dwelling unit shall be used to the greatest extent possible.

(8) Accessory Dwelling Units shall not count towards density calculations within each zone

~~(8) Both the titleholder and the director of the Chelan County community development department shall sign a notice to title. Said notice to title shall be notarized, and be recorded by the Chelan County auditor for the property prior to building permit issuance stating:~~

~~The separate sale or division of the accessory dwelling unit from the single family dwelling unit is prohibited, unless all standards in zoning and subdivision can be met. This covenant is intended to run with the land burdening and benefiting the parties' successors and assigns.~~

11.88.170 Accessory uses and structures.

Accessory uses are permitted upon compliance with the terms and provisions of this title. They must be clearly secondary to, supportive of, and must be compatible with the principal use(s) and consistent with the purpose and intent of the zoning district:

- (1) (A) Fences shall be erected and maintained to a height not to exceed ~~six-seven~~ (7) feet in the side or rear yard area and four feet in the front yard, except on corner lots.
- (B) Fences for public facilities, utilities, industrial, agricultural and commercial uses may be erected and maintained to a height not to exceed eight feet in the side or rear yard area and four feet in the front yard, except on corner lots.
- (C) On corner lots, all fences located in the building setback for either street shall not exceed four feet, except where superseded by a clear view triangle (Section 11.88.090) which limits height to three feet.
- (D) Fences outside of the building setback or required yard areas do not have a height restriction.
- (E) All fences over ~~six-seven~~ (7) feet (or as required by the International Building Codes, 3.04.100(2)) require a building permit.

11.93.370 Small-scale recreational or tourist use.

The following uses and respective conditions shall apply:

- (1) Small-scale recreational and tourism uses include activities and facilities defined in Section [14.98.1795](#).
- (2) Facilities and activities that may occur within small-scale recreational or tourist uses include administrative and storage buildings, meeting/conference facilities, recreational facilities including but not limited to trails, equestrian facilities, interpretive and/or educational facilities, ball fields, swimming pools, exercise facilities/gymnasiums, as well as short-term visitor accommodations such as lodges, cabins, tent and RV camp sites, for use by one group or entity, consistent with applicable building codes and the requirements of this code. The lodging facilities may not be rented out individually.
- (3) No more than ~~six thousand five hundred~~ seven thousand square feet of gross conditioned (defined per current building code) floor area shall be devoted to buildings and structures for each ~~ten acres of land area~~ parcel meeting the minimum lot size of the zoning district within the project site. Caretakers' residences authorized herein may be in addition to the six thousand five hundred square feet of gross floor area for other buildings and structures.
- (4) One single-family dwelling unit may be allowed for each parcel meeting the minimum lot size of the zoning district ~~twenty acres of land within the project site~~ for the use of on-site staff or landowner. The permitted residence may be a detached residential unit, or it may be part of an overall structure that includes additional services, as allowed by existing building codes, including but not limited to: an office, convenience store, recreation/game room, laundry, bathrooms, showers, etc. Such facilities are intended to serve the needs of the park facility users and staff only. New residential development shall not be permitted on the site for year-round or second home residential housing, except as permitted herein for an on-site manager, caretaker, or landowner.
- (5) Lodging facilities associated with small-scale recreational or tourist uses shall meet the following standards:
 - (A) Permitted lodges may include additional services to be located within the structure, as allowed by existing building codes, including but not limited to the following: office, convenience store, recreation/game facilities, laundry, bathrooms, showers, etc. Such facilities are intended to serve the needs of the ~~park~~ facility users and staff only. Commercial uses shall not be opened and/or available for use by the general public.
 - (B) Campground/RV parks shall meet the general site development requirements of Section [11.93.330](#), and shall have no more than twenty camp or RV sites or any combination thereof to the maximum of twenty.
 - (C) As approved by the hearing examiner, short-term/temporary occupancy of recreational vehicles for a time period of not more than ten days during any sixty-day period is permitted.
 - (D) Mixed use development allows the option to create up to five units within a lodge or five cabin units, and fifteen RV or tent sites, provided all other applicable provisions of this section are met. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2007-98 (part), 7/2/07; Res. 2006-114 (part), 8/29/06; Res. 2002-101 (part), 7/16/02; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00. Formerly 11.93.360).

TITLE 12

12.14.050 Exemption categories and criteria.

The administrator may approve certificates of exemption based on one or more of the following exemption categories:

- (1) Platted Lots of Record. Any lot that is wholly within the boundaries of a recorded major subdivision, short plat or assessor's plats.
- (2) Over Twenty-Acre Lots. Any lot that is twenty or more acres or one-thirty-second of a section (RCW [58.17.040\(2\)](#)).
- (3) Laws of Descent. Any lot created by testamentary provisions or the laws of descent (RCW [58.17.040\(3\)](#)).
- (4) Division by Intervention. A lot created or reconfigured by a public road or intervening ownership. An open, maintained, and ungated Forest Service Road is considered a public road for purposes of this exemption.

12.24.015 All final land division review and approval requirements.

- (1) All requests for final approval of a preliminarily approved land division must be submitted to the legislative body of Chelan County for final approval, affixed with the required signatures of signing agencies of jurisdiction within five years, unless otherwise defined by RCW [58.17.140](#), of said preliminary approval, after which time the preliminary approval is void. However, extensions may be granted by the administrator as follows:

TITLE 13

13.04.150 Public notice.

- (1) Whenever the county issues a DNS under WAC [197-11-340\(2\)](#) or a DS under WAC [197-11-360\(3\)](#), the county shall give public notice as follows:
 - (A) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
 - (B) If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW [36.70B.110\(4\)](#) will suffice to meet the SEPA public notice requirements in WAC [197-11-510\(1\)](#).
 - (C) If no public notice is otherwise required for the permit or approval, the county shall give notice of the DNS or DS by:
 - (i) Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located; and
 - (ii) Posting the property, for site-specific proposals; and
 - (iii) Mailing to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet, for site-specific proposals.

TITLE 14

14.98.1795 Small scale recreation and tourism.

“Small scale recreation and tourism” means a land use that relies on a setting to provide recreational or tourist use, including recreational center and commercial facilities to serve those uses, but that does not include new residential development. It includes activities and facilities such as, but not limited to, cultural/religious camps, retreat centers, retreat facility, campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities, and similar uses. Small scale recreational and tourist uses are of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure and public service. (Res. 2020-68 (Exh. C) (part), 6/16/20; Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.1535 Recreational vehicle park/campground.

“Recreational vehicle park/campground” means any lot or parcel of land upon which two or more recreational vehicle, camp sites, and/or lodge or cabin units, as allowed, are located, established, or maintained for occupancy ~~by recreational vehicles~~ as temporary living quarters for recreation or vacation purposes.

(1) “Major recreational vehicle (RV) parks/campgrounds” means ~~developed campgrounds~~ having more than fifty camp or RV sites, cabins and/or lodge units as allowed.

(2) “Minor recreational vehicle (RV) parks/campgrounds” means ~~developed campgrounds~~ having fifty or fewer camp or RV sites, cabins and/or lodge units as allowed. (Res. 2020-68 (Exh. C) (part), 6/16/20; Res. 2012-78 (part), 8/14/12).

14.98.625 Dwelling unit.

“Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as a separate living quarters with exterior access, sleeping, sanitary facilities and kitchen facilities provided within the dwelling unit for the exclusive use of a single household. Sleeping facilities do not require a bed, but only space for sleeping accommodation(s). Kitchen facilities do not require permanent components and may include non-permanent components such as microwaves, hotplates and/or refrigerators for functionality. (Res. 2021-95 (Att. A), 7/27/21; Res. 2020-68 (Exh. C) (part), 6/16/20; Res. 2012-78 (part), 8/14/12).

New Definitions:

14.98.XXXX Highway low impact business activity

Commercial activity adjacent to State Highways that have minimal impact on adjacent residential uses, provide a local need for tourism support, and does not require upgraded existing access. This use is not designed for businesses that offer retail services generating daily customer traffic. Examples of this use may be an office headquarters for property owners business where no customers are onsite, or businesses where all activity occurs within a wholly enclosed structure with no more than 4 employees such as owner operated boat/vehicle repair or small scale manufacturing. This use is intended to buffer residential uses in the Rural Residential zones from the impacts of being an adjacent or secondary lot along the State Highway.

14.98.XXXX Retreat Centers

A site that includes multiple buildings, outdoor recreation activities or relaxation/spa uses and may include overnight lodging for a duration no longer than 10 days and for no more than 50 total visitors. A retreat center has a community hall that serves as a common eating or gathering space. The property may be rented to more than one entity/family/group at a time. The Retreat Center may have an onsite property manager and multiple employees that work onsite to accommodate cleaning, cooking, and Center maintenance.

14.98.XXXX Retreat facility

a one-unit site utilized by a single entity/family that includes overnight, short-term group lodging for no more than 36 guests of the same function, has a common kitchen, indoor and outdoor eating/dining area(s), and indoor and outdoor living and gathering areas, outdoor recreation activities/uses, such as a swimming pool, hot tub, yard game area, firepit, etc., in a rural setting. No onsite employees or property managers.

DISCUSSION

Chelan County has experienced a growth of rural related commercial uses, throughout the various zoning designations and as identified within the District Use Chart of Title 11. Numerous commercial activities are permitted either outright or as a conditional use within these zoning designations.

The properties in the rural designations and immediately adjacent to the many state highways within Chelan County create an opportunity for limited commercial activity as these properties serve as a natural buffer between the intensity of the highway traffic and the secondary residential lots. If appropriate commercial activities are proposed on these adjacent properties, the property owners, secondary residential lots and the public, all benefit. There is an identified public purpose associated with allowing low impact commercial uses where they are best served by existing infrastructure. Adding a Conditional Use, with appropriate development standards, will provide an element of economic development where infrastructure is readily available and there is a logical transition between the state highways and residential properties that may be impacted by the highway.

The 2022/2023 legislative session yielded new mandates to address affordable and workforce housing. This new legislation is slated to be effective January 1, 2025. In an effort to align Chelan County development codes with the legislative mandates, these amendments provide both opportunities and clarification regarding Accessory Dwelling Units (ADUs). Title 11 has permitted ADUs in Chelan County since 2011, with restrictions.

With the adoption of the Short Term Rental Code (11.88.290), some existing provisions and restrictions within the ADU criteria are no longer necessary, and actually provide roadblocks to creating affordable workforce housing within the County. These amendments offer to remove those roadblocks and clarify size calculations for those structures.

In addition to the two primary amendments explained above, we have added new definitions and enhanced existing definitions within Title 14. Other items addressed in this proposed amendment include clarifications to one section in Title 13 regarding when boundary notifications are required for SEPA, and some clarifying language in two sections of Title 12.

COMPREHENSIVE PLAN

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

The following Comprehensive Plan goals and policies are relevant to the request:

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

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

Policy LU 1.6: Consider environmental limitation, availability of infrastructure and consistency with the Comprehensive Plan and the Growth Management Act when establishing residential density standards.

Policy LU 10.3: Require industrial development to provide adequate setbacks, landscape buffers and/or screening to aid the transition between industrial development and other land uses.

Rationale: Appropriate setbacks, landscape buffers, and screening provided by vegetation, fencing and other methods can help mitigate impacts to less intensive land uses.

Policy LU 10.6: Develop regulations to ensure that cottage industries in rural areas are compatible with surrounding land uses.

Rationale: Impacts to surrounding land uses should be addressed.

Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.

Policy RE 2.2: Rural development should not preclude use of rural lands for agriculture and timber production and should avoid or mitigate impacts on existing agriculture or timber operations.

Policy RE 2.3: Ensure that rural development (residential, commercial and industrial) near designated resource lands occurs in a manner that minimizes potential conflicts and reduces conversion of farm and forest land to non-resource uses. Develop mitigating measures to provide adequate protection against potential conflicts

Rationale: The close proximity of rural lands to resource lands is unavoidable. The presence of these resource activities such as forests and agricultural production adds to the character of these rural lands. However, many activities which take place on these resource lands are not compatible with other activities, especially residential uses. Since the conservation of these resource lands may be jeopardized by development which is not sensitive to the activities that characterize a resource based land use; it is important to provide mitigating measures that will provide an adequate transition area between potentially conflicting land uses.

Policy RE 2.8: Protect hillside areas from erosion by requiring development to adequately capture storm drainage and avoid duplication of road systems.

Rationale: Road cuts impact on the visual quality of hillsides and are a source of erosion and shall be minimized.

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

Goal Rationale: Development in rural areas should not be at densities which require urban levels of service. Development at lower densities will also help protect the rural quality of life.

Policy RE 3.1: Provide government services in non-urban areas at a limited level appropriate to the rural setting, including police, fire, roads, and general utilities.

Rationale: Limited public facilities and services will be provided to persons living and working in rural areas. Urban levels of services should not extend beyond urban growth areas, except where provided for under the Growth Management Act.

Goal RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.

Policy RE 4.1: Permit rural development of small scale recreational, tourist, and resort uses that rely on a rural location and setting, including commercial facilities to serve such uses, provided they do not include new residential development and are otherwise consistent with other goals and policies of this plan.

Goal H 1: Encourage the availability of affordable housing to all economic segments of the population of the county.

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

Goal H 3: Encourage the appropriate preservation of existing housing stock.

Policy H 3.1: Where appropriate, encourage the retention and revitalization of existing housing stock with methods such as:

- a. Permitting accessory housing or the division of existing structures in single family neighborhoods*

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

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

Accessory Dwelling Units

Accessory Dwelling Units (ADUs) may be attached, detached, or within an existing structure¹. The classification of an ADU under the Building Permit process requires a kitchen. If a structure does not include a kitchen, such as a guest house, living space above a garage, loft, or studio, it is considered habitable space, but not an ADU. Some property owners are not willing or able to classify a structure as an ADU because of the existing structures or the regulatory requirements. This provides a challenge when trying to determine which ADU structures are used for housing purposes.

Chelan County permits the placement of ADUs in all residential zoning districts with the intent to lessen housing demand and manage housing cost throughout the County.

Affordability Options

The market indicators show that housing costs are increasing with each passing year. If housing prices are too high, or little housing is available, it may be difficult to attract and retain workers. On the flip side, if costs are low and availability is high, the creation of new housing will slow, impacting construction employment. Finding ways to balance housing needs, costs, and demands will support residents, developers, builders, and lenders.

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

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

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

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

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

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

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

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

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

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

REVIEW CRITERIA

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

Pursuant to Chelan County Code (CCC) Section 14.13.040, the following review criteria were used to evaluate the proposed amendments:

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

Finding of Fact: Rural zoned properties adjacent to state highways within Chelan County are presently underutilized as they are perceived as incompatible for strictly residential uses. The public is best served by providing an opportunity for these properties to be developed and used a Highway Low Impact Business Activity, providing a logical buffer between the state highway and secondary lots used for residential purposes.

Minor clarifying amendments to Titles 3, 11, 12, 13 and 14 provide the public with a clear and predictable code, and the county more consistent application of the code.

The proposed amendments would create policy support for and remove regulatory barriers to provide economic development opportunities on lands currently underutilized due to their location/proximity to the state highway.

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

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

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

Finding of Fact: RCW 36.70A.020 describes 13 planning goals to guide the adoption of comprehensive plans and development regulations for counties and cities planning under the Growth Management Act. These goals include, but are not limited to:

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

A portion of this proposal intends to amend Title 11 and Title 14, to conditionally allow a low impact business activity in specific areas within Chelan County. This low impact business activity, if created, would help existing and new small businesses to develop by providing a location that already has existing transportation infrastructure.

Conclusion: The proposal is consistent with the goals of the Growth Management Act and any applicable county-wide planning policies.

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

Finding of Fact: The proposed amendments to the development regulations would support numerous goals and policies within the Land Use, Rural Element, Housing and Economic Development sections of the Comprehensive Plan by clarifying existing development standards for consistent and clear application of the code, along with providing new economic development opportunities for rural properties adjacent to state highways.

Any future construction related to a low impact commercial activity would be required to comply with Chelan County development regulations, critical areas code, the Chelan County SMP, and current building codes.

The proposed amendments would support LU Goal 1 and LU Policy 1.2 through the conditional use permit process, which, as proposed, would require mitigation of any impacts, limited facility hours, and several other development standards.

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

4. *The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; [CCC 14.13.040\(4\)](#)* (code amendment)

Finding of Fact: This amendment would conditionally allow the low impact business activity on properties that are adjacent to state highways, with specific development criteria.

Conclusion: This 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.

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

Finding of Fact: The applicant is Chelan County. The proposed development regulation code amendments would serve the applicant's interest to create a regulatory framework in which a low impact business activity could be implemented on rural properties adjacent to state highways. This use is not expected to adversely affect public health, safety, or welfare, and proposed development standards would limit the size and scope of the activities to be compatible with the primary use of lands for rural residential and with surrounding uses. The implementation of a low impact business activity would benefit the general public by creating opportunities for residents to generate income and, depending on the types of businesses occupying the space, could also improve local economy.

This proposal would conditionally allow the low impact business activity use in multiple Rural Residential zones with a wide range of possible surrounding land uses, such as single-family residential, agricultural, or commercial uses. Conditions for this use, including parcel size, setbacks, hours, etc., are intended to minimize any negative noise, aesthetic, or traffic impacts of a low impact commercial activity use on surrounding land uses.

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

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Development Regulations consistent with RCW 36.70A. The County followed the procedures required for amendment of the development regulations.
2. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance on June 15th, 2023.
3. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on June 13th, 2023 (Attachment 3), pursuant to RCW 36.70A.106.
4. A request for amendments to Chelan County Code was made by Chelan County to provide policy and regulatory support to conditionally allow a low impact business activity for properties adjacent to the state highway in the some Rural Residential zones.
5. A request for amendments to Chelan County Code was made by Chelan County to provide regulatory support and clarifying language for clear and consistent application of the code, and for public predictability regarding application of the code.

CONCLUSIONS OF LAW

1. The amendments to the Chelan County development regulations are consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendments are necessary to address a public land use issue or problem.
3. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
4. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.

5. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
6. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11 SEPA Rules have been satisfied.
7. The adoption of these amendments is in the best interest of the public and furthers the health, safety, and welfare of the citizens of Chelan County.

ATTACHMENTS

1. SEPA Determination, signed and published June 15, 2023
2. Agency and Public Comments (none at time of staff report issuance)
3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce, dated June 13, 2023



CHELAN COUNTY

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

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

Project Description: Minor Text Amendments to Chelan County Titles 3, 11, 12, 13 & 14
File Number: PL 2023-260 (Code Text Amendments)
Lead Agency: CHELAN COUNTY

An application for a minor text amendments to Chelan County Titles 3, 11, 12, 13, and 14. Minor amendments will include:

Title 3 – clarification of expedited single-family permit review

Title 11 – adding a new use, Highway Low Impact Business Activity into the District Use Chart, clarification regarding livestock provisions in 11.88.030, updating criteria for Accessory Dwelling Units within 11.88.200, clarifying fence height within 11.88.170, updating development criteria for Small-scale Recreational or Tourist Use within 11.93.370

Title 12 – clarifying Division by Intervention within 12.14.050, clarifying when final plats/SP shall be recorded

Title 13 – updating SEPA noticing provisions for site specific proposals

Title 14 – updating and adding new definitions for existing and proposed uses

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. Comment period ends 14 days from date of publication.

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

Signature: 
Deanna Walter, SEPA Responsible Official

Date: 6/12/23

June 27, 2023

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

RE: Comments on Proposed Code Text Amendments – June 28, 2023, Hearing for CTA 2023-260

Dear Planning Commissioners:

Please accept these comments as part of the hearing record for the June 28, 2023, hearing for proposed Chelan County code text amendments (CTA 2023-260). I have the following related comments:

11.93.XXXX Highway low impact business activity (Development Standards)

Subpart 2. The proposed code states that the property shall meet the minimum lot size of the underlying zoning designation *as of the date of adoption*. Why wouldn't this requirement apply at the time the project is proposed, not just at the date of adoption? I suggest that "as of the date of adoption (insert date)" be stricken or just clarify that the lot size must meet the underlying zoning designation at the time of the Conditional Use Permit application.

Subpart 5. The proposed code currently reads "The property shall be adjacent to a US or State Route (US2, US97, US97A, SR207, SR971) and have" It is my understanding that the list of highways in parentheses is intended to be a comprehensive list, not just a list of examples (e.g., SR150 was purposely left out), which is not clear from the way it is written. I would suggest alternate wording such as "The property shall be adjacent to US2, US97, US97A, SR207, or SR971 and have".

11.93.370 Small-scale recreational or tourist use.

I support the comments on proposed changes to this and related sections submitted by the Residents Coalition of Chelan County (RC₃) in a letter dated June 25, 2023. This is a very significant issue and I hope the Planning Commission will make changes to the proposed code text amendments based on this letter.

Subpart 2. I would also point out that under 11.93.370(2) the code says that small-scale recreational or tourist uses must be "for use by one group or entity". In 14.98.1795 (Small scale recreation and tourism), it is stated that this use includes "retreat centers". However, under the new proposed definition of "retreat centers" (14.98.XXXX) it specifically states that they "... may be rented to more than one entity/family/group at a time, which is contrary to the requirement in 11.93.370(2) noted above. Unless the definition of "retreat centers" is completely removed from the code, it must be revised to clarify that such locations can only be used by one group or entity at a time.

Subpart 3. I don't see a justification for increasing the allowed square footage from 6,500 to 7,000. Is this a random increase or is it to accommodate an existing facility? If the former, it needs further justification as a larger facility will clearly have a larger impact. If the latter, it is unfair to burden all other applicable adjacent landowners with having to live next to a larger facility to accommodate one landowner. Further, the number 6,500 is still referenced in the last sentence of this subpart, which is confusing. Is this an error or does the proposed 7,000 square feet include a caretaker's residence?

My only other comment in regard to this section is that from a resident's perspective, it seems like Chelan County is putting a lot of effort into creating new allowable land uses in residential areas that are, in most cases, simply not compatible with adjacent residential land use. There are already many allowed non-residential land uses that I would certainly not want to see happen next to me, yet the County keeps adding more. It seems like this is often the result of requests from one or two individual landowners; in response, the County is willing to accommodate these requests at the expense of disadvantaging thousands of other landowners wishing only for residential use.

I truly wish this would stop happening.

14.98.1535 Recreational vehicle park/campground

The first sentence in this section is grammatically incorrect. A suggested change would be to add the word "sites" as follows (in underline): ""Recreational vehicle park/campground" means any lot or parcel of land upon which two or more recreational vehicle sites, camp sites, and/or lodge or cabin units,"

Thank you for considering these comments and suggestions.

Sincerely,

A handwritten signature in black ink that reads "Brian Patterson". The signature is written in a cursive, flowing style.

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

From: [Heidi Swoboda](#)
To: [CD Comment](#)
Subject: Planning Commission comment
Date: Wednesday, June 28, 2023 10:22:29 AM

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

Greetings,

I am writing to express concern regarding the proposed changes to livestock 11.88.030. I strongly object to these changes. Sustainable backyard gardens and micro- farms are good for the environment and allow people to have better control of the food available to them. In cities across the nation, people have to rely on grocery stores and in many places other types of chain stores for processed foods. It is detrimental to their health and stressful for their pocketbooks.

We are so fortunate to live in a bountiful area where we can continue to practice our agricultural lifestyles. But we seem to have a tendency to allow those with big money who like their dirt-free lifestyles to dictate the lifestyles of those who live differently. Residents who keep clean healthy animals should not be restrict in this seemingly arbitrarily selected way. And if you have farm animals, you know, there is a continual growth and decline due to births, deaths, sales, etc. Are you to sell the mother duck if she has too many babies this Spring? It seems so obviously not sensible. Please don't pass this regulation. Our County 4-H programs and FFA programs teach kids in the valley to be good stewards of their land and animals. Please consider supporting these educational programs rather than whomever is trying to restrict agriculture in our valley. Thank you for hearing my concerns.

Regards,

Heidi Swoboda

23 year Leavenworth resident

Family home in Pitcher Canyon

4-H Leader and Council Member

Sent from [Mail](#) for Windows

From: [Alison Miller](#)
To: [CD Comment](#)
Subject: Public Comment on Proposed Code Changes
Date: Monday, July 3, 2023 12:02:04 PM

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

Chelan County Planning Commissioners,

I am an architect based in Leavenworth and recently became chair of the City of Leavenworth Planning Commission. My understanding is that the code changes proposed for a hearing on June 28th were continued and there is still time to comment. Here are my thoughts:

Regarding 11.88.200 (4):

Counting any decks toward the ADU square footage is contrary to other County Code and IRC definitions, and striking out "uncovered" simply confuses the matter further. To be consistent and clear, which we all agree is of paramount importance, it would make sense to leave decks out of this sentence describing excluded areas subservient to the garage, and clarify in another sentence that decks are not counted toward the 1200 sf limit for ADUs. The only reason Chelan County has been counting decks toward the 1200 sf is because of an interpretation that has no valid basis in code language. A separate area limit for decks could be established, but counting decks toward the habitable space of an ADU is needlessly punitive and counter to code intent.

Regarding 14.98.625:

This addition is incredibly problematic: "Sleeping facilities do not require a bed, but only space for sleeping accommodation(s). Kitchen facilities do not require permanent components and may include non-permanent components such as microwaves, hotplates and/or refrigerators for functionality."

As I mentioned, consistency and clarity are of utmost importance to ensure that staff can review every proposal with fairness. This addition opens up the definition of a dwelling unit (which is at the core of so many projects in Chelan County) to vast interpretation. The Superior Court of Chelan County recently rejected a decision by Community Development to consider a space with no kitchen a dwelling unit and/or to consider bedrooms attached to an SFR commercial sleeping units, because one can't presume what the future use may be based on how it appears to a staff member. The use is determined by information provided by the applicant, and for staff to make value judgements on how they believe something could be used is preposterous and will create endless conflict. The proposed definition change encourages staff to make inconsistent and capricious judgements on what they think a space could be, which is completely outside the jurisdiction of Community Development. If a space is used in a manner inconsistent with its permitted use in the future, code enforcement is the proper route to address it. I find this change to the definition entirely unacceptable and warn you that it will open the County to a great deal of litigation and even more unhappy customers.

Please look to the IRC and other codes to clarify the definition. Please, do not add this vague and problematic language.

Thank you for your consideration.

Alison Miller, AIA

509-860-3545

www.alisonmillerarch.com

From: [Steven Booher](#)
To: [CD Comment](#)
Subject: Public Comment on Proposed Code Changes for June 28, 2023
Date: Tuesday, June 27, 2023 5:58:04 PM

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

Chelan County Planning Commissioners,

My name is Steven Booher - I'm an architect working at Syndicate Smith in Leavenworth and I'm also currently serving as the chair of the Leavenworth Planning Commission.

I'm writing to provide my thoughts on a few specific proposed code revisions both from the perspective as an architect navigating these codes on a daily basis, but also as someone who has been intimately involved with updating and writing codes for Leavenworth over the last four years.

My comments are as follows:

General comment: It has been my experience on both sides of code writing and navigation that clarity and precision of language is critical. It helps those of us reading the code have certainty that we are following the rules as intended. And more importantly, it creates less room for changing interpretations between staff members and eventual changes in department leadership. It makes the job of planners and reviews much easier if the code is clear and concise and will reduce friction between planning staff and members of the public in the long run.

Regarding 11.88.200(4). Please consider adding clarifying language about whether you intend for covered patios and decks to be included or excluded from the allowed 1,200sf limit for ADUs. The current language addresses decks, but not the covered variety explicitly. The current policy in the Planning Department is that covered decks and patios count against the 1,200sf limit. This is, in my opinion, counter to the intent of the code, which is to allow a dwelling unit of 1,200sf of enclosed, conditioned space. Please consider setting a limit to the size of covered decks/ patios in addition to the 1,200sf limit allowed for ADUs.

Regarding 14.98.625 Dwelling Unit Definition. I cannot understand why this definition is being changed to be LESS clear and LESS precise in its language. The proposed change stating *"Sleeping facilities do not require a bed, but only space for sleeping accommodation(s). Kitchen facilities do not require permanent components and may include non-permanent components such as microwaves, hotplates and/or refrigerators for functionality"* is not only unclear, but creates the ability for essentially ANY space to be considered a Dwelling Unit. This will create constantly changing interpretations and a huge lack of clarity for both reviewers and those of us navigating the code. Under this definition a bathroom, a mud room, an art studio, a pottery studio, an office, a kitchen, a family room, a den - literally anything - can be interpreted to be a "dwelling unit" because it COULD accommodate sleeping facilities. This is, frankly, sloppy code writing, and will create utter chaos and confusion for the general public and in the planning department. Look at the IRC, look at other Jurisdictions and find a way to align with other standards in this realm. The place to enforce illegal or illegitimate use of spaces is through code enforcement after that

illegal use is in place - not preemptively regulating something because it MIGHT be used in an illegal way.

This definition should be made more clear, not less clear. I cannot state strongly enough how much this definition change needs to be re-considered.

Thank you for your consideration.

Steven Booher, AIA

Principal

Syndicate Smith LLC

(509) 670-3130 ext. 11

www.syndicatesmith.com

Note: this email transmittal is confidential and intended only for the recipient(s) unless otherwise expressed by Syndicate Smith, LLC.

I am not opposed to retreat centers. I have been to retreat centers, both in and out of Chelan County. But they have been on very large pieces of property away from other residences.

I could see allowing retreat centers in areas that meet some criteria like the following:

- along federal highways (US 2, US 97A)
- are on large pieces of property (e.g., 10 acres)
- that are at least 150 feet from other houses.

Thank you.

Bruce Williams
8050 E Leavenworth Road
Leavenworth WA 98826
bwseattle@gmail.com
landline: 509.888.1935

From: [Bob Fallon](#)
To: [CD Comment](#)
Subject: Comments on Planning Commission Hearing on PL 2023-260
Date: Wednesday, June 28, 2023 2:35:27 PM

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

Please add these comments to the public comments for the 6/28/2023 PC hearing on PL2023-260 for this evening's PC meeting.

I would like to object to but 9 lines in this code amendment. Those on page 9, 14.98.XXXX defining Retreat Centers and particularly Retreat Facilities. The latter is clearly a large STR as defined elsewhere in the CCC (see below).

On July 24, 2019 Th CC PC held a hearing on proposed STR regulations at the Confluence Tech Center. Hundreds attended, scores commented and the hearing had to be continued to August/28/19 where scores more commented. The citizens were aroused.

There ensued two years of "debate". Thousands of citizen, staff, commissioner and consultant hours were consumed. Well over \$100,000 were spent by pro and anti STR groups and the county on legal and consultant fees. Finally, in exasperation, the BOCC commissioned a "Task Force" to hammer out a compromise acceptable to the combatants.

Throughout, 4 temporary or regular CD Directors came and went. The sheriff's reluctance to engage in STR code enforcement became a factor in his re-election defeat.

Finally, CCC 11.88.290 was adopted, regulating STRs. The code has withstood an appeal to the GMHB and multiple permit denial appeals to the HE. It appears to be working.

Now we come to this amateurish shameful attempt to abolish one of the principal goals of the STR code: the elimination of large disruptive nuisances. Entities that take potential community housing out of the housing mix.

This code amendment states that it has been requested by "Chelan County". Who in Chelan County has requested it? Where is there evidence or testimony that there is a need for any "Highway Low Impact Business Activity" as described in this proposed code amendment?

And lastly, but most importantly: this code amendment contains the basis for its own defeat.

On page 3 we find PL 2023-260 (Development Regulation Text Amendments). Standard (6) reads: (6) The proposed **commercial** use shall not be elsewhere defined in the CCC

The current CCC contains these elements:

11.88.290 (1) Purpose.(A) Short-term rental use is a **commercial** use.

- 14.98.1691 Short-term rental” means a **commercial** use utilizing a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty consecutive nights or days, by intent or net effect of nights or days rented.

Thus, the parts of this code amendment that deal with “Highway Low Impact Business Activity” Retreat Facility (actually an STR as defined in current code) contradicts itself and cannot be enacted.

Thank you for your consideration.

--

Bob Fallon
PO Box 939
12275 Village View Drive
Leavenworth, WA 98826
bobfallon@gmail.com
509-548-4684 H
509-881-8504 C

From: [Bruce Williams](#)
To: [CD Comment](#)
Subject: Comments regarding proposed changes for small-scale recreational/tourist use and retreat centers and facilities
Date: Monday, June 26, 2023 12:38:26 PM

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

Dear Planning Commissioners,

I am writing to express my shock and great disappointment at the proposed changes.

The citizens of Chelan County, including Planning Commissioners, spent years and countless hours coming to a compromise regarding short term rentals in residential neighborhoods. As you know, many of us who actually live in residential areas, as opposed to those trying to make money off of residential areas, were not very happy with this compromise.

This proposal, which completely upsets that compromise, is outrageous. As I understand the proposal (it doesn't appear to be written in a way that makes it easy to understand what it actually would mean), it would allow retreat centers in all residential neighborhoods. These would have a great impact on their neighbors. For what purpose?

I am not opposed to retreat centers. I have been to retreat centers, both in and out of Chelan County. But they have been on very large pieces of property away from other residences.

I could see allowing retreat centers in areas that meet some criteria like the following:

- along federal highways (US 2, US 97A)
- are on large pieces of property (e.g., 10 acres)
- that are at least 150 feet from other houses.

Thank you.

Bruce Williams
8050 E Leavenworth Road
Leavenworth WA 98826
bwseattle@gmail.com
landline: 509.888.1935

From: [Gro Buer](#)
To: [CD Comment](#)
Subject: Re: Comments regarding proposed changes for small-scale recreational/tourist use and retreat centers and facilities
Date: Tuesday, June 27, 2023 4:02:35 PM

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

Dear Planning Commissioners,

I am writing to express my great disappointment at the proposed changes.

We, the citizens of Chelan County, including Planning Commissioners, spent years and hundreds of hours coming to the compromise regarding short term rentals in residential neighborhoods. As you know, many of us who actually live in residential areas, are not happy at all with this compromise, as opposed to those trying to make money off owning homes to rent in residential areas.

This proposal, which completely **upsets that compromise, is outrageous**. As I understand the proposal (which isn't easy to understand), it would allow retreat centers in all residential neighborhoods. These would have a great impact on their neighbors. For what purpose but for STR owners, who already have disrupted our neighborhoods?

I am not opposed to retreat centers. I have been to retreat centers, both in and out of Chelan County. But they have been on very large pieces of property away from other residences.

I could see allowing retreat centers in areas that meet some criteria like the following:

- along federal highways (US 2, US 97A)
- are on large pieces of property (e.g., 10 acres)
- that are at least 300 feet from other houses.

Thank you. Gro Anna Buer, Leavenworth

On Mon, Jun 26, 2023 at 12:38 PM Bruce Williams <bwseattle@gmail.com> wrote:

Dear Planning Commissioners,

I am writing to express my shock and great disappointment at the proposed changes.

The citizens of Chelan County, including Planning Commissioners, spent years and countless hours coming to a compromise regarding short term rentals in residential neighborhoods. As you know, many of us who actually live in residential areas, as opposed to those trying to make money off of residential areas, were not very happy with this compromise.

This proposal, which completely upsets that compromise, is outrageous. As I understand the proposal (it doesn't appear to be written in a way that makes it easy to understand what it actually would mean), it would allow retreat centers in all residential neighborhoods. These would have a great impact on their neighbors. For what purpose?



RESIDENTS COALITION of Chelan County

June 25, 2023

Dear Members of the Planning Commission,

We have reviewed the proposed changes regarding small-scale recreational or tourist use and the addition of definitions of retreat centers and facilities. We strongly object to the thinly disguised attempt to create what are, in effect, Tier 4 short term rentals outside of the provisions of the short-term rental code.

The small scale recreational or tourist use derives from the intent statements for the rural residential zones in Section 11.06.020 of the zoning code. The purpose of rural residential zones is “to allow for low-intensity rural development, agricultural and forestry uses which do not require the extension of services or infrastructure.” Small scale recreation and tourist uses are listed as one of the allowed uses and are defined in Section 14.98.1795 of the zoning code. The first sentence in this definition is key, “Small scale recreation and tourism means a land use that **relies on a setting** to provide recreational or tourist use...” This means that the amenities of the property are such that they would provide exceptional opportunities for recreational and tourist use. This does not mean an ordinary residential property lacking in any special features. Further, this definition states that “Small scale recreational and tourist uses are of a size or intensity which **has minimal impacts** on the surrounding area...”

Small scale means exactly what it implies. Allowing commercial lodging for 36 to 50 people in any residential setting is directly in conflict with the intent statement. This is especially the case on smaller residential parcels.

The new definitions proposed for retreat centers and facilities do not accurately represent the operations of a retreat center. A retreat center is a facility similar to a conference center and provides overnight accommodations for participants in the center’s activities. A retreat center has staff and programs, and the guests attend to participate in these programs and activities, not to participate in tourist activities outside of the retreat center. In the proposed new definitions of retreat center and facility, there are no mandatory requirements for programs or for employees and/or property managers. An empty structure with no employees, no programs, etc. is not a retreat center, it is a short-term rental. We are providing 3 examples of bona fide retreat centers in Attachment A.

If a retreat center definition is to be added to the code, it should contain an accurate description of what a retreat center is—a destination that involves structured and supervised programs and activities that the guests participate in as well as employees and/or property managers that oversee the programs. If it is just an empty structure that people rent, it is a short-term rental.

The combined effect of the proposed changes would mean that any ordinary residential parcel operating a short-term rental could claim it was a retreat center or facility. A structure housing 36 to 50 unsupervised people would be allowed with a CUP in all residential zones. Contrast this to a Tier 3 rental which is limited to 16 persons, must have highway access, meet minimum lot size requirements, meet many standards regarding operations to ensure compatibility in a residential setting, etc.

The County's short-term rental ordinance was adopted after over two years of work involving many drafts, public hearings, and finally the creation of a Task Force to develop a compromise between the owners of short-term rentals and residents. The Task Force successfully reached a compromise on all issues assigned to it and this compromise was adopted essentially unchanged into the provisions of the County's short-term rental code.

The County will be acting in bad faith if it undermines this compromise. In fact, we were assured by the BOCC that the short-term rental ordinance would not be modified in 2023 and that if there were changes to be considered in 2024 or beyond, these changes would be based on a thorough and impartial analysis of how the existing code is being implemented. The proposed definitions of Retreat Center and Retreat Facility essentially undermine entirely the short-term rental ordinance.

During the Task Force negotiations, the short-term rental owners proposed allowing much higher numbers of occupants in Tier 3 rentals. The compromise that was reached capped the number at 16 persons and limited new Tier 3 STRs to four zoning districts and required direct access to functionally classified highways as defined in the Comp Plan.

This proposed action essentially destroys the integrity of the short-term rental ordinance. We strongly object to these changes and suggest that the Newells and any other similarly situated property owners apply to have their properties rezoned to commercial so they can operate their lodges.

We suggest the following changes instead of the staff's proposal. These changes would protect the integrity of the short-term rental code and allow for bona fide retreat centers in a manner that reduces impacts on surrounding properties.

1. Do not add retreat facility to Section 14.98.1875 Small scale recreation and tourism, and do not add a new definition of retreat facility. It is essentially a short-term rental. This proposal has been developed to address the Newells' property and maybe others. In the case of the Newells, their property should be rezoned to commercial. Drafting code to meet the needs of specific property owners is bad policy and is not in the public interest.
2. The definition of retreat center is okay with one modification—it must have an onsite property manager when guests are present and may have employees. As seen from the examples we have provided in the attachment of bona fide retreat centers, there are employees on the site to facilitate and manage the visitors' experience.
3. Section 11.93.370 Small Scale Recreational or tourist use should be modified to require a minimum lot size of 5 acres. Anything smaller does not make sense for the type of uses intended in this zoning district. Add a requirement for a minimum of a 75 to 100 foot setback from the property line to ensure a sufficient buffer to adjacent residential uses.

Thank you for your consideration of these comments.

Sincerely,

Board of Directors
Residents Coalition of Chelan County

ATTACHMENT A

Tierra Retreat Center-- Leavenworth

The Tierra Learning Center has multiple programs operating under one umbrella organization. It is located on 320 acres. The Retreat Center is one of its programs. It hosts corporate retreats, industry symposiums, meditation retreats and EMT training courses. Throughout the year, the Retreat Center offers exclusive use to event organizers. A number of these courses or workshops are open for public registration through the event sponsors. The Center has full time staff and it is a nonprofit organization.

Key features—full-time staff, nonprofit, large property in rural area

Grünewald Guild-- Plain

The Grünewald Guild is an arts education nonprofit retreat center nestled on 16 acres of Cascadian woodland, bordered by the Wenatchee River in the Plain Valley of Washington. Throughout the year the Guild offers art classes and workshops in our studios and contemplative spaces. When there is no scheduled programming, our facilities are available to be booked by groups or individuals for retreat, personal study, workshops, reunions, etc.

While rooted in an ecumenical Christian faith, the Guild embraces people of all journeys and traditions, recognizing the rich fullness of hospitality that practices mutual respect, ensures safety and develops trust. Core staff members both live and work at the Guild. This meaningful and ongoing community supports the sacred space for creativity.

Key features—full-time staff, nonprofit, large property in rural area

Holden Village—Lake Chelan

Nestled in the mountains of the beautiful Glacier Peak Wilderness, Holden Village welcomes all people into the wilderness to form and renew their relationships with God, the earth, and each other. The Village welcomes all who seek rest and renewal to take part in daily rhythms of work, recreation, worship, and shared meals with good company. Visitors can join programs or come for individual retreats.

Key features—full-time staff, nonprofit, remote property

From: [Ryan Walker](#)
To: [CD Comment](#)
Subject: Planning Commission comment CCC 11.93.370
Date: Wednesday, June 28, 2023 10:43:27 AM

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

Chelan County Planning Commission:

I represent multiple Chelan County property owners in the planning phases who intend to apply for a conditional use permit for small-scale recreational or tourist uses. We are opposed to the proposed revision of CCC 11.93.370 to limit these uses to only one group or entity.

How do you define and enforce what a group or entity is? The allowed uses are largely infeasible due to the cost to construct for use of only one group such as ball fields, swimming pools, convenience store and gymnasiums. The definition of allowed uses includes “campgrounds, RV parks, lodges and cabin rentals, camping units, outdoor equipment rentals, guide services, trails and trailhead facilities.” Some of these uses are more appropriate for several small groups or individual families rather than a large assembly.

The current code allows up to twenty camping or RV spots or five lodge/cabin units and fifteen RV or tent sites. It’s difficult to imagine that there are single groups or entities that could occupy such a large number of units often enough to make a facility profitable.

Whether the guests previously know each other or are in a club together is immaterial to the allowed uses. It’s likely that one large group could cause more disruption to the area than multiple families keeping to themselves.

CCC 11.93.370(2) should remain unchanged.

We also recommend revising CCC 11.93.370(5)(C) which currently states:

“As approved by the hearing examiner, short-term/temporary occupancy of recreational vehicles for a time period of not more than ten days during any sixty-day period is permitted”

This section appears to prohibit use of RVs for 83% of the year which is inconsistent with a use that permits RV sites and camping. The section is recommended to be revised to affirm that RV occupancy is allowed under an approved CUP:

As approved by the hearing examiner, short-term/temporary occupancy of recreational vehicles ~~for a time period of not more than ten days during any sixty-day period~~ is permitted **consistent with the standards of this section”**

Thank you,

Ryan Walker
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06/13/2023

Ms. Deanna Walter
Community Development Director
Chelan County
316 Washington Street Suite 301
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2023-S-6167--60-day Notice of Intent to Adopt Amendment

Dear Ms. Walter:

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.

An application for a minor text amendments to Chelan County Titles 3, 11, 12, 13, and 14.

We received your submittal on 06/13/2023 and processed it with the Submittal ID 2023-S-6167. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 08/12/2023.

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

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

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Jo Anne Wright, (509) 601-0385.

Sincerely,

Review Team
Growth Management Services