

### **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 Donovick, Jesse Redell, Doug England

# **Meeting Agenda**

Wednesday, October 25, 2023 at 6:00 PM Chelan County Community Development 400 Douglas Street, Wenatchee, WA Or via Zoom- details listed below:

#### Join Zoom Meeting

https://us02web.zoom.us/j/88127548605?pwd=Y1FkQlJENHNTd1pZWE5BY3BYc1NLZz09

Meeting ID: 881 2754 8605

Passcode: 788795
One tap mobile

+12532158782,,88127548605#,,,,\*788795# US (Tacoma)

+12532050468,,88127548605#,,,,\*788795# US

#### **Meeting to Order**

#### I. Administrative

A. Review/Approval of Minutes from September 27, 2023 PC Meeting

#### II. Public Comment Period

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

#### III. Old Business

#### IV. New Business

CPA 23-100, CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107, CPA 23-108

ZTA 23-426 City of Chelan Ordinance Adoption

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

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

Materials available on the Community Development website

Any person may join this meeting via Zoom Video conference, of which the link is provided on the Chelan County Website. A Copy of the Agenda may be reviewed online <a href="https://www.co.chelan.wa.us/community-development/pages/planning-commission">https://www.co.chelan.wa.us/community-development/pages/planning-commission</a>

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 November 15, 2023 at 6:00 PM

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



# CHELAN COUNTY PLANNING COMMISSION MINUTES

Chelan County Planning Commission Date: September 27, 2023

Chelan County Community Development

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-zoom	Cherie Warren	Present- zoom
Vicki Malloy	Present-zoom	Mike Sines	Absent
Ryan Kelso	Present-zoom	<b>David Donovick</b>	Present
James Wiggs	Present-zoom	<b>Christopher Dye</b>	Absent
Jesse Redell	Present-zoom		

#### **STAFF PRESENT**

**Torrey Herrington, Permit Clerk** 

#### **PUBLIC PRESENT**

Taya, Iphone

Chairwoman Malloy asked the Planning Commission members if all had read the minutes from the August 23, 2023 meeting.

With no comments, or changes were made to the August 23, 2023 minutes.

Motion made by commissioner Cherie Warren to approve the August 23, 2023 Minutes, Motion seconded by commissioner Doug England, Vote- Unanimous.

# PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA

No Comments

#### **OLD BUSINESS:**

N/A

#### **New Business:**

N/A

### Discussion, at the Chair's discretion

- Request for two meetings, or one long meeting in November per the Board of County Commissioners. Planning Commission members present decided one long meeting was preferred, if needed.
- Commissioner Malloy asked Commissioner England if he would preface what occurred at the Board of County Commissioners meeting regarding ZTA 23-260 Code Amendments. Commissioner England gave a brief summary.

### **ADJOURNMENT**

Meeting Adjourned at 7:14 PM.

Next Planning Commission Meeting to be held on October 25, 2023, at 6:00 pm

All Planning Commission meetings and hearings are open to the pubic



# CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

#### 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-100; Chelan County Rural Industrial

#### RECOMMENDED MOTION

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

A. Move to recommend **approval/Denial** of the Comprehensive Plan Amendment was submitted by The Port of Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 5243 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-100-050 given file number CPA 23-100, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

#### **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-100 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

#### **Agency Comments:**

Port of Chelan Letter- Dated October 10, 2023

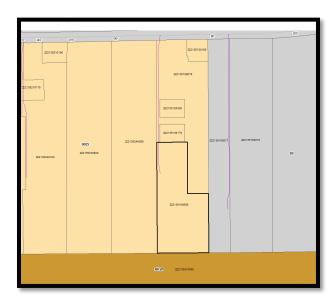
#### **Public Comment:**

None at this time

#### PROJECT DESCRIPTION - CPA 23-100 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (10.75 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5243 Malaga Alcoa Hwy., Malaga, WA 98823 and further identified by Assessor's Parcel Nos.: 22-21-35-100-050. See Attachment 4 for file of record.

#### **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-100:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.

- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4)

Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 10.75 acres to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development, redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

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

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI) and Rural Residential/Resource 5 (RR5). Properties to the east are zoned Rural Industrial (RI). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

#### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 06, 2023.
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (10.75 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5243 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-100-050.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

#### **CONCLUSIONS OF LAW**

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

#### STAFF RECOMMENDATION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (10.75 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5243 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-100-050, October 17, 2023 staff report.

#### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-100



# **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

#### VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



# State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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



### CHELAN COUNTY

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

#### GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): 222135100050	Lot Size: 10.75	(Acres)
Parcel Address: 5243 Malaga Alcoa Hwy.	City/Zip Code: Malaga, 98828	
Property Owner(s): Firing Range Association	Zoning: RR5	
Mailing Address: C/O D. Rinehart, PO Box 36		
City/State/Zip Code: Wenatchee, WA		
Phone: n/a E-mail: n/a		
Applicant/Agent (if different than owner): Port of Chelan County		
Company and Mailing Address: One Campbell Parkway, Suite A		
City/State/Zip: East Wenatches, WA 98802	Phone: 509-884-4700	
E-mail: jim@cdrpa.org	antico atta	
For multiple owners, applicants, or agents, provide additional sheet	5.	
• • • • • • • • • • • • • • • • • • • •		•
This General Land Use Application Form shall be completed unless supplemental forms may be required. Please review all applicable sidevelopment and provide information, documents, studies, and repenvironmental forms) demonstrating compliance with all statutory a criteria.	statutes and regulations pertaining to the proports (such as a Traffic Impact Study or	
Application For: (Check all that apply)		
Administrative Determination  Administrative Interpretation  Binding Site Plan  Comprehensive Plan Map Amendment  Comprehensive Plan Text Amendment  Conditional Use Permit  Forest Practice/Conversion	pen Space: Public Benefit Rating System ajor Subdivision aster Planned Development anned Development at Alteration or Vacation nort Plat ariance (zoning or critical areas) oning Text Amendment/ Map Amendment ther:	
APPLICABILITY SECTION		
<ol> <li>The following have their own individual application. Do not use</li> <li>Boundary Line Adjustments. Please use corresponding Bounda</li> <li>Certificate of Exemptions. Please use corresponding Certificate</li> <li>Shoreline Permits. Provide the JARPA form along with the corr</li> <li>Building and Fire Permits.</li> <li>Pre-Applications.</li> </ol> The following attachments are required for a complete application.	ary Line Adjustment Application Form. es of Exemption Application Form. esponding Supplemental Form, as necessary RECEIVED	y.

MAR 01 2023

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

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File(s) No		

#### **GENERAL INFORMATION**

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed): This is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to Rural Industrial zoning to support economic development in Malaga. ☐ Narrative attached Please complete the following: Any related files (such as Pre-Applications): \_\_\_\_\_ 2. Is the subject property located within an Urban Growth Area (UGA)? ■ No ☐ Yes If "yes", which UGA? \_ Please describe adjacent land uses in all directions around the subject property: North: Rural Residential; Agricultural South: Rural Residential 20 East: Rural Industrial; Agricultural West: Rural Residential What is the current use of the property? Municipal shooting range 4. Sanitation Disposal: ☐ N/A ☐ Septic Permit ☐ Sewer District: 5. 6. Water Source: □ N/A ■ Single Private Well □ Shared Private Well ☐ Group B ☐ Public Water Supplier: 7. Irrigation Water: □ N/A □ Yes (Private) ■ Yes (Public) Irrigation District/Purveyor: School District: Wenatchee School District Fire District: Chelan County Fire District 1 8. Power Service: Chelan County PUD 9. 10. Are there critical areas or critical area buffers on the property? □ Airport Overlay: ☐ Aguifer Recharge Area (see attached) □ Floodplain / Floodway Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site: ☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250') ☐ Erosive soils (on-site) □ Landslide ☐ Snow Avalanche (500') ☐ Habitat/Riparian Area, protected species/area: \_\_\_\_ ☐ Streams / Waterbodies: ☐ ☐ Shoreline Environment Designation: ☐ ☐ Drainage or Seasonal Stream: ☐ Wetland, if so what category: ☐ Cultural or Archeological: 11. Will landfill be required? ■ No □ Yes, approximate \_\_\_\_\_(cubic yards) 12. Will excavation be required? ■ No □ Yes, approximate (cubic yards) RECEIVED 13. Has site preparation been started on the site? If so, to what extent? 14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

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15.	Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:  n/a  Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?   No  Yes, please list:		
16.			

#### **AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

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

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

#### **EVALUATION CRITERIA**

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

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

Does Not Apply A Within a wellhead protection area designated under WAC 246-290: "Wellhead Protection Area

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

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<u>Does not apply</u> G. Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (None currently designated in Chelan County);

Does Not Apply H. The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;

Does Not Apply I. The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;

Does Not Apply J. The proposed use is as a commercial feedlot;

Does Not Apply K. The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

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

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

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

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

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

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

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

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

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

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

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

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

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

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

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

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

#### **CANNABIS DISCLOSURE SECTION**

SUB-SECTION I: Circle

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

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

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

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MAR **01** 2023

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File(s) No.		

SUB-S	ECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-
	Section III.  JK
	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.
	JK  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.  JK  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.  JK  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-S	ECTION III: Please select one of the following:
	existing or planned cannabis- related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction will be in strict compliance with LCB licensure
	requirements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter 69.50 RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and WAC Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW (Shoreline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.
SITE F	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, fuer 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. 0 1 2023

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'	<b>_</b>	laterals, o	canal	s, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest een the ordinary high water mark and proposed/existing structures.
١		Label the	nam	e and width of roads bordering the property and indicate whether they are public or private.
ا				Ith of existing and proposed driveways/accesses serving each structure. Include stormwater control as drains, detention ponds, connection lines, catch basins, etc.
		front yard required of	l sett other	ng and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the back area. All parking shall have durable and dustless surfaces suited to all weather use, unless wise. If applicable, show handicapped parking and accessible routes to the structure and within the ructures and features.
1		or affectin	ng the	bel all easements and widths, deed restrictions, other encumbrances, and/or issues restricting e use or condition of the property, including but not limited to access, utilities, railroads, overhead power. Include the Auditor's file number(s). Before Any Development Occurs, 509-661-4220 for assistance in identifying PUD Easements!
				ation of all existing and proposed overhead and underground utilities including, but not limited to gas, and electrical.
				on of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site ct your project if it overlaps onto your parcel.
		structure( source(s) setbacks	s). S , and from	on of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed show the distance from proposed structure(s) to septic tank, drain field, drinking water well any water body, wetland area and/or flood plain to ensure they meet the required horizontal each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for icable, the approved Health District and County site plan must be identical.
				ter wells, septic tank/drain field is off site, show the location of these systems on the adjacent operties and provide a copy of the easement agreement(s).
				dentify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, and provisions for irrigation).
		If applical	ble, i	nclude outdoor lighting and signage. Label each as existing or proposed.
If the each	he i	Applicant in property on the body in the b	s not wner. t <b>his</b> a	application, I acknowledge and certify the following:
_		; <u>JK</u> ;	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.
_		_ <u>JK</u>	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.
_		_ <u>JK</u>	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.
_		JK	4.	Additional permit applications and approvals may be necessary to conduct specific activities.
_		JK	5.	Application fees are non-refundable, except when approve by the Board.
_		<u>JK</u>	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 sately responsible to defend such challenge and pay all court costs and attorney's fees necessary for

CHELAN COUPAGE 6 of 7

MAR 01 2023

such defense.

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		File(s) No
JK	7.	Chelan County is hereby given consent to enter the property(ies) listed above.
JK	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.
JK	9.	I certify that I possess full legal authority and rights necessary to exercise control over the subject property.
JK	10	I certify that this application has been made with the consent of the lawful property owner(s).
JK	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.
JK	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.
nformation sub	mitte	nder penalty of perjury and under the laws of the State of Washington that the foregoing and all with this application is true, correct and complete to the best of my knowledge.
Owner Signatu		Clishap Place: Wenatcher Date: 3-1-2
Print Name:	(1)	aris Sharp
Owner/Applica	int/Ag	ent Signature: Mr Moratchee Date: 3/1/23
la	mes	M Kuntz Executive Director

Owner/Applicant/Agent Signature:

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Print Name: \_\_

- 14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.
- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation Element.

E. The amendment does not adversely affect the surrounding land uses; and

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The proposal will not adversely affect surrounding land uses, most of which are zoned RI or AC.

MAR 01 2023

- F. The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and
  - The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.
- G. The amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and
  - The proposal would not affect projected growth.
- H. The proposed amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.
  - The proposal serves the interests of both the applicant and general public.

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# **SEPA** ENVIRONMENTAL CHECKLIST

#### Purpose of checklist:

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

#### Instructions for applicants:

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

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

#### Instructions for Lead Agencies:

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

#### Use of checklist for nonproject proposals : [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

 Name of proposed project, if applicable: [help] N/A RECEIVED

MAR **01** 2023

2. Name of applicant: [help]
Port of Chelan County

3. Address and phone number of applicant and contact person: <a href="[help]">[help]</a>
One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]
   None known
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. <a href="[help]">[help]</a>

None known

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help] No
- 10. List any government approvals or permits that will be needed for your proposal, if known. <a href="[help]">[help]</a>

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135100050

#### B. Environmental Elements [help]

1 . Earth	<b>[hel</b>	p
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a. General description of the site: [help]

(circle one): Flat rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_
\*The back portion of the parcel is steep cliffs/bluffs creating a natural barrier between this parcel and the adjacent parcels to the south.

- b. What is the steepest slope on the site (approximate percent slope)? [help]

  The back portion of the site has a steep grade/cliff at an approximate 100 degree angle.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]

Gravelly fine sandy loam, grassland.

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

Potential erosion soils and landslide hazards in area.

- 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. <a href="[help]">[help]</a>
  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="mailto:[help]">[help]</a>
<a href="None proposed">None proposed</a>.

#### 2. Air [help]

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

There would be no new emissions to the air.

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b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. <a href="[help]">[help]</a>

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

#### 3. Water [help]

- a. Surface Water:
  - 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. <a href="[help]">[help]</a>
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help]">[help]</a>
    No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. <a href="mailto:lhelp">[help]</a>
    No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]
    No

#### b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]
  No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system.

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

<ul><li>c. Water runoff (including stormwa</li></ul>	ter)	):
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1)	Describe the source of runoff (including storm water) and method of collection	ction and
	disposal, if any (include quantities, if known). Where will this water flow?	Will this
	water flow into other waters? If so, describe. [help]	
	N/A	

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
- Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]
   No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

4. Piants melb	4.	<b>Plants</b>	<b>Theli</b>	o
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a.	Check	the	types	of ve	getation	found	on	the site:	[heli	pl	ı
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	_deciduous tree: alder, maple, aspen, other
x	_evergreen tree: fir, cedar, pine, other
x	_shrubs
x	_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? <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

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

None proposed

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: <a href="mailto:lhelp">[help]</a>

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MAR () Hage 5 of 14

#### None proposed

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

None proposed

5. Animals [help]
-------------------

a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. <u>[help]</u>

Examples include:

	k, heron, eagle, songbirds, other:	mammals:
deer bear elk, bear		
fish:	bass, salmon, trout herring, shellfis	sh, other

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

- b. List any threatened and endangered species known to be on or near the site. [help] Eagle
- c. Is the site part of a migration route? If so, explain. [help]
- d. Proposed measures to preserve or enhance wildlife, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- e. List any invasive animal species known to be on or near the site. [help]

  None proposed

#### 6. Energy and Natural Resources [help]

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

None proposed

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

None proposed

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: <a href="[help]">[help]</a>

None proposed

#### 7. Environmental Health [help]

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CPA 23-100

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - Describe any known or possible contamination at the site from present or past uses.
     [help]

None proposed

- 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. <a href="[help]">[help]</a> None proposed
- 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. <a href="[help]">[help]</a>
   N/A
- 4) Describe special emergency services that might be required. [help]
  None
- 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="https://example.com/heiple.com/h

#### b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

#### 8. Land and Shoreline Use [help]

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

Agriculture; residential. No, proposal will not affect current land uses on nearby or adjacent properties. Industrial to north across highway.

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

Farmland. This proposal will not change use in the short term.

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: <a href="mailto:[help]">[help]</a>

No

c. Describe any structures on the site. [help] outbuildings; well

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

e. What is the current zoning classification of the site? [help]

RR5

- f. What is the current comprehensive plan designation of the site? [help] RR5
- g. If applicable, what is the current shoreline master program designation of the site? [help]

  N/A
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]

erosive soils, landslide hazard.

- i. Approximately how many people would reside or work in the completed project? [help]

  N/A
- j. Approximately how many people would the completed project displace? [help]

  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]

Application for a comprehensive plan map amendment and zone change.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of longterm commercial significance, if any: [help]

#### None proposed

# 9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="mailto:lhelp">[help]</a>

None

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

None

c. Proposed measures to reduce or control housing impacts, if any: [help]

None

#### 10. Aesthetics [help]

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

N/A

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

None

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

N/A

# 11. Light and Glare [help]

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

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views? <a href="[help]">[help]</a>

N/A

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

N/A

d. Proposed measures to reduce or control light and glare impacts, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

12. Recreation [help]

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. <a href="[help] No">[help] No</a>
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

# 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

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

None proposed

#### 14. Transportation [help]

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

The site is accessed from Malaga Alcoa Hwy

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? <a href="[help]">[help]</a>
No

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MAR **0 1** 2023

C.	How many additional parking spaces would the completed project or non-project proposal
	have? How many would the project or proposal eliminate? [help]

N/A

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

No

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

No

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

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]
  No
- h. Proposed measures to reduce or control transportation impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

# 15. Public Services [help]

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

No

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

#### 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

None proposed

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MAR 01 2023

# 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: Jim Kuntz

Position and Agency/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

# D. Supplemental sheet for nonproject actions [help]

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

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

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

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

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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

N/A

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

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

MAR (Page 023f 14

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

The proposal would likely not deplete energy or natural resources.

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

N/A

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

The proposal would not affect the above.

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

N/A

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

The proposal is not along a shoreline.

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

N/A

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

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

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

Grant funding and other public funding could be used to expand these services to incentivize economic development in the area.

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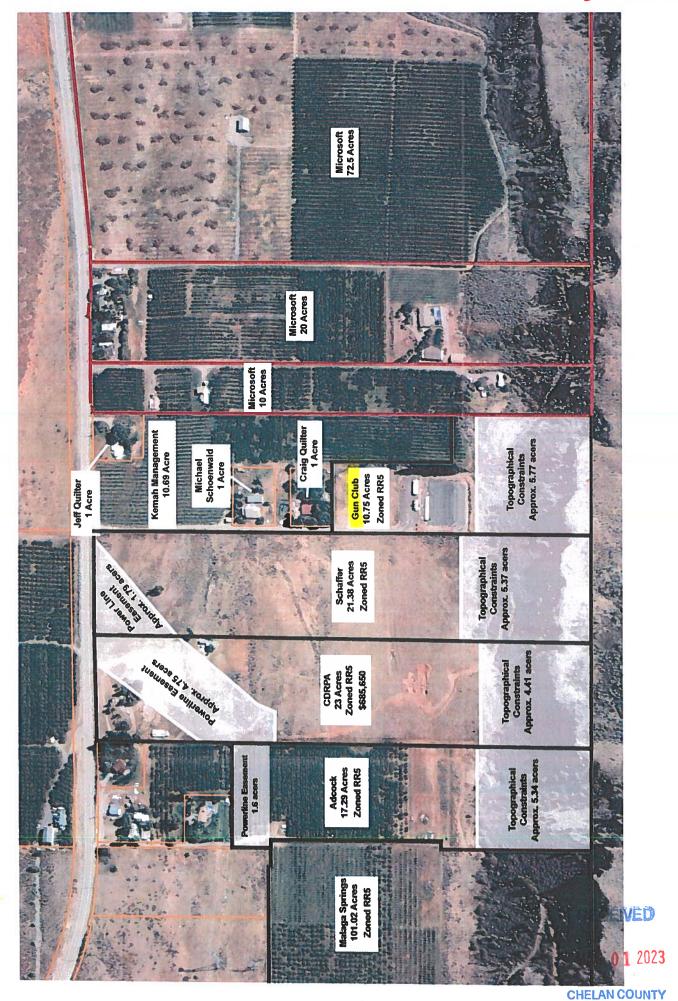
MAR **01** 2023

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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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# **Chelan County Department of Community Development**

Receipt Number: 23-00449

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-100	COMPREHENSIVE PLAN	AMENDMENT 524	5243 Malaga Alcoa Hwy Malaga, WA 98828					
Fee Desc	ription	BARS Number	Fee Amount	Amount Paid	Fee Balance			
Comp Pla	n Amendment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00			
Environme	ental Review (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00			
			\$1,965.00	\$1,965.00	\$0.00			
			TOTAL PAID:	\$1,965.00				

Payment Method	Reference Number	Payment Amount
CHECK	5132	\$1,965.00
Total:		\$1,965.00

Notes:

Project Information								
Permit #	Permit Type	Project Description	Parcel #					
PL 23-100	СРА	CPA - RR5 TO RI	222135100050					

	- 77	Project Conta	Project Contacts		
Permit #	Name	Association	Address		
PL 23-100	FIRING RANGE ASSOCIATION	APPLICANT	C/O D RINEHART, WENATCHEE, WA 98807		
	FIRING RANGE ASSOCIATION	OWNER	C/O D RINEHART, WENATCHEE, WA 98807		
	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802		



# CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

# 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-101; Chelan County Rural Industrial

#### RECOMMENDED MOTION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at NNA Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-100-070 given file number CPA 23-101, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

#### **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 21-118 on September 20, 2021 (Attachment 1). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency.

#### **Agency Comments:**

Port of Chelan- Letter Dated October 10, 2023

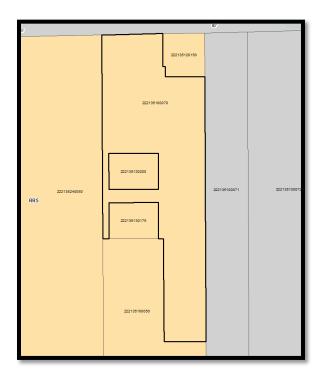
#### **Public Comment:**

None at this time.

#### PROJECT DESCRIPTION - CPA 23-101 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (10.69 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at NNA Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-100-070. See Attachment 4 for file of record.

#### **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-101:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 10.69 acres to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development,

redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

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

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI) and Rural Residential/Resource 20 (RR20). Properties to the east are zoned Rural Industrial (RI). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

#### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 6, 2023.
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (10.69 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at NNA Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-100-070.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

#### **CONCLUSIONS OF LAW**

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

#### STAFF RECOMMENDATION

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

A. Move to recommend approval/denial of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (10.69 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at NNA Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-100-070, given file number CPA 23-101, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

#### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-101



# **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

#### VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



# State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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

CIA	1-1	
File(s) No		



# CHELAN COUNTY

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

# **GENERAL LAND USE APPLICATION FORM**

Parcel Number (APN): 222135100070	Lot Size: 10.69 (Acres
Parcel Address: Unassigned	City/Zip Code: Malaga, 98828
Property Owner(s): Kemah Management L	Zoning:
Mailing Address: P.O. Box 96	
City/State/Zip Code: Malaga, WA 98828	
Phone: n/a	-mail: n/a
Applicant/Agent (if different than owner	t of Chelan County
Company and Mailing Address: One Ca	arkway, Suite A
City/State/Zip: East Wenatchee, WA 9880	Phone: 509-884-4700
E-mail: jim@cdrpa.org	
For multiple owners, applicants, or age	vide additional sheets.
•••••••	••••••••••
environmental forms) demonstrating co- criteria.	eview all applicable statutes and regulations pertaining to the proposed nts, studies, and reports (such as a Traffic Impact Study or see with all statutory and regulatory requirements and other applicable
Application For: (Check all that apply)	
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan Comprehensive Plan Map Amend Comprehensive Plan Text Amend Conditional Use Permit Forest Practice/Conversion	Open Space: Public Benefit Rating System Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat Variance (zoning or critical areas)  Zoning Text Amendment/ Map Amendment Other:
	lication Bound at the co
2. Certificate of Exemptions. Please us	orresponding Boundary Line Adjustment Application Form. esponding Certificates of Exemption Application Form. In along with the corresponding Supplemental Form as necessary.
The following attachments are require	a complete application: MAR 0 1 2023
Copy of Deed or Proof of Ownership     Supplemental Forms, if applicable	CHELAN COUNTY Community Development

Revised January 2018

4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria

5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code,

3 Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist

and requirements and the Chelan County Comprehensive Plan

including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.

File(s) No	File(s)	No.		
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<b>-</b>	T.	-	~	•-		41	v	17	181	_		v	17

deve	se provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and lopment (attach additional sheets if needed):  is is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to
Rura	al Industrial zoning to support economic development in Malaga
	a maderial zoning to support economic development in Malaga.
_	Narrative attached
Pleas	se complete the following:
1.	Any related files (such as Pre-Applications):
2.	Is the subject property located within an Urban Growth Area (UGA)? ■ No □ Yes  If "yes", which UGA?
3.	Please describe adjacent land uses in all directions around the subject property:
	North: Rural Industrial
	South: Rural Residential
	East: Rural Industrial
	West: Rural Residential
4.	What is the current use of the property? Agricultural
5.	Sanitation Disposal: ■ N/A □ Septic Permit □ Sewer District:
6.	Water Source: ☐ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B ☐ Public Water Supplier:
7.	Irrigation Water:  □ N/A □ Yes (Private) ■ Yes (Public) Irrigation District/Purveyor: Lockwood & Canaday Irrigation Company
8.	Fire District: Chelan County Fire District 1 School District: Wenatchee School District
9.	Power Service: Chelan County PUD
10.	Are there critical areas or critical area buffers on the property?  Airport Overlay:  Aquifer Recharge Area (see attached)  Floodylain / Floodway
	Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:  Alluvial Fan (250')
	□ Streams / Waterbodies: □Shoreline Environment Designation:
	□ Drainage or Seasonal Stream: □ Wetland, if so what category: □ Cultural or Archeological:
11.	
12.	Will excavation be required? ■ No □ Yes, approximate(cubic yards)
13.	Has site preparation been started on the site? If so, to what extent?  MAR 0 1 2023
14	Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

File(s)	No.	 

Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:
n/a
Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?    No  Yes, please list:

#### AQUIFER RECHARGE AREA DISCLOSURE SECTION

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

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

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

#### **EVALUATION CRITERIA**

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

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

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

File(s) No.

<u>Does not apply</u> G. Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (None currently designated in Chelan County);

Does Not Apply H. The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;

Does Not Apply I. The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;

Does Not Apply J. The proposed use is as a commercial feedlot;

Does Not Apply K. The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

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

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

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

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

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

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

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

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

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

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

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

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

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

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

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

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

#### **CANNABIS DISCLOSURE SECTION**

**SUB-SECTION I: Circle** 

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

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

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

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MAR **01** 2023

File(s)	No.	 

30B-	SECTION	vii: You must read the below statements, initial on the space provided, and then proceed to Sub-
	JK	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.
Chelan Co noncomm facilities a		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.
	JK	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.
	JK —	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	I III: Please select one of the following:
L	1	
<u>lv</u>	suppo further	y with the signature below that the building or land use permit requested <b>IS NOT</b> related to or in any way rtive of existing or planned cannabis-related activities, development, uses or construction on the property. I represent that any authorized activities, development, uses or construction <b>WILL NOT</b> be utilized to support or d cannabis-related activities, development, uses or construction.
	existin any au require 69.50 WAC	y with the signature below that the building or land use permit requested <b>IS</b> related to or in support of g or planned cannabis- related activities, development, uses or construction on the property. I certify that uthorized activities, development, uses or construction will be in strict compliance with LCB licensure ements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW eline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.
SITE [	PLAN CH	HECKLIST SECTION
	Indicate large pa	pies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For arcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient and the second page depicting an enlargement of the developed area at a larger scale.
	Label a	ll property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
	Label tl building	he location, size, and use of all existing building(s). Identify the distance between property lines and s. Label structures with previous building permit number(s) issued if applicable.
	Label thall deck	ne location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of cs, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and
	Identify above g	the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both pround 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 1 2023

File(s) No. ☐ Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest distance between the ordinary high water mark and proposed/existing structures. ☐ Label the name and width of roads bordering the property and indicate whether they are public or private. ☐ Locate the width of existing and proposed driveways/accesses serving each structure. Include stormwater control facilities such as drains, detention ponds, connection lines, catch basins, etc. ☐ Label all existing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the front yard setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless required otherwise. If applicable, show handicapped parking and accessible routes to the structure and within the site to other structures and features. ☐ Identify and label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property, including but not limited to access, utilities, railroads, irrigation and overhead power. Include the Auditor's file number(s). Before Any Development Occurs, Please Call 1-509-661-4220 for assistance in identifying PUD Easements! ☐ Show the location of all existing and proposed overhead and underground utilities including, but not limited to water, sewer, gas, and electrical. ☐ Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site well may impact your project if it overlaps onto your parcel. ☐ Identify location of all well(s), septic/pump tank, drain field, reserve area and 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. ACKNOWLEGEMENT 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) 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. JK This application does not constitute approval of the proposed development and Chelan County 2. does not make any guarantee, either express or implied, that this application will be approved. JK

#### Application fees are non-refundable, except when approve by the Board. 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. MAR **01** 2023

4. Additional permit applications and approvals may be necessary to conduct specific activities.

False statements, errors and/or omissions in this application or information provided with or in

JK

JK

regard to this application may be sufficient cause for denial of the request.

				1	File(s) No		
	JK_	7.	Chelan County is hereby given consent to enter	er the property(ies) listed above.			
	rized agent of the property owner ns of Chelan County with respect	, and I have t to making this					
JK 9. I certify that I possess full legal author property.				ority and rights necessary to exercise control over the subject			
	JK	10.	I certify that this application has been made wi	ade with the consent of the lawful property owner(s).			
JK 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 dis and are shown on the site plan submitted with this application.							
JK 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 informa	(or decla tion subn	re) ui nitted	nder penalty of perjury and under the laws of the with this application is true, correct and comple	e State of Washington that the fo te to the best of my knowledge.	regoing and all		
Owner	Signatur	e:		Place:	Date:		
Print N	ame:		1				
Owner/Applicant/Agent Signature: Place: Easthvenatcher Date: 3/1/23							
Print N	ame:	nes M	M. Kuntz, Executive Director				
Owner	Applican	t/Ag	ent Signature:	Place:	Date:		
Print N	ame:						

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MAR 01 2023

- 14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.
- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation Element.

E. The amendment does not adversely affect the surrounding land uses; and

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The proposal will not adversely affect surrounding land uses, most of which are zoned RI or AC.

MAR 0.1 2023

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

The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.

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

The proposal would not affect projected growth.

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

The proposal serves the interests of both the applicant and general public.

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MAR 0 1 2023

# **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 decisionmaking process.

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

#### Instructions for Lead Agencies:

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

# Use of checklist for nonproject proposals: [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

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 Name of proposed project, if applicable: [help] N/A

MAR 0 1 2023

2. Name of applicant: [help]
Port of Chelan County

3. Address and phone number of applicant and contact person: [help]
One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]
   None known
- List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help]
   None known
- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help]
- 10. List any government approvals or permits that will be needed for your proposal, if known. <a href="[help]">[help]</a>

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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 permit applications related to this checklist. [help]

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135100070

## B. Environmental Elements [help]

1. Earth	[help]
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a. (	General	descrip	otion	of the	site:	[help]
------	---------	---------	-------	--------	-------	--------

(circle c	ne):(	Flat.	rolling,	hilly,	steep	slopes,	mountainous,	other

- b. What is the steepest slope on the site (approximate percent slope)? [help]

  The back portion of the site abuts the adjacent parcel on the south which has a steep grade/cliff at an approximate 100 degree angle.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]

Gravelly fine sandy loam, grassland.

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

Potential erosion soils and landslide hazards in area.

- 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. <a href="[help]">[help]</a>
  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. <a href="[help]">[help]</a>

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>.</a>

### 2. Air [help]

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

There would be no new emissions to the air.

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

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help]
 None proposed

## 3. Water [help]

- a. Surface Water:
  - Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help]">[help]</a>
    No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]
    No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. <a href="[help]">[help]</a>
    No

#### b. Ground Water:

- Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]
   No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system; the property of the system; the system of the system; the system of the system; the system of the system of the system; the system of the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

C.	Water	runoff	(including	g stormwa	ter)	:
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- Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
   N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help] No
- Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. <a href="[help]">[help]</a>
   No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

4 . Plants	[he	[p]
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a. Check the types of vegetation found on the site: [help]

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

- b. What kind and amount of vegetation will be removed or altered? <a href="[help] None proposed">[help] None proposed</a>
- c. List threatened and endangered species known to be on or near the site. [help]

  None proposed
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: <a href="[help]">[help]</a>

#### None proposed

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

None proposed

5. Animals [help	s ineib
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a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

birds: hawk, heron, eagle, songbirds, other:	mammals:
deer bear elk, beaver, other:	
fish: bass, salmon, trout herring, shellfish	. other

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

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

  Eagle
- c. Is the site part of a migration route? If so, explain. [help]
- d. Proposed measures to preserve or enhance wildlife, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- e. List any invasive animal species known to be on or near the site. [help]

  None proposed

## 6. Energy and Natural Resources [help]

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

None proposed

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

None proposed

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: <a href="[help]">[help]</a>

None proposed

7. Environmental Health [help]

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- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - 1) Describe any known or possible contamination at the site from present or past uses.

    [help]

None proposed

- 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. <a href="[help]">[help]</a> None proposed
- Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help]
   N/A
- 4) Describe special emergency services that might be required. [help]
  None
- 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="mailto:[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## b. **Noise** [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 8. Land and Shoreline Use [help]

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

Agriculture; residential. No, proposal will not affect current land uses on nearby or adjacent properties. Industrial to north across highway.

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

Farmland. This proposal will not change use in the short term.

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: <a href="mailto:[help]">[help]</a>

No

c. Describe any structures on the site. [help]
Single family homes; outbuildings; wells

d. Will any structures be demolished? If so, what? <a href="Months">[help]</a>
No

e. What is the current zoning classification of the site? [help] RR5

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

- g. If applicable, what is the current shoreline master program designation of the site? [help]
  N/A
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]
   erosive soils, landslide hazard.
- i. Approximately how many people would reside or work in the completed project? [help]
   N/A
- j. Approximately how many people would the completed project displace? [help]

  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]

Application for a comprehensive plan map amendment and zone change.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of longterm commercial significance, if any: [help]

## None proposed

## 9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="[help]">[help]</a>

None

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

None

c. Proposed measures to reduce or control housing impacts, if any: [help]

None

## 10. Aesthetics [help]

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

N/A

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

  None
- b. Proposed measures to reduce or control aesthetic impacts, if any: [help]
   N/A

## 11. Light and Glare [help]

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

N/A

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

N/A

- c. What existing off-site sources of light or glare may affect your proposal? <a href="Miles of Indian Indi
- d. Proposed measures to reduce or control light and glare impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 12. Recreation [help]

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. [help]
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

## 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

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

None proposed

## 14. Transportation [help]

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help] The site is accessed from Malaga Alcoa Hwy
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]
   No

C.	How many additional parking spaces would the completed project or non-project proposal
	have? How many would the project or proposal eliminate? [help]
	***

N/A

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

No

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

No

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

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]
  No
- h. Proposed measures to reduce or control transportation impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 15. Public Services [help]

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

No

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

## 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

None proposed

## C. Signature [help]

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

Signature:

Name of signee: Jim Kuntz

Position and Agency/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

## D. Supplemental sheet for nonproject actions [help]

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

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

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

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

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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

N/A

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

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

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

The proposal would likely not deplete energy or natural resources.

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

N/A

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

The proposal would not affect the above.

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

N/A

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

The proposal is not along a shoreline.

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

N/A

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

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

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

Grant funding and other public funding could be used to expand these services to incentivize economic development in the area.

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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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#### **PURCHASE AND SALE AGREEMENT**

THIS PURCHASE AND SALE AGREEMENT (hereinafter "Agreement"), made this date, is by and between the PORT OF CHELAN COUNTY, a Washington municipal corporation ("Purchaser"), and KEMAH MANAGEMENT, LLC, a Washington limited liability company ("Seller"). Individually the Purchaser and Seller may be referred to herein as a "Party" or collectively as the "Parties."

1. <u>Agreement/Property</u>. Seller agrees to sell and Purchaser agrees to purchase Seller's interest in real property located in the county of Chelan, state of Washington and more particularly described as follows (the "Property"):

Lot 2, Schoenwald Short Plat No. 1673, Chelan County, Washington, according to the plat thereof recorded in Book 5 of Short Plats, Page 52.

The Parties agree that the above legal description will be revised to be consistent with preliminary commitment for title insurance (please see Section 5.2, below).

Assessor's Parcel No. 222135100070.

The Property is commonly known as NNA, Malaga, Washington 98828.

- 2.1 Excluded Property. The following are not included in the sale of the Property: (i) all irrigation sprinklers located on the Property; (ii) the 7.5 horsepower pump and electrical service panel; and (iii) 18 irrigation shares from the Lockwood & Canaday Irrigation Company ("Irrigation Shares"). Seller shall be solely responsible for disconnecting the electrical service panel in compliance with applicable regulations and policies of the Chelan County PUD. The retention of the Irrigation Shares by Seller is contingent upon written confirmation provided to and approved by the Purchaser during the 90 day feasibility period set forth in Section 9, below, that the Property will no longer be assessed by or subject to any regulations associated with the Lockwood & Canaday Irrigation Company. Seller must remove the items described in sub-sections (i) and (ii), above, consistent with the terms of Section 10.2, below. In the event any items (including but not limited to those described in sub-sections (i) and (ii), above) remain on the Property upon the expiration of the period set forth in Section 10.2, below, then the title and ownership of said items shall vest in the Purchaser for no additional cost, and Seller agrees to sign any and all documents reasonably requested by Purchaser to vest title in the items in the Seller.
- **Earnest Money.** Purchaser shall pay to CW Title and Escrow earnest money in the amount of Ten Thousand and No/100 Dollars (\$10,000.00), within five (5) business days of the effective date of this Agreement. Earnest money shall be in the form of a check made payable to CW Title and Escrow (Wenatchee office) and credited to the purchase price at Closing, as defined herein. The earnest money is non-refundable, except as set forth in Section 5.2 (Title), Section 9 (Feasibility Contingency) and Section 13 (Default), below.

- 3. <u>Purchase Price</u>. The total purchase price shall be Nine Hundred Thousand and No/100 Dollars (\$900,000.00 US), payable in cash at Closing, as defined herein.
- **4.** <u>Deed.</u> At Closing, the Seller shall sign, execute, and deliver a Statutory Warranty Deed for the Property to Purchaser and/or Closing agent, subject to those matters set forth in Section 5, below.

#### 5. Title.

- **5.1** The following shall not be considered encumbrances or defects of title (hereafter "Permitted Exceptions"):
- **5.1.1** Rights reserved in federal patents or state deeds, and building or use restrictions general to the area;
- **5.1.2** Existing easements, conditions, restrictions, covenants, and matters of record not materially impacting Purchaser's intended use of the Property; and
- **5.1.3** General real estate taxes assessed against the Property not due and payable.
- 5.2 Seller shall make available to Purchaser a preliminary commitment for title insurance ("Title Commitment") issued by Central Washington Title Services, Inc. Purchaser shall give written notice to Seller within thirty (30) calendar days of Purchaser's actual receipt of the Title Commitment (including copies of all special exceptions) of any defects or encumbrances, other than Permitted Exceptions specified in Section 5.1, in Seller's title to which Purchaser objects (the "Objection"). Seller shall exercise reasonable good faith to attempt to remove matters to which an objection is made. If Seller is unable to cure the defects objected to by Purchaser within twenty (20) calendar days after receipt of the Objection, unless the time is extended in writing, then Purchaser may elect, as its exclusive remedy, either to waive such defects, or to terminate this Agreement and receive a refund of the earnest money.
- 5.3 At Closing, Seller shall provide an "owner's affidavit" or similar document on a form provided by the title company, if requested by Purchaser or the title company to provide the owner's title policy consistent with this Section 5. Seller shall deliver to Purchaser at or within a reasonable period following Closing, a standard owner's policy of title insurance (the "Title Policy") containing no exceptions other than the customary form printed exceptions ("Standard Exceptions"), the exceptions in Section 5.1 (Permitted Exceptions), the exceptions listed in the Title Commitment that Purchaser has accepted pursuant to Section 5.2, if any ("Accepted Exceptions"). Seller shall pay the cost of the Title Policy at Closing.
- 5.4 If this transaction does not close, and this Agreement is terminated, the Purchaser shall be responsible for the cancellation or other fee associated with the Title Commitment.

- **Representations of Seller.** Effective as of the date of this Agreement and as of the date of Closing, Seller represents, and warrants to Purchaser, as follows:
- **6.1** That Seller is not aware of any material facts adversely affecting the Property which have not been disclosed in writing to the Purchaser.
  - **6.2** There are no underground storage tanks beneath the Property.
- **6.3** That Seller shall maintain the Property in its present or better condition until Closing.
  - 6.4 That the Property contains no leased or encumbered personal property or fixtures.
  - 6.5 That there are no wells or septic systems located on the Property.
- **6.6** That Seller owns good and marketable title to the Property. There are no adverse or other parties in possession of the Property, or of any party thereof.
- **6.7** There are no pending or threatened (in writing, or otherwise) actions, suits, arbitrations, claims, investigations or legal, administrative or other proceedings (a) with respect to or in any manner affecting or involving the title to or condition of the Property, including, but not limited to, any condemnation action, proceeding to impose an assessment district, zoning change proceeding or development moratorium; or (b) to which Seller is or may be a party by reason of Seller's ownership, use, or operation of the Property.
- **6.8** There are no leases, subleases, rental agreements, licenses or other agreements for the lease or occupancy of any portion of the Property. Seller is not in default under any easements, covenants, conditions, restrictions, declarations or other encumbrances on title to the Property.
- **6.9** Seller has not received any written notices from any governmental authority with respect to any violation or alleged violation of any law relating to the use, condition or operation of the Property, which violation remains uncured.
- **6.10** Seller has not used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property or transported to or from the Property, any Hazardous Material (as defined in any local, state, or federal law) in violation of state and federal laws and regulations nor, has Seller allowed any other person or entity to do so; that no Hazardous Materials have been used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property in violation of Law nor transported to or from the Property in violation of Law by any entity or person or from any source.
- **6.11** (i) the Property has not been used as a landfill, waste storage or disposal site, nor have any chemicals, petroleum products, or toxic, hazardous or dangerous wastes or substances been released on or under the Property, (ii) nor is the ground water system under the Property contaminated by any such substance, (iii) there are no underground storage tanks located on the Property, (iv) no spill, release, discharge or disposal of hazardous or toxic substances has occurred

on the Property, and (v) no petroleum products have been released, discharged, disposed or spilled on the Property.

- **6.12** There are no material defects to the Property and there are no agreements, restrictions or conditions that would prevent the use of the Property for Purchaser's intended use.
- 7. <u>Disclosure Statement</u>. Seller shall provide Purchaser a complete and signed disclosure statement as required by Chapter 64.06 RCW within ten (10) calendar days of the effective date of this Agreement for Purchaser's review.
- **8.** <u>Modification/Waivers.</u> To be effective and binding upon the Parties hereto, all modifications or waivers of any condition of this Agreement shall be in writing and signed by the Parties.
- 9. Feasibility Contingency. Purchaser (its agents, contractors, consultants, agents and business prospects [including consultants and agents of business prospects], hereafter "Representatives") shall have ninety (90) days from the effective date of this Agreement to review the feasibility of purchasing the Property and to conduct whatever inspections and investigations the Purchaser or the Representatives deem appropriate. The Purchaser may conduct a "phase 1, environmental assessment", or its equivalent, and Seller agrees to cooperate and provide the necessary information reasonably requested by Purchaser and its consultants to complete said environmental assessment. The Purchaser and the Representatives shall have the right to enter the Property to conduct inspections and investigation, provided that Purchaser shall be solely responsible for restoring the Property to the condition that reasonably existed prior to said entry. The Purchaser shall be responsible for any and all damage caused to the Property arising from or related to said inspection and investigation and agrees to indemnify and hold the Seller harmless in this regard. At any time during the ninety twenty (90) day feasibility period, the Purchaser may provide a written notice to Seller waiving this contingency. This contingency shall be deemed to have failed if Purchaser does not timely provide the written notice to Seller waiving this contingency; in which event, this Agreement shall terminate and be of no further force or effect between the Parties, and the earnest money shall be refunded to the Purchaser.
- **9.1** The Purchaser desires to rezone the Property. The Seller agrees to cooperate and support Purchaser's efforts to rezone the Property. Seller agrees to sign all documents requested by Purchaser to apply for and process a Chelan County comprehensive plan amendment to rezone the Property to a new zoning designation or designations selected by Purchaser.
- 10. <u>Time for Closing Responsibilities of Parties Costs Contingency</u>. The Closing of this transaction shall occur at CW Title and Escrow (Wenatchee office) upon the satisfaction of all contingencies, but, in no event, later than thirty days following the Purchaser's waiver of the continency set forth in Section 9, above; provided, at Seller's election (by delivering written notice to the Purchaser on or before August 1, 2023), that closing shall be extended to not later than August 15, 2023, to accommodate the completion of the 2023 orchard harvest. The Purchaser and Seller shall deposit with CW Title and Escrow all instruments, documents and

monies necessary to complete the sale in accordance with this Agreement. The Purchaser and Seller agree to each pay one-half of the Closing fee. The Parties shall pay their own attorney's fees. Seller will pay for the cost of the Title Policy and the real estate excise tax. Purchaser shall pay for the preparation of the Statutory Warranty Deed and Excise Tax Affidavit to be prepared by Purchaser's attorney. Each party shall pay the prorated portion of real property taxes and irrigation assessments (based on the irrigation season) for the current year based on the date of Closing. Other items shall be paid according to the practice in Chelan County, Washington. For the purpose of the prorations, Purchaser will be deemed to be in title to the Property beginning at 12:01 a.m. on the closing date.

- 10.1 Closing of this transaction is specifically contingent on a simultaneous closing with Michael Schoenwald and Frances Schoenwald (the sole owners and members of the Seller) concerning Lot 3, Schoenwald Short Plat No. 1673, Chelan County, Washington, according to the plat thereof recorded in Book 5 of Short Plats, Page 52.
- 10.2 Effective upon Closing, the Purchaser grants the Seller continued possession of the Property for the sole purpose of removing the property described in Section 1.1 (i) and (ii), above. This period of continued possession shall end, and the Seller shall vacate the Property, on or before the date that is sixty (60) days after Closing (the "Continued Possession Period"). The Continued Possession Period is subject to the following terms and conditions:
- 10.2.1 Except to the extent caused or created by the Purchaser, the Seller shall indemnify and hold the Purchaser free and harmless from all claims, causes of action, suits, liability, loss, damage, or expense arising from or related to the Seller's continued possession of the Property (including fees, costs and expenses [including attorneys' fees] incurred in connection with any claim, liability, cause of action or suit and in enforcing the indemnity).
- 10.2.2 The Seller acknowledges that the Purchaser is accommodating Seller's request to remove certain property after Closing, notwithstanding the Purchaser's intention to commence work prior to the end of the Continued Possession Period, which work may involve significant demolition, grading, and utility work on and near the Property. If the Seller does not vacate and tender full possession to the Property to the Purchaser at the end of the Continued Possession Period, the Purchaser will sustain damages. It is and will be impracticable and extremely difficult to fix the actual damage which the Purchaser will sustain in the event of and by reason of such delays. The Seller shall pay to the Purchaser liquidated damages in the sum of \$500 for each calendar day that Seller has not vacated and tendered full possession of the Property to the Purchaser at the end of the Continued Possession Period as provided herein.
- 10.2.3 Nothing in this Section 10.2 prevents the Purchaser from taking possession of the Property at Closing and commencing work on the Property, so long as such work does not materially interfere with the Seller's efforts to remove the items described in Section 1.1 (i) and (ii), or damage such items.

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- 11. <u>Date of Closing</u>. For purposes of this agreement, the "date of Closing" or "Closing" shall be construed as the date upon which all appropriate documents are recorded and the proceeds of this sale are available for disbursement to Seller.
- **12. Possession.** Except as set forth in Section 10.2, above, Seller shall deliver possession to Purchaser on Closing.
- 13. <u>Default</u>. Time is of the essence of this Agreement. If the Seller defaults (that is, fails to perform the acts required of it) in its contractual performance herein, the earnest money, without deduction or off-set, shall be refunded to the Purchaser, and Purchaser may bring suit for equitable relief, including specific performance, and seek damages arising from Seller's Default. If the Purchaser defaults, the earnest money, upon demand, shall be forfeited and paid to Seller as Seller's sole and exclusive remedy.
- 14. <u>Independent Counsel</u>. Seller acknowledges, understands and agrees that Purchaser is represented by Ogden Murphy Wallace, P.L.L.C.
- 15. Brokerage Fees. Parties represent that they have not incurred finder's fees, broker's fees or commissions, or similar obligations in connection with the Property which is the subject of this Agreement. Seller agrees to indemnify and hold the Purchaser, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Seller, its agents or employees. Purchaser agrees to indemnify and hold the Seller, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Purchaser, its agents or employees.
- **Risk of Loss.** If prior to Closing, improvements on the Property shall be destroyed or materially damaged by fire or other casualty, this Agreement, at option of Purchaser, shall become null and void. If Purchaser elects to continue, all insurance proceeds, if any, shall be payable to Purchaser.

17. <u>Notices</u>. Notice hereunder shall be in writing and may be mailed or delivered. If mailed, such notices shall be sent postage prepaid, certified or registered mail, return receipt requested, and the date marked on the return receipt by the United States Postal Service shall be deemed to be the date on which the Party received the notice. Notices shall be mailed or delivered as follows:

TO PURCHASER:

Port of Chelan County

One Campbell Parkway, Suite A East Wenatchee, WA 98802

Attn: James M. Kuntz, Executive Director

TO SELLER:

Kemah Management, LLC

3831 Searles Road

PO Box 96

Malaga, WA 98828-0096 Attn: Michael Schoenwald

- 18. <u>Governing Law and Venue</u>. This Agreement shall be governed by and interpreted in accordance with Washington law. Any litigation arising out of or in connection with this Agreement shall be conducted in Chelan County, Washington.
- **19.** <u>Successors.</u> This Agreement shall be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of each of the Parties.
- **20.** <u>Encumbrance During Interim</u>. Seller may not financially encumber the Property prior to Closing, unless the encumbrance is discharged or satisfied at Closing.
- 21. <u>Survival</u>. Except for Section 6, which shall survive Closing as binding representations and warranties of the Seller, the terms and conditions of this Agreement shall not survive Closing and shall merge with the recordation of the Statutory Warranty Deed.
- 22. Attorney's Fees. If any suit or proceeding is instituted by the Seller or the Purchaser arising from or related to this Agreement, including, but not limited to, filing of suit or requesting an arbitration, mediation or alternative dispute resolution process (collectively "proceedings"), and appeals and collateral actions relative to such suit or proceedings, each Party shall be responsible for its own attorney fees and costs incurred.
- 23. <u>Counterpart/Facsimile/E-mail</u>. This Agreement may be executed separately or independently in any number of counterparts and may be delivered by manually signed counterpart, facsimile, e-mail or other electronic means. Each and all of these counterparts shall be deemed to have been executed simultaneously and for all purposes to be one document, binding as such on the parties. The facsimile, e-mail or electronic transmission of any signed original document, and retransmission thereof, shall be the same as delivery of an RECEIVED

original. At the request of either party, or the closing agent, the parties will confirm facsimile, e-mail or electronically transmitted signatures by signing an original document.

- **24.** Corporate Authority; Binding Signatures. Each of the individuals executing this Agreement on behalf of Purchaser or Seller warrant that they are an authorized signatory of the entity for which they are signing and have sufficient authority to execute this Agreement.
- 25. <u>General Provisions</u>. Time is of the essence. There are no verbal agreements which modify this Agreement. This Agreement constitutes the full understanding between Seller and Purchaser. Any and all modifications of this Agreement must be in writing and signed by both Parties in order to be binding on the Parties. Purchaser's rights under this Agreement may not be assigned. The "effective date of this Agreement" shall mean the date of the last signature set forth below.

DATED: 2/28/23

DATED:

**PURCHASER:** 

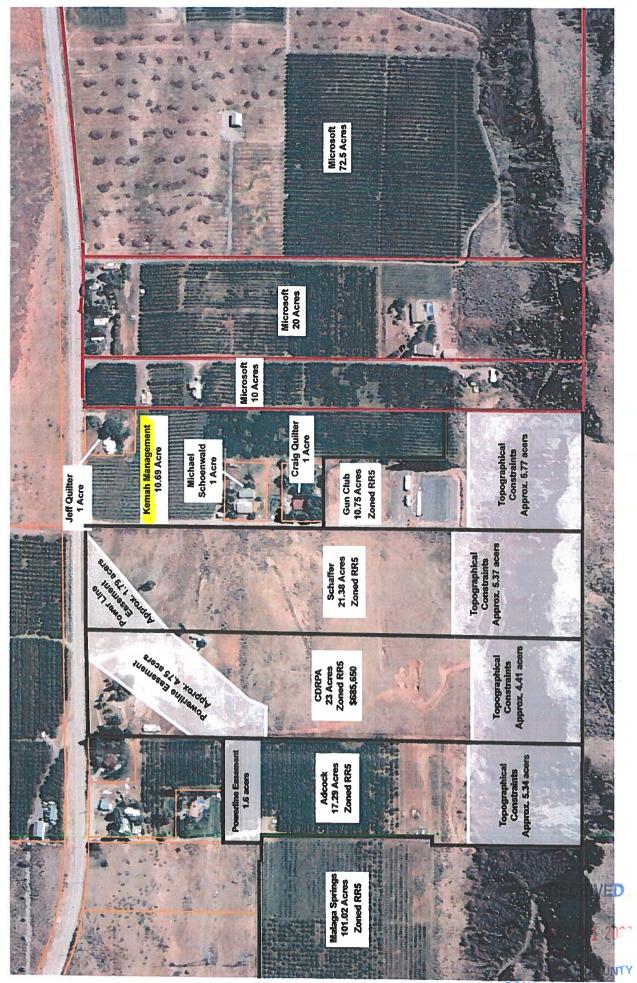
**SELLER:** 

PORT OF CHELAN COUNTY

KEMAH MANAGEMENT, LLC

Michael Schoenwald, Member

Frances Schoenwald, Member





# **Chelan County Department of Community Development**

Receipt Number: 23-00453

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-101	COMPREHENSIVE PLAN	ADDRESS UNKNOWN UNKNOWN, WA 98828			
Fee Desc	ription	BARS Number	Fee Amount	<b>Amount Paid</b>	Fee Balance
Comp Pla	n Amendment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00
Environme	ental Review (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00
			\$1,965.00	\$1,965.00	\$0.00
			TOTAL PAID:	\$1,965.00	

Total:		\$1,965.00
CHECK	5133	\$1,965.00
Payment Method	Reference Number	Payment Amount

Notes:

		Project Informa	ation				
Permit #	Permit Type	Project Description	n Parcel #				
PL 23-101	СРА	CPA - RR5 TO RI	222135100070				
Project Contacts							
Permit #	Name	Association	Address				
PL 23-101	KEMAH MANAGEMENT LLC	APPLICANT	PO BOX 86, MALAGA, WA 98828				
	KEMAH MANAGEMENT LLC	OWNER	PO BOX 86, MALAGA, WA 98828				
	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802				



## CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

## 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-102; Chelan County Rural Industrial

#### RECOMMENDED MOTION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 5235 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-130-175 given file number CPA 23-102, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

### **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-102 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

#### **Agency Comments:**

Port of Chelan- Dated October 10, 2023

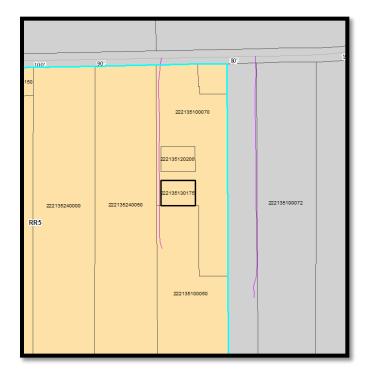
#### **Public Comment:**

None at this time.

## PROJECT DESCRIPTION - CPA 23-102 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5235 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-130-175. See Attachment 4 for file of record.

## **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-102:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 1 acre to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development,

redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

**Finding of Fact:** Access is from an access easement off of the Malaga Alcoa Hwy, a county right of way. No alteration of the Capital Facility Element or Transportation Element is expected as a result of the proposal. Future development of the site will be reviewed for potential impacts to existing roads and creation of new private or public roads.

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI). Properties to the east are zoned Rural Industrial (RI). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

#### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 6, 2023.
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at NNA Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-130-175.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

#### **CONCLUSIONS OF LAW**

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

#### STAFF RECOMMENDATION

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

A. Move to recommend approval/denial of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5235 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-130-175, given file number CPA 23-102, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

#### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-102



## **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

## VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



## State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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



## **CHELAN COUNTY**

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

#### **GENERAL LAND USE APPLICATION FORM**

Parcel Number (APN): 2221351	130175	Lot Size: 1.0 (Acres			
Parcel Address: 5235 Malaga Ald	oa Hwy	City/Zip Code: Malaga, 98828	_`		
Property Owner(s): Craig R. Quilt	er	Zoning: RR5			
Mailing Address: P.O. Box 224					
City/State/Zip Code: Malaga, W.	A 98828				
Phone: n/a	E-mail: <u>r</u>	n/a			
Applicant/Agent (if different tha	n owner): Port of Che	elan County			
Company and Mailing Address:	One Campbell Parkway,	, Suite A			
City/State/Zip: East Wenatchee, W	A 98802	Phone: 509-884-4700			
E-mail: jim@cdrpa.org		· · · · · · · · · · · · · · · · · · ·			
For multiple owners, applicants,	or agents, provide ac	dditional sheets.			
This Comment of the Australia			• •		
supplemental forms may be required development and provide inform	uired. Please review a ation, documents, stu	mpleted unless specified below. Additional information an all applicable statutes and regulations pertaining to the prudies, and reports (such as a Traffic Impact Study or all statutory and regulatory requirements and other applications.	oposed		
Application For: (Check all tha	t apply)				
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan Comprehensive Plan Map Comprehensive Plan Text Conditional Use Permit Forest Practice/Conversion	on on Amendment Amendment	Open Space: Public Benefit Rating System Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat Variance (zoning or critical areas) Zoning Text Amendment/ Map Amendment Other:			
APPLICABILITY SECTION					
2. Certificate of Exemptions Pl	Please use correspond	onding Boundary Line Adjustment Application Form.  ding Certificates of Exemption Application Form.  g with the corresponding Supplementation as hecessa	ıry.		
The following attachments are	required for a com	plete application: MAR 0 1 2023			
Copy of Deed or Proof of Ov     Supplemental Forms, if apple		CHELAN COUNTY			

4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria

5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code,

3. Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist

and requirements and the Chelan County Comprehensive Plan

including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.

File(s	No.	

## **GENERAL INFORMATION**

deve	se provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and lopment (attach additional sheets if needed):
Rur	s is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to all Industrial zoning to support economic development in Malaga.
<u>r (ai</u>	ar maastriar zoning to support economic development in Maiaga.
[	□ Narrative attached
Pleas	se complete the following:
1.	Any related files (such as Pre-Applications):
2.	Is the subject property located within an Urban Growth Area (UGA)? ■ No □ Yes  If "yes", which UGA?
3.	Please describe adjacent land uses in all directions around the subject property:
	North: Rural Residential; Ag
	South: Rural Residential
	East: Rural Residential; Ag orchard
	West: Rural Residential
4.	What is the current use of the property? Residential
5.	Sanitation Disposal: □ N/A ■ Septic Permit □ Sewer District:
6.	Water Source: ☐ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B ☐ Public Water Supplier:
7.	Irrigation Water:  ■ N/A □ Yes (Private) □ Yes (Public) Irrigation District/Purveyor:
8.	Fire District: Chelan County Fire District 1 School District: Wenatchee School District
9.	Power Service: Chelan County PUD
10.	Are there critical areas or critical area buffers on the property?  □ Airport Overlay:
	□ Aquifer Recharge Area (see attached) □ Floodplain / Floodway
	Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:  Alluvial Fan (250')  Erosive soils (on-site)  Landslide  Snow Avalanche (500')  Habitat/Riparian Area, protected species/area:
	□ Streams / Waterbodies: □Shoreline Environment Designation:
	☐ Drainage or Seasonal Stream: ☐ Wetland, if so what category:
44	☐ Cultural or Archeological:
	Will excavation be required? ■ No □ Yes, approximate(cubic yards)
12.	Will excavation be required? ■ No □ Yes, approximate(cubic yards)
13.	Has site preparation been started on the site? If so, to what extent?  MAR 0 1 2023
14.	Are there plans for future additions, expansions, or further activity related to or connected with the probasal?

14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

COMMUNITY DEVELOPMENT

File(s) No. \_\_\_\_

5.	Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:
	n/a
3.	Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?    No  Yes, please list:

#### **AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

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

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

#### **EVALUATION CRITERIA**

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

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

File(s)	No.	

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

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

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

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

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

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

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

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

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

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

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

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

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

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

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

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

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

#### **CANNABIS DISCLOSURE SECTION**

**SUB-SECTION I: Circle** 

I AFFIRM there (S 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.

RECEIVED

MAR **01** 2023

CHELAN COUNTY

COMMUNITY DEVELOPMENT

File	(2	No.		

2	OB-3	SECTION	III: You must read the below statements, initial on the space provided, and then proceed to Sub-				
		JK	Section III.				
I ACKNOWLEDGE AND UNDERSTAND that all cannabis-related activities, development, uses ar construction must comply with Chelan County regulations, including but not limited to Chelan Cou Section 11.100.							
		JK ——	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.				
		JK ——	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.				
		JK	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.				
SI	UB-S	ECTION	I III: Please select one of the following:				
	<b></b>	suppo further	y with the signature below that the building or land use permit requested <b>IS NOT</b> related to or in any way rtive of existing or planned cannabis-related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction <b>WILL NOT</b> be utilized to support or d cannabis-related activities, development, uses or construction.				
		existin any au require 69.50 WAC	y with the signature below that the building or land use permit requested IS related to or in support of g or planned cannabis- related activities, development, uses or construction on the property. I certify that uthorized activities, development, uses or construction will be in strict compliance with LCB licensure ements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW eline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.				
SI	TE P	LAN CH	HECKLIST SECTION				
		Indicate large pa	pies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. The scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For arcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient and the second page depicting an enlargement of the developed area at a larger scale.				
			Il property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).				
		Label to building	he location, size, and use of all existing building(s). Identify the distance between property lines and is. Label structures with previous building permit number(s) issued if applicable.				
		Label the all deck stairs.	ne location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of cs, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and				
		Identify above o	the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both 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. 1 2023				

		File(s) No.
	Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lak laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. distance between the ordinary high water mark and proposed/existing structures.	es, rivers, irrigation Identify the closest
	Label the name and width of roads bordering the property and indicate whether they are public	o or private.
	Locate the width of existing and proposed driveways/accesses serving each structure. Include facilities such as drains, detention ponds, connection lines, catch basins, etc.	stormwater control
	Label all existing and proposed parking spaces/areas. Parking in residential districts is typicall front yard setback area. All parking shall have durable and dustless surfaces suited to all v required otherwise. If applicable, show handicapped parking and accessible routes to the strusite to other structures and features.	veather use, unless
	Identify and label all easements and widths, deed restrictions, other encumbrances, and/or iss or affecting the use or condition of the property, including but not limited to access, utilities, rai irrigation and overhead power. Include the Auditor's file number(s). Before Any Development of Please Call 1-509-661-4220 for assistance in identifying PUD Easements!	Iroads.
	Show the location of all existing and proposed overhead and underground utilities including water, sewer, gas, and electrical.	, but not limited to
	Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius well may impact your project if it overlaps onto your parcel.	s around an off-site
	Identify location of all well(s), septic/pump tank, drain field, reserve area and tight line invostructure(s). Show the distance from proposed structure(s) to septic tank, drain field, a source(s), and any water body, wetland area and/or flood plain to ensure they meet the setbacks from each other and property lines. See Chelan Douglas Health District Horizonta details. If applicable, the approved Health District and County site plan must be identical.	drinking water well required horizontal
	If drinking water wells, septic tank/drain field is off site, show the location of these system property or properties and provide a copy of the easement agreement(s).	ns on the adjacent
	If applicable, identify existing and proposed landscaping, screening and/or fencing. (Show ty size, spacing, and provisions for irrigation).	pe of landscaping,
	If applicable, include outdoor lighting and signage. Label each as existing or proposed.	
If the each  By s  Initia	rand, if applicable, Applicant)  JK 1 . All applications will be reviewed for completeness and processed according to Code Title 14. Each application may be denied if not consistent with all Chelan	Chelan County
	adopted regulations, Comprehensive Plan and related plans or studies.  This application does not constitute approval of the proposed development and does not make any guarantee, either express or implied, that this application w	
	JK 3. False statements, errors and/or omissions in this application or information pro	

**CHELAN COUNTY COMMUNITY DEVELOPMENT** Page 6 of 7

JK

JK

such defense.

regard to this application may be sufficient cause for denial of the request.

Application fees are non-refundable, except when approve by the Board.

Additional permit applications and approvals may be necessary to conduct specific activities.

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

In the event of any legal proceeding to challenge this application, any environmental determination

CPA 23-102

				File(s) No				
JK	7.	Chelan County is hereby given consent to e	nter the property(ies) listed above					
JK	8.		norized agent of the property owner	er, and I have				
JK	JK 9. I certify that I possess full legal authority and rights necessary to exercise control over the subject property.							
JK	10.	I certify that this application has been made	with the consent of the lawful prop	perty owner(s).				
<u>JK</u>		I certify that all Easements, Deed Restriction restricting or affecting the use or condition or and are shown on the site plan submitted wi	ns, other encumbrances, and/or iss f the property have been accurate	sues				
JK	12.	This application shall be subject to all addition ordinances applicable to the proposed development has been made pursuant to Section 14.08.03	lopment until a determination of co	gulations and ompleteness				
I certify (or decla information subr	are) u nitted	nder penalty of perjury and under the laws of with this application is true, correct and comp	the State of Washington that the foliate to the best of my knowledge.	oregoing and all				
Owner Signatuı	re:		Place:	Date:				
		ent Signature:  M. Kuntz, Executive Director	Place: <u>East Wonatchee</u>	Date:				
Owner/Applicar	nt/Ag	ent Signature:	Place:	_ Date:				
Print Name:			_					

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MAR 01 2023

CHELAN COUNTY
COMMUNITY DEVELOPMENT

- 14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.
- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation Element.

E. The amendment does not adversely affect the surrounding land uses; and

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The proposal will not adversely affect surrounding land uses, most of which are zoned RI of AC173

- F. The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and
  - The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.
- G. The amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and
  - The proposal would not affect projected growth.
- H. The proposed amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.
  - The proposal serves the interests of both the applicant and general public.

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## **SEPA** ENVIRONMENTAL CHECKLIST

#### Purpose of checklist:

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

## Instructions for applicants:

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

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

## Instructions for Lead Agencies:

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

## Use of checklist for nonproject proposals : [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS</u> (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]

Name of proposed project, if applicable: [help]
 N/A

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CHELAN COUNTY
COMMUNITY DEVELOPMENT

2. Name of applicant: [help]
Port of Chelan County

3. Address and phone number of applicant and contact person: <a href="[help]">[help]</a>
One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. <a href="[help]">[help]</a>
   None known
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. <a href="[help]">[help]</a>

None known

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help]
- 10. List any government approvals or permits that will be needed for your proposal, if known. <a href="[help]">[help]</a>

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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

MAR Pade 30134

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135130175

## B. Environmental Elements [help]

1	Ea	rth	The	eln'	Ì
	La	, ,,,	- 11 15	210	

a.	General	descri	otion o	of the	site:	[help]

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

What is the steepest slope on the site (approximate percent slope)? [help]

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

Gravelly fine sandy loam, grassland.

c. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [help]

Potential erosion soils and landslide hazards in area.

- d. Describe the purpose, type, total area, and approximate quantities and total affected area
  of any filling, excavation, and grading proposed. Indicate source of fill. [help]
  No filling or grading is proposed.
- e. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. <a href="[help]">[help]</a>

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

g. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>.</a>

#### 2. Air [help]

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

There would be no new emissions to the air.

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MAR 01 2023

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

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

#### 3. Water [help]

- a. Surface Water:
  - Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help]">[help]</a>
    No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
     [help]
     No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. <a href="[help]">[help]</a>
    No

#### b. Ground Water:

- Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]
   No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

C.	Water	runoff	(including	stormwater	<b>)</b> :
----	-------	--------	------------	------------	------------

- Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
   N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help] No
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. <a href="[help]">[help]</a>
  No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

#### 4. Plants [help]

a. Check the types of vegetation found on the site: [help]

x_deciduous tree: alder, maple, aspen, other
x_evergreen tree: fir, cedar, pine, other
x_shrubs
x_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? <a href="[help] None proposed">[help] None proposed</a>
- c. List threatened and endangered species known to be on or near the site. [help]

  None proposed
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: <a href="Mailto:Ihelp">[help]</a>

MAR **0 1** 2023 Page 5 of 14

#### None proposed

e.	List all noxious weeds and invasive species known to be on or near the site. [	help
	None proposed	

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•	,		•		$\sim$

a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

birds: hawk, heron, eagle, songbirds, other:	mammals:
deer bear elk, beaver, other:	
fish: bass, salmon, trout herring, shellfish,	other

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

- b. List any threatened and endangered species known to be on or near the site. [help] Eagle
- c. Is the site part of a migration route? If so, explain. [help]
- d. Proposed measures to preserve or enhance wildlife, if any: [help]

  None proposed
- e. List any invasive animal species known to be on or near the site. [help]

  None proposed

## 6. Energy and Natural Resources [help]

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

None proposed

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

None proposed

c. What kinds of energy conservation features are included in the plans of this proposal?
 List other proposed measures to reduce or control energy impacts, if any: [help]
 None proposed

## 7. Environmental Health [help]

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MAR **0 1** 2023 Page 6 of 14

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - Describe any known or possible contamination at the site from present or past uses.
     [help]
     None proposed
  - 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. <a href="[help]">[help]</a> None proposed
  - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help]

    N/A
  - 4) Describe special emergency services that might be required. [help] None
  - 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="mailto:[help]">[help]</a>
    <a href="Mone proposed">None proposed</a>

#### b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? <a href="[help]">[help]</a>
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: [help] None proposed

## 8. Land and Shoreline Use [help]

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. <a href="[help]">[help]</a> Residential; agriculture. No, proposal will not affect current land uses on nearby or adjacent properties. Industrial to north across highway.

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

No. This proposal will not change use in the short term.

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: <a href="mailto:lhelp">[help]</a>

No

c. Describe any structures on the site. [help]
Single family homes; outbuildings; wells

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

e. What is the current zoning classification of the site? [help]

RR5

- f. What is the current comprehensive plan designation of the site? [help]
- g. If applicable, what is the current shoreline master program designation of the site? [help] N/A
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. <a href="[help]">[help]</a>

erosive soils, landslide hazard.

- i. Approximately how many people would reside or work in the completed project? [help]

  N/A
- j. Approximately how many people would the completed project displace? [help]

  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="mailto:[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]

Application for a comprehensive plan map amendment and zone change.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of longterm commercial significance, if any: [help]

#### None proposed

## 9. Housing [help]

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

None

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

None

c. Proposed measures to reduce or control housing impacts, if any: <a>[help]</a>

None

#### 10. Aesthetics [help]

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

N/A

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

None

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

N/A

## 11 . Light and Glare [help]

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

N/A

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

N/A

- c. What existing off-site sources of light or glare may affect your proposal? <a href="Miles N/A">[help]</a> N/A
- d. Proposed measures to reduce or control light and glare impacts, if any: <a href="mailto:lhelp">[help]</a>
  <a href="None proposed">None proposed</a>

#### 12. Recreation [help]

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. <a href="[help] No">[help]</a>
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

#### 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. <a href="[help]">[help]</a>
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

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

None proposed

### 14. Transportation [help]

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help] The site is accessed from Malaga Alcoa Hwy
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]
   No

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

N/A

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

No

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

No

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

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]
  No
- h. Proposed measures to reduce or control transportation impacts, if any: [help]

  None proposed

#### 15. Public Services [help]

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

No

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

None proposed

#### 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

None proposed

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## 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: Jim Kuntz

Position and Agency/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

## D. Supplemental sheet for nonproject actions [help]

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

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

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

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

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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

N/A

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

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

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

The proposal would likely not deplete energy or natural resources.

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

N/A

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

The proposal would not affect the above.

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

N/A

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

The proposal is not along a shoreline.

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

N/A

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

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

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

Grant funding and other public funding could be used to expand these services to incentivize economic development in the area.

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MAR (Page 13 of 14

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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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#### **PURCHASE AND SALE AGREEMENT**

THIS PURCHASE AND SALE AGREEMENT (hereinafter "Agreement"), made this date, is by and between the PORT OF CHELAN COUNTY, a Washington municipal corporation ("Purchaser"), and R. CRAIG QUILTER and CLAUDIA QUILTER, husband and wife ("Seller"). Individually the Purchaser and Seller may be referred to herein as a "Party" or collectively as the "Parties."

1. <u>Agreement/Property</u>. Seller agrees to sell and Purchaser agrees to purchase Seller's interest in real property located in the county of Chelan, state of Washington and more particularly described as follows (the "Property"):

LOT 4 OF CHELAN COUNTY SHORT PLAT #1673, COMMONLY KNOWN AS THE SCHOENWALD SHORT PLAT, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS FOR RESIDENTIAL USE ONLY OVER THAT CERTAIN ROADWAY 30 FEET IN WIDTH ALONG THE WESTERLY BOUNDARY OF SAID PROPERTY FOR A DISTANCE OF 1016.40 FEET TO THE MALAGA-ALCOA HIGHWAY.

TOGETHER WITH THE RIGHT TO USE AND SHARE FOR DOMESTIC PURPOSES ONLY IN THAT CERTAIN DOMESTIC WATER NOW OBTAINED FROM A SPRING AND WHICH IS PRESENTLY SHARED WITH THE CHELAN COUNTY PEACE OFFICERS' ASSOCIATION AND MELTON, MORE PARTICULARLY DESCRIBED IN THAT CERTAIN ASSIGNMENT OF LICENSE DATED NOVEMTER 18, 1986 AND RECORDED IN BOOK 868, PAGE 293; RECORDS OF CHELAN COUNTY AUDITOR.

Together with all water rights, permits, claims, shares in public or private irrigation districts or companies, rights to water and the like appurtenant to or associated with the above-described property.

Together with the 1985 mobile home located on the above Property.

The Parties agree that the above legal description will be revised to be consistent with preliminary commitment for title insurance (please see Section 5.2, below).

Assessor's Parcel No. 222135130175.

The Property is commonly known as 5235 Malaga Alcoa Highway, Malaga, Washington 98828.

1.1 <u>Excluded Property</u>. All personal property is excluded from this transaction, including appliances located within the residence on the Property; provided that Seller must remove the personal property prior to end of the lease agreement set forth in Section 10 of this D

Agreement. In the event any personal property remains on the Property upon the termination of the lease agreement set forth in Section 10, then the title and ownership of said personal property shall automatically vest in the Purchaser for no additional cost, and Seller agrees to sign any and all documents reasonably requested by Purchaser to vest title in the personal property in the Seller at the end of the lease agreement. Seller agrees to indemnify and hold Purchaser harmless from and against all claims, costs, expenses and damages, of any kind or nature (including reasonable attorney fees and costs), arising from or related to the removal of any improvements from the Property after Closing by Seller, or anyone acting by and through the Seller, including agents, employees, family members, or anyone performing any work related to the removal of the improvements.

- 2. <u>Earnest Money</u>. Purchaser shall pay to CW Title and Escrow earnest money in the amount of Ten Thousand and No/100 Dollars (\$10,000.00), within five (5) business days of the effective date of this Agreement. Earnest money shall be in the form of a check made payable to CW Title and Escrow (Wenatchee office) and credited to the purchase price at Closing, as defined herein. The earnest money is non-refundable, except as set forth in Section 5.2 (Title), Section 9 (Feasibility Contingency) and Section 13 (Default), below.
- 3. <u>Purchase Price</u>. The total purchase price shall be Eight Hundred Seventy Thousand and No/100 Dollars (\$870,000.00 US), payable in cash at Closing, as defined herein.
- 4. <u>Deed</u>. At Closing, the Seller shall sign, execute, and deliver a Statutory Warranty Deed for the Property to Purchaser and/or Closing agent, subject to those matters set forth in Section 5, below.

#### 5. Title.

- **5.1** The following shall not be considered encumbrances or defects of title (hereafter "Permitted Exceptions"):
- **5.1.1** Rights reserved in federal patents or state deeds, and building or use restrictions general to the area;
- 5.1.2 Existing easements, conditions, restrictions, covenants, and matters of record not materially impacting Purchaser's intended use of the Property; and
- 5.1.3 General real estate taxes assessed against the Property not due and payable.
- 5.2 Seller shall make available to Purchaser a preliminary commitment for title insurance ("Title Commitment") issued by CW Title and Escrow. f Purchaser shall give written notice to Seller within thirty (30) calendar days of Purchaser's actual receipt of the Title Commitment (including copies of all special exceptions) of any defects or encumbrances, other than Permitted Exceptions specified in Section 5.1, in Seller's title to which Purchaser objects (the "Objection"). Seller shall exercise reasonable good faith to attempt to remove matters to which an

objection is made. If Seller is unable to cure the defects objected to by Purchaser within twenty (20) calendar days after receipt of the Objection, unless the time is extended in writing, then Purchaser may elect, as its exclusive remedy, either to waive such defects, or to terminate this Agreement and receive a refund of the earnest money.

- 5.3 At Closing, Seller shall provide an "owner's affidavit" or similar document on a form provided by the title company, if requested by Purchaser or the title company to provide the owner's title policy consistent with this Section 5. Seller shall deliver to Purchaser at or within a reasonable period following Closing, a standard owner's policy of title insurance (the "Title Policy") containing no exceptions other than the customary form printed exceptions ("Standard Exceptions"), the exceptions in Section 5.1 (Permitted Exceptions), the exceptions listed in the Title Commitment that Purchaser has accepted pursuant to Section 5.2, if any ("Accepted Exceptions"). Seller shall pay the cost of the Title Policy at Closing.
- 5.4 At or before Closing, Seller shall eliminate the vehicle title to the mobile home so that the mobile home will be treated as real property for purposes of this transaction.
- 5.5 If this transaction does not close, and this Agreement is terminated, the Purchaser shall be responsible for the cancellation or other fee associated with the Title Commitment.
- 6. <u>Representations of Seller</u>. Effective as of the date of this Agreement and as of the date of Closing, Seller represents, and warrants to Purchaser, as follows:
- 6.1 That Seller is not aware of any material facts adversely affecting the Property which have not been disclosed in writing to the Purchaser.
  - 6.2 There are no underground storage tanks beneath the Property.
- 6.3 That Seller shall maintain the Property in its present or better condition until Closing.
  - 6.4 That the Property contains no leased or encumbered personal property or fixtures.
- 6.5 That Seller owns good and marketable title to the Property. There are no adverse or other parties in possession of the Property, or of any party thereof.
- 6.6 There are no pending or threatened (in writing, or otherwise) actions, suits, arbitrations, claims, investigations or legal, administrative or other proceedings (a) with respect to or in any manner affecting or involving the title to or condition of the Property, including, but not limited to, any condemnation action, proceeding to impose an assessment district, zoning change proceeding or development moratorium; or (b) to which Seller is or may be a party by reason of Seller's ownership, use, or operation of the Property.
- 6.7 There are no leases, subleases, rental agreements, licenses or other agreements for D the lease or occupancy of any portion of the Property. Seller is not in default under any easements, covenants, conditions, restrictions, declarations or other encumbrances on title to the Property

- 6.8 Seller has not received any written notices from any governmental authority with respect to any violation or alleged violation of any law relating to the use, condition or operation of the Property, which violation remains uncured.
- 6.9 Seller has not used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property or transported to or from the Property, any Hazardous Material in violation of state and federal laws and regulations nor, has Seller allowed any other person or entity to do so; that no Hazardous Materials have been used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property in violation of Law nor transported to or from the Property in violation of Law by any entity or person or from any source.
- 6.10 (i) the Property has not been used as a landfill, waste storage or disposal site, nor have any chemicals, petroleum products, or toxic, hazardous or dangerous wastes or substances been released on or under the Property, (ii) nor is the ground water system under the Property contaminated by any such substance, (iii) there are no underground storage tanks located on the Property, (iv) no spill, release, discharge or disposal of hazardous or toxic substances has occurred on the Property, and (v) no petroleum products have been released, discharged, disposed or spilled on the Property.
- **6.11** There are no material defects to the Property and there are no agreements, restrictions or conditions that would prevent the use of the Property for Purchaser's intended use.
- 7. <u>Disclosure Statement</u>. Seller shall provide Purchaser a complete and signed disclosure statement as required by Chapter 64.06 RCW within ten (10) calendar days of the effective date of this Agreement for Purchaser's review.
- 8. <u>Modification/Waivers</u>. To be effective and binding upon the Parties hereto, all modifications or waivers of any condition of this Agreement shall be in writing and signed by the Parties.
- 9. Feasibility Contingency. Purchaser (its agents, contractors, consultants, agents and business prospects, hereafter "Representatives") shall have ninety (90) days from the effective date of this Agreement to review the feasibility of purchasing the Property and to conduct whatever inspections and investigations the Purchaser or the Representatives deem appropriate. The Purchaser may conduct a "phase 1, environmental assessment", or its equivalent, and Seller agrees to cooperate and provide the necessary information reasonably requested by Purchaser and its consultants to complete said environmental assessment. The Purchaser and the Representatives shall have the right to enter the Property to conduct inspections and investigation, provided that Purchaser shall be solely responsible for restoring the Property to the condition that reasonably existed prior to said entry. The Purchaser shall be responsible for any and all damage caused to the Property arising from or related to said inspection and investigation and agrees to indemnify and hold the Seller harmless in this regard. At any time during the ninety (90) day feasibility period, the Purchaser may provide a written notice to Seller waiving this contingency. This contingency shall be deemed to have

failed if Purchaser does not timely provide the written notice to Seller waiving this contingency; in which event, this Agreement shall terminate and be of no further force or effect between the Parties, and the earnest money shall be refunded to the Purchaser.

- 9.1 The Purchaser desires to rezone the Property. The Selier agrees to cooperate and support Purchaser efforts to rezone the Property. Seller agrees to sign all documents requested by Purchaser to apply for and process a Chelan County comprehensive plan amendment to rezone the Property to a new zoning designation or designations selected by Purchaser.
- 10. <u>Post-Closing Possession</u>. Seller will retain possession of the Property after Closing according to the terms and conditions of a lease agreement to be entered by the Parties at Closing. The lease agreement to be entered by the Parties at Closing is substantially set forth in attached Exhibit "A", which is incorporated herein by this reference. The Parties agree that the lease agreement is an accommodation requested by the Seller. In the event there is a change in law prior to closing that would exempt the lease agreement from the standard landlord-tenant laws, then the Parties agree that the lease agreement shall be exempt from said laws.
- 11. <u>Time for Closing Responsibilities of Parties Costs.</u> The Closing of this transaction shall occur at CW Title and Escrow (Wenatchee office) upon the satisfaction of all contingencies, but, in no event, later than thirty days following the Purchaser's waiver of the continency set forth in Section 9, above. The Purchaser and Seller shall deposit with CW Title and Escrow all instruments, documents and monies necessary to complete the sale in accordance with this Agreement. The Purchaser and Seller agree to each pay one-half of the Closing fee. The Parties shall pay their own attorney's fees. Seller will pay for the cost of the Title Policy and the real estate excise tax. Purchaser shall pay for the preparation of the Statutory Warranty Deed and Excise Tax Affidavit to be prepared by Purchaser's attorney. Each party shall pay the prorated portion of real property taxes and irrigation assessments (based on the irrigation season) for the current year based on the date of Closing. Other items shall be paid according to the practice in Chelan County, Washington. For the purpose of the prorations, Purchaser will be deemed to be in title to the Property beginning at 12:01 a.m. on the closing date.
- 12. <u>Date of Closing</u>. For purposes of this agreement, the "date of Closing" or "Closing" shall be construed as the date upon which all appropriate documents are recorded and the proceeds of this sale are available for disbursement to Seller.
- 13. <u>Possession</u>. Seller shall deliver possession to Purchaser on Closing, subject to the lease agreement referenced in Section 10, above.
- 14. <u>Default</u>. Time is of the essence of this Agreement. If the Seller defaults (that is, fails to perform the acts required of it) in its contractual performance herein, the earnest money, without deduction or off-set, shall be refunded to the Purchaser, and Purchaser may bring suit for equitable relief, including specific performance, and seek damages arising from Seller's Default. If the Purchaser defaults, the earnest money, upon demand, shall be forfeited and paid to Seller as Seller's sole and exclusive remedy.

- 15. <u>Independent Counsel</u>. Seller acknowledges, understands and agrees that Purchaser is represented by Ogden Murphy Wallace, P.L.L.C.
- 16. Brokerage Fees. Parties represent that they have not incurred finder's fees, broker's fees or commissions, or similar obligations in connection with the Property which is the subject of this Agreement. Seller agrees to indemnify and hold the Purchaser, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Seller, its agents or employees. Purchaser agrees to indemnify and hold the Seller, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Purchaser, its agents or employees.
- 17. Risk of Loss. If prior to Closing, improvements on the Property shall be destroyed or materially damaged by fire or other casualty, this Agreement, at option of Purchaser, shall become null and void. If Purchaser elects to continue, all insurance proceeds, if any, shall be payable to Purchaser.
- 18. <u>Notices</u>. Notice hereunder shall be in writing and may be mailed or delivered. If mailed, such notices shall be sent postage prepaid, certified or registered mail, return receipt requested, and the date marked on the return receipt by the United States Postal Service shall be deemed to be the date on which the Party received the notice. Notices shall be mailed or delivered as follows:

TO PURCHASER:

**Port of Chelan County** 

One Campbell Parkway, Suite A East Wenatchee, WA 98802

Attn: James M. Kuntz, Executive Director

TO SELLER:

Craig and Claudia Quilter

PO Box 224

Malaga, WA 98858

- 19. <u>Governing Law and Venue</u>. This Agreement shall be governed by and interpreted in accordance with Washington law. Any litigation arising out of or in connection with this Agreement shall be conducted in Chelan County, Washington.
- **20.** <u>Successors</u>. This Agreement shall be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of each of the Parties.
- 21. <u>Encumbrance During Interim.</u> Seller may not financially encumber the Property prior to Closing, unless the encumbrance is discharged or satisfied at Closing.

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- 22. <u>Survival</u>. Except for Sections 6 and 10, which shall survive Closing as binding representations and warranties of the Seller, the terms and conditions of this Agreement shall not survive Closing and shall merge with the recordation of the Statutory Warranty Deed.
- 23. Attorney's Fees. If any suit or proceeding is instituted by the Seller or the Purchaser arising from or related to this Agreement, including, but not limited to, filing of suit or requesting an arbitration, mediation or alternative dispute resolution process (collectively "proceedings"), and appeals and collateral actions relative to such suit or proceedings, each Party shall be responsible for its own attorney fees and costs incurred.
- **24.** <u>Counterpart/Facsimile/E-mail.</u> This Agreement may be executed separately or independently in any number of counterparts and may be delivered by manually signed counterpart, facsimile, e-mail or other electronic means. Each and all of these counterparts shall be deemed to have been executed simultaneously and for all purposes to be one document, binding as such on the parties. The facsimile, e-mail or electronic transmission of any signed original document, and retransmission thereof, shall be the same as delivery of an original. At the request of either party, or the closing agent, the parties will confirm facsimile, e-mail or electronically transmitted signatures by signing an original document.
- 25. <u>Corporate Authority: Binding Signatures</u>. Each of the individuals executing this Agreement on behalf of Purchaser or Seller warrant that they are an authorized signature of the entity for which they are signing, and have sufficient authority to execute this Agreement.
- 26. <u>General Provisions</u>. Time is of the essence. There are no verbal agreements which modify this Agreement. This Agreement constitutes the full understanding between Seller and Purchaser. Any and all modifications of this Agreement must be in writing and signed by both Parties in order to be binding on the Parties. Purchaser's rights under this Agreement may not be assigned. The "effective date of this Agreement" shall mean the date of the last signature set forth below.

DATED: 2/28/23	DATED:02/17/23
PURCHASER:	SELLER:
PORT OF CHELAN COUNTY  By:	R Craig Quilter
James M. Kuntz, Executive Director	R. Craig Quilter  Claudia J Quilter 02/17/23
	Claudia Quilter

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# EXHIBIT "A" Residential Lease Agreement

#### **RESIDENTIAL LEASE AGREEMENT**

THIS RESIDENTIAL LEASE AGREEMENT (the "Agreement" or "Lease") is made and entered into this date by and between the CHELAN DOUGLAS REGIONAL PORT AUTHORITY, a Washington municipal corporation ("Landlord"), and R. CRAIG QUILTER and CLAUDIA QUILTER, husband and wife ("Tenant"). Tenant and Landlord are sometimes referred to herein collectively as the "Parties," or individually as a "Party."

The Parties agree as follows:

- 1. <u>Premises.</u> The Port of Chelan County ("POCC") owns certain real property, located at 5235 Malaga Alcoa Highway, Malaga, Washington (the "Premises"). Landlord hereby leases to Tenant, and Tenant leases from Landlord, upon the terms and conditions included in this Lease, the Premises. The Premises consist of the residence and associated yard areas. Notwithstanding the POCC's ownership of the Premises, the POCC has delegated to the Chelan Douglas Regional Port Authority (identified herein as the Landlord) the authority to negotiate and sign leases, and to otherwise manage the Premises on behalf of the POCC.
- **Z.** <u>Term of Lease</u>. The term of this Lease shall extend for a period of eleven (11) months ("Term"), which period shall begin on the \_\_\_\_\_ day of \_\_\_\_\_\_ 2023 ("Commencement Date"). Either Party may terminate the Lease by written notice of sixty (60) days or more, preceding the end of any Term. The Tenant may surrender possession and terminate this Agreement at any time during the Term by providing Landlord written notice setting forth the date of termination.
- 3. Rent. Tenant shall occupy the Premises rent free during the Term. In the event Tenant remains in possession of the Premises after the Term, Tenant shall pay Landlord rent in the amount equal to Three Thousand and No/100 Dollars (\$3,000.00 US) per calendar month commencing on the expiration of the Term. If the expiration of the Term is a date other than the first day of the month, then the rent due and payable for the first month shall be prorated to reflect the number of days remaining in that month. Rent shall be due and payable in advance on or before the first day of each month.
- **3.1** Place of Payment. Rent shall be mailed or delivered to Landlord at One Campbell Parkway, Suite A, East Wenatchee, WA 98802 or at any other place designated by Landlord.
- **4.** <u>Possession</u>. Tenant is entitled to possession of the Premises on the Commencement Date.
- 5. <u>Services: Utilities</u>. Tenant shall make all arrangements and pay for the following utilities: water, electricity, garbage, telephone, internet, cable, and any other utilities furnished

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# **EXHIBIT**

to the Premises by Tenant. Tenant shall be liable to reimburse Landlord for expenses incurred by Landlord on Tenant's behalf associated with any and all utility services to the Premises during any period the Tenant is in possession of the Premises, or during the duration of the Agreement, whichever is longer.

6. Repairs and Maintenance. Tenant shall keep the Premises in a neat, clean, and habitable condition. Landlord shall make all normal and necessary repairs and replacements to the Premises including, but not limited to, the piping, plumbing system, water system, window glass, fixtures, and electrical and mechanical systems used in connection with the Premises. Tenant shall be liable for and hereby agrees to reimburse Landlord for the actual costs of any maintenance or repair to the Premises which is necessitated by the negligence or other tortious action of Tenant or Tenant's guests or invitees which shall be due and payable to Landlord at the same time that the next month's rental payment is due. Landlord shall have the right, upon advance written notice as required by Section 24 of this Agreement, to inspect the Premises at reasonable times (and at least once every six months) to ensure the Premises are properly cleaned and maintained by the Tenant.

Tenant shall be responsible for maintaining landscaping associated with the Premises. The Tenant shall be solely responsible for any snow or ice removal to provide safe access to the Premises.

Tenant owns and shall be solely responsible for all appliances located in the Premises, including any repair, maintenance or replacement of said appliances.

- 7. <u>Alterations and Improvements</u>. Tenant shall not make any improvements to the Premises without Landlord's advance written consent, which consent shall not be unreasonably withheld. Tenant understands and agrees that the costs of these improvements will be borne solely by Tenant and further agrees that improvements, if made, will be considered fixtures and will become incorporated into the Premises.
- 8. <u>Hazard Insurance</u>. Landlord shall maintain insurance on the residence and any improvements that are in existence at the commencement of this Agreement against loss by fire or other hazards during the Term pursuant to an extended policy of hazard insurance. All proceeds or funds arising from any insurance claim shall belong solely to the Landlord.
- 9. <u>Taxes and Assessments</u>. Landlord shall pay all real property taxes and assessments against the Premises by Chelan County or other taxing district during the Term of this Agreement.
- 10. Loss or Destruction of Property. Tenant shall provide Tenant's own insurance for Tenant's personal property. Landlord shall not be responsible for fire, theft or any other damage to Tenant's personal property located on the Premises whether in a dwelling unit, garage, storage area or other areas owned and operated by Landlord outside the leased Premises. In the event the Premises, or any portion thereof, are lost or destroyed by fire or other occurrence at no fault of the Tenant, the Tenant shall have the option to immediately

# **EXHIBIT**

terminate this Agreement or continue this Agreement and continue paying all rent payments required by this Agreement.

11. <u>Surrender of Property</u>. Upon the termination of this Agreement for any reason whatsoever, Tenant shall promptly vacate the Premises, remove Tenant's personal property from the Premises, and deliver the Premises to Landlord in as good order and repair as said Premises were at the commencement of the Agreement. All improvements, additions to or alterations of the Premises, whether installed by Landlord or by Tenant remaining on the Premises after termination of this Agreement shall become the property of the Landlord.

#### 12. Miscellaneous Restrictions.

- **12.1** Tenant shall not smoke or vape, or allow smoking or vaping within or near any structure on the Premises, absent the prior written consent of Landlord.
- 12.2 Tenant shall not act nor allow Tenant's guests, agents, invitees, licensees, or immediate family to act in a manner that causes discomfort or inconvenience to others.
- 12.3 Tenant shall not keep animals or pets at the Premises without prior approval of the Landlord (which approval may be withheld).
- 12.4 Tenant shall not use lighted candles, incense, kerosene lamps, or portable heaters in the Premises, absent prior written consent of the Landlord.
- 12.5 Tenant shall promptly report to Landlord any and all leaks or damage to the Premises. Any loss, damage, or injury caused to persons or property resulting from Tenant's failure to promptly report leaks or damage shall be the sole responsibility of Tenant.
- 13. <u>Assignment and Subletting</u>. Tenant shall not assign this Agreement or sublet any portion of the Premises without the prior written consent of Landlord, which consent may be unreasonably and arbitrarily withheld. The Tenant shall continue to be primarily responsible for the Premises under this Agreement unless or until such time as the new lease agreement with the subtenant has been executed.

14. <u>Use of Premises</u> . Tenant shall use the Premises for single family residential purposes
only. Tenant shall not use the Premises for the purpose of operating a business of any type,
and shall not allow any unlawful use of the Premises. Tenant's immediate family consisting of
() persons and short-term guests may stay at the Premises. For the purpose of
the Lease, "short-term" shall mean persons visiting Tenant who stay overnight or keep personal
property at the Premises for five (5) days or less during a consecutive thirty (30) day period. For
purposes of the Lease, "Tenant's immediate family" shall include only the following persons:
•

	Relation to Tenant:	Relation to Tenant:	
•			
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			•

# **EXHIBIT**

- 15. Smoke Detector. Tenant acknowledges, and Landlord certifies that the Premises is equipped with a smoke detector, as required by RCW 43.44.110, and that the smoke detector has been tested, and is operable as of the execution of this Agreement. It is the Tenant's responsibility to maintain the smoke detector, as specified by the manufacturer, including the replacement of batteries, if required. Tenant's failure to properly maintain the smoke detector can result in punishment, including a fine, payable by Tenant, of not more than that \$200.00 pursuant to RCW 43.44.110.
- 16. <u>Compliance with Law.</u> Tenant shall comply with all laws and shall observe all applicable ordinances, laws and regulations pertaining to the Premises. Tenant agrees to maintain the Premises in a neat, sanitary and attractive condition and shall not commit or allow to be committed any waste upon the Premises or allow any public or private nuisance.
- 17. <u>Indemnification</u>. Tenant shall defend and indemnify Landlord and save Landlord harmless from and against any and all claims, demands, liabilities, damages, costs, or expenses, including attorney fees, arising from any act, omission, or negligence of Tenant, or the officers, contractors, licensees, agents, servants, employees, guests, invitees, or visitors of Tenant in or about the Premises, or arising from any accident, injury, or damage, howsoever and by whomsoever caused, to any person or property, occurring in or about the Premises, including any claim, loss or liability which may be caused or contributed to in whole or in part by Landlord's own negligence.
- 18. <u>Covenants</u>. Tenant shall comply with all covenants and other land use restrictions pertaining to the Premises. Tenant hereby represents and warrants that Landlord has provided Tenant with a copy of any applicable covenants.
- 19. <u>Tenant's Default</u>. Tenant shall be in default for any of the following circumstances:
  - 19.1 Failure to pay any monetary obligation hereunder when due;
- 19.2 Failure to perform or abide by any other term, condition or obligation contained in this Agreement;
- 19.3 Failure to properly dispose from the Premises all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by Tenant;
- 19.4 Failure to properly use and operate all electrical, gas, heating, plumbing, and other fixtures and systems associated with the Premises;
- 19.5 Intentional or negligent destruction or damage to any part of the Premises, or permit any member of his/her family, invitee, licensee, or any person acting under Tenant's control to do so;
  - 19.6 Permitting a nuisance or common waste;

MAR **01** 2023

# **EXHIBIT**

- 19.7 Failure to keep the Premises clean and sanitary;
- 19.8 Engaging in drug-related activity at or on the Premises or allowing a sub-tenant, sub-lessee, or anyone else to engage in drug-related activity at or on the Premises with the knowledge and consent of Tenant. "Drug-related activity" means activity which constitutes a violation of Chapter 60.41 or 69.42 of the Revised Code of Washington;
- 19.9 Engaging in gang related activity at or on the Premises or allowing a family member, invitee, licensee, guest, sub-tenant, sub-lessee, or anyone else to engage in gang-related activity at or on the Premises. "Gang related activity" is defined in RCW 59.18.030 to mean or include any activity that occurs within a gang or advances a gang purpose;
- **19.10** Failure to maintain the smoke detection device in accordance with the manufacturer's recommendations, including the replacement of batteries where required for the proper operation of the smoke detection device, as required by Chapter 48.48 of the Revised Code of Washington; or
- 19.11 Engaging in activity at the Premises that is: (1) immediately hazardous to the physical safety of other persons on the Premises and entails physical assault upon another person which results in an arrest or entails the unlawful use of a firearm as defined in RCW 9A.04.110 which results in arrest, including threatening another tenant or landlord with a firearm or other deadly weapon as defined by RCW 59.18.352.
- **20.** <u>Landlord's Remedies</u>. In the event Tenant is in default under the terms of this Agreement, Landlord shall be entitled to exercise the following remedies:
- **20.1** If Tenant is in default for permitting a drug-related activity to occur on the Premises, Landlord shall have the right, upon three (3) days written notice to repossess the Premises, either by summary proceedings (i.e., unlawful detainer), or surrender, all in accordance with applicable law.
- **20.2** If Tenant is in default for permitting gang related activity to occur on the Premises, Landlord shall have the right, without additional notice, to repossess the Premises, either by summary proceedings (i.e. unlawful detainer), or surrender, all in accordance with applicable law.
- 20.3 Landlord shall have the right upon ten (10) days written notice to Tenant, specifying the default and if the default is not cured within such ten (10) days, to lawfully reenter possession of the property either by summary proceedings, surrender or otherwise, and dispossess or remove therefrom Tenant, and/or other occupants thereof, and their effects, all in accordance with applicable law.
- 20.4 Landlord shall have the right to exercise any and all other remedies provided by the Washington State Residential Landlord/Tenant Act (RCW 59.18), including termination of the lease.

# **EXHIBIT**

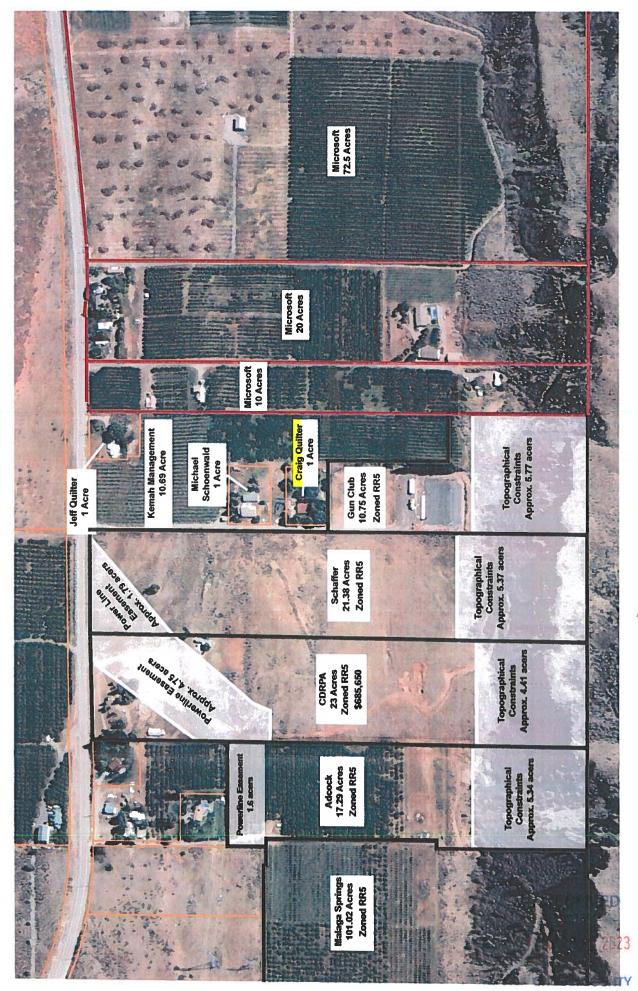
- 21. <u>Non-Waiver</u>. Waiver by Landlord of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition, or of any subsequent breach of the same or of any other term, covenant, or condition herein contained.
- 22. <u>Right of Entry</u>. Except in the case of an emergency, Landlord may enter the Premises for purposes of making inspections, repairs, tests, showing the property, and other lawful reasons, with a minimum of forty-eight (48) hours advance written notice to the Tenant.
- 23. AS-IS. NO WARRANTY. TENANT ACKNOWLEDGES IT IS FAMILIAR WITH THE PROPERTY, HAS INVESTIGATED SAME, AND HAS BEEN PROVIDED WITH ADDITIONAL OPPORTUNITIES TO INVESTIGATE THE PROPERTY PRIOR TO THIS LEASE AGREEMENT. TENANT ACKNOWLEDGES AND AGREES THAT IT IS RELYING SOLELY ON ITS INSPECTION AND INVESTIGATION OF THE PROPERTY, AND ACCEPTS THE PROPERTY "AS IS, WHERE IS" IN ITS PRESENT CONDITION WITH NO WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, EITHER ORAL OR WRITTEN, MADE BY LANDLORD OR ANY EMPLOYEE, AGENT OR REPRESENTATIVE OF LANDLORD WITH RESPECT TO THE PHYSICAL CONDITION OF THE PROPERTY. TENANT SHALL HAVE DETERMINED TO ITS SATISFACTION UPON EXECUTION OF THE LEASE AGREEMENT THAT THE PROPERTY CAN BE USED FOR THE PURPOSES TENANT INTENDS. TENANT ACKNOWLEDGES AND AGREES THAT NEITHER LANDLORD NOR LANDLORD'S AGENT HAVE MADE, NOR DO THEY MAKE, ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED.
- 24. <u>Time</u>. TIME IS OF THE ESSENCE IN THIS AGREEMENT.
- 25. <u>Binding on Heirs, Successors and Assigns</u>. All the covenants, agreement terms and conditions contained in this Agreement shall be binding upon Landlord and Tenant and their respective heirs, executors, administrators, successors, and assigns.
- 26. <u>Savings Clause</u>. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only to the extent necessary to bring it within legal requirements.
- 27. <u>Incorporation</u>. This Agreement represents the entire Agreement of the Parties. Unless as set forth herein in writing, neither party shall be bound by any statements or representations made, and each agrees that there are no such statements or representations being relied upon in making this Agreement. No alterations, changes or amendments to this Agreement will be binding upon either party unless such party has executed a written statement acknowledging such alterations, change or amendment.
- 28. <u>Remedies Accumulative</u>. The specified remedies to which Landlord and Tenant may resort under the terms of this Agreement are cumulative and are not intended to be exclusive of any other remedies or means of redress to which Landlord and Tenant may be lawfully

# **EXHIBIT**

entitled in case of any breach or threatened breach by Tenant or Landlord, as the case may be, of any provision of this Agreement. In addition to the other remedies provided in this Agreement, Landlord and Tenant shall be entitled to the restraint by injunction of the violation, or attempted or threatened violation, of any of the covenants, conditions, or provisions of this Agreement.

- 29. <u>Governing Law and Venue</u>. This Agreement shall be governed by the laws of the state of Washington and venue from any action arising from this Agreement shall be Chelan County, Washington.
- 30. <u>Change in Law.</u> In the event there is a change in any state or federal law, regulation or rule or interpretation thereof, which exempts leases entered into pursuant to a purchase and sale agreement (i.e. purchase with a "lease-back") from the requirements or application of the Residential Landlord/Tenant Act (Chapter 59.18 RCW) as existing or amended, then the terms of this Agreement, which was entered into pursuant to a purchase and sale of the Premises with lease-back to the Tenant, shall be governed by the new or changed laws or regulations.
- **Counterpart and Facsimile Signatures.** This Agreement may be signed in counterparts, each of which shall be an original but all of which shall constitute one and the same document. Signatures transmitted by facsimile shall be deemed valid execution of this Agreement, binding on the Parties.
- 32. <u>Construction</u>. Throughout this Agreement, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine, wherever the context so requires. This Agreement has been submitted to the scrutiny of all the Parties and their counsel, if desired, and it shall be given a fair and reasonable interpretation in accordance with its word, without consideration to or weight being given to its being drafted by any party or its counsel. Paragraph headings are for convenience only and shall not be considered when interpreting this Agreement.

LANDLORD:	TENANT(S):	
CHELAN DOUGLAS REGIONAL PORT AUTHORITY	, K. 3	<b>3</b> 00 (1
By: <b>EXHIBIT</b>	<b>EXHIBIT</b>	
James M. Kuntz, Chief Executive Officer	R. Craig Quilter	
Date:	Date:	
	<b>EXHIBIT</b>	
	Claudia Quilter	
	Date:	RECEIVE





# **Chelan County**Department of Community Development

Receipt Number: 23-00452

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-102 COMPREHENSIVE PLAN AMENDMENT			5235 Malaga Alcoa Hwy Malaga, WA 98828		
Fee Desci	<u>ription</u>	BARS Number	Fee Amount	Amount Paid	Fee Balance
Comp Plai	n Amendment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00
Environme	ental Review (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00
			\$1,965.00	\$1,965.00	\$0.00
			TOTAL PAID:	\$1,965.00	

Payment Method	Reference Number	Payment Amount
CHECK	5134	\$1,965.00
Total:		\$1,965.00

Notes:

Project Information			
Permit #	Permit Type	Project Description	Parcel #
PL 23-102	CPA	CPA - RR5 TO RI	222135130175

		Project Conta	ontacts	
Permit #	Name	Association	Address	
PL 23-102	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802	
	QUILTER R CRAIG	APPLICANT	PO BOX 224, MALAGA, WA 98828	
	QUILTER R CRAIG	OWNER	PO BOX 224, MALAGA, WA 98828	



# CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

### 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-103; Chelan County Rural Industrial

### RECOMMENDED MOTION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 5229 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-120-200 given file number CPA 23-104, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

### **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-103 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

### **Agency Comments:**

Port of Chelan Letter- Dated October 10, 2023

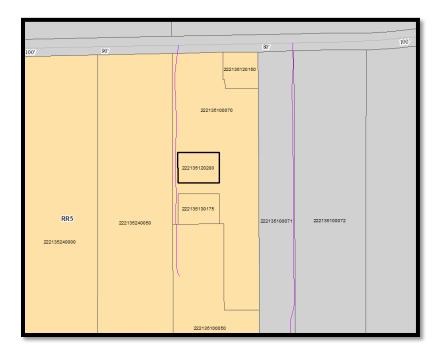
#### **Public Comment:**

None at this time

### PROJECT DESCRIPTION - CPA 23-103 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5229 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-120-200. See Attachment 4 for file of record.

### **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-103:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 1 acre to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development,

redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

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

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI). Properties to the east are zoned Rural Industrial (RI). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 06, 2023.
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5229 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-120-200.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

### **CONCLUSIONS OF LAW**

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

### STAFF RECOMMENDATION

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

A. Move to recommend approval/denial of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5229 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-120-200, given file number CPA 23-103, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-103



## **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

### VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



# State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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



## CHELAN COUNTY

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

### GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): 222135120200	Lot Size: 1.0	(Acres)
Parcel Address: 5229 Malaga Alcoa Highway	City/Zip Code: Malaga, 98828	
Property Owner(s): Michael R. Schoenwald	Zoning:	
Mailing Address: P.O. Box 96		
City/State/Zip Code: Malaga, WA 98828-0096		
Phone: n/a E-mail: n/a		
Applicant/Agent (if different than owner): Port of Chelan Co		
Company and Mailing Address: One Campbell Parkway, Suite	Α	-
City/State/Zip: East Wenatchee, WA 98802	Phone: 509-884-4700	
E-mail: jim@cdrpa.org		
For multiple owners, applicants, or agents, provide addition	nal sheets.	
•••••	• • • • • • • • • • • • • • • • • • • •	
This General Land Use Application Form shall be complet supplemental forms may be required. Please review all apple development and provide information, documents, studies environmental forms) demonstrating compliance with all scriteria.	plicable statutes and regulations pertaini , and reports (such as a Traffic Impact S	ng to the proposed tudy or
Application For: (Check all that apply)		
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan Comprehensive Plan Map Amendment Comprehensive Plan Text Amendment Conditional Use Permit Forest Practice/Conversion	Open Space: Public Benefit Ratin Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat Variance (zoning or critical areas) ✓ Zoning Text Amendment/ Map Ar	) mendment
APPLICABILITY SECTION		
<ol> <li>The following have their own individual application. D</li> <li>Boundary Line Adjustments. Please use corresponding</li> <li>Certificate of Exemptions. Please use corresponding of</li> <li>Shoreline Permits. Provide the JARPA form along with</li> <li>Building and Fire Permits.</li> <li>Pre-Applications.</li> </ol>	g Boundary Line Adjustment Application Certificates of Exemption Application Form the corresponding Supplemental Form, RECE	m.
The following attachments are required for a complete	application:	

1. Copy of Deed or Proof of Ownership 2. Supplemental Forms, if applicable

and requirements and the Chelan County Comprehensive Plan

including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.

Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklishty Development
 All information, documents, studies and constant demonstrative and information.

4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria

5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code,

File(s) No.	
File(s) No.	

### **GENERAL INFORMATION**

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed): This is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to Rural Industrial zoning to support economic development in Malaga. ☐ Narrative attached Please complete the following: Any related files (such as Pre-Applications): \_\_\_\_\_ Is the subject property located within an Urban Growth Area (UGA)? ■ No 2. ☐ Yes If "yes", which UGA? \_\_\_\_\_ Please describe adjacent land uses in all directions around the subject property: 3. North: Rural Residential; Ag South: Rural Residential; Ag East: Rural Residential; Ag West: Rural Residential What is the current use of the property? Residential 4. 5. Sanitation Disposal: □ N/A ■ Septic Permit □ Sewer District: 6. Water Source: □ N/A ☐ Single Private Well ■ Shared Private Well ☐ Group B □ Public Water Supplier: Irrigation Water: ■ N/A □ Yes (Private) □ Yes (Public) Irrigation District/Purveyor: Fire District: Chelan County Fire District 1 School District: Wenatchee School District 8. Power Service: Chelan County PUD 9. 10. Are there critical areas or critical area buffers on the property? ☐ Airport Overlay: ☐ Aquifer Recharge Area (see attached) ☐ Floodplain / Floodway \_\_\_ Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site: ☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250') ☐ Erosive soils (on-site) □ Landslide ☐ Snow Avalanche (500') ☐ Habitat/Riparian Area, protected species/area: \_\_\_\_ ☐ Streams / Waterbodies: \_\_\_\_\_ ☐ Shoreline Environment Designation: ☐ Drainage or Seasonal Stream: ☐ Wetland, if so what category: ☐ Cultural or Archeological: 11. Will landfill be required? ■ No □ Yes, approximate \_\_\_\_\_(cubic yards) RECEIVED 12. Will excavation be required? ■ No □ Yes, approximate (cubic yards) 13. Has site preparation been started on the site? If so, to what extent? MAR **01** 2023 14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

CPA	23-	103
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5.	Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:	
16.	Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?    No  Yes, please list:	

### **AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

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

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

### **EVALUATION CRITERIA**

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

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

- Does Not Apply A. Within a wellhead protection area designated under WAC 246-290;\_\*Wellhead Protection Area: The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.
- Does Not Apply B. Within an aquifer recharge area mapped and identified by a qualified ground water scientist;
- Does Not Apply C. The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;
- Does Not Apply D. The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended:
- The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; \*\*Highly Permeable Soils: Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand).
- Does not Apply F. Within a sole source aquifer recharge area designated pursuant to the Federal Safe Prinking 23 Water Act (None currently designated in Chelan County);



File(s) No.

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

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

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

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

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

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

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

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

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

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

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

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

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

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

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

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

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

### **CANNABIS DISCLOSURE SECTION**

SUB-SECTION I: Circle

I AFFIRM there **S 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.

RECEIVED

MAR 0 1 2023

CHELAN COUNTY
COMMUNITY DEVELOPMENT

File(s) No. \_\_\_\_\_

SUB-S	SECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-
	Section III.
	JK 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.
	JK 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.
	JK  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.
	JK 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-S	SECTION III: Please select one of the following:
✓	I certify with the signature below that the building or land use permit requested IS NOT related to or in any way supportive of existing or planned cannabis-related activities, development, uses or construction on the property. I further certify that any authorized activities, development, uses or construction WILL NOT be utilized to support or expand cannabis-related activities, development, uses or construction.
	I certify with the signature below that the building or land use permit requested IS related to or in support of existing or planned cannabis- related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction will be in strict compliance with LCB licensure requirements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter 69.50 RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and WAC Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW (Shoreline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.
SITE I	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.  MAR 0 1 2023
	Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion.
	CHELAN COUNTY

	laterals, c	anal	bel all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation s, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest een the ordinary high water mark and proposed/existing structures.
	Label the	nam	e and width of roads bordering the property and indicate whether they are public or private.
	Locate the facilities s	e wid	Ith of existing and proposed driveways/accesses serving each structure. Include stormwater control as drains, detention ponds, connection lines, catch basins, etc.
<u></u>	front yard required of	l sett other	ng and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the back area. All parking shall have durable and dustless surfaces suited to all weather use, unless wise. If applicable, show handicapped parking and accessible routes to the structure and within the ructures and features.
	or affectin	ig the	bel all easements and widths, deed restrictions, other encumbrances, and/or issues restricting e use or condition of the property, including but not limited to access, utilities, railroads, overhead power. Include the Auditor's file number(s). Before Any Development Occurs, 509-661-4220 for assistance in identifying PUD Easements!
			ation of all existing and proposed overhead and underground utilities including, but not limited to gas, and electrical.
			on of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site ct your project if it overlaps onto your parcel.
	structure(s), setbacks	s). S , and from	on of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed show the distance from proposed structure(s) to septic tank, drain field, drinking water well any water body, wetland area and/or flood plain to ensure they meet the required horizontal each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for cable, the approved Health District and County site plan must be identical.
			ter wells, septic tank/drain field is off site, show the location of these systems on the adjacent operties and provide a copy of the easement agreement(s).
			dentify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, and provisions for irrigation).
	If applicat	ole, iı	nclude outdoor lighting and signage. Label each as existing or proposed.
If the A each p By su Initials	Applicant is property over the comments of the	s not vner. his a	application, I acknowledge and certify the following:
		2.	This application does not constitute approval of the proposed development and Chelan County does not make any guarantee, either express or implied, that this application will be approved.
		3.	False statements, errors and/or omissions in this application or information provided with or in regard to this application may be sufficient cause for denial of the request.
	JK	4.	Additional permit applications and approvals may be necessary to conduct specific activities.
		5.	Application fees are non-refundable, except when approve by the Board ECEIVED
	_ <u>JK</u>	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.  CHELAN COUNTY

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				·	-iie(s) No
	JK	7.	Chelan County is hereby given consent to ente	er the property(ies) listed above.	
9	JK	8.	I certify that I am the property owner, or author familiarized myself with the rules and regulation application.		
	JK	9.	I certify that I possess full legal authority and riproperty.	ghts necessary to exercise contro	ol over the subject
	JK	10.	I certify that this application has been made with	th the consent of the lawful prope	rty owner(s).
	JK	11.	I certify that all Easements, Deed Restrictions, restricting or affecting the use or condition of the and are shown on the site plan submitted with	ne property have been accurately	
	JK	12.	This application shall be subject to all additions ordinances applicable to the proposed develop has been made pursuant to Section 14.08.030	ment until a determination of con	
			nder penalty of perjury and under the laws of the with this application is true, correct and comple		regoing and all
Owner S	ignatur	e:		Place:	Date:
Print Nar	100		(m. W.A.)		
		_	ent Signature:	Place: East Minatcher	_Date: <u>3/1/23</u>
Print Nar	me: Jar	nes	M. Kuntz, Executive Director		
Owner/A	pplican	t/Ag	ent Signature:	Place:	Date:

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MAR 01 2023

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Print Name:\_

14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.

- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation Element.

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E. The amendment does not adversely affect the surrounding land uses; and

The proposal will not adversely affect surrounding land uses, most of which are zoned RI or AC.

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

The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.

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

The proposal would not affect projected growth.

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

The proposal serves the interests of both the applicant and general public.

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# **SEPA** ENVIRONMENTAL CHECKLIST

### Purpose of checklist:

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

### Instructions for applicants:

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

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

### Instructions for Lead Agencies:

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

### Use of checklist for nonproject proposals : [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

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Name of proposed project, if applicable: [help]
 N/A

MAR **01** 2023

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2. Name of applicant: [help]
Port of Chelan County

3. Address and phone number of applicant and contact person: <a href="[help]">[help]</a>
One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]

None known

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

None known

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help] No
- 10. List any government approvals or permits that will be needed for your proposal, if known. [help]

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135120200

### B. Environmental Elements [help]

1 . <i>Earth</i> ]	help
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2	General	description	of the	cito.	[heln]
a.	General	de2011011011	OI LITE	SILE.	

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

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

Gravelly fine sandy loam, grassland.

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

Potential erosion soils and landslide hazards in area.

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

  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>.</a>

### 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 VED give approximate quantities if known. [help]

There would be no new emissions to the air.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. <a href="[help]">[help]</a>

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

### 3. Water [help]

- a. Surface Water:
  - 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. <a href="[help]">[help]</a>

    No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. <a href="[help]">[help]</a> None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help]">[help]</a> No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]
    No

### b. Ground Water:

- Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]
   No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the RECEIVED following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

C.	Water	runoff	(including	stormwater	):
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- Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
   N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
- Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]
   No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

4.	Pla	nts	<b>[he</b>	lal

a. Check the types of vegetation found on the site: [help]

	deciduous tree: aider, maple, aspen, other
	_x_evergreen tree: fir, cedar, pine, other
	_x_shrubs
_	_x_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
_	_x_other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- c. List threatened and endangered species known to be on or near the site. [help]

  None proposed
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance ED vegetation on the site, if any: <a href="[help]">[help]</a>

### None proposed

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

None proposed

5. Animals [help	5.	An	imal	s	hel	ď
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a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

birds: hawk, heron, eagle, songbirds, other: makes bear (elk, beaver, other:

mammals:

fish: bass, salmon, trout herring, shellfish, other \_\_\_\_\_

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

- b. List any threatened and endangered species known to be on or near the site. [help] Eagle
- c. Is the site part of a migration route? If so, explain. [help]
- d. Proposed measures to preserve or enhance wildlife, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- e. List any invasive animal species known to be on or near the site. [help]

  None proposed

## 6. Energy and Natural Resources [help]

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

None proposed

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

None proposed

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: <a href="mailto:lhelp">[help]</a>

None proposed

7. Environmental Health [help]

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- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - 1) Describe any known or possible contamination at the site from present or past uses. <a href="[help]">[help]</a>

None proposed

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [help] None proposed
- Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help] N/A
- 4) Describe special emergency services that might be required. [help]
  None
- 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="[help]">[help]</a> None proposed

#### b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

#### 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. <a href="[help]">[help]</a>
Residential; agriculture. No, proposal will not affect current land uses on nearby or adjacent properties. Industrial to north across highway.

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

No. This proposal will not change use in the short term.

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: <a href="mailto:[help]">[help]</a>

No

c. Describe any structures on the site. [help]
Single family homes; outbuildings

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

e. What is the current zoning classification of the site? <a href="[help]">[help]</a>

- f. What is the current comprehensive plan designation of the site? [help]
- g. If applicable, what is the current shoreline master program designation of the site? [help]
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]

erosive soils, landslide hazard.

- i. Approximately how many people would reside or work in the completed project? [help]
   N/A
- j. Approximately how many people would the completed project displace? [help]

  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]

Application for a comprehensive plan map amendment and zone change.

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

#### None proposed

#### 9. Housing [help]

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

None

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

None

c. Proposed measures to reduce or control housing impacts, if any: <a href="[help]">[help]</a>
None

li e

10. Aesthetics [help]

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

N/A

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

None

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

N/A

### 11 . Light and Glare [help]

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

N/A

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

N/A

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

N/A

d. Proposed measures to reduce or control light and glare impacts, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

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12. Recreation [help]

MAR 01 2023

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. [help]
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

#### 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

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

None proposed

#### 14. Transportation [help]

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help] The site is accessed from Malaga Alcoa Hwy
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]
   No

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MAR 01 2023

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

N/A

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

No

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

No

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

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]
  No
- h. Proposed measures to reduce or control transportation impacts, if any: [help]

  None proposed

#### 15. Public Services [help]

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

No

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

#### 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity EIVED which might be needed. [help]

None proposed

MAR 0 1 2023

### 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: Jim Kuntz

Position and Agency/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

## 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.

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

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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

N/A

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

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the VED development that could occur under RI zoning could potentially affect animals and plants in the subject parcels. MAR 01 2023 3. How would the proposal be likely to deplete energy or natural resources?

The proposal would likely not deplete energy or natural resources.

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

N/A

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

The proposal would not affect the above.

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

N/A

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

The proposal is not along a shoreline.

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

N/A

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

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

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

Grant funding and other public funding could be used to expand these services to incentivize economic development in the area.

RECEIVED

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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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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#### **PURCHASE AND SALE AGREEMENT**

THIS PURCHASE AND SALE AGREEMENT (hereinafter "Agreement"), made this date, is by and between the PORT OF CHELAN COUNTY, a Washington municipal corporation ("Purchaser"), and MICHAEL SCHOENWALD and FRANCES SCHOENWALD, husband and wife ("Seller"). Individually the Purchaser and Seller may be referred to herein as a "Party" or collectively as the "Parties."

1. <u>Agreement/Property</u>. Seller agrees to sell and Purchaser agrees to purchase Seller's interest in real property located in the county of Chelan, state of Washington and more particularly described as follows (the "Property"):

Lot 3, Schoenwald Short Plat No. 1673, Chelan County, Washington, according to the plat thereof recorded in Book 5 of Short Plats, Page 52.

The Parties agree that the above legal description will be revised to be consistent with preliminary commitment for title insurance (please see Section 5.2, below).

Assessor's Parcel No. 222135120200.

The Property is commonly known as 5229 Malaga Alcoa Highway, Malaga, Washington 98828.

- 1.1 <u>Excluded Property</u>. The improvements on the Property, including the 1983 Mobile Home, are excluded from this transaction and the sale of the Property; provided that Seller must remove the improvements consistent with the terms of Section 10.2, below. In the event any improvements remain on the Property upon the expiration of the period set forth in Section 10.2, below, then the title and ownership of said improvements shall vest in the Purchaser for no additional cost, and Seller agrees to sign any and all documents reasonably requested by Purchaser to vest title in the improvements in the Seller at closing (including transfer of the vehicle title to the 1983 Mobile Home).
- **2. Earnest Money.** Purchaser shall pay to CW Title and Escrow earnest money in the amount of Ten Thousand and No/100 Dollars (\$10,000.00), within five (5) business days of the effective date of this Agreement. Earnest money shall be in the form of a check made payable to CW Title and Escrow (Wenatchee office) and credited to the purchase price at Closing, as defined herein. The earnest money is non-refundable, except as set forth in Section 5.2 (Title), Section 9 (Feasibility Contingency) and Section 13 (Default), below.
- 3. <u>Purchase Price</u>. The total purchase price shall be Six Hundred Thousand and No/100 Dollars (\$600,000.00 US), payable in cash at Closing, as defined herein.

**Deed.** At Closing, the Seller shall sign, execute, and deliver a Statutory Warranty Deed for the Property to Purchaser and/or Closing agent, subject to those matters set forth in Section 5, below.

#### 5. Title.

- **5.1** The following shall not be considered encumbrances or defects of title (hereafter "Permitted Exceptions"):
- **5.1.1** Rights reserved in federal patents or state deeds, and building or use restrictions general to the area;
- **5.1.2** Existing easements, conditions, restrictions, covenants, and matters of record not materially impacting Purchaser's intended use of the Property; and
- **5.1.3** General real estate taxes assessed against the Property not due and payable.
- 5.2 Seller shall make available to Purchaser a preliminary commitment for title insurance ("Title Commitment") issued by Central Washington Title Services, Inc. Purchaser shall give written notice to Seller within thirty (30) calendar days of Purchaser's actual receipt of the Title Commitment (including copies of all special exceptions) of any defects or encumbrances, other than Permitted Exceptions specified in Section 5.1, in Seller's title to which Purchaser objects (the "Objection"). Seller shall exercise reasonable good faith to attempt to remove matters to which an objection is made. If Seller is unable to cure the defects objected to by Purchaser within twenty (20) calendar days after receipt of the Objection, unless the time is extended in writing, then Purchaser may elect, as its exclusive remedy, either to waive such defects, or to terminate this Agreement and receive a refund of the earnest money.
- 5.3 At Closing, Seller shall provide an "owner's affidavit" or similar document on a form provided by the title company, if requested by Purchaser or the title company to provide the owner's title policy consistent with this Section 5. Seller shall deliver to Purchaser at or within a reasonable period following Closing, a standard owner's policy of title insurance (the "Title Policy") containing no exceptions other than the customary form printed exceptions ("Standard Exceptions"), the exceptions in Section 5.1 (Permitted Exceptions), the exceptions listed in the Title Commitment that Purchaser has accepted pursuant to Section 5.2, If any ("Accepted Exceptions"). Seller shall pay the cost of the Title Policy at Closing.
- 5.4 If this transaction does not close, and this Agreement is terminated, the Purchaser shall be responsible for the cancellation or other fee associated with the Title Commitment.
- **Representations of Seller.** Effective as of the date of this Agreement and as of the date of Closing, Seller represents, and warrants to Purchaser, as follows:
- 6.1 That Seller is not aware of any material facts adversely affecting the Property which have not been disclosed in writing to the Purchaser.

- **6.2** There are no underground storage tanks beneath the Property, except for an existing septic system.
- **6.3** That Seller shall maintain the Property in its present or better condition until Closing.
  - 6.4 That the Property contains no leased or encumbered personal property or fixtures.
  - 6.5 That there are no wells located on the Property.
- 6.6 That Seller owns good and marketable title to the Property. There are no adverse or other parties in possession of the Property, or of any party thereof.
- **6.7** There are no pending or threatened (in writing, or otherwise) actions, suits, arbitrations, claims, investigations or legal, administrative or other proceedings (a) with respect to or in any manner affecting or involving the title to or condition of the Property, including, but not limited to, any condemnation action, proceeding to impose an assessment district, zoning change proceeding or development moratorium; or (b) to which Seller is or may be a party by reason of Seller's ownership, use, or operation of the Property.
- **6.8** There are no leases, subleases, rental agreements, licenses or other agreements for the lease or occupancy of any portion of the Property. Seller is not in default under any easements, covenants, conditions, restrictions, declarations or other encumbrances on title to the Property.
- 6.9 Seller has not received any written notices from any governmental authority with respect to any violation or alleged violation of any law relating to the use, condition or operation of the Property, which violation remains uncured.
- 6.10 Seller has not used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property or transported to or from the Property, any Hazardous Material (as defined in any local, state, or federal law) in violation of state and federal laws and regulations nor, has Seller allowed any other person or entity to do so; that no Hazardous Materials have been used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property in violation of Law nor transported to or from the Property in violation of Law by any entity or person or from any source.
- **6.11** (i) the Property has not been used as a landfill, waste storage or disposal site, nor have any chemicals, petroleum products, or toxic, hazardous or dangerous wastes or substances been released on or under the Property, (ii) nor is the ground water system under the Property contaminated by any such substance, (iii) there are no underground storage tanks located on the Property, (iv) no spill, release, discharge or disposal of hazardous or toxic substances has occurred on the Property, and (v) no petroleum products have been released, discharged, disposed or spilled on the Property.
- **6.12** There are no material defects to the Property and there are no agreements, restrictions or conditions that would prevent the use of the Property for Purchaser's intended use.

- 7. <u>Disclosure Statement</u>. Seller shall provide Purchaser a complete and signed disclosure statement as required by Chapter 64.06 RCW within ten (10) calendar days of the effective date of this Agreement for Purchaser's review.
- **8.** <u>Modification/Waivers</u>. To be effective and binding upon the Parties hereto, all modifications or waivers of any condition of this Agreement shall be in writing and signed by the Parties.
- 9. Feasibility Contingency. Purchaser (its agents, contractors, consultants, agents and business prospects [including consultants and agents of business prospects], hereafter "Representatives") shall have ninety (90) days from the effective date of this Agreement to review the feasibility of purchasing the Property and to conduct whatever inspections and investigations the Purchaser or the Representatives deem appropriate. The Purchaser may conduct a "phase 1, environmental assessment", or its equivalent, and Seller agrees to cooperate and provide the necessary information reasonably requested by Purchaser and its consultants to complete said environmental assessment. The Purchaser and the Representatives shall have the right to enter the Property to conduct inspections and investigation, provided that Purchaser shall be solely responsible for restoring the Property to the condition that reasonably existed prior to said entry. The Purchaser shall be responsible for any and all damage caused to the Property arising from or related to said inspection and investigation and agrees to indemnify and hold the Seller harmless in this regard. At any time during the ninety twenty (90) day feasibility period, the Purchaser may provide a written notice to Seller waiving this contingency. This contingency shall be deemed to have failed if Purchaser does not timely provide the written notice to Seller waiving this contingency; in which event, this Agreement shall terminate and be of no further force or effect between the Parties, and the earnest money shall be refunded to the Purchaser.
- **9.1** The Purchaser desires to rezone the Property. The Seller agrees to cooperate and support Purchaser's efforts to rezone the Property. Seller agrees to sign all documents requested by Purchaser to apply for and process a Chelan County comprehensive plan amendment to rezone the Property to a new zoning designation or designations selected by Purchaser.
- Time for Closing Responsibilities of Parties Costs Contingency. The Closing of this transaction shall occur at CW Title and Escrow (Wenatchee office) upon the satisfaction of all contingencies, but, in no event, later than thirty days following the Purchaser's waiver of the continency set forth in Section 9, above; provided, at Seller's election (by delivering written notice to the Purchaser on or before August 1, 2023), that closing shall be extended to not later than August 15, 2023, to accommodate the completion of the 2023 orchard harvest on the Kemah Management property (see Section 10.1, below). The Purchaser and Seller shall deposit with CW Title and Escrow all instruments, documents and monies necessary to complete the sale in accordance with this Agreement. The Purchaser and Seller agree to each pay one-half of the Closing fee. The Parties shall pay their own attorney's fees. Seller will pay for the cost of the Title Policy and the real estate excise tax. Purchaser shall pay for the preparation of the Statutory Warranty Deed and Excise Tax Affidavit to be prepared by Purchaser's attorney.

Seller shall be responsible for all costs to transfer title to the improvements on the Property, in the event said improvements are not removed by the Seller prior to Closing. Each party shall pay the prorated portion of real property taxes and irrigation assessments (based on the irrigation season) for the current year based on the date of Closing. Other items shall be paid according to the practice in Chelan County, Washington. For the purpose of the prorations, Purchaser will be deemed to be in title to the Property beginning at 12:01 a.m. on the closing date.

- 10.1 Closing of this transaction is specifically contingent on a simultaneous closing with Kemah Management, LLC (a Washington state limited liability company wholly owned by the Seller) concerning Lot 2, Schoenwald Short Plat No. 1673, Chelan County, Washington, according to the plat thereof recorded in Book 5 of Short Plats, Page 52.
- 10.2 Effective upon Closing, the Purchaser grants the Seller continued possession of the Property for the sole purpose of removing the property described in Section 1.1, above. This period of continued possession shall end, and the Seller shall vacate the Property, on or before the date that is sixty (60) days after Closing (the "Continued Possession Period"). The Continued Possession Period is subject to the following terms and conditions:
- 10.2.1 Except to the extent caused or created by the Purchaser, the Seller shall indemnify and hold the Purchaser free and harmless from all claims, causes of action, suits, liability, loss, damage, or expense arising from or related to the Seller's continued possession of the Property (including fees, costs and expenses [including attorneys' fees] incurred in connection with any claim, liability, cause of action or suit and in enforcing the indemnity).
- 10.2.2 The Seller acknowledges that the Purchaser is accommodating Seller's request to remove certain property after Closing, notwithstanding the Purchaser's intention to commence work prior to the end of the Continued Possession Period, which work may involve significant demolition, grading, and utility work on and near the Property. If the Seller does not vacate and tender full possession to the Property to the Purchaser at the end of the Continued Possession Period, the Purchaser will sustain damages. It is and will be impracticable and extremely difficult to fix the actual damage which the Purchaser will sustain in the event of and by reason of such delays. The Seller shall pay to the Purchaser liquidated damages in the sum of \$500 for each calendar day that Seller has not vacated and tendered full possession of the Property to the Purchaser at the end of the Continued Possession Period as provided herein.
- 10.2.3 Nothing in this Section 10.2 prevents the Purchaser from taking possession of the Property at Closing and commencing work on the Property, so long as such work does not materially interfere with the Seller's efforts to remove the items described in Section 1.1, above, or damage such items.
- 11. <u>Date of Closing</u>. For purposes of this agreement, the "date of Closing" or "Closing" shall be construed as the date upon which all appropriate documents are recorded and the proceeds of this sale are available for disbursement to Seller.

- **12. Possession.** Except as set forth in Section 10.2, above, Seller shall deliver possession to Purchaser on Closing.
- **Default.** Time is of the essence of this Agreement. If the Seller defaults (that is, fails to perform the acts required of it) in its contractual performance herein, the earnest money, without deduction or off-set, shall be refunded to the Purchaser, and Purchaser may bring suit for equitable relief, including specific performance, and seek damages arising from Seller's Default. If the Purchaser defaults, the earnest money, upon demand, shall be forfeited and paid to Seller as Seller's sole and exclusive remedy.
- **14.** <u>Independent Counsel.</u> Seller acknowledges, understands and agrees that Purchaser is represented by Ogden Murphy Wallace, P.L.L.C.
- 15. <u>Brokerage Fees.</u> Parties represent that they have not incurred finder's fees, broker's fees or commissions, or similar obligations in connection with the Property which is the subject of this Agreement. Seller agrees to indemnify and hold the Purchaser, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Seller, its agents or employees. Purchaser agrees to indemnify and hold the Seller, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Purchaser, its agents or employees.
- **16. Risk of Loss.** If prior to Closing, improvements on the Property shall be destroyed or materially damaged by fire or other casualty, this Agreement, at option of Purchaser, shall become null and void. If Purchaser elects to continue, all insurance proceeds, if any, shall be payable to Purchaser.

17. <u>Notices</u>. Notice hereunder shall be in writing and may be mailed or delivered. If mailed, such notices shall be sent postage prepaid, certified or registered mail, return receipt requested, and the date marked on the return receipt by the United States Postal Service shall be deemed to be the date on which the Party received the notice. Notices shall be mailed or delivered as follows:

TO PURCHASER:

**Port of Chelan County** 

One Campbell Parkway, Suite A East Wenatchee, WA 98802

Attn: James M. Kuntz, Executive Director

TO SELLER:

Michael and Frances Schoenwald

PO Box 96

Malaga, WA 98828-0096

- **18.** Governing Law and Venue. This Agreement shall be governed by and interpreted in accordance with Washington law. Any litigation arising out of or in connection with this Agreement shall be conducted in Chelan County, Washington.
- 19. <u>Successors</u>. This Agreement shall be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of each of the Parties.
- **20.** <u>Encumbrance During Interim.</u> Seller may not financially encumber the Property prior to Closing, unless the encumbrance is discharged or satisfied at Closing.
- 21. <u>Survival</u>. Except for Section 6, which shall survive Closing as binding representations and warranties of the Seller, the terms and conditions of this Agreement shall not survive Closing and shall merge with the recordation of the Statutory Warranty Deed.
- 22. Attorney's Fees. If any suit or proceeding is instituted by the Seller or the Purchaser arising from or related to this Agreement, including, but not limited to, filing of suit or requesting an arbitration, mediation or alternative dispute resolution process (collectively "proceedings"), and appeals and collateral actions relative to such suit or proceedings, each Party shall be responsible for its own attorney fees and costs incurred.
- 23. <u>Counterpart/Facsimile/E-mail</u>. This Agreement may be executed separately or independently in any number of counterparts and may be delivered by manually signed counterpart, facsimile, e-mail or other electronic means. Each and all of these counterparts shall be deemed to have been executed simultaneously and for all purposes to be one document, binding as such on the parties. The facsimile, e-mail or electronic transmission of any signed original document, and retransmission thereof, shall be the same as delivery of an original. At the request of either party, or the closing agent, the parties will confirm facsimile, e-mail or electronically transmitted signatures by signing an original document.

- 24. <u>Corporate Authority; Binding Signatures</u>. Each of the individuals executing this Agreement on behalf of Purchaser or Seller warrant that they are an authorized signatory of the entity for which they are signing and have sufficient authority to execute this Agreement.
- **25. General Provisions.** Time is of the essence. There are no verbal agreements which modify this Agreement. This Agreement constitutes the full understanding between Seller and Purchaser. Any and all modifications of this Agreement must be in writing and signed by both Parties in order to be binding on the Parties. Purchaser's rights under this Agreement may not be assigned. The "effective date of this Agreement" shall mean the date of the last signature set forth below.

DATED:	2	25	123	
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DATED:

SELLER:

**PURCHASER:** 

PORT OF CHELAN COUNTY

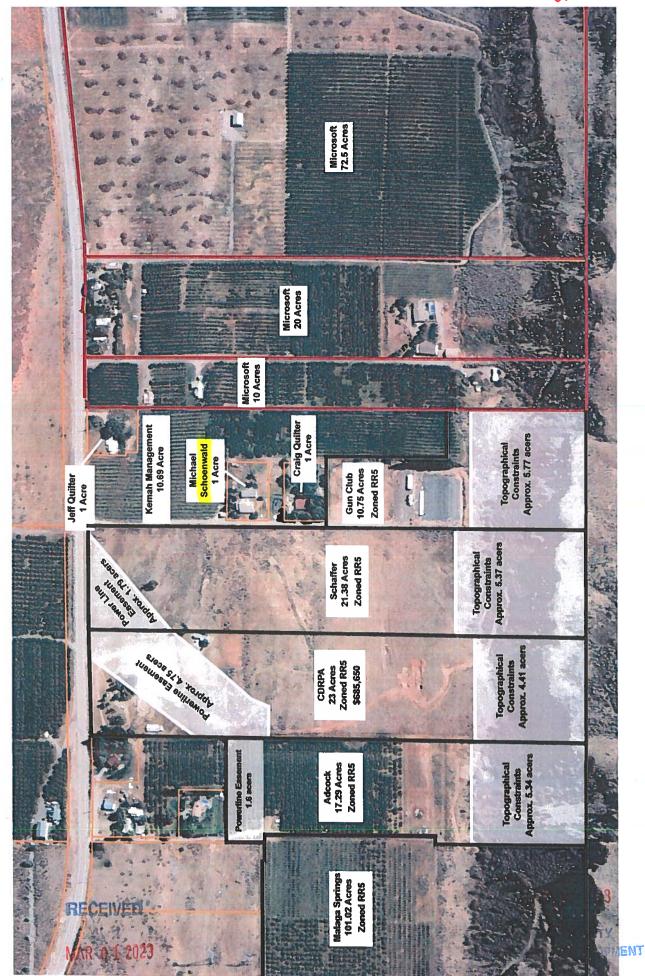
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James M. Kuntz, Executive Director

Michael Schoenwald

Frances Schoenwald

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CHELAN COUNTY



# **Chelan County Department of Community Development**

Department of Community Development Receipt Number: 23-00454
316 WASHINGTON ST. SUITE 301

Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-103	COMPREHENSIVE PLAN	AMENDMENT UN	KNOWN MALAGA, V	VA 98828	
Fee Desc	ription	BARS Number	Fee Amount	Amount Paid	Fee Balance
Comp Pla	in Amendment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00
Environmental Review (SEPA)		010.020.34589.03.000	\$215.00	\$215.00	\$0.00
			\$1,965.00	\$1,965.00	\$0.00
			TOTAL PAID:	\$1,965,00	

Payment Method	Reference Number	Payment Amount
CHECK	5135	\$1,965.00
Total:		\$1,965.00

Notes:

Permit #	Permit Type	Project Descriptio	n Parcel #
PL 23-103	СРА	CPA - RR5 TO RI	222135120200
		Project Conta	acts
Permit #	Name	Association	Address
PL 23-103	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802
	SCHOENWALD MICHAEL R	APPLICANT	PO BOX 96, MALAGA, WA 98828-0096
	SCHOENWALD MICHAEL R	OWNER	PO BOX 96, MALAGA, WA 98828-0096

**Project Information** 



# CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

#### 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-104; Chelan County Rural Industrial

#### RECOMMENDED MOTION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 5251 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-120-150 given file number CPA 23-104, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

#### **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-104 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

#### **Agency Comments:**

Port of Chelan Letter- Dated October 10, 2023

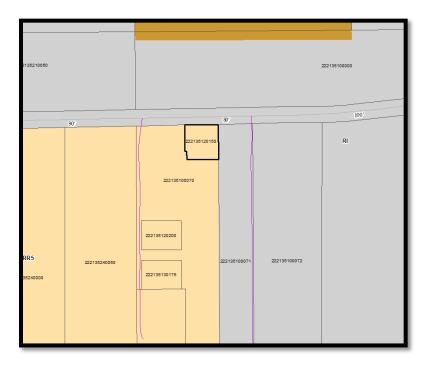
#### **Public Comment:**

None at this time

#### PROJECT DESCRIPTION - CPA 23-104 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5251 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-120-150. See Attachment 4 for file of record.

#### **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-104:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 1 acre to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development,

redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

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

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI). Properties to the east are zoned Rural Industrial (RI). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

#### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 06, 2023.
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5251 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-120-150.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

#### **CONCLUSIONS OF LAW**

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

#### STAFF RECOMMENDATION

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

A. Move to recommend approval/denial of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (1 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5251 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-120-150, given file number CPA 23-104, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

#### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-104



## **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

#### VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



# State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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



### **CHELAN COUNTY**

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

#### **GENERAL LAND USE APPLICATION FORM**

Parcel Number (APN): 222135120150	Lot Size: 1.0	(Acres)
Parcel Address: 5251 Malaga Alcoa Hwy	City/Zip Code: Malaga, 98828	
Property Owner(s): Quilter, Jeffrey and Melissa	Zoning: RR5	
Mailing Address: 5251 Malaga Alcoa Hwy.		
City/State/Zip Code: Malaga, WA 98828		
Phone: n/a E-mail: n/a		
Applicant/Agent (if different than owner): Port of Chelan Co		
Company and Mailing Address: One Campbell Parkway, Suite	4	
City/State/Zip: East Wenatchee, WA 98802	Phone: 509-884-4700	
E-mail: jim@cdrpa.org		
For multiple owners, applicants, or agents, provide addition	al sheets.	
•••••	•••••	
This General Land Use Application Form shall be complete supplemental forms may be required. Please review all apple development and provide information, documents, studies, environmental forms) demonstrating compliance with all stacriteria.	plicable statutes and regulations pertaining and reports (such as a Traffic Impact Stu	g to the proposed idy or
Application For: (Check all that apply)		
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan Comprehensive Plan Map Amendment Comprehensive Plan Text Amendment Conditional Use Permit Forest Practice/Conversion	Open Space: Public Benefit Rating Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat Variance (zoning or critical areas) ✓ Zoning Text Amendment/ Map Ame Other:	
APPLICABILITY SECTION		<del></del>
The following have their own individual application. Do 1. Boundary Line Adjustments. Please use corresponding 2. Certificate of Exemptions. Please use corresponding C 3. Shoreline Permits. Provide the JARPA form along with 4. Building and Fire Permits. 5. Pre-Applications	Boundary Line Adjustment Application Fertificates of Exemption Application Form	n. as necessary.

# The following attachments are required for a complete application:

1. Copy of Deed or Proof of Ownership

2. Supplemental Forms, if applicable

 Supplemental Forms, if applicable
 Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklishity Development
 All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan

5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.

5. Pre-Applications.

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#### **GENERAL INFORMATION**

deve	lopment (attach additional sheets if needed):  s is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to
	al Industrial zoning to support economic development in Malaga.
_	
	□ Narrative attached se complete the following:
1.	Any related files (such as Pre-Applications):
2.	Is the subject property located within an Urban Growth Area (UGA)? ■ No □ Yes  If "yes", which UGA?
3.	Please describe adjacent land uses in all directions around the subject property:  North: Rural Industrial
	South: Rural Residential; Ag orchard
	East: Rural Industrial
	West: Rural Residential; Ag orchard
4.	What is the current use of the property? Residential
5.	Sanitation Disposal: □ N/A ■ Septic Permit □ Sewer District:
6.	Water Source: ☐ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B ☐ Public Water Supplier:
7.	Irrigation Water:  ■ N/A □ Yes (Private) □ Yes (Public) Irrigation District/Purveyor:
8.	Fire District: Chelan County Fire District 1 School District: Wenatchee School District
9.	Power Service: Chelan County PUD
10.	□ Airport Overlay:
	□ Aquifer Recharge Area (see attached) □ Floodplain / Floodway
	Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
	☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
	☐ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
	□ Habitat/Riparian Area, protected species/area:□ Streams / Waterhodies: □ □ Streams / Waterhodies: □ □ □ Shoreline Environment Designation:
	□ Streams / Waterbodies: □ □ Shoreline Environment Designation: □ Drainage or Seasonal Stream: □ Wetland, if so what category: □ Userbodies: □ Wetland, if so what category: □ Userbodies: □ Wetland, if so what category: □ Userbodies: □ User
	□ Cultural or Archeological:
11.	Will landfill be required? ■ No □ Yes, approximate(cubic yards)
12.	Will excavation be required? ■ No □ Yes, approximate(cubic yards)
13.	DECEMEN
14.	Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

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File(s) No.

<b>.</b>	Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:	
	n/a	
3.	Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?   No  Yes, please list:	

#### **AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

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

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

#### **EVALUATION CRITERIA**

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

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

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

File(s) No.
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- <u>Does not apply</u> G. Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (None currently designated in Chelan County);
- Does Not Apply H. The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;
- <u>Does Not Apply</u> I. The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;
- Does Not Apply J. The proposed use is as a commercial feedlot;
- Does Not Apply K. The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **CANNABIS DISCLOSURE SECTION**

SUB-SECTION I: Circle

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

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

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

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SUB-9	SECTION	III: You must read the below statements, initial on the space provided, and then proceed to Sub-
	1	Section III.
	JK	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.
	JK —	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.
	JK	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-S	SECTION	I III: Please select one of the following:
✓	suppo further	y with the signature below that the building or land use permit requested <b>IS NOT</b> related to or in any way rtive of existing or planned cannabis-related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction <b>WILL NOT</b> be utilized to support or d cannabis-related activities, development, uses or construction.
	existin any au require 69.50 WAC	y with the signature below that the building or land use permit requested <b>IS</b> related to or in support of g or planned cannabis- related activities, development, uses or construction on the property. I certify that uthorized activities, development, uses or construction will be in strict compliance with LCB licensure ements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW eline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.
SITE I	PLAN CH	HECKLIST SECTION
	Indicate large pa	pies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. The the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For arcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient and the second page depicting an enlargement of the developed area at a larger scale.
	Label a	Il property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
		he location, size, and use of all existing building(s). Identify the distance between property lines and is. Label structures with previous building permit number(s) issued if applicable.
		ne location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of ks, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and
	above g	the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both 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, 2023

			•
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	laterals, o	canal	bel all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation s, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest een the ordinary high water mark and proposed/existing structures.
	Label the	nam	e and width of roads bordering the property and indicate whether they are public or private.
			Ith of existing and proposed driveways/accesses serving each structure. Include stormwater control as drains, detention ponds, connection lines, catch basins, etc.
	front yard required o	l setl other	ng and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the back area. All parking shall have durable and dustless surfaces suited to all weather use, unless wise. If applicable, show handicapped parking and accessible routes to the structure and within the ructures and features.
	or affection irrigation	ng the	bel all easements and widths, deed restrictions, other encumbrances, and/or issues restricting use or condition of the property, including but not limited to access, utilities, railroads, overhead power. Include the Auditor's file number(s). Before Any Development Occurs, 509-661-4220 for assistance in identifying PUD Easements!
			ation of all existing and proposed overhead and underground utilities including, but not limited to gas, and electrical.
			on of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site ct your project if it overlaps onto your parcel.
	structure( source(s) setbacks	s). S , and from	on of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed Show the distance from proposed structure(s) to septic tank, drain field, drinking water well any water body, wetland area and/or flood plain to ensure they meet the required horizontal each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for cable, the approved Health District and County site plan must be identical.
			ter wells, septic tank/drain field is off site, show the location of these systems on the adjacent operties and provide a copy of the easement agreement(s).
			dentify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, and provisions for irrigation).
	If applical	ole, i	nclude outdoor lighting and signage. Label each as existing or proposed.
If the a each p	Applicant is property over bmitting t	s not vner.	IT SECTION the owner of the property, this application and acknowledgment shall also be executed (signed) by application, I acknowledge and certify the following:
Initials	s and, if applic	ahle	Applicant)
	JK	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.
	_ <u>JK</u>	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.
	JK	3	False statements, errors and/or omissions in this application or information provided with or in

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JK

JK

JK

such defense.

regard to this application may be sufficient cause for denial of the request.

Application fees are non-refundable, except when approve by the Board.

Additional permit applications and approvals may be necessary to conduct specific activities.

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

In the event of any legal proceeding to challenge this application, any environmental determination

		mes	M. Kuntz, Executive Director	-	
Owner/					
	Applicar	nt/Ag	ent Signature: Wa Mv	Place: <u>East Worna</u>	<u>tchec_Date: 3/1103</u>
Print Na	ame:		1 11 1		
Owner :	Signatuı	re:		Place:	Date:
			nder penalty of perjury and under the laws of th with this application is true, correct and comple		
	JK	12.	This application shall be subject to all additions ordinances applicable to the proposed develop has been made pursuant to Section 14.08.030	oment until a determinati	
	<u>JK</u>	11.	I certify that all Easements, Deed Restrictions, restricting or affecting the use or condition of the and are shown on the site plan submitted with	he property have been a	
	JK	10.	I certify that this application has been made wi	th the consent of the law	ful property owner(s).
	JK_	9.	I certify that I possess full legal authority and reproperty.	ights necessary to exerc	ise control over the subject
	<u>JK</u>	8.	I certify that I am the property owner, or author familiarized myself with the rules and regulation application.	rized agent of the proper ns of Chelan County with	ty owner, and I have n respect to making this
	JK	7.	Chelan County is hereby given consent to ente		
	II/				

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Print Name:\_

- 14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.
- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation Element.

E. The amendment does not adversely affect the surrounding land uses; and

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The proposal will not adversely affect surrounding land uses, most of which are zbried 11br2003

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

The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.

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

The proposal would not affect projected growth.

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

The proposal serves the interests of both the applicant and general public.

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# **SEPA** ENVIRONMENTAL CHECKLIST

## Purpose of checklist:

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

## Instructions for applicants:

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

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

#### Instructions for Lead Agencies:

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

## Use of checklist for nonproject proposals: [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

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 Name of proposed project, if applicable: [help] N/A

- 2. Name of applicant: [help]
  Port of Chelan County
- 3. Address and phone number of applicant and contact person: <a href="[help]">[help]</a>
  One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. <a href="[help]">[help]</a>
  <a href="None known">None known</a></a>
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help]

None known

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help] No
- 10. List any government approvals or permits that will be needed for your proposal, if known. [help]

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135120150

## B. Environmental Elements [help]

1. <b>Εαιτη</b> Inelp	1		Earth	[help
-----------------------	---	--	-------	-------

a.	General	descri	otion o	of the	site:	[help]

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

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

Gravelly fine sandy loam, grassland.

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

Potential erosion soils and landslide hazards in area.

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

  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. <a href="[help]">[help]</a>

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

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

None proposed.

## 2. Air [help]

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

There would be no new emissions to the air.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. <a href="[help]">[help]</a>

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

## 3. Water [help]

- a. Surface Water:
  - Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help]">[help]</a>
    No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

    [help]

    No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. <a href="[help]">[help]</a>
    No

## b. Ground Water:

- Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]
   No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the CEIVED following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

C.	Water	runoff	(includina	stormwater	١:
••			(	0.011111000	,.

- Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
   N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]
  No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

4.	Plan	its [	hel	pl

a. Check the types of vegetation found on the site: [help]

	deciduous tree:  aider, maple, aspen, other
	_x_evergreen tree: fir, cedar, pine, other
	_x_shrubs
	_x_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
	_x_other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- c. List threatened and endangered species known to be on or near the site. [help]

  None proposed
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [help]

### None proposed

e.	List all noxious weeds and invasive species known to be on or near the site.	[help]
	None proposed	

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a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

birds: hawk, heron, eagle, songbirds, other:	m
hear elk heaver other	

mammals:

deer) bear( elk, beaver, other:

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

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

- b. List any threatened and endangered species known to be on or near the site. [help] Eagle
- c. Is the site part of a migration route? If so, explain. [help]
- d. Proposed measures to preserve or enhance wildlife, if any: <a href="mailto:[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- e. List any invasive animal species known to be on or near the site. [help]

  None proposed

## 6. Energy and Natural Resources [help]

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

None proposed

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

None proposed

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: <a href="mailto:lhelp">[help]</a>

None proposed

7. Environmental Health [help]

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- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - Describe any known or possible contamination at the site from present or past uses.
     [help]

None proposed

- 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. <a href="[help]">[help]</a> None proposed
- Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help] N/A
- 4) Describe special emergency services that might be required. [help] None
- 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? <a href="[help]">[help]</a>
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="mailto:[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 8. Land and Shoreline Use [help]

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

Residential; agriculture. No, proposal will not affect current land uses on nearby or adjacent properties. Industrial to north across highway.

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

Farmland. This proposal will not change use in the short term.

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: <a href="mailto:lhelp">[help]</a>

No

c. Describe any structures on the site. [help]
Single family homes; outbuildings

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

No

e. What is the current zoning classification of the site? [help]

RR5

- f. What is the current comprehensive plan designation of the site? [help] RR5
- g. If applicable, what is the current shoreline master program designation of the site? [help]

  N/A
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]

erosive soils, landslide hazard.

- i. Approximately how many people would reside or work in the completed project? [help]

  N/A
- j. Approximately how many people would the completed project displace? [help]

  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="mailto:lhelp">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]

Application for a comprehensive plan map amendment and zone change.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of longterm commercial significance, if any: <a href="[help]">[help]</a>

## None proposed

## 9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="[help]">[help]</a>

None

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

None

c. Proposed measures to reduce or control housing impacts, if any: [help]

None

## 10. Aesthetics [help]

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

N/A

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

None

b. Proposed measures to reduce or control aesthetic impacts, if any: <a>[help]</a>

N/A

## 11. Light and Glare [help]

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

N/A

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

N/A

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

N/A

d. Proposed measures to reduce or control light and glare impacts, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

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### 12. Recreation [help]

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. <a href="[help] No">[help] No</a>
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

## 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. <a href="[help]">[help]</a>
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

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

None proposed

#### 14. Transportation [help]

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

The site is accessed from Malaga Alcoa Hwy

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]
 No

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

N/A

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

No

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

No

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

N/A

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

  No
- h. Proposed measures to reduce or control transportation impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 15. Public Services [help]

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

No

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="Mone proposed">[help]</a>
<a href="None proposed">None proposed</a>

## 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

None proposed

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## 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: Jim Kuntz

Position and Agency/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

## D. Supplemental sheet for nonproject actions [help]

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

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

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

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

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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

N/A

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

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

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

The proposal would likely not deplete energy or natural resources.

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

N/A

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

The proposal would not affect the above.

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

N/A

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

The proposal is not along a shoreline.

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

N/A

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

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

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

Grant funding and other public funding could be used to expand these services to incentivize economic development in the area.

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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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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#### **PURCHASE AND SALE AGREEMENT**

THIS PURCHASE AND SALE AGREEMENT (hereinafter "Agreement"), made this date, is by and between the PORT OF CHELAN COUNTY, a Washington municipal corporation ("Purchaser"), and JEFFREY QUILTER and MELISSA QUILTER, husband and wife ("Seller"). Individually the Purchaser and Seller may be referred to herein as a "Party" or collectively as the "Parties."

1. <u>Agreement/Property</u>. Seller agrees to sell and Purchaser agrees to purchase Seller's interest in real property located in the county of Chelan, state of Washington and more particularly described as follows (the "Property"):

LOT 1, AS DELINEATED ON SCHOENWALD SHORT PLAT NO. 1673, CHELAN COUNTY, WASHINGTON, RECORDED MAY 4, 1988 IN BOOK SP-5 OF SHORT PLATS, PAGE 52.

TOGETHER WITH THE RIGHT TO USE AND SHARE FOR DOMESTIC PURPOSES ONLY IN THAT CERTAIN DOMESTIC WATER NOW OBTAINED FROM A SPRING AND WHICH IS PRESENTLY SHARED WITH THE CHELAN COUNTY PEACE OFFICERS' ASSOCIATION AND MELTON, MORE PARTICULARLY DESCRIBED IN THAT CERTAIN ASSIGNMENT OF LICENSE DATED NOVEMTER 18, 1986 AND RECORDED IN BOOK 868, PAGE 293; RECORDS OF CHELAN COUNTY AUDITOR.

Together with all water rights, permits, claims, shares in public or private irrigation districts or companies, rights to water and the like appurtenant to or associated with the above-described property.

Together with the 1977 mobile home located on the above Property.

The Parties agree that the above legal description will be revised to be consistent with preliminary commitment for title insurance (please see Section 5.2, below).

Assessor's Parcel No. 222135120150.

The Property is commonly known as 5251 Malaga Alcoa Highway, Malaga, Washington 98828.

1.1 <u>Excluded Property</u>. All personal property is excluded from this transaction, including appliances located within the residence on the Property; provided that Seller must remove the personal property prior to end of the lease agreement set forth in Section 10 of this Agreement. In the event any personal property remains on the Property upon the termination of the lease agreement set forth in Section 10, then the title and ownership of said personal property RECEIVED

Purchase and Sale Agreement {PAF2768609.DOC;2/23058.040038/}

shall automatically vest in the Purchaser for no additional cost, and Seller agrees to sign any and all documents reasonably requested by Purchaser to vest title in the personal property in the Seller at the end of the lease agreement. Seller agrees to indemnify and hold Purchaser harmless from and against all claims, costs, expenses and damages, of any kind or nature (including reasonable attorney fees and costs), arising from or related to the removal of any improvements from the Property after Closing by Seller, or anyone acting by and through the Seller, including agents, employees, family members, or anyone performing any work related to the removal of the improvements.

- **2.** <u>Earnest Money.</u> Purchaser shall pay to CW Title and Escrow earnest money in the amount of Ten Thousand and No/100 Dollars (\$10,000.00), within five (5) business days of the effective date of this Agreement. Earnest money shall be in the form of a check made payable to CW Title and Escrow (Wenatchee office) and credited to the purchase price at Closing, as defined herein. The earnest money is non-refundable, except as set forth in Section 5.2 (Title), Section 9 (Feasibility Contingency) and Section 13 (Default), below.
- 3. <u>Purchase Price</u>. The total purchase price shall be Seven Hundred Thousand and No/100 Dollars (\$700,000.00 US), payable in cash at Closing, as defined herein.
- **4.** <u>Deed.</u> At Closing, the Seller shall sign, execute, and deliver a Statutory Warranty Deed for the Property to Purchaser and/or Closing agent, subject to those matters set forth in Section 5, below.
- 5. Title.
- **5.1** The following shall not be considered encumbrances or defects of title (hereafter "Permitted Exceptions"):
- **5.1.1** Rights reserved in federal patents or state deeds, and building or use restrictions general to the area;
- **5.1.2** Existing easements, conditions, restrictions, covenants, and matters of record not materially impacting Purchaser's intended use of the Property; and
- **5.1.3** General real estate taxes assessed against the Property not due and payable.
- 5.2 Seller shall make available to Purchaser a preliminary commitment for title insurance ("Title Commitment") issued by CW Title and Escrow. Purchaser shall give written notice to Seller within thirty (30) calendar days of Purchaser's actual receipt of the Title Commitment (including copies of all special exceptions) of any defects or encumbrances, other than Permitted Exceptions specified in Section 5.1, in Seller's title to which Purchaser objects (the "Objection"). Seller shall exercise reasonable good faith to attempt to remove matters to which an objection is made. If Seller is unable to cure the defects objected to by Purchaser within twenty (20) calendar days after receipt of the Objection, unless the time is extended in writing, then Purchasen may

elect, as its exclusive remedy, either to waive such defects, or to terminate this Agreement and receive a refund of the earnest money.

- 5.3 At Closing, Seller shall provide an "owner's affidavit" or similar document on a form provided by the title company, if requested by Purchaser or the title company to provide the owner's title policy consistent with this Section 5. Seller shall deliver to Purchaser at or within a reasonable period following Closing, a standard owner's policy of title insurance (the "Title Policy") containing no exceptions other than the customary form printed exceptions ("Standard Exceptions"), the exceptions in Section 5.1 (Permitted Exceptions), the exceptions listed in the Title Commitment that Purchaser has accepted pursuant to Section 5.2, if any ("Accepted Exceptions"). Seller shall pay the cost of the Title Policy at Closing.
- 5.4 At or before Closing, Seller shall eliminate the vehicle title to the mobile home so that the mobile home will be treated as real property for purposes of this transaction.
- **5.5** If this transaction does not close, and this Agreement is terminated, the Purchaser shall be responsible for the cancellation or other fee associated with the Title Commitment.
- **Representations of Seller.** Effective as of the date of this Agreement and as of the date of Closing, Seller represents, and warrants to Purchaser, as follows:
- **6.1** That Seller is not aware of any material facts adversely affecting the Property which have not been disclosed in writing to the Purchaser.
  - 6.2 There are no underground storage tanks beneath the Property.
- **6.3** That Seller shall maintain the Property in its present or better condition until Closing.
  - **6.4** That the Property contains no leased or encumbered personal property or fixtures.
- 6.5 That Seller owns good and marketable title to the Property. There are no adverse or other parties in possession of the Property, or of any party thereof.
- **6.6** There are no pending or threatened (in writing, or otherwise) actions, suits, arbitrations, claims, investigations or legal, administrative or other proceedings (a) with respect to or in any manner affecting or involving the title to or condition of the Property, including, but not limited to, any condemnation action, proceeding to impose an assessment district, zoning change proceeding or development moratorium; or (b) to which Seller is or may be a party by reason of Seller's ownership, use, or operation of the Property.
- 6.7 There are no leases, subleases, rental agreements, licenses or other agreements for the lease or occupancy of any portion of the Property. Seller is not in default under any easements, covenants, conditions, restrictions, declarations or other encumbrances on title to the Property.

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- **6.8** Seller has not received any written notices from any governmental authority with respect to any violation or alleged violation of any law relating to the use, condition or operation of the Property, which violation remains uncured.
- **6.9** Seller has not used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property or transported to or from the Property, any Hazardous Material in violation of state and federal laws and regulations nor, has Seller allowed any other person or entity to do so; that no Hazardous Materials have been used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property in violation of Law nor transported to or from the Property in violation of Law by any entity or person or from any source.
- **6.10** (i) the Property has not been used as a landfill, waste storage or disposal site, nor have any chemicals, petroleum products, or toxic, hazardous or dangerous wastes or substances been released on or under the Property, (ii) nor is the ground water system under the Property contaminated by any such substance, (iii) there are no underground storage tanks located on the Property, (iv) no spill, release, discharge or disposal of hazardous or toxic substances has occurred on the Property, and (v) no petroleum products have been released, discharged, disposed or spilled on the Property.
- **6.11** There are no material defects to the Property and there are no agreements, restrictions or conditions that would prevent the use of the Property for Purchaser's intended use.
- 7. <u>Disclosure Statement</u>. Seller shall provide Purchaser a complete and signed disclosure statement as required by Chapter 64.06 RCW within ten (10) calendar days of the effective date of this Agreement for Purchaser's review.
- **8.** <u>Modification/Waivers</u>. To be effective and binding upon the Parties hereto, all modifications or waivers of any condition of this Agreement shall be in writing and signed by the Parties.
- 9. Feasibility Contingency. Purchaser (its agents, contractors, consultants, agents and business prospects, hereafter "Representatives") shall have ninety (90) days from the effective date of this Agreement to review the feasibility of purchasing the Property and to conduct whatever inspections and investigations the Purchaser or the Representatives deem appropriate. The Purchaser may conduct a "phase 1, environmental assessment", or its equivalent, and Seller agrees to cooperate and provide the necessary information reasonably requested by Purchaser and its consultants to complete said environmental assessment. The Purchaser and the Representatives shall have the right to enter the Property to conduct inspections and investigation, provided that Purchaser shall be solely responsible for restoring the Property to the condition that reasonably existed prior to said entry. The Purchaser shall be responsible for any and all damage caused to the Property arising from or related to said inspection and investigation and agrees to indemnify and hold the Seller harmless in this regard. At any time during the ninety (90) day feasibility period, the Purchaser may provide a written notice to Seller waiving this contingency. This contingency shall be deemed to

failed if Purchaser does not timely provide the written notice to Seller waiving this contingency; in which event, this Agreement shall terminate and be of no further force or effect between the Parties, and the earnest money shall be refunded to the Purchaser.

- **9.1** The Purchaser desires to rezone the Property. The Seller agrees to cooperate and support Purchaser efforts to rezone the Property. Seller agrees to sign all documents requested by Purchaser to apply for and process a Chelan County comprehensive plan amendment to rezone the Property to a new zoning designation or designations selected by Purchaser.
- 10. <u>Post-Closing Possession</u>. Seller will retain possession of the Property after Closing according to the terms and conditions of a lease agreement to be entered by the Parties at Closing. The lease agreement to be entered by the Parties at Closing is substantially set forth in attached Exhibit "A", which is incorporated herein by this reference. The Parties agree that the lease agreement is an accommodation requested by the Seller. In the event there is a change in law prior to closing that would exempt the lease agreement from the standard landlord-tenant laws, then the Parties agree that the lease agreement shall be exempt from said laws.
- 11. <u>Time for Closing Responsibilities of Parties Costs</u>. The Closing of this transaction shall occur at CW Title and Escrow (Wenatchee office) upon the satisfaction of all contingencies, but, in no event, later than thirty days following the Purchaser's waiver of the continency set forth in Section 9, above. The Purchaser and Seller shall deposit with CW Title and Escrow all instruments, documents and monies necessary to complete the sale in accordance with this Agreement. The Purchaser and Seller agree to each pay one-half of the Closing fee. The Parties shall pay their own attorney's fees. Seller will pay for the cost of the Title Policy and the real estate excise tax. Purchaser shall pay for the preparation of the Statutory Warranty Deed and Excise Tax Affidavit to be prepared by Purchaser's attorney. Each party shall pay the prorated portion of real property taxes and irrigation assessments (based on the irrigation season) for the current year based on the date of Closing. Other items shall be paid according to the practice in Chelan County, Washington. For the purpose of the prorations, Purchaser will be deemed to be in title to the Property beginning at 12:01 a.m. on the closing date.
- **12.** <u>Date of Closing.</u> For purposes of this agreement, the "date of Closing" or "Closing" shall be construed as the date upon which all appropriate documents are recorded and the proceeds of this sale are available for disbursement to Seller.
- **13.** <u>Possession</u>. Seller shall deliver possession to Purchaser on Closing, subject to the lease agreement referenced in Section 10, above.
- 14. <u>Default</u>. Time is of the essence of this Agreement. If the Seller defaults (that is, fails to perform the acts required of it) in its contractual performance herein, the earnest money, without deduction or off-set, shall be refunded to the Purchaser, and Purchaser may bring suit for equitable relief, including specific performance, and seek damages arising from Seller's Default. If the Purchaser defaults, the earnest money, upon demand, shall be forfeited and paid to Seller as Seller's sole and exclusive remedy.

- **15.** <u>Independent Counsel</u>. Seller acknowledges, understands and agrees that Purchaser is represented by Ogden Murphy Wallace, P.L.L.C.
- 16. <u>Brokerage Fees.</u> Parties represent that they have not incurred finder's fees, broker's fees or commissions, or similar obligations in connection with the Property which is the subject of this Agreement. Seller agrees to indemnify and hold the Purchaser, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Seller, its agents or employees. Purchaser agrees to indemnify and hold the Seller, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Purchaser, its agents or employees.
- 17. <u>Risk of Loss</u>. If prior to Closing, improvements on the Property shall be destroyed or materially damaged by fire or other casualty, this Agreement, at option of Purchaser, shall become null and void. If Purchaser elects to continue, all insurance proceeds, if any, shall be payable to Purchaser.
- 18. <u>Notices</u>. Notice hereunder shall be in writing and may be mailed or delivered. If mailed, such notices shall be sent postage prepaid, certified or registered mail, return receipt requested, and the date marked on the return receipt by the United States Postal Service shall be deemed to be the date on which the Party received the notice. Notices shall be mailed or delivered as follows:

TO PURCHASER:

Port of Chelan County

One Campbell Parkway, Suite A East Wenatchee, WA 98802

Attn: James M. Kuntz, Executive Director

TO SELLER:

Jeffrey and Melissa Quilter 5251 Malaga Alcoa Highway Malaga, WA 98858

- 19. <u>Governing Law and Venue</u>. This Agreement shall be governed by and interpreted in accordance with Washington law. Any litigation arising out of or in connection with this Agreement shall be conducted in Chelan County, Washington.
- **20.** <u>Successors.</u> This Agreement shall be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of each of the Parties.
- **21.** <u>Encumbrance During Interim</u>. Seller may not financially encumber the Property prior to Closing, unless the encumbrance is discharged or satisfied at Closing.

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- **22.** <u>Survival</u>. Except for Sections 6 and 10, which shall survive Closing as binding representations and warranties of the Seller, the terms and conditions of this Agreement shall not survive Closing and shall merge with the recordation of the Statutory Warranty Deed.
- 23. Attorney's Fees. If any suit or proceeding is instituted by the Seller or the Purchaser arising from or related to this Agreement, including, but not limited to, filing of suit or requesting an arbitration, mediation or alternative dispute resolution process (collectively "proceedings"), and appeals and collateral actions relative to such suit or proceedings, each Party shall be responsible for its own attorney fees and costs incurred.
- **24.** <u>Counterpart/Facsimile/E-mail.</u> This Agreement may be executed separately or independently in any number of counterparts and may be delivered by manually signed counterpart, facsimile, e-mail or other electronic means. Each and all of these counterparts shall be deemed to have been executed simultaneously and for all purposes to be one document, binding as such on the parties. The facsimile, e-mail or electronic transmission of any signed original document, and retransmission thereof, shall be the same as delivery of an original. At the request of either party, or the closing agent, the parties will confirm facsimile, e-mail or electronically transmitted signatures by signing an original document.
- **25.** <u>Corporate Authority: Binding Signatures.</u> Each of the individuals executing this Agreement on behalf of Purchaser or Seller warrant that they are an authorized signatory of the entity for which they are signing, and have sufficient authority to execute this Agreement.
- **26. General Provisions.** Time is of the essence. There are no verbal agreements which modify this Agreement. This Agreement constitutes the full understanding between Seller and Purchaser. Any and all modifications of this Agreement must be in writing and signed by both Parties in order to be binding on the Parties. Purchaser's rights under this Agreement may not be assigned. The "effective date of this Agreement" shall mean the date of the last signature set forth below.

DATED: 02/23/23

PURCHASER: SELLER:

PORT OF CHELAN COUNTY

By: James M. Kuntz, Executive Director

Jeffrey Quilter

Authoritists

Jeffrey Quilter

Authoritists

Jeffrey Quilter

Authoritists

Melissa Quilter

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# EXHIBIT "A" Residential Lease Agreement

#### RESIDENTIAL LEASE AGREEMENT

THIS RESIDENTIAL LEASE AGREEMENT (the "Agreement" or "Lease") is made and entered into this date by and between the CHELAN DOUGLAS REGIONAL PORT AUTHORITY, a Washington municipal corporation ("Landlord"), and JEFFREY QUILTER and MELISSA QUILTER, husband and wife ("Tenant"). Tenant and Landlord are sometimes referred to herein collectively as the "Parties," or individually as a "Party."

The Parties agree as follows:

- 1. <u>Premises</u>. The Port of Chelan County ("POCC") owns certain real property, located at 5251 Malaga Alcoa Highway, Malaga, Washington (the "Premises"). Landlord hereby leases to Tenant, and Tenant leases from Landlord, upon the terms and conditions included in this Lease, the Premises. The Premises consist of the residence and associated yard areas. Notwithstanding the POCC's ownership of the Premises, the POCC has delegated to the Chelan Douglas Regional Port Authority (identified herein as the Landlord) the authority to negotiate and sign leases, and to otherwise manage the Premises on behalf of the POCC.
- 2. <u>Term of Lease</u>. The term of this Lease shall extend for a period of eleven (11) months ("Term"), which period shall begin on the \_\_\_\_\_ day of \_\_\_\_\_\_, 2023 ("Commencement Date"). Either Party may terminate the Lease by written notice of sixty (60) days or more, preceding the end of any Term. The Tenant may surrender possession and terminate this Agreement at any time during the Term by providing Landlord written notice setting forth the date of termination.
- 3. Rent. Tenant shall occupy the Premises rent free during the Term. In the event Tenant remains in possession of the Premises after the Term, Tenant shall pay Landlord rent in the amount equal to Three Thousand and No/100 Dollars (\$3,000.00 US) per calendar month commencing on the expiration of the Term. If the expiration of the Term is a date other than the first day of the month, then the rent due and payable for the first month shall be prorated to reflect the number of days remaining in that month. Rent shall be due and payable in advance on or before the first day of each month.
- **3.1** Place of Payment. Rent shall be mailed or delivered to Landlord at One Campbell Parkway, Suite A, East Wenatchee, WA 98802 or at any other place designated by Landlord.
- **4.** <u>Possession</u>. Tenant is entitled to possession of the Premises on the Commencement Date.
- 5. <u>Services</u>; <u>Utilities</u>. Tenant shall make all arrangements and pay for the following utilities: water, electricity, garbage, telephone, internet, cable, and any other utilities furnished

to the Premises by Tenant. Tenant shall be liable to reimburse Landlord for expenses incurred by Landlord on Tenant's behalf associated with any and all utility services to the Premises during any period the Tenant is in possession of the Premises, or during the duration of the Agreement, whichever is longer.

6. Repairs and Maintenance. Tenant shall keep the Premises in a neat, clean, and habitable condition. Landlord shall make all normal and necessary repairs and replacements to the Premises including, but not limited to, the piping, plumbing system, water system, window glass, fixtures, and electrical and mechanical systems used in connection with the Premises. Tenant shall be liable for and hereby agrees to reimburse Landlord for the actual costs of any maintenance or repair to the Premises which is necessitated by the negligence or other tortious action of Tenant or Tenant's guests or invitees which shall be due and payable to Landlord at the same time that the next month's rental payment is due. Landlord shall have the right, upon advance written notice as required by Section 24 of this Agreement, to inspect the Premises at reasonable times (and at least once every six months) to ensure the Premises are properly cleaned and maintained by the Tenant.

Tenant shall be responsible for maintaining landscaping associated with the Premises. The Tenant shall be solely responsible for any snow or ice removal to provide safe access to the Premises.

Tenant owns and shall be solely responsible for all appliances located in the Premises, including any repair, maintenance or replacement of said appliances.

- 7. <u>Alterations and Improvements</u>. Tenant shall not make any improvements to the Premises without Landlord's advance written consent, which consent shall not be unreasonably withheld. Tenant understands and agrees that the costs of these improvements will be borne solely by Tenant and further agrees that improvements, if made, will be considered fixtures and will become incorporated into the Premises.
- 8. <u>Hazard Insurance</u>. Landlord shall maintain insurance on the residence and any improvements that are in existence at the commencement of this Agreement against loss by fire or other hazards during the Term pursuant to an extended policy of hazard insurance. All proceeds or funds arising from any insurance claim shall belong solely to the Landlord.
- 9. <u>Taxes and Assessments</u>. Landlord shall pay all real property taxes and assessments against the Premises by Chelan County or other taxing district during the Term of this Agreement.
- 10. Loss or Destruction of Property. Tenant shall provide Tenant's own insurance for Tenant's personal property. Landlord shall not be responsible for fire, theft or any other damage to Tenant's personal property located on the Premises whether in a dwelling unit, garage, storage area or other areas owned and operated by Landlord outside the leased Premises. In the event the Premises, or any portion thereof, are lost or destroyed by fire or other occurrence at no fault of the Tenant, the Tenant shall have the option to immediately

terminate this Agreement or continue this Agreement and continue paying all rent payments required by this Agreement.

11. <u>Surrender of Property</u>. Upon the termination of this Agreement for any reason whatsoever, Tenant shall promptly vacate the Premises, remove Tenant's personal property from the Premises, and deliver the Premises to Landlord in as good order and repair as said Premises were at the commencement of the Agreement. All improvements, additions to or alterations of the Premises, whether installed by Landlord or by Tenant remaining on the Premises after termination of this Agreement shall become the property of the Landlord.

## 12. Miscellaneous Restrictions.

- 12.1 Tenant shall not smoke or vape, or allow smoking or vaping within or near any structure on the Premises, absent the prior written consent of Landlord.
- **12.2** Tenant shall not act nor allow Tenant's guests, agents, invitees, licensees, or immediate family to act in a manner that causes discomfort or inconvenience to others.
- 12.3 Tenant shall not keep animals or pets at the Premises without prior approval of the Landlord (which approval may be withheld).
- **12.4** Tenant shall not use lighted candles, incense, kerosene lamps, or portable heaters in the Premises, absent prior written consent of the Landlord.
- **12.5** Tenant shall promptly report to Landlord any and all leaks or damage to the Premises. Any loss, damage, or injury caused to persons or property resulting from Tenant's failure to promptly report leaks or damage shall be the sole responsibility of Tenant.
- 13. <u>Assignment and Subletting</u>. Tenant shall not assign this Agreement or sublet any portion of the Premises without the prior written consent of Landlord, which consent may be unreasonably and arbitrarily withheld. The Tenant shall continue to be primarily responsible for the Premises under this Agreement unless or until such time as the new lease agreement with the subtenant has been executed.

14. <u>Use of Premises</u> . Tenant shall use the Premises for single family residential purposes
only. Tenant shall not use the Premises for the purpose of operating a business of any type,
and shall not allow any unlawful use of the Premises. Tenant's immediate family consisting of
() persons and short-term guests may stay at the Premises. For the purpose of
the Lease, "short-term" shall mean persons visiting Tenant who stay overnight or keep personal
property at the Premises for five (5) days or less during a consecutive thirty (30) day period. For
purposes of the Lease, "Tenant's immediate family" shall include only the following persons:

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Relation to Tenant

Names:

- 15. <u>Smoke Detector</u>. Tenant acknowledges, and Landlord certifies that the Premises is equipped with a smoke detector, as required by RCW 43.44.110, and that the smoke detector has been tested, and is operable as of the execution of this Agreement. It is the Tenant's responsibility to maintain the smoke detector, as specified by the manufacturer, including the replacement of batteries, if required. Tenant's failure to properly maintain the smoke detector can result in punishment, including a fine, payable by Tenant, of not more than that \$200.00 pursuant to RCW 43.44.110.
- 16. <u>Compliance with Law</u>. Tenant shall comply with all laws and shall observe all applicable ordinances, laws and regulations pertaining to the Premises. Tenant agrees to maintain the Premises in a neat, sanitary and attractive condition and shall not commit or allow to be committed any waste upon the Premises or allow any public or private nuisance.
- 17. <u>Indemnification</u>. Tenant shall defend and indemnify Landlord and save Landlord harmless from and against any and all claims, demands, liabilities, damages, costs, or expenses, including attorney fees, arising from any act, omission, or negligence of Tenant, or the officers, contractors, licensees, agents, servants, employees, guests, invitees, or visitors of Tenant in or about the Premises, or arising from any accident, injury, or damage, howsoever and by whomsoever caused, to any person or property, occurring in or about the Premises, including any claim, loss or liability which may be caused or contributed to in whole or in part by Landlord's own negligence.
- 18. <u>Covenants</u>. Tenant shall comply with all covenants and other land use restrictions pertaining to the Premises. Tenant hereby represents and warrants that Landlord has provided Tenant with a copy of any applicable covenants.
- 19. Tenant's Default. Tenant shall be in default for any of the following circumstances:
  - **19.1** Failure to pay any monetary obligation hereunder when due;
- **19.2** Failure to perform or abide by any other term, condition or obligation contained in this Agreement;
- 19.3 Failure to properly dispose from the Premises all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by Tenant;
- **19.4** Failure to properly use and operate all electrical, gas, heating, plumbing, and other fixtures and systems associated with the Premises;
- 19.5 Intentional or negligent destruction or damage to any part of the Premises, or permit any member of his/her family, invitee, licensee, or any person acting under Tenant's control to do so;
  - **19.6** Permitting a nuisance or common waste;

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- 19.7 Failure to keep the Premises clean and sanitary;
- 19.8 Engaging in drug-related activity at or on the Premises or allowing a sub-tenant, sub-lessee, or anyone else to engage in drug-related activity at or on the Premises with the knowledge and consent of Tenant. "Drug-related activity" means activity which constitutes a violation of Chapter 60.41 or 69.42 of the Revised Code of Washington;
- 19.9 Engaging in gang related activity at or on the Premises or allowing a family member, invitee, licensee, guest, sub-tenant, sub-lessee, or anyone else to engage in gang-related activity at or on the Premises. "Gang related activity" is defined in RCW 59.18.030 to mean or include any activity that occurs within a gang or advances a gang purpose;
- 19.10 Failure to maintain the smoke detection device in accordance with the manufacturer's recommendations, including the replacement of batteries where required for the proper operation of the smoke detection device, as required by Chapter 48.48 of the Revised Code of Washington; or
- 19.11 Engaging in activity at the Premises that is: (1) immediately hazardous to the physical safety of other persons on the Premises and entails physical assault upon another person which results in an arrest or entails the unlawful use of a firearm as defined in RCW 9A.04.110 which results in arrest, including threatening another tenant or landlord with a firearm or other deadly weapon as defined by RCW 59.18.352.
- **20.** <u>Landlord's Remedies</u>. In the event Tenant is in default under the terms of this Agreement, Landlord shall be entitled to exercise the following remedies:
- **20.1** If Tenant is in default for permitting a drug-related activity to occur on the Premises, Landlord shall have the right, upon three (3) days written notice to repossess the Premises, either by summary proceedings (i.e., unlawful detainer), or surrender, all in accordance with applicable law.
- **20.2** If Tenant is in default for permitting gang related activity to occur on the Premises, Landlord shall have the right, without additional notice, to repossess the Premises, either by summary proceedings (i.e. unlawful detainer), or surrender, all in accordance with applicable law.
- 20.3 Landlord shall have the right upon ten (10) days written notice to Tenant, specifying the default and if the default is not cured within such ten (10) days, to lawfully reenter possession of the property either by summary proceedings, surrender or otherwise, and dispossess or remove therefrom Tenant, and/or other occupants thereof, and their effects, all in accordance with applicable law.
- 20.4 Landlord shall have the right to exercise any and all other remedies provided by the Washington State Residential Landlord/Tenant Act (RCW 59.18), including termination of the lease.

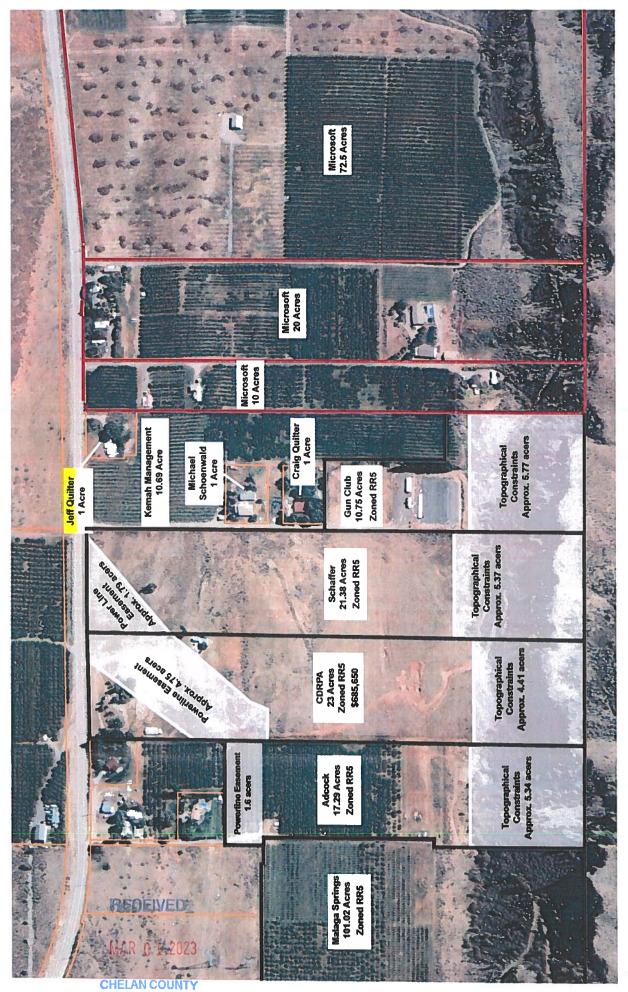
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- 21. <u>Non-Waiver</u>. Waiver by Landlord of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition, or of any subsequent breach of the same or of any other term, covenant, or condition herein contained.
- **22.** <u>Right of Entry.</u> Except in the case of an emergency, Landlord may enter the Premises for purposes of making inspections, repairs, tests, showing the property, and other lawful reasons, with a minimum of forty-eight (48) hours advance written notice to the Tenant.
- 23. AS-IS. NO WARRANTY. TENANT ACKNOWLEDGES IT IS FAMILIAR WITH THE PROPERTY, HAS INVESTIGATED SAME, AND HAS BEEN PROVIDED WITH ADDITIONAL OPPORTUNITIES TO INVESTIGATE THE PROPERTY PRIOR TO THIS LEASE AGREEMENT. TENANT ACKNOWLEDGES AND AGREES THAT IT IS RELYING SOLELY ON ITS INSPECTION AND INVESTIGATION OF THE PROPERTY, AND ACCEPTS THE PROPERTY "AS IS, WHERE IS" IN ITS PRESENT CONDITION WITH NO WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, EITHER ORAL OR WRITTEN, MADE BY LANDLORD OR ANY EMPLOYEE, AGENT OR REPRESENTATIVE OF LANDLORD WITH RESPECT TO THE PHYSICAL CONDITION OF THE PROPERTY. TENANT SHALL HAVE DETERMINED TO ITS SATISFACTION UPON EXECUTION OF THE LEASE AGREEMENT THAT THE PROPERTY CAN BE USED FOR THE PURPOSES TENANT INTENDS. TENANT ACKNOWLEDGES AND AGREES THAT NEITHER LANDLORD NOR LANDLORD'S AGENT HAVE MADE, NOR DO THEY MAKE, ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED.
- **24.** Time. TIME IS OF THE ESSENCE IN THIS AGREEMENT.
- 25. <u>Binding on Heirs, Successors and Assigns</u>. All the covenants, agreement terms and conditions contained in this Agreement shall be binding upon Landlord and Tenant and their respective heirs, executors, administrators, successors, and assigns.
- 26. <u>Savings Clause</u>. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only to the extent necessary to bring it within legal requirements.
- 27. <u>Incorporation</u>. This Agreement represents the entire Agreement of the Parties. Unless as set forth herein in writing, neither party shall be bound by any statements or representations made, and each agrees that there are no such statements or representations being relied upon in making this Agreement. No alterations, changes or amendments to this Agreement will be binding upon either party unless such party has executed a written statement acknowledging such alterations, change or amendment.
- 28. Remedies Accumulative. The specified remedies to which Landlord and Tenant may resort under the terms of this Agreement are cumulative and are not intended to be exclusive of any other remedies or means of redress to which Landlord and Tenant may be lawfully

entitled in case of any breach or threatened breach by Tenant or Landlord, as the case may be, of any provision of this Agreement. In addition to the other remedies provided in this Agreement, Landlord and Tenant shall be entitled to the restraint by injunction of the violation, or attempted or threatened violation, of any of the covenants, conditions, or provisions of this Agreement.

- 29. Governing Law and Venue. This Agreement shall be governed by the laws of the state of Washington and venue from any action arising from this Agreement shall be Chelan County, Washington.
- **Change in Law.** In the event there is a change in any state or federal law, regulation or rule or interpretation thereof, which exempts leases entered into pursuant to a purchase and sale agreement (i.e. purchase with a "lease-back") from the requirements or application of the Residential Landlord/Tenant Act (Chapter 59.18 RCW) as existing or amended, then the terms of this Agreement, which was entered into pursuant to a purchase and sale of the Premises with lease-back to the Tenant, shall be governed by the new or changed laws or regulations.
- **31.** <u>Counterpart and Facsimile Signatures.</u> This Agreement may be signed in counterparts, each of which shall be an original but all of which shall constitute one and the same document. Signatures transmitted by facsimile shall be deemed valid execution of this Agreement, binding on the Parties.
- 32. <u>Construction</u>. Throughout this Agreement, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine, wherever the context so requires. This Agreement has been submitted to the scrutiny of all the Parties and their counsel, if desired, and it shall be given a fair and reasonable interpretation in accordance with its word, without consideration to or weight being given to its being drafted by any party or its counsel. Paragraph headings are for convenience only and shall not be considered when interpreting this Agreement.

LANDLORD:	TENANT(S):
CHELAN DOUGLAS REGIONAL PORT AUTHORITY	
By: <b>EXHIBIT</b>	EXHIBIT
James M. Kuntz, Chief Executive Officer	Jeffrey Quilter
Date:	Date:
	EXHIBIT
	Melissa Quilter
	Date:RECEIVED



**COMMUNITY DEVELOPMENT** 



# **Chelan County Department of Community Development**

Receipt Number: 23-00455

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-104	COMPREHENSIVE PLAN	AMENDMENT 52	51 Malaga Alcoa Hwy	Malaga, WA 98	828
Fee Desc	<u>ription</u>	BARS Number	Fee Amount	Amount Paid	Fee Balance
Comp Pla	ın Amendment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00
Environme	ental Review (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00
			\$1,965.00	\$1,965.00	\$0.00
			TOTAL PAID.	\$1,965,00	

Payment Method	Reference Number	Payment Amount
CHECK	5136	\$1,965.00
Total:		\$1,965.00

#### Notes:

		Project Information	
Permit #	Permit Type	Project Description	Parcel #
PL 23-104	СРА	CPA - RR5 TO RI	222135120150
		Project Contacts	

	2011-2012-2012-2012-2012-2012-2012-2012	Project Conta	acts
Permit #	Name	Association	Address
PL 23-104	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802
	QUILTER JEFFREY & MELISSA	APPLICANT	5251 MALAGA ALCOA HWY, MALAGA, WA 98828
	QUILTER JEFFREY & MELISSA	OWNER	5251 MALAGA ALCOA HWY, MALAGA, WA 98828



# CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

## 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-105; Chelan County Rural Industrial

#### RECOMMENDED MOTION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 5183 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-050 given file number CPA 23-105, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

#### **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-105 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

#### **Agency Comments:**

Port of Chelan Letter- Dated October 10, 2023

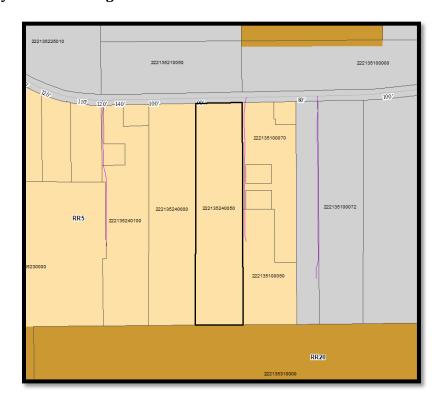
#### **Public Comment:**

None at this time

#### PROJECT DESCRIPTION - CPA 23-105 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (21.38 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5183 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-240-050. See Attachment 4 for file of record.

#### **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-105:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 21.38 acres to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development,

redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

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

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI). Properties to the east are zoned Rural Industrial (RI). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

#### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 06, 2023.
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (21.38 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5183 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-050.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

#### **CONCLUSIONS OF LAW**

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

#### STAFF RECOMMENDATION

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

A. Move to recommend approval/denial of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (21.38 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5183 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-050, given file number CPA 23-105, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

#### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-105



## **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

#### VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



## State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



## STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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



## **CHELAN COUNTY**

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

#### **GENERAL LAND USE APPLICATION FORM**

Parcel Number (APN): 222135240050	Lot Size: 21.38	(Acres)
Parcel Address: 5183 Malaga Alcoa Highway	City/Zip Code: Malaga, 98828	
Property Owner(s): Shaffer Lease Co.	Zoning: RR5	
Mailing Address: 2491 Halvorson Canyon Road		
City/State/Zip Code: Wenatchee, WA 98801		
Phone: <u>509-662-8400</u> E-mai	ː _n/a	
Applicant/Agent (if different than owner): Port of C		
Company and Mailing Address: One Campbell Parkwa	ay, Suite A	<u></u>
City/State/Zip: East Wenatchee, WA 98802	Phone: 509-884-4700	
E-mail: jim@cdrpa.org		
For multiple owners, applicants, or agents, provide	additional sheets.	
••••••	• • • • • • • • • • • • • • • • • • • •	•••••
This General Land Use Application Form shall be of supplemental forms may be required. Please review development and provide information, documents, environmental forms) demonstrating compliance with criteria.	wall applicable statutes and regulations pertaining studies, and reports (such as a Traffic Impact Stu	to the proposed dy or
Application For: (Check all that apply)		
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan Comprehensive Plan Map Amendment Comprehensive Plan Text Amendment Conditional Use Permit Forest Practice/Conversion	Open Space: Public Benefit Rating Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat Variance (zoning or critical areas) Zoning Text Amendment/ Map Ame Other:	
APPLICABILITY SECTION	Other.	
<ol> <li>The following have their own individual applicated.</li> <li>Boundary Line Adjustments. Please use corresponded to the second second</li></ol>	ponding Boundary Line Adjustment Application Form	
The following attachments are required for a co	mplete application:	2023
Copy of Deed or Proof of Ownership	MAR U	
Supplemental Forms, if applicable	CHELAN	COUNTY

Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Charlistrity Development
 All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria

5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code,

and requirements and the Chelan County Comprehensive Plan

including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.

#### **GENERAL INFORMATION**

Pleas	se provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and lopment (attach additional sheets if needed):
<b>This</b>	is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to
Rura	al Industrial zoning to support economic development in Malaga.
	□ Narrative attached
Pleas	se complete the following:
1.	Any related files (such as Pre-Applications):
2.	Is the subject property located within an Urban Growth Area (UGA)? ■ No □ Yes  If "yes", which UGA?
3.	Please describe adjacent land uses in all directions around the subject property:
	North: Rural Industrial
	South: Rural Residential 20
	East: Rural Residential; Ag Commercial
	West: Rural Residential
4.	What is the current use of the property? Vacant land
5.	Sanitation Disposal: □ N/A ■ Septic Permit □ Sewer District:
6.	Water Source: ☐ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B ☐ Public Water Supplier: ☐
7.	Irrigation Water:  ■ N/A □ Yes (Private) □ Yes (Public) Irrigation District/Purveyor:
8.	Fire District: Chelan County Fire District 1 School District: Wenatchee School District
9.	Power Service: Chelan County PUD
10.	Are there critical areas or critical area buffers on the property?  □ Airport Overlay: □ Anytiger Replaces Area (accordate heat)
	□ Aquifer Recharge Area (see attached) □ Floodplain / Floodway
	Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:  Alluvial Fan (250')  Known Historic Hazardous Area (250')  Slopes > 40% (250')  Landslide  Snow Avalanche (500')  Habitat/Riparian Area, protected species/area:
	□ Streams / Waterbodies: □ □Shoreline Environment Designation:
	☐ Drainage or Seasonal Stream: ☐ Wetland, if so what category: ☐ Cultural or Archeological:
11.	Will landfill be required? ■ No □ Yes, approximate(cubic yards)
12.	Will excavation be required? ■ No □ Yes, approximate(cubic yards)
13.	n/a
14	Are there plans for future additions, expansions, or further activity related to or connected COMPUNITY Development

Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:		
n/a		
Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal? ■ No □ Yes, please list:		
v v		
Δ		

#### **AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

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

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

#### **EVALUATION CRITERIA**

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

Please write the w	vord(s) "Applies or "Does Not Apply" on the lines before each of the following statements:
	Within a wellhead protection area designated under WAC 246-290;_*Wellhead Protection Area: The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.
Does Not Apply B.	, , , , , , , , , , , , , , , , , , , ,
Does Not Apply C.	The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;
	The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105  Hazardous Waste Management, as now or hereafter amended;
	The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; **Highly Permeable Soils: Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarse, all 023 extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33454AB).COUNTY
Does not Apply F.	Within a sole source aquifer recharge area designated pursuant to the Federal Sale Drinking Water Act (None currently designated in Chelan County);



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **CANNABIS DISCLOSURE SECTION**

SUB-SECTION I: Circle

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

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

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

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Community Development

CPA File(s) No. 23-105

SU	B-S	ECTION	II: You must read the below statements, initial on the space provided, and then proceed to Sub-
		JK	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.
		JK —	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
		JK	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.
		<u></u>	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.
SU	B-S	ECTION	III: Please select one of the following:
	<b>7</b>	suppo furthe	by with the signature below that the building or land use permit requested <b>IS NOT</b> related to or in any way rtive of existing or planned cannabis-related activities, development, uses or construction on the property. It recrify that any authorized activities, development, uses or construction <b>WILL NOT</b> be utilized to support or deannabis-related activities, development, uses or construction.
		existin any au require 69.50 WAC	by with the signature below that the building or land use permit requested <b>IS</b> related to or in support of a gor planned cannabis- related activities, development, uses or construction on the property. I certify that authorized activities, development, uses or construction will be in strict compliance with LCB licensure ements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW eline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.
<u>SIT</u>	'E P	LAN CH	HECKLIST SECTION
		Indicate large pa	ppies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. The scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For arcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient and the second page depicting an enlargement of the developed area at a larger scale.
		Label a	ll property lines/boundaries, dimensions, and area of lot/parcel (square feet or acrea
-			the location, size, and use of all existing building(s). Identify the distance between property lines and gs. Label structures with previous building permit number(s) issued if applicable.  MAR 0 1 2023
			he location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of ks, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chirally and community Development
			the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both 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.

CPA File(s) No. 23 - 105

ı	laterals, c	d label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation anals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest etween 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.
		width of existing and proposed driveways/accesses serving each structure. Include stormwater control uch as drains, detention ponds, connection lines, catch basins, etc.
	front yard required or	xisting and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless therwise. If applicable, show handicapped parking and accessible routes to the structure and within the er structures and features.
	or affecting irrigation a	d label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting the use or condition of the property, including but not limited to access, utilities, railroads, and overhead power. Include the Auditor's file number(s). Before Any Development Occurs, Il 1-509-661-4220 for assistance in identifying PUD Easements!
		location of all existing and proposed overhead and underground utilities including, but not limited to er, gas, and electrical.
		ration of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site inpact your project if it overlaps onto your parcel.
	structure(s source(s), setbacks f	cation of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed ). Show the distance from proposed structure(s) to septic tank, drain field, drinking water well and any water body, wetland area and/or flood plain to ensure they meet the required horizontal rom each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for applicable, the approved Health District and County site plan must be identical.
		water wells, septic tank/drain field is off site, show the location of these systems on the adjacent properties and provide a copy of the easement agreement(s).
		le, identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, ng, and provisions for irrigation).
	If applicab	e, include outdoor lighting and signage. Label each as existing or proposed.
If the each	Applicant is property ow	MENT SECTION  not the owner of the property, this application and acknowledgment shall also be executed (signed) by ner.  is application, I acknowledge and certify the following:
Initial		
	JK	<ol> <li>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.</li> </ol>
	<u>JK</u>	<ol> <li>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.</li> </ol>
-	<u>JK</u>	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.
	JK	4. Additional permit applications and approvals may be necessary to conduct specific activities.
	JK	5. Application fees are non-refundable, except when approve by the Board.
	JK	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

CHELAN COUNTY
Community Development

such defense.

information Owner Sig Print Nam Owner/Ap Print Nam	gnature e: plicant e:	: :/ <b>Ag</b> nes	ent Signature:	Place:Place:Place:Place:	Date: 3/1/23  Date:
information Owner Sig Print Nam Owner/Ap	nature e:	:: 	ent Signature:	Place:	
information  Owner Sig  Print Nam	jnature e:	:	Ma W. I. I	Place:	
information			with this application is true, correct and comple	,	Date:
	n submi	itted	with this application is true, correct and comple	ste to the best of my knowledge.	
Loortific (or			nder penalty of perjury and under the laws of th		regoing and all
Ji	<u> </u>	12.	This application shall be subject to all addition ordinances applicable to the proposed develop has been made pursuant to Section 14.08.030	oment until a determination of cor	
		11.	I certify that all Easements, Deed Restrictions, restricting or affecting the use or condition of t and are shown on the site plan submitted with	he property have been accurately	
<u>J</u> I			I certify that this application has been made w	, ,	• • • •
<u>J</u> I	<u> </u>	9.	I certify that I possess full legal authority and r property.	ights necessary to exercise contro	ol over the subject
		8.	I certify that I am the property owner, or authofamiliarized myself with the rules and regulation application.		
JI	K			er the property(ies) listed above.	

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**CHELAN COUNTY** Community Development

JK

- 14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.
- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation Element ECEIVED

E. The amendment does not adversely affect the surrounding land uses; and

MAR 0 1 2023

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

The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.

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

The proposal would not affect projected growth.

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

The proposal serves the interests of both the applicant and general public.

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MAR 01 2023

CHELAN COUNTY
Community Development

## **SEPA** ENVIRONMENTAL CHECKLIST

## Purpose of checklist:

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

## Instructions for applicants:

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

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

## Instructions for Lead Agencies:

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

## Use of checklist for nonproject proposals : [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

Name of proposed project, if applicable: [help]
 N/A

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Community Development

2. Name of applicant: [help]
Port of Chelan County

3. Address and phone number of applicant and contact person: [help]
One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]

  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]
   None known
- List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. <a href="[help]">[help]</a>
   None known
- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. <a href="Mointenanger: linearing to be application of the property covered by your proposal">hours</a>.
- 10. List any government approvals or permits that will be needed for your proposal, if known. [help]

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

12. Location of the proposal. Give sufficient information for a person to understand the RECEIVED 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 COUNTY the agency, you are not required to duplicate maps or detailed plans submitted with any plans related to this checklist. [help]

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135240050

## B. Environmental Elements [help]

1. Earth [help]

	Administration
a.	General description of the site: [help]
	(circle one): Flat rolling, hilly, steep slopes, mountainous, other*The back portion of the parcel is steep cliffs/bluffs creating a natural barrier between this parcel and the adjacent parcels to the south.
b.	What is the steepest slope on the site (approximate percent slope)? [help]  The back portion of the site has a steep grade/cliff at an approximate 100 degree angle.

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

Gravelly fine sandy loam, grassland.

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

Potential erosion soils and landslide hazards in area.

- 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. <a href="[help]">[help]</a>
  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. <a href="[help]">[help]</a>

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="mailto:[help]">[help]</a>
<a href="None proposed">None proposed</a>.

## 2. Air [help]

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

There would be no new emissions to the air.

CPA 23-105

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

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: <a href="mailto:[help]">[help]</a>
<a href="Mone proposed">None proposed</a>

#### 3. Water [help]

- a. Surface Water:
  - Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help] No">[help] No</a>
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
     [help]
     No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. <a href="[help]">[help]</a>

#### b. Ground Water:

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

  No
- 2) Describe waste material that will be discharged into the ground from septic tanks of MAR 0 1 2023 other sources, if any (for example: Domestic sewage; industrial, containing the CHELAN COUNTY following chemicals. . . ; agricultural; etc.). Describe the general size of the system their Development

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

C.	Water	runoff	(includ	ding	stormwat	ter)	):
----	-------	--------	---------	------	----------	------	----

- Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
   N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
- Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]
   No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

			200	1.2
4.	Plaı	าts	[he	pl

a.	Check the t	ypes of v	/egetation	touna or	n tne s	ite: <u>Inei</u>	Ы

deciduous tree: alder, maple, aspen, other
evergreen tree: fir, cedar, pine, other
x_shrubs
x_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
x_other types of vegetation

b. What kind and amount of vegetation will be removed or altered? <a href="[help] None proposed">[help] None proposed</a>

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MAR **0 1** 2023

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

None proposed

CHELAN COUNTY
Community Development

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

#### None proposed

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

None proposed

5 . Animals [	nel	p
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a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

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

mammals:

deer bear elk, beaver, other.

fish: bass, salmon, trout herring, shellfish, other \_\_\_\_\_

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

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

No

- d. Proposed measures to preserve or enhance wildlife, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- e. List any invasive animal species known to be on or near the site. [help]

  None proposed

## 6. Energy and Natural Resources [help]

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

None proposed

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

None proposed

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: <a href="[help]">[help]</a>

None proposed

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MAR **0 1** 2023

CHELAN COUNTY
Community Development

7. Environmental Health [help]

CPA 23-105

- Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - 1) Describe any known or possible contamination at the site from present or past uses. <a href="[help]">[help]</a>

None proposed

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [help] None proposed
- Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help] N/A
- 4) Describe special emergency services that might be required. [help] None
- 5) Proposed measures to reduce or control environmental health hazards, if any: [help] None proposed

#### b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

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#### 8. Land and Shoreline Use [help]

a. What is the current use of the site and adjacent properties? Will the proposal affect current 0 1 2023 land uses on nearby or adjacent properties? If so, describe. [help]

Vacant land; residential; agricultural. No, proposal will not affect current land uses of the array of adjacent properties. Industrial to north across highway.

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

No. This proposal will not change use in the short term.

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: <a href="[help]">[help]</a>

No

c. Describe any structures on the site. [help]

None

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

No

e. What is the current zoning classification of the site? [help]

RR5

- f. What is the current comprehensive plan designation of the site? [help] RR5
- g. If applicable, what is the current shoreline master program designation of the site? [help]
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. <a href="[help]">[help]</a>

erosive soils, landslide hazard.

- i. Approximately how many people would reside or work in the completed project? [help]

  N/A
- j. Approximately how many people would the completed project displace? [help]

  None

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k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

MAR **0 1** 2023

CHELAN COUNTY

L. Proposed measures to ensure the proposal is compatible with existing and projected land proje

Application for a comprehensive plan map amendment and zone change.

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

#### None proposed

## 9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="[help]">[help]</a>

None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. <a href="[help">[help]</a>]

None

c. Proposed measures to reduce or control housing impacts, if any: <a href="[help]">[help]</a>
<a href="None">None</a>

## 10. Aesthetics [help]

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

N/A

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

  None
- b. Proposed measures to reduce or control aesthetic impacts, if any: [help]

  N/A

## 11 . Light and Glare [help]

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

N/A

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

N/A

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

  N/A
- d. Proposed measures to reduce or control light and glare impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

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MAR 01 2023

CHELAN COUNTY
Community Development

## 12. Recreation [help]

CPA 23-105

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. [help]
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

## 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. <a href="[help]">[help]</a>
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

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

None proposed

## 14. Transportation [help]

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

The site is accessed from Malaga Alcoa Hwy

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

MAR 0 1 2023

CHELAN COUNTY
Community Development

CAA 23-105

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? <a href="[help]">[help]</a>

N/A

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

No

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

No

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

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]
  No
- h. Proposed measures to reduce or control transportation impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

#### 15. Public Services [help]

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

No

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

#### 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

None proposed

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MAR **0 1** 2023

CHELAN COUNTY
Community Development

### 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:

tim Kuntz

Name of signee: Jim Kuntz

Position and Agency/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

### D. Supplemental sheet for nonproject actions [help]

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

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

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

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

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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

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N/A

MAR **01** 2023

Proposed measures to protect or conserve plants, animals, fish, or marine life are: CHELAN COUNTY Community Development

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

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

The proposal would likely not deplete energy or natural resources.

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

N/A

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

The proposal would not affect the above.

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

N/A

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

The proposal is not along a shoreline.

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

N/A

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

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

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

Grant funding and other public funding could be used to expand these services to interpret in the area.

MAR 0 1 2023

CPA 23-105

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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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MAR 01 2023

CHELAN COUNTY
Community Development

#### **PURCHASE AND SALE AGREEMENT**

THIS PURCHASE AND SALE AGREEMENT (hereinafter "Agreement"), made this date, is by and between the PORT OF CHELAN COUNTY, a Washington municipal corporation ("Purchaser"), and RICHARD R. SHAFFER and JUANITA Y. SHAFFER, husband and wife, doing business as SHAFFER LEASING COMPANY ("Seller"). Individually the Purchaser and Seller may be referred to herein as a "Party" or collectively as the "Parties."

1. <u>Agreement/Property</u>. Seller agrees to sell and Purchaser agrees to purchase Seller's interest in real property located in the county of Chelan, state of Washington and more particularly described as follows (the "Property"):

The East one-third of the East half of the Northwest quarter of Section 35; Township 22 North; Range 21, E.W.M., Chelan County, Washington, EXCEPT that portion thereof lying Northerly of the Southerly right-of-way line of the existing county road.

Together with all water rights, permits, claims, shares in public or private irrigation districts or companies, rights to water and the like appurtenant to or associated with the above-described property.

The Parties agree that the above legal description will be revised to be consistent with preliminary commitment for title insurance (please see Section 5.2, below).

Assessor's Parcel No. 222135240050.

The Property is commonly known as 5183 Malaga Alcoa Highway, Malaga, Washington 98828.

- 2. <u>Earnest Money.</u> Purchaser shall pay to Central Washington Title Services, Inc. earnest money in the amount of Ten Thousand and No/100 Dollars (\$10,000.00), within five (5) business days of the effective date of this Agreement. Earnest money shall be in the form of a check made payable to CW Title and Escrow (Wenatchee office) and credited to the purchase price at Closing, as defined herein. The earnest money is non-refundable, except as set forth in Section 5.2 (Title), Section 9 (Feasibility Contingency) and Section 13 (Default), below.
- 3. <u>Purchase Price</u>. The total purchase price shall be One Million Four Hundred Thousand and No/100 Dollars (\$1,400,000.00 US), payable in cash at Closing, as defined herein. RECEIVED

MAR **0 1** 2023

CPA 23-105

4. <u>Deed</u>. At Closing, the Seller shall sign, execute, and deliver a Statutory Warranty Deed for the Property to Purchaser and/or Closing agent, subject to those matters set forth in Section 5, below.

#### 5. Title.

- **5.1** The following shall not be considered encumbrances or defects of title (hereafter "Permitted Exceptions"):
- 5.1.1 Rights reserved in federal patents or state deeds, and building or use restrictions general to the area;
- **5.1.2** Existing easements, conditions, restrictions, covenants, and matters of record not materially impacting Purchaser's intended use of the Property; and
- 5.1.3 General real estate taxes assessed against the Property not due and payable.
- 5.2 Seller shall make available to Purchaser a preliminary commitment for title insurance ("Title Commitment") issued by Central Washington Title Services, inc. Purchaser shall give written notice to Seller within thirty (30) calendar days of Purchaser's actual receipt of the Title Commitment (including copies of all special exceptions) of any defects or encumbrances, other than Permitted Exceptions specified in Section 5.1, in Seller's title to which Purchaser objects (the "Objection"). Seller shall exercise reasonable good faith to attempt to remove matters to which an objection is made but shall not be required to expend monies in doing so. If Seller is unable to cure the defects objected to by Purchaser within twenty (20) calendar days after receipt of the Objection, unless the time is extended in writing, then Purchaser may elect, as its exclusive remedy, either to waive such defects, or to terminate this Agreement and receive a refund of the earnest money.
- 5.3 At Closing, Seller shall provide an "owner's affidavit" or similar document on a form provided by the title company, if requested by Purchaser or the title company to provide the owner's title policy consistent with this Section 5. Seller shall deliver to Purchaser at or within a reasonable period following Closing, a standard owner's policy of title insurance (the "Title Policy") containing no exceptions other than the customary form printed exceptions ("Standard Exceptions"), the exceptions in Section 5.1 (Permitted Exceptions), the exceptions listed in the Title Commitment that Purchaser has accepted pursuant to Section 5.2, if any ("Accepted Exceptions"). Seller shall pay the cost of the Title Policy at Closing.
- 5.4 If this transaction does not close, and this Agreement is terminated, the Purchaser shall be responsible for the cancellation or other fee associated with the Title Commitment.

RECEIVED

MAR **01** 2023

- **Representations of Seller.** Effective as of the date of this Agreement and as of the date of Closing, Seller represents, and warrants to Purchaser, as follows:
- 6.1 That Seller is not aware of any material facts adversely affecting the Property which have not been disclosed in writing to the Purchaser.
  - 6.2 Seller is not aware of any underground storage tanks beneath the Property.
- 6.3 That Seller shall maintain the Property in its present or better condition until Closing.
  - 6.4 That the Property contains no leased or encumbered personal property or fixtures.
- 6.5 That Seller is not aware of any adverse or other parties in possession of the Property, or of any part thereof.
- 6.6 There are no pending or threatened (in writing, or otherwise) actions, suits, arbitrations, claims, investigations or legal, administrative or other proceedings (a) with respect to or in any manner affecting or involving the title to or condition of the Property, including, but not limited to, any condemnation action, proceeding to impose an assessment district, zoning change proceeding or development moratorium; or (b) to which Seller is or may be a party by reason of Seller's ownership, use, or operation of the Property.
- 6.7 There are no leases, subleases, rental agreements, licenses or other agreements for the lease or occupancy of any portion of the Property. Seller is not in default under any easements, covenants, conditions, restrictions, declarations or other encumbrances on title to the Property.
- **6.8** Seller has not received any written notices from any governmental authority with respect to any violation or alleged violation of any law relating to the use, condition or operation of the Property, which violation remains uncured.
- 6.9 To the best of Seller's knowledge and during the time that Seller has owned the Property, Seller has not used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property or transported to or from the Property, any Hazardous Material in violation of state and federal laws and regulations nor, has Seller allowed any other person or entity to do so; that no Hazardous Materials have been used, generated, manufactured, produced, stored, released, discharged or disposed of on, under, above or about the Property in violation of Law nor transported to or from the Property in violation of Law by any entity or person or from any source.
- 6.10 To the best of Seller's knowledge and during the time that Seller has owned the Property (i) the Property has not been used as a landfill, waste storage or disposal site, nor have any chemicals, petroleum products, or toxic, hazardous or dangerous wastes or substances been released on or under the Property, (ii) nor is the ground water system under the Property Contaminated by any such substance, (iii) there are no underground storage tanks located on the Property, (iv) no spill, release, discharge or disposal of hazardous or toxic substances has occurred

on the Property, and (v) no petroleum products have been released, discharged, disposed or spilled on the Property.

- 7. <u>Disclosure Statement</u>. Seller shall provide Purchaser a complete and signed disclosure statement as required by RCW Section 64.06.013 within ten (10) calendar days of the effective date of this Agreement for Purchaser's review.
- 8. <u>Modification/Waivers</u>. To be effective and binding upon the Parties hereto, all modifications or waivers of any condition of this Agreement shall be in writing and signed by the Parties.
- Feasibility Contingency. Purchaser (its agents, contractors, consultants, agents and 9. business prospects, hereafter "Representatives") shall have one hundred twenty (120) days from the effective date of this Agreement to review the feasibility of purchasing the Property and to conduct whatever inspections and investigations the Purchaser or the Representatives deem appropriate. The Purchaser may conduct a "phase 1, environmental assessment", or its equivalent, and Seller agrees to cooperate and provide the necessary information reasonably requested by Purchaser and its consultants to complete said environmental assessment. The Purchaser and the Representatives shall have the right to enter the Property to conduct inspections and investigation, provided that Purchaser shall be solely responsible for restoring the Property to the condition that reasonably existed prior to said entry. The Purchaser shall be responsible for any and all damage caused to the Property arising from or related to said inspection and investigation and agrees to indemnify and hold the Seller harmless in this regard. At any time during the one hundred twenty (120) day feasibility period, the Purchaser, in its sole discretion, may (a) provide a written notice to Seller waiving this contingency, or (b) provide a written notice to Seller terminating this Agreement. This contingency shall be deemed to have failed if Purchaser does not timely provide the written notice to Seller waiving this contingency. In the event of termination event pursuant to this paragraph, this Agreement shall terminate and be of no further force or effect between the Parties, and the earnest money shall be refunded to the Purchaser.
- 9.1 The Purchaser desires to rezone the Property to a rural industrial zone. The Seller agrees to cooperate, support and sign all documents requested by Purchaser to apply for and process a Chelan County comprehensive plan amendment to rezone the Property to a rural industrial zone designation; provided Seller shall incur no additional cost related to the comprehensive plan amendment request. In the event the sale fails to close, Purchaser agrees to assign and deliver to Seller any information, studies, reports, etc. that it has gathered in support of the comprehensive plan amendment in the event Seller desires to carry it forward.
- 10. <u>Time for Closing Responsibilities of Parties Costs</u>. The Closing of this transaction shall occur at CW Title and Escrow (Wenatchee office) upon the satisfaction of all contingencies, but, in no event, later than thirty days following the Seller's waiver of the continency set forth in Section 9, above. The Purchaser and Seller shall deposit with the sate in accordance with this Agreement. The Purchaser and Seller agree to each pay one-half of the

MAR **0 1** 2023

Closing fee. The Parties shall pay their own attorney's fees. Seller will pay for the cost of the Title Policy and the real estate excise tax. Purchaser shall pay for the preparation of the Statutory Warranty Deed and Excise Tax Affidavit to be prepared by Purchaser's attorney. Each party shall pay the prorated portion of real property taxes and irrigation assessments (based on the irrigation season) for the current year based on the date of Closing. Other items shall be paid according to the practice in Chelan County, Washington. For the purpose of the prorations, Purchaser will be deemed to be in title to the Property beginning at 12:01 a.m. on the closing date.

- 10.1 Shaffer Leasing Company, is a sole proprletorship and trade name for Richard R. Shaffer. Seller shall be responsible for taking whatever steps may be required by the title company to confirm how title is vested, including quitclaim deeds necessary to confirm the vesting of title in Richard R. Shaffer and Juanita Y. Shaffer, husband and wife. If Seller fails to take the steps required by the title company to convey the Property to the Purchaser as set forth in this Agreement, then Seller shall be in default.
- 11. <u>Date of Closing</u>. For purposes of this agreement, the "date of Closing" or "Closing" shall be construed as the date upon which all appropriate documents are recorded and the proceeds of this sale are available for disbursement to Seller.
- 12. <u>Possession</u>. Seller shall deliver possession to Purchaser on Closing.
- 13. <u>Default</u>. Time is of the essence of this Agreement. If the Seller defaults (that is, fails to perform the acts required of it) in its contractual performance herein, the earnest money, without deduction or off-set, shall be refunded to the Purchaser, and Purchaser may bring suit for equitable relief, including specific performance, and seek damages arising from Seller's Default. If the Purchaser defaults, the earnest money, upon demand, shall be forfeited and paid to Seller as Seller's sole and exclusive remedy.
- 14. <u>Independent Counsel</u>. Seller acknowledges, understands and agrees that Purchaser is represented by Ogden Murphy Wallace, P.L.L.C. Purchaser acknowledges, understands and agrees the Seller is represented by Davis Arneil Law Firm, LLP.
- 15. Brokerage Fees. Parties represent that they have not incurred finder's fees, broker's fees or commissions, or similar obligations in connection with the Property which is the subject of this Agreement. Seller agrees to indemnify and hold the Purchaser, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Seller, its agents or employees. Purchaser agrees to Indemnify and hold the Seller, its agents, representatives, and advisors harmless from any claims or any such fees or commissions and all costs and expenses for defending any alleged claim therefor (including costs and attorney's fees on appeal, if any) arising out of the acts of the Purchaser, its agents or employees.

MAR **01** 2023

- 16. <u>Risk of Loss</u>. If prior to Closing, the Property shall be destroyed or materially damaged by fire or other casualty, this Agreement, at option of Purchaser, shall become null and void. If Purchaser elects to continue, all insurance proceeds, if any, shall be payable to Purchaser.
- 17. <u>Notices</u>. Notice hereunder shall be in writing and may be mailed or delivered. If mailed, such notices shall be sent postage prepaid, certified or registered mail, return receipt requested, and the date marked on the return receipt by the United States Postal Service shall be deemed to be the date on which the Party received the notice. Notices shall be mailed or delivered as follows:

TO PURCHASER:

**Port of Chelan County** 

One Campbell Parkway, Suite A East Wenatchee, WA 98802

Attn: James M. Kuntz, Executive Director

TO SELLER:

Richard R. Shaffer

2491 Halvorson Canyon Road Wenatchee, WA 98801

509-662-8400

- 18. Governing Law and Venue. This Agreement shall be governed by and interpreted in accordance with Washington law. Any litigation arising out of or in connection with this Agreement shall be conducted in Chelan County, Washington.
- 19. <u>Successors</u>. This Agreement shall be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of each of the Parties.
- **20.** <u>Encumbrance During Interim.</u> Seller may not financially encumber the Property prior to Closing, unless the encumbrance is discharged or satisfied at Closing.
- 21. <u>Survival</u>. Except for Section 6, which shall survive Closing as binding representations and warranties of the Seller, the terms and conditions of this Agreement shall not survive Closing and shall merge with the recordation of the Statutory Warranty Deed.
- 22. Attorney's Fees. If any suit or proceeding is instituted by the Seller or the Purchaser arising from or related to this Agreement, including, but not limited to, filing of suit or requesting an arbitration, mediation or alternative dispute resolution process (collectively "proceedings"), and appeals and collateral actions relative to such suit or proceedings, each Party shall be responsible for its own attorney fees and costs incurred.
- 23. <u>Counterpart/Facsimile/E-mail</u>. This Agreement may be executed separately or independently in any number of counterparts and may be delivered by manually signed counterpart, facsimile, e-mail or other electronic means. Each and all of these counterparts shall be deemed to have been executed simultaneously and for all purposes to be one

document, binding as such on the parties. The facsimile, e-mail or electronic transmission of any signed original document, and retransmission thereof, shall be the same as delivery of an original. At the request of either party, or the closing agent, the parties will confirm facsimile, e-mail or electronically transmitted signatures by signing an original document.

- 24. <u>Corporate Authority</u>; <u>Binding Signatures</u>. Each of the individuals executing this Agreement on behalf of Purchaser or Seller warrant that they are an authorized signatory of the entity for which they are signing, and have sufficient authority to execute this Agreement.
- 25. <u>General Provisions</u>. Time is of the essence. There are no verbal agreements which modify this Agreement. This Agreement constitutes the full understanding between Seller and Purchaser. Any and all modifications of this Agreement must be in writing and signed by both Parties in order to be binding on the Parties. Purchaser's rights under this Agreement may not be assigned. The "effective date of this Agreement" shall mean the date of the last signature set forth below.

	2	75	123
DATED:_		20	21

DATED: 2/17/23

**PURCHASER:** 

SELLER:

PORT OF CHELAN COUNTY

By: James M. Kuntz. Executive Director

Richard R. Shaffer

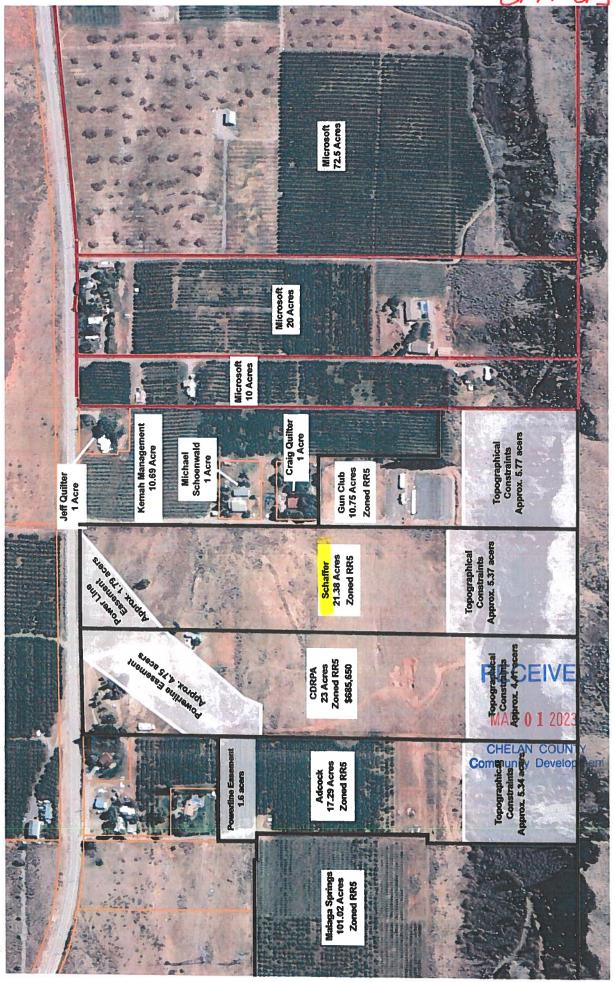
Juanita Y. Shaffer

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MAR **0 1** 2023

CHELAN COUNTY
Community Development

CPA 23-105





# **Chelan County**Department of Community Development

Receipt Number: 23-00456

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-105 COM	PREHENSIVE PLAN	AMENDMENT	5183 Malaga Alcoa Hwy	Malaga, WA 98	828
Fee Description		BARS Number	Fee Amount	Amount Paid	Fee Balance
Comp Plan Amend	lment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00
Environmental Rev	riew (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00
			\$1,965.00	\$1,965.00	\$0.00
			TOTAL PAID:	\$1,965,00	

Payment Method	Reference Number	Payment Amount	
CHECK	5137	\$1,965.00	
Total:		\$1,965.00	

Notes:

		Project Information	
Permit #	Permit Type	Project Description	Parcel #
PL 23-105	CPA	CPA - RR5 TO RI	222135240050

		Project Contacts		
Permit #	Name	Association	Address	
PL 23-105	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802	
	SHAFFER LEASE CO	APPLICANT	2491 HALVORSON CANYON RD, WENATCHEE, WA 98801-9403	
	SHAFFER LEASE CO	OWNER	2491 HALVORSON CANYON RD, WENATCHEE, WA 98801-9403	



# CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

#### 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-106; Chelan County Rural Industrial

#### RECOMMENDED MOTION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 5101 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-000 given file number CPA 23-106, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

#### **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-106 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

#### **Agency Comments:**

Port of Chelan Letter- Dated October 10, 2023

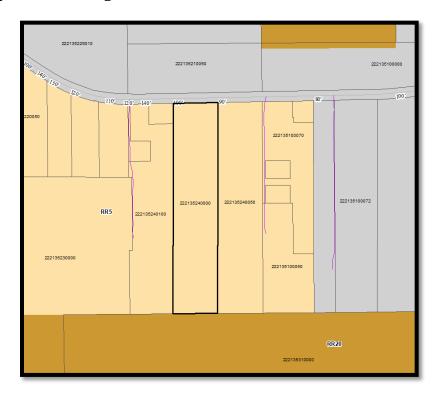
#### **Public Comment:**

None at this time

#### PROJECT DESCRIPTION - CPA 23-106 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (23 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5101 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-240-000. See Attachment 4 for file of record.

#### **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### COMPREHENSIVE PLAN

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-106:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 23 acres to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development,

redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

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

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI). Properties to the east are zoned Rural Industrial (RI) and Rural Residential/Resource 5 (RR5). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

#### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 06, 2023.
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (23 acre) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5101 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-000.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

#### **CONCLUSIONS OF LAW**

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

#### STAFF RECOMMENDATION

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

A. Move to recommend approval/denial of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (23 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5101 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-000, given file number CPA 23-106, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

#### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-106



### **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

#### VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



## State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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



## CHELAN COUNTY

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

#### **GENERAL LAND USE APPLICATION FORM**

Parcel Number (APN): 22213524000	00	Lot Size: 23	(Acres)
Parcel Address: 5101 Malaga Alcoa H	wy.	City/Zip Code: Malaga, 98828	3
Property Owner(s): Port of Chelan Cou	nty	Zoning: RR5	
Mailing Address: One Campbell Parkway	, Suite A		
City/State/Zip Code: East Wenatchee,	WA 98802		
Phone: 509-884-4700	E-mail: <u>jin</u>	n@cdrpa.org	
Applicant/Agent (if different than ov	wner):		
City/State/Zip:		Phone:	
E-mail:			
For multiple owners, applicants, or a	gents, provide add	litional sheets.	
• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • •		
environmental forms) demonstrating criteria. <b>Application For:</b> (Check all that ap		ill statutory and regulatory requirements an	d other applicable
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan ✓ Comprehensive Plan Map Ame Comprehensive Plan Text Ame Conditional Use Permit Forest Practice/Conversion		Open Space: Public Benefit Rati Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat Variance (zoning or critical areas	s)
		Other:	
APPLICABILITY SECTION			
2. Certificate of Exemptions. Pleas	ease use correspon se use correspondir	n. Do not use this form for: Inding Boundary Line Adjustment Application In Certificates of Exemption Application Form	

- Shoreline Permits. Provide the JARPA form along with the corresponding Supplemental F
- 4. Building and Fire Permits.
- 5. Pre-Applications.

#### The following attachments are required for a complete application:

MAR 01 2023

CHELAN COUNTY

- 1. Copy of Deed or Proof of Ownership
- 2. Supplemental Forms, if applicable
- 3. Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklish unity Development

  4. All information, documents, etudios and development 4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
- 5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.



#### **GENERAL INFORMATION**

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed): This is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to Rural Industrial zoning to support economic development in Malaga. ☐ Narrative attached Please complete the following: Any related files (such as Pre-Applications): \_\_\_\_\_ Is the subject property located within an Urban Growth Area (UGA)? ■ No 2. ☐ Yes If "ves", which UGA? \_\_\_\_\_ Please describe adjacent land uses in all directions around the subject property: 3. North: Rural Industrial South: Rural Residential 20 East: Rural Residential West: Rural Residential; Ag Commercial What is the current use of the property? Residential 4. Sanitation Disposal: ☐ N/A ☐ Septic Permit ☐ Sewer District: 5 6. Water Source: ■ Single Private Well □ N/A ☐ Shared Private Well ☐ Group B ☐ Public Water Supplier: 7. Irrigation Water: ■ N/A □ Yes (Private) □ Yes (Public) Irrigation District/Purveyor: School District: Wenatchee School District Fire District: Chelan County Fire District 1 8. Power Service: Chelan County PUD 9. 10. Are there critical areas or critical area buffers on the property? □ Airport Overlay: ☐ Aquifer Recharge Area (see attached) □ Floodplain / Floodway Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site: ☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250') ☐ Erosive soils (on-site) □ Landslide ☐ Snow Avalanche (500') ☐ Habitat/Riparian Area, protected species/area: \_\_\_\_\_\_ □ Streams / Waterbodies: \_\_\_\_\_ □Shoreline Environment Designation: ☐ Drainage or Seasonal Stream: ☐ ☐ Wetland, if so what category: ☐ Cultural or Archeological: 11. Will landfill be required? ■ No □ Yes, approximate \_\_\_\_\_(cubic yards) RECEIVED ■ No □ Yes, approximate \_\_\_\_\_(cubic yards) 12. Will excavation be required? MAR **0 1** 2023 13. Has site preparation been started on the site? If so, to what extent? CHELAN COUNTY 14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?



Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:  n/a
Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?    No  Yes, please list:

#### **AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

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

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

#### **EVALUATION CRITERIA**

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

	principle of the orange of the orange of the formalising officing below.	
Please write the v	vord(s) "Applies or "Does Not Apply" on the lines before each of the following statements:	
Does Not Apply A.	Within a wellhead protection area designated under WAC 246-290;_*Wellhead Protection Area: The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.	
Does Not Apply B.	Within an aquifer recharge area mapped and identified by a qualified ground water scientist;	
	The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;	
Does Not Apply D.	The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended;	
Does Not Apply E.	272-11001, Table II; **Highly Permeable Soils: Include soil types 1A, 1B and 2A from I able II. Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very	
	fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM (CA33 sand))23	
Does not Apply F.	Within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act (None currently designated in Chelan County);	

Community Development



Does not apply G. Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (None currently designated in Chelan County);

Does Not Apply H. The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;

Does Not Apply 1. The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;

Does Not Apply J. The proposed use is as a commercial feedlot;

Does Not Apply K. The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

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

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

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

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

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

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

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

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

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

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

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

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

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

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

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

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

#### **CANNABIS DISCLOSURE SECTION**

**SUB-SECTION 1: Circle** 

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

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

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

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Community Developments



SUB-S	SECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-
	Section III.
	JK 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.
	JK 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.
	JK  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-S	SECTION III: Please select one of the following:
<b>~</b>	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.
<u>SITE I</u>	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.  MAR 0 1 2023
	Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion COUNTY  Community Development



	laterals, c	anal	bel all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation s, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest een the ordinary high water mark and proposed/existing structures.
	Label the	nam	e and width of roads bordering the property and indicate whether they are public or private.
			Ith of existing and proposed driveways/accesses serving each structure. Include stormwater control as drains, detention ponds, connection lines, catch basins, etc.
	front yard required of	sett other	ng and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the back area. All parking shall have durable and dustless surfaces suited to all weather use, unless wise. If applicable, show handicapped parking and accessible routes to the structure and within the ructures and features.
	or affectin	g the	bel all easements and widths, deed restrictions, other encumbrances, and/or issues restricting use or condition of the property, including but not limited to access, utilities, railroads, overhead power. Include the Auditor's file number(s). Before Any Development Occurs, 509-661-4220 for assistance in identifying PUD Easements!
			ation of all existing and proposed overhead and underground utilities including, but not limited to gas, and electrical.
			n of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site ct your project if it overlaps onto your parcel.
	structure(s), setbacks	s). S , and from	on of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed show the distance from proposed structure(s) to septic tank, drain field, drinking water well any water body, wetland area and/or flood plain to ensure they meet the required horizontal each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for cable, the approved Health District and County site plan must be identical.
			ter wells, septic tank/drain field is off site, show the location of these systems on the adjacent operties and provide a copy of the easement agreement(s).
			dentify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, and provisions for irrigation).
	If applicat	ole, ir	nclude outdoor lighting and signage. Label each as existing or proposed.
If the		s not	IT SECTION the owner of the property, this application and acknowledgment shall also be executed (signed) by
		his a	pplication, I acknowledge and certify the following:
Initials	s and, if applic	able	Applicant)
	JK	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.
	_ <u>JK</u>	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.
	_ <u>JK</u>	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.
	_ JK	4.	Additional permit applications and approvals may be necessary to conduct specific activities.
	JK	5.	Application fees are non-refundable, except when approve by the Board.
	_ JK	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 are for

CHELAN COUNTY
Community Development

such defense.



Print Name: Owner/Applica Print Name:_ <sup>Ja</sup>	mes	ent Signature:  M. Kuntz, Executive Director  ent Signature:	Place: Fast Normatchee  Place:	_Date: <u>3/1/23</u>
Print Name: Owner/Applica	_		Place: Fast Normathee	_Date: <u>3/1/23</u>
Print Name:	nt/Ac	ent Signature:	Place: Fast Novathee	Date: 3/1/23
			-	
Owner Signatu				
Owner Signatu	ıre:		_ Place:	_ Date:
		nder penalty of perjury and under the laws of the with this application is true, correct and complete.		regoing and all
JK	12	This application shall be subject to all addition ordinances applicable to the proposed develop has been made pursuant to Section 14.08.030	oment until a determination of cor	
	11	restricting or affecting the use or condition of the and are shown on the site plan submitted with	he property have been accurately	
		I certify that this application has been made w I certify that all Easements, Deed Restrictions,	• •	
JK		I certify that I possess full legal authority and r property.		·
	0.	I certify that I am the property owner, or autho familiarized myself with the rules and regulation application.		
JK	8.			

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CHELAN COLINGER

Community Devolutions

14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.

- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation Element.

RECEIVE

E. The amendment does not adversely affect the surrounding land uses; and

mAR U I 2023 ned Ri or AC. F. The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and

The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.

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

The proposal would not affect projected growth.

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

The proposal serves the interests of both the applicant and general public.

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MAR 0 1 2023

## **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 decisionmaking process.

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

## Instructions for Lead Agencies:

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

## Use of checklist for nonproject proposals : [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

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Name of proposed project, if applicable: [help]
 N/A

MAR **0 1** 2023

2. Name of applicant: [help]
Port of Chelan County

3. Address and phone number of applicant and contact person: <a href="[help]">[help]</a>
One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]
   None known
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. <a href="[help]">[help]</a>

None known

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help] No
- 10. List any government approvals or permits that will be needed for your proposal, if known. <a href="[help]">[help]</a>

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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 man and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [help]

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135240000

## B. Environmental Elements [help]

1. Earth [help
----------------

а	General	descrip	ation of	the	site:	[heln]
a.	Ochici ai	ucsui l	JUOH OI	เมเต	SILC.	

(circle one): Flat rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_\_
\*The back portion of the parcel is steep cliffs/bluffs creating a natural barrier between this parcel and the adjacent parcels to the south.

- b. What is the steepest slope on the site (approximate percent slope)? [help]

  The back portion of the site has a steep grade/cliff at an approximate 100 degree angle.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]

Gravelly fine sandy loam, grassland.

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

Potential erosion soils and landslide hazards in area.

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

  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="mailto:[help]">[help]</a>
<a href="Mone proposed">None proposed</a>.

## 2. Air [help]

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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 1 2 give approximate quantities if known. [help]

There would be no new emissions to the air.

CHELAN COUNTY
Community Devaluation

CAA 23-106

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

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

## 3. Water [help]

- a. Surface Water:
  - Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help]">[help]</a>
    No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. <a href="mailto:lhelp">[help]</a>
    No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]
    No

#### b. Ground Water:

- Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]
   No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the MAR 0 1 2023 following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the CHELAN COUNTY Community Development

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

c.  Water runoff (inclu	ling stormwater):
-------------------------	-------------------

- Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
   N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
- Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]
   No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

4.	Plants	<b>[hel</b>	p۱
, ,	, ,,,,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	$\sim$ 1

a.	Check	the types	s of v	egetation	found	on the	site:	[help]	

	_deciduous tree: alder, maple, aspen, other
x_	evergreen tree: fir, cedar, pine, other
x_	shrubs
x_	_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? <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- c. List threatened and endangered species known to be on or near the site. [help]

  None proposed

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d. Proposed landscaping, use of native plants, or other measures to preserve or enhance MAR 0 1 2023 vegetation on the site, if any: [help]

#### None proposed

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

None proposed

5 . Animals	hel	p
-------------	-----	---

a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

birds: hawk, heron, eagle, songbirds, other:	mammals:
deer bear elk, beaver, other:	

fish: bass, salmon, trout herring, shellfish, other \_\_\_\_\_

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

- b. List any threatened and endangered species known to be on or near the site. [help] Eagle
- c. Is the site part of a migration route? If so, explain. [help]
- d. Proposed measures to preserve or enhance wildlife, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- e. List any invasive animal species known to be on or near the site. [help]

  None proposed

## 6. Energy and Natural Resources [help]

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

None proposed

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. <a href="[help]">[help]</a>

None proposed

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: <a href="[help]">[help]</a>

None proposed

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7. Environmental Health [help]

MAR **0 1** 2023

CPA 23-106

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - 1) Describe any known or possible contamination at the site from present or past uses.

    [help]

None proposed

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [help] None proposed
- Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help] N/A
- 4) Describe special emergency services that might be required. [help] None
- 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="[help]">[help]</a> None proposed

## b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 8. Land and Shoreline Use [help]

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

Residential; Agricultural. No, proposal will not affect current land uses on nearby or adjacent properties. Industrial to north across highway.

MAR 0 1 2023

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

No. This proposal will not change use in the short term.

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: <a href="[help]">[help]</a>

No

c. Describe any structures on the site. [help]
Single family homes; outbuildings; well

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

e. What is the current zoning classification of the site? [help]

- f. What is the current comprehensive plan designation of the site? [help]
- g. If applicable, what is the current shoreline master program designation of the site? [help]
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]

erosive soils, landslide hazard.

- Approximately how many people would reside or work in the completed project? [help]
- j. Approximately how many people would the completed project displace? <a href="[help]">[help]</a>
  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="mailto:[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]

Application for a comprehensive plan map amendment and zone change RECEIVED

m. Proposed measures to reduce or control impacts to agricultural and forest lands of longer 0 1 2023 term commercial significance, if any: [help]

CHELAN COUNTY
Community Development
Page 8 of 14

## None proposed

## 9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="[help]">[help]</a>

None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. <a href="[help">[help]</a>]

None

c. Proposed measures to reduce or control housing impacts, if any: <a href="[help]">[help]</a>
None

## 10. Aesthetics [help]

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

N/A

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

  None
- b. Proposed measures to reduce or control aesthetic impacts, if any: <a href="mailto:[help]">[help]</a>
  N/A

## 11 . Light and Glare [help]

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? <a href="[help]">[help]</a>

N/A

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

N/A

- c. What existing off-site sources of light or glare may affect your proposal? <a href="Miles N/A">[help]</a> N/A
- d. Proposed measures to reduce or control light and glare impacts, if any: <a href="Mone proposed">[help]</a>
  <a href="None proposed">None proposed</a>

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MAR 0 1 2023

CHELAN COUNTY

Community Development

## 12. Recreation [help]

CAA 23-106

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. [help]
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

## 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

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

None proposed

## 14. Transportation [help]

 a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]
 The site is accessed from Malaga Alcoa Hwy

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? [held] EIVED

MAR 01 2023

C.	How many additional parking spaces would the completed project or non-project proposal
	have? How many would the project or proposal eliminate? [help]

N/A

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

No

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

No

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

N/A

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

  No
- h. Proposed measures to reduce or control transportation impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 15. Public Services [help]

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

No

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

## 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity RECEIVED which might be needed. [help]

None proposed

MAR 0 1 2023

## 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: Jim Kuntz

Position and Agency/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

## 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.

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

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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

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N/A

Proposed measures to protect or conserve plants, animals, fish, or marine life are. MAR 0 1 2023

CHELAN COUNTY

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

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

The proposal would likely not deplete energy or natural resources.

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

N/A

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

The proposal would not affect the above.

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

N/A

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

The proposal is not along a shoreline.

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

N/A

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

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

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

Grant funding and other public funding could be used to expand these services to incentivize economic development in the area.

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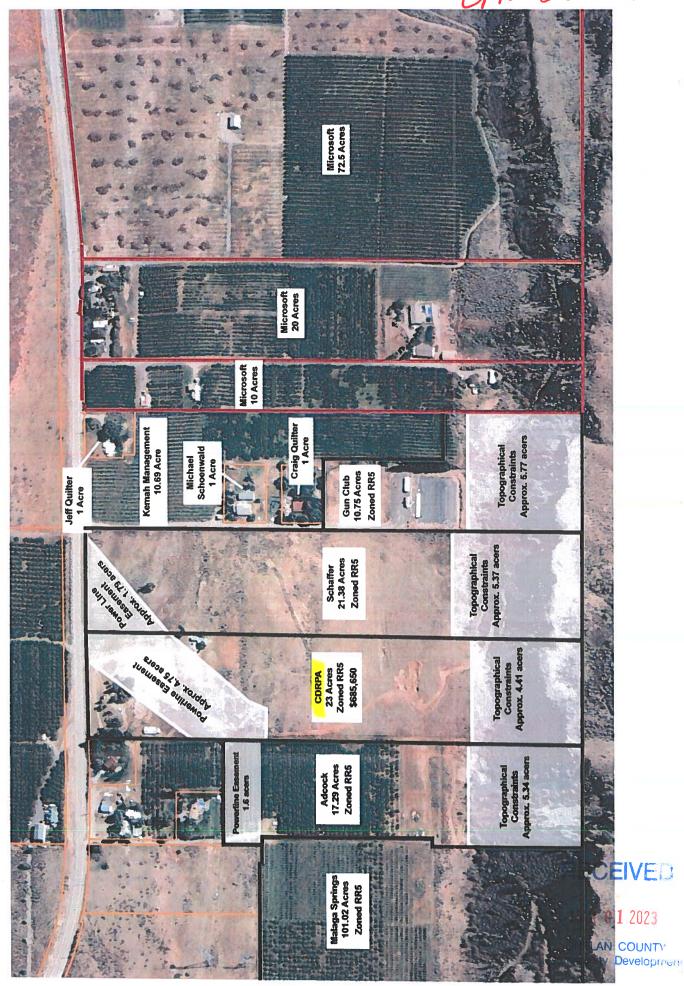
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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MAR 01 2023

CPA 23-106





# **Chelan County**Department of Community Development

Receipt Number: 23-00457

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-106	106 COMPREHENSIVE PLAN AMENDMENT		5101 Malaga Alcoa Hwy Malaga, WA 98828			
Fee Desc	ription	BARS Number	Fee Amount	Amount Paid	Fee Balance	
Comp Pla	n Amendment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00	
Environme	ental Review (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00	
			\$1,965.00	\$1,965.00	\$0.00	
			TOTAL PAID:	\$1,965,00		

Payment Method	Reference Number	Payment Amoun	
CHECK	5138	\$1,965.00	
Total:		\$1,965.00	

#### Notes:

Permit #	Permit Type	Project Description	Parcel #
PL 23-106	СРА	CPA - RR5 TO RI	222135240000
		Project Conta	cts
Permit #	Name	Association	Address
PL 23-106	PORT OF CHELAN COUNTY	APPLICANT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802
	PORT OF CHELAN COUNTY	OWNER	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

**Project Information** 



## CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

## 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-107; Chelan County Rural Industrial

## RECOMMENDED MOTION

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

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 5048 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-100 given file number CPA 23-107, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

## **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-107 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

## **Agency Comments:**

Port of Chelan Letter- Dated October 10, 2023

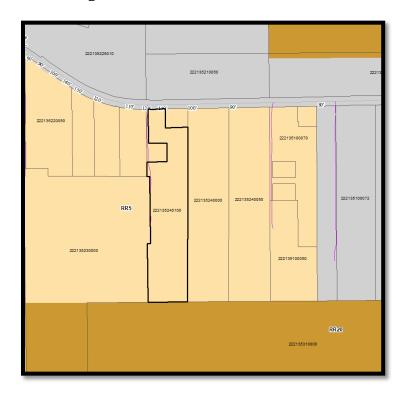
#### **Public Comment:**

None at this time

## PROJECT DESCRIPTION - CPA 23-107 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (17.29 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5048 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-240-100. See Attachment 4 for file of record.

## **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-107:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

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

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

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

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

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

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

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

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

**Finding of Fact:** The site is currently zoned RR5. The site is currently used for firing range. The proposed amendment would change the 17.29 acres to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development,

redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

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

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

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

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

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI). Properties to the east are zoned Rural Industrial (RI) and Rural Residential/Resource 5 (RR5). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

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

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

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

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

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

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

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

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

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

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

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

### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 06, 2023
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (17.29 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5048 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-100.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

### **CONCLUSIONS OF LAW**

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

#### STAFF RECOMMENDATION

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

A. Move to recommend approval/denial of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (17.29 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 5048 Malaga Alcoa Hwy., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-240-100, given file number CPA 23-107, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

#### **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-107



## **CHELAN COUNTY**

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

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

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

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

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

## VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

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

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

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

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



## State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



## STATE OF WASHINGTON DEPARTMENT OF COMMERCE

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

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

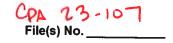
We have forwarded a copy of this notice to other state agencies for comment.

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





## **CHELAN COUNTY**

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

### **GENERAL LAND USE APPLICATION FORM**

Parcel Number (APN): 222135240100	Lot Size: 17.29	(Acres)
Parcel Address: 5048 Malaga Alcoa Hwy.	City/Zip Code: Malaga, 98828	(
Property Owner(s): Adcock Terence L.	Zoning: RR5	
Mailing Address: 5097 Malaga Alcoa Hwy.		
City/State/Zip Code: Malaga, WA 98828		
Phone: n/a E-mail: n/a		
Applicant/Agent (if different than owner): Port of Chelan Co		
Company and Mailing Address: One Campbell Parkway, Suite	Α	
City/State/Zip: East Wenatchee, WA 98802	Phone: 509-884-4700	
E-mail: jim@cdrpa.org		
For multiple owners, applicants, or agents, provide addition	nal sheets.	
development and provide information, documents, studies, environmental forms) demonstrating compliance with all st criteria.	and reports (such as a Traffic Impact Study atutory and regulatory requirements and other and are also and reports (such as a Traffic Impact Study and reports (such as a Traffic Impact Study at the area and reports (such as a Traffic Impact Study at the area and reports (such as a Traffic Impact Study at the area at the area and reports (such as a Traffic Impact Study at the area at	y or ner applicable
Application For: (Check all that apply)		
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan Comprehensive Plan Map Amendment Comprehensive Plan Text Amendment Conditional Use Permit Forest Practice/Conversion	Open Space: Public Benefit Rating S Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat Variance (zoning or critical areas) Zoning Text Amendment/ Map Amer	
ADDI ICADII ITV CECTIONI	Other:	<u> </u>
APPLICABILITY SECTION		
The following have their own individual application. Do 1. Boundary Line Adjustments. Please use corresponding	onot use this form for:  Boundary Line Adjustment Application For	r <b>m</b> .

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

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## The following attachments are required for a complete application:

- 1. Copy of Deed or Proof of Ownership
- 2. Supplemental Forms, if applicable

MAR 0 1 2023 CHELAN COUNTY

3. Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklistemmunity Development

- 4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
- 5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.



#### **GENERAL INFORMATION**

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed): This is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to Rural Industrial zoning to support economic development in Malaga. □ Narrative attached Please complete the following: Any related files (such as Pre-Applications): \_\_\_\_\_\_ Is the subject property located within an Urban Growth Area (UGA)? ■ No □ Yes If "yes", which UGA? \_ Please describe adjacent land uses in all directions around the subject property: 3. North: Rural Industrial, Rural Residential South: Rural Residential 20 East: Rural Residential West: Rural Residential; Ag Commercial What is the current use of the property? Agricultural 4. Sanitation Disposal: ■ N/A □ Septic Permit □ Sewer District: 5. Water Source: □ N/A ■ Single Private Well ☐ Shared Private Well ☐ Group B □ Public Water Supplier: Irrigation Water: □ N/A □ Yes (Private) ■ Yes (Public) Irrigation District/Purveyor: School District: Wenatchee School District Fire District: Chelan County Fire District 1 8. Power Service: Chelan County PUD 9. 10. Are there critical areas or critical area buffers on the property? □ Airport Overlay: ☐ Aquifer Recharge Area (see attached) ☐ Floodplain / Floodway Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site: ☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250') ☐ Erosive soils (on-site) □ Landslide ☐ Snow Avalanche (500') ☐ Habitat/Riparian Area, protected species/area: \_\_\_\_\_ ☐ Streams / Waterbodies: \_\_\_\_\_ □Shoreline Environment Designation: ☐ Drainage or Seasonal Stream: ☐ Wetland, if so what category: ☐ Cultural or Archeological: 11. Will landfill be required? ■ No □ Yes, approximate (cubic yards) RECEIVED 12. Will excavation be required? ■ No □ Yes, approximate (cubic yards) MAR 0 1 2023 13. Has site preparation been started on the site? If so, to what extent?

14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

CPA	1		
File(s) No.	23	3-11	27

15.	Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:				
	n/a				
16.	Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?    No  Yes, please list:				

#### **AQUIFER RECHARGE AREA DISCLOSURE SECTION**

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

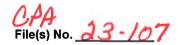
If the development meets criteria A, B, C, or D or if the site or development meets any two of the remaining criteria, the Department will direct the applicant to determine the vulnerability rating for the development pursuant to Section 11.82.050 Aquifer Recharge Areas. If the development has a high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

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

#### **EVALUATION CRITERIA**

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

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



Does not apply G. Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (None currently designated in Chelan County);

Does Not Apply H. The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;

Does Not Apply I. The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;

Does Not Apply J. The proposed use is as a commercial feedlot;

Does Not Apply K. The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

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

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

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

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

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

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

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

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

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

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

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

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

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

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

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

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

## **CANNABIS DISCLOSURE SECTION**

SUB-SECTION I: Circle

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

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

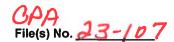
If you circled "IS" above, proceed to Sub-Section II of this form.

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MAR **0 1** 2023

CPA File(s) No. 23-107

SUB-S	ECTION	N II: You must read the below statements, initial on the space provided, and then proceed to Sub-
	JK	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.
	JK	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
	JK	County, and that all cannabis producers and processors must register annually with Chelan County and pay the appropriate registration fee.
	<u> </u>	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-S	ECTION	N III: Please select one of the following:
✓	suppo furthe	fy with the signature below that the building or land use permit requested <b>IS NOT</b> related to or in any way prtive of existing or planned cannabis-related activities, development, uses or construction on the property. It is certify that any authorized activities, development, uses or construction <b>WILL NOT</b> be utilized to support or an cannabis-related activities, development, uses or construction.
	existir any a requir 69.50 WAC	fy with the signature below that the building or land use permit requested <b>IS</b> related to or in support of any or planned cannabis- related activities, development, uses or construction on the property. I certify that uthorized activities, development, uses or construction will be in strict compliance with LCB licensure rements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW eline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.
SITE F	PLAN CI	HECKLIST SECTION
	Indicate large p	opies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. e the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For parcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient and the second page depicting an enlargement of the developed area at a larger scale.
	Label a	all property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
		the location, size, and use of all existing building(s). Identify the distance between property lines and gs. Label structures with previous building permit number(s) issued if applicable.
		the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of the location
	Identify above	the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks of etc?, both ground and underground, as well as setback from property lines.
	Identify	CHELAN COUNTY (and features such as top and bottom of slopes, direction of slope and any areas of eresional Development



	laterals,	cana	abel all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation ls, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest een the ordinary high water mark and proposed/existing structures.
	Label the	e nam	ne and width of roads bordering the property and indicate whether they are public or private.
			dth of existing and proposed driveways/accesses serving each structure. Include stormwater control as drains, detention ponds, connection lines, catch basins, etc.
	front yard required	d setl other	ing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the back area. All parking shall have durable and dustless surfaces suited to all weather use, unless wise. If applicable, show handicapped parking and accessible routes to the structure and within the tructures and features.
	or affecti irrigation	ng the	bel all easements and widths, deed restrictions, other encumbrances, and/or issues restricting e use or condition of the property, including but not limited to access, utilities, railroads, overhead power. Include the Auditor's file number(s). Before Any Development Occurs, -509-661-4220 for assistance in identifying PUD Easements!
			ation of all existing and proposed overhead and underground utilities including, but not limited to gas, and electrical.
0			on of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site act your project if it overlaps onto your parcel.
	structure source(s setbacks	(s). S ), and from	on of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed Show the distance from proposed structure(s) to septic tank, drain field, drinking water well d any water body, wetland area and/or flood plain to ensure they meet the required horizontal each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for icable, the approved Health District and County site plan must be identical.
			tter wells, septic tank/drain field is off site, show the location of these systems on the adjacent operties and provide a copy of the easement agreement(s).
			identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, and provisions for irrigation).
	If applica	ble, i	nclude outdoor lighting and signage. Label each as existing or proposed.
If the leach	Applicant property o	is not wner	NT SECTION the owner of the property, this application and acknowledgment shall also be executed (signed) by application, I acknowledge and certify the following:
Initials (Owner	S and, if appli	icable.	Applicant)
	JK	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.
	_ <u>JK</u>	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.
	JK	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.
	_ <u>JK</u>	4.	Additional permit applications and approvals may be necessary to conduct specific activities.
	_ JK	<b>5</b> .	Application fees are non-refundable, except when approve by the Board.
	<u>JK</u>	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 specified.

such defense.

responsible to defend such challenge and pay all court costs and attorney's fees necessary for

CHELAN COUNTY

Community Development

CPA File(s) No. <u>33-/07</u>

JK	7.	Chelan County is hereby given consent to enter	er the property(ies)	listed above.
JK	8.	I certify that I am the property owner, or author familiarized myself with the rules and regulation application.		
JK	9.	I certify that I possess full legal authority and r property.	ights necessary to	exercise control over the subject
JK	10	. I certify that this application has been made w	ith the consent of t	he lawful property owner(s).
<u>JK</u>	11	I certify that all Easements, Deed Restrictions, restricting or affecting the use or condition of the and are shown on the site plan submitted with	he property have b	
	are) u	This application shall be subject to all addition ordinances applicable to the proposed develop has been made pursuant to Section 14.08.030 ander penalty of perjury and under the laws of the with this application is true, correct and complete	oment until a deter  one  one  State of Washing	mination of completeness gton that the foregoing and all
Owner Signatu			Place:	Date:
		gent Signature:	- Place: <u>East V</u>	Vonatcher Date: 3/1/23
Owner/Applica Print Name:	nt/Ag	gent Signature:	Place:	Date:
THE NAME			-	

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- 14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.
- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

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

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

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

There will be no change to the Capital Facility Element or Transportation ElemeRECEIVED

E. The amendment does not adversely affect the surrounding land uses; and

MAR 0 1 2023

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

The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.

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

The proposal would not affect projected growth.

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

The proposal serves the interests of both the applicant and general public.

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MAR **0 1** 2023

## **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 decisionmaking process.

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

## Instructions for Lead Agencies:

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

## Use of checklist for nonproject proposals : [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

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Name of proposed project, if applicable: [help]
 N/A

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2. Name of applicant: [help]
Port of Chelan County

3. Address and phone number of applicant and contact person: [help]
One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]
   None known
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. <a href="[help]">[help]</a>

None known

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help] No
- 10. List any government approvals or permits that will be needed for your proposal, if known. <a href="[help]">[help]</a>

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

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

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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 EIVED range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [help]

Community Development

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135240100

## B. Environmental Elements [help]

T. Earth melp	1.	Earth	[he	p
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2	Canaral	description	of the	cito:	[heln]
a.	General	description	oi me	Sile.	Helb

(circle one): Flat rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_
\*The back portion of the parcel is steep cliffs/bluffs creating a natural barrier between this parcel and the adjacent parcels to the south.

- b. What is the steepest slope on the site (approximate percent slope)? [help]

  The back portion of the site has a steep grade/cliff at an approximate 100 degree angle.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]

Gravelly fine sandy loam, grassland.

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

Potential erosion soils and landslide hazards in area

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

  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]

No clearing or construction is proposed.

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

There would be no new impervious surfaces as a result of land use change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>.</a>

## 2. Air [help]

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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 1 2023 give approximate quantities if known. [help]

There would be no new emissions to the air.

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

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

## 3. Water [help]

- a. Surface Water:
  - Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
    No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. <a href="[help]">[help]</a>
    No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. <a href="[help]">[help]</a>No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]
    No

## b. Ground Water:

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

  No
- 2) Describe waste material that will be discharged into the ground from septic tanks of ECEIVED other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the 1 2003

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

C.	Water runoff (including stormwater):
	<ol> <li>Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help] N/A</li> </ol>
	<ol> <li>Could waste materials enter ground or surface waters? If so, generally describe. [help]</li> <li>No</li> </ol>
	<ol> <li>Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]</li> <li>No</li> </ol>
d.	Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [help]
	None proposed
4.	Plants [help]
a.	Check the types of vegetation found on the site: [help]
	deciduous tree: alder, maple, aspen, otherx_evergreen tree: fir, cedar, pine, otherx_shrubsx_grasspasturecrop or grain
	x_Orchards, vineyards or other permanent cropswet soil plants: cattail, buttercup, bullrush, skunk cabbage, otherwater plants: water lily, eelgrass, milfoil, otherother types of vegetation
b.	What kind and amount of vegetation will be removed or altered? [help]  None proposed
c.	List threatened and endangered species known to be on or near the site. [help]  None proposed  RECEIVED
d	Proposed landscaping, use of native plants, or other measures to preserve or enhance

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [help] Chelon County Community Development

## None proposed

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

None proposed

5.	Anima	ils [	hel	g
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a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

birds: hawk,	heron	alnea	conghirde	other:
bilds. Tiawk.	, neron,	eagle,	Songbirds	otner.

mammals:

deer bear elk, beaver, other.

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

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

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

No

d. Proposed measures to preserve or enhance wildlife, if any: <a href="Mone proposed">[help]</a>
<a href="None proposed">None proposed</a>

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

None proposed

## 6. Energy and Natural Resources [help]

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

None proposed

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

None proposed

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: <a href="[help]">[help]</a>

None proposed

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7. Environmental Health [help]

MAR 0 1 2023

CPA 23-107

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - 1) Describe any known or possible contamination at the site from present or past uses. <a href="[help]">[help]</a>

None proposed

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [help] None proposed
- Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help] N/A
- 4) Describe special emergency services that might be required. [help]
  None
- 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="[help]">[help]</a> None proposed

## b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

## 8. Land and Shoreline Use [help]

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

Agriculture; residential. No, proposal will not affect current land uses on nearby pagetty properties. Industrial to north across highway.

MAR 0 1 2023

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

Farmland. This proposal will not change use in the short term.

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: <a href="mailto:[help]">[help]</a>

No

c. Describe any structures on the site. [help]
Single family homes; outbuildings; wells

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

e. What is the current zoning classification of the site? [help]

RR5

- f. What is the current comprehensive plan designation of the site? [help]
- g. If applicable, what is the current shoreline master program designation of the site? [help]
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]

erosive soils, landslide hazard.

- i. Approximately how many people would reside or work in the completed project? [help]
- j. Approximately how many people would the completed project displace? [help]

  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help] RECEIVED

Application for a comprehensive plan map amendment and zone change.

MAR 0 1 2023

m. Proposed measures to reduce or control impacts to agricultural and forest lands of longterm commercial significance, if any: [help]

Community Development

## None proposed

## 9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="[help]">[help]</a>

None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. <a href="[help">[help]</a>]

None

c. Proposed measures to reduce or control housing impacts, if any: [help]

None

## 10. Aesthetics [help]

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

N/A

b. What views in the immediate vicinity would be altered or obstructed? <a href="[help]">[help]</a>
None

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

N/A

## 11 . Light and Glare [help]

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

N/A

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

N/A

c. What existing off-site sources of light or glare may affect your proposal? <a href="Mileston">[help]</a> N/A

d. Proposed measures to reduce or control light and glare impacts, if any: <a href="Mone proposed">[help]</a>
<a href="None proposed">None proposed</a>

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MAR **01** 2023

CHELAN COUNTY
Community Development

## 12. Recreation [help]

CPA 23-107

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

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. [help]
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

None proposed

## 13. Historic and cultural preservation [help]

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

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

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

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [help]

None proposed

## 14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]

The site is accessed from Malaga Alcoa Hwy

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? <a href="Moleon Electron">[help]</a>
<a href="Received Bulletin Statement | No. |

MAR 01 2023

CAA 23107

C.	How many additional parking spaces would the completed project or non-project proposal
	have? How many would the project or proposal eliminate? [help]

N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]

No

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]

No

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help]

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]
  No
- h. Proposed measures to reduce or control transportation impacts, if any: [help]

  None proposed

## 15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [help]

No

b. Proposed measures to reduce or control direct impacts on public services, if any. [help]

None proposed

## 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

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None proposed

MAR 0 1 2023

## 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: Jm Kuntz

Position and Agericy/Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

## D. Supplemental sheet for nonproject actions [help]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

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N/A

MAR **0 1** 2023

Proposed measures to protect or conserve plants, animals, fish, or marine life are.

CHELAN COUNTY

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The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would likely not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal would not affect the above.

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not along a shoreline.

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

Proposed measures to reduce or respond to such demand(s) are:

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Grant funding and other public funding could be used to expand these services to incentivize economic development in the area.

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CAA 23-107

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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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MAR 0 1 2023

Terence L. Adcock 5097 Malaga Alcoa Hwy. Malaga, WA 98828

February 23, 2023

Jim Kuntz, Chief Executive Officer Chelan Douglas Regional Port Authority One Campbell Parkway, Suite A East Wenatchee, WA 98802

RE: Chelan County Comprehensive Plan Amendment and Zoning Text

Amendment

Property Identification: 17.29 Acres at 5048 MALAGA ALCOA HWY, MALAGA

98828

Parcel Number: 222135240100

Property Owher(s): ADCOCK TERENCE L

I hereby Support and approve the Chelan Douglas Regional Port's Application to rezone the above referenced property.

Please note the Regional Port will be processing a Boundary Line Adjustment application in which a new legal lot will be created of approximately 14.0 acres plus/minus. The rezone application will only apply to this new legal lot.

enne J. Adioch

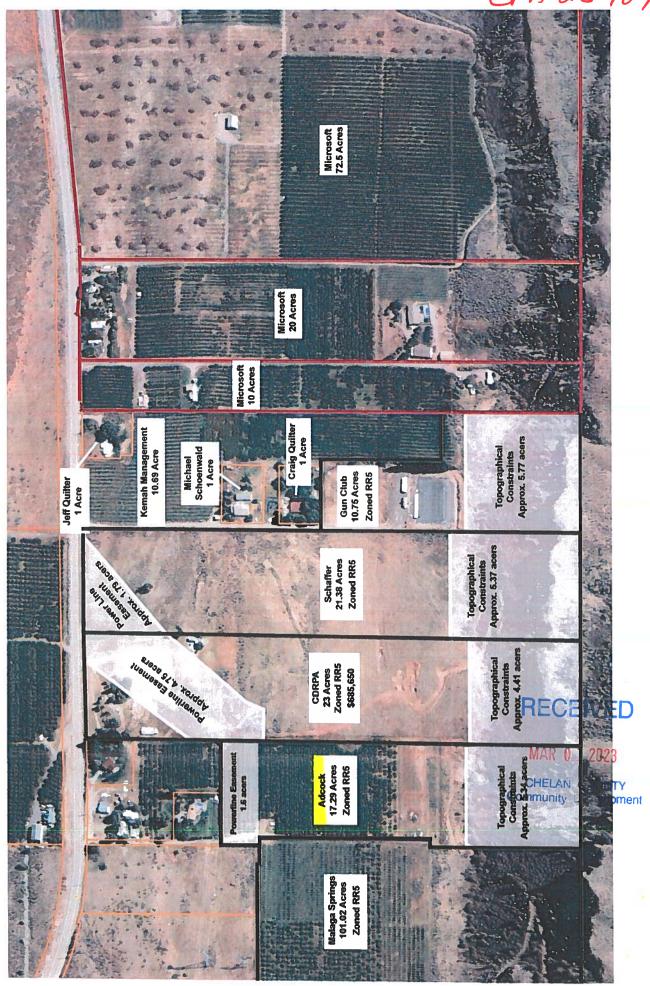
Sincerely,

Terence L. Adcock

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MAR 01 2023

CPA 23-107





# **Chelan County**Department of Community Development

Receipt Number: 23-00458

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-107 COMPREHENSIVE PLAN AMEN		AMENDMENT 504	48 Malaga Alcoa Hwy	328	
Fee Desc	ription	BARS Number	Fee Amount	Amount Paid	Fee Balance
Comp Pla	n Amendment/GMA (Map)	010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00
Environme	ental Review (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00
			\$1,965.00	\$1,965.00	\$0.00
			TOTAL PAID.	\$1 965 00	

Payment Method	Reference Number	Payment Amount
CHECK	5139	\$1,965.00
Total:		\$1,965.00

Notes:

Project Information				
Permit #	Permit Type	Project Description	Parcel #	
PL 23-107	CPA	CPA - RR5 TO RI	222135240100	

		Project Contacts	
Permit #	Name	Association	Address
PL 23-107	ADCOCK TERENCE L	APPLICANT	5097 MALAGA ALCOA HWY, MALAGA, WA 98828
	ADCOCK TERENCE L	OWNER	5097 MALAGA ALCOA HWY, MALAGA, WA 98828
	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802



## CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

## 2021 Comprehensive Plan Map Amendment Staff Report

T0: Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: CPA 23-108; Chelan County Rural Industrial

#### RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code (CCC) Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report.

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject property is located at 4770 Saturday Ave., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-230-000 given file number CPA 23-108, based upon the findings of fact and conclusions of law contained within the September 19, 2023 staff report.

## **GENERAL INFORMATION**

Notice of Application to Surrounding Properties	October 5, 2023
Planning Commission Notice of Hearing Published	October 5, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Initiated August 31, 2023
SEPA Determination	October 06, 2023

#### **SEPA Environmental Review**

A Determination of Non-Significance (DNS) was issued under WAC 197-11-355 for CPA 23-108 on October 06, 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 review of a completed environmental checklist and other information on file with the lead agency.

## **Agency Comments:**

Port of Chelan Letter- Dated October 10, 2023

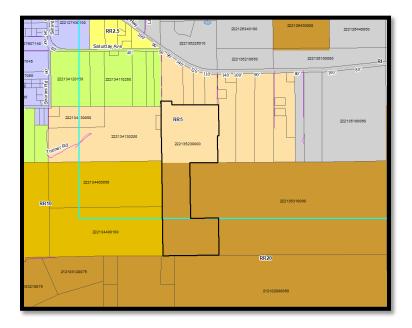
#### **Public Comment:**

None at this time

## PROJECT DESCRIPTION - CPA 23-108 - CHELAN CO RURAL INDUSTRIAL

**Proposal:** An application for a Comprehensive Plan text amendment was submitted by Chelan County to change the land use designation for the subject property (101.02 acres) from RR5 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 4770 Saturday Ave., Malaga, WA 98828 and further identified by Assessor's Parcel Nos.: 22-21-35-230-000. See Attachment 4 for file of record.

## **Chelan County Land Use Designations**



**Density:** Currently, the minimum lot size is 5 acres for the RR5 zoning district. The proposed RI designation would provide the more opportunity for rural industrial and resource based industrial activities in Malaga. The minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal.

#### **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Proposals 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 for CPA 23-108:

LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.

- LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
- LU 9.1: Permit siting of industrial uses in rural areas when adverse impacts to the rural community can be minimized and the requirements of the Growth Management Act (RCW 36.70A.365 or RCW 36.70A.070(5)) can be met.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 1.3: Establish a variety of rural land use designations that would accommodate a wide variety of rural uses and densities consistent with the County's rural character.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- RE 6.1: Development in LAMIRDs, except for industrial areas or industrial sites within mixed-use areas, should be principally designed to serve the existing and projected rural population.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County.
- 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.
- ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.
- ED 5: Implement a regional and multi-jurisdictional approach to economic development.
- ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

#### **REVIEW CRITERIA**

The proposals were analyzed based on information provided by the applicant or when readily available, within existing County resources. While each application may or may not have met all the criteria, the applications must be weighed by their individual and collective impacts. Additionally, agency and public comment play a role in understanding potential impacts to surrounding land uses, impacts to rural character, and how the amendment may serve the general public's interest.

Pursuant to CCC Section 14.14.060(1), the following general review criteria were used to evaluate the proposed amendment.

A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies.

**Finding of Fact**: The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. The proposed land use change serves to encourage economic development by adding to the industrial areas.

Findings by the legislature for the Growth Management Act (GMA) recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Primarily, the County is coordinating with the Chelan Douglas Regional Port Authority to diversify economic and employment opportunities and to address the constrained supply of industrial land. The GMA also permits the development, redevelopment and infill of existing intensely developed rural areas known as LAMIRDs. However, the Act does not allow for the expansion of these areas outside of logically set boundaries. Major industrial developments may be designated subject to RCW criteria.

**Conclusion**: The proposal would be consistent with County-wide Planning Policies and to some extent consistent with the GMA goals.

B. The amendment is consistent with or supports the Chelan County comprehensive plan goals and policies.

**Finding of Fact:** The proposed land use change would support Goal LU 10 and Policy LU 9.3, because the existing industrial base contributes to the area's economy, and the proposed land uses would not conflict with adjacent land uses, are served by Malaga-Alcoa Highway, and would have access to necessary public facilities and services. The proposed amendment supports Goals Policy ED 1 and ED 4, because the diversification of the economic base through sustainable economic development can help provide expanded job opportunities as well as a healthy, stable and growing economy.

The proposed land use change may only be partially consistent with Goal LU 9 and Policy LU 9.1. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. Under the provisions of the GMA, industrial development, redevelopment, and infill may occur in existing rural industrial locations such as Malaga. Industrial activities should occur within LAMIRDs which have the infrastructure and services necessary for such development, but expansion of LAMIRDs is generally not supported.

**Conclusion:** The proposed amendment would be consistent with and does support the majority of goals and policies of the Chelan County Comprehensive Plan and existing LAMIRD policies suggests the Malaga area may, in part, be suitable for additional RI lands.

C. The amendment complies with Comprehensive Plan land use designation/siting criteria.

**Finding of Fact:** The site is currently zoned RR5 and RR20. The site is currently used for firing range. The proposed amendment would change the 101.02 acres to the RI land use designation, a Type 1 LAMIRD.

In 2006, Malaga completed a visioning planning document which defined the LAMIRD boundary and set appropriate land use designations. Under the County's Comprehensive Plan designation/siting criteria, the RI land use designation is considered a Type 1 LAMIRD. LAMIRDs permit the development, redevelopment and infill of existing intensely developed rural areas, but they do not allow for the expansion of these areas outside of logically set boundaries. However, when consistent with GMA, Goal LU 9 directs future industrial development to designated industrial areas in LAMIRDs and to existing rural industrial areas.

The purpose of the RI designation is to recognize the need for rural industrial and resource based industrial activities within the rural areas and to provide the opportunity for the development, redevelopment and infill of existing rural industrial developments or former industrial sites consistent with the rural character. New industrial sites may be designated during yearly comprehensive plan

amendments if consistent with criteria and requirements outlined in RCW 36.70A.365 and the goals and policies of this comprehensive plan.

This proposed amendment facilitates regional efforts to assemble adequate land that would stimulate industrial investment in Malaga. The County intends to promptly initiate further planning for services and infrastructure and to explore possible creation of an urban growth area, which would align with GMA criteria.

**Conclusion:** Based on the designation/siting criteria for RI designations, as outlined in the Comprehensive Plan, the proposed amendment would be consistent because it would encourage new industrial development.

D. The amendment is supported by and consistent with the capital facility element and the transportation element. Amendments that would alter existing provisions of the capital facilities or transportation elements shall demonstrate why existing provisions should not continue to be in effect or why existing provisions should be amended.

**Finding of Fact:** Access is from Saturday Ave, a county right of way. No alteration of the Capital Facility Element or Transportation Element is expected as a result of the proposal. Future development of the site will be reviewed for potential impacts to existing roads and creation of new private or public roads.

**Conclusion:** No change in the Capital Facility Element or Transportation Element has been identified. The proposed amendment would be supported by and consistent with the existing capital facility element and transportation element.

E. The amendment does not adversely affect the surrounding land uses.

**Finding of Fact:** The areas surrounding the subject properties are in industrial, agricultural and residential use. The properties to the north across Malaga Alcoa Hwy are zoned Rural Industrial (RI). Properties to the east are zoned Rural Industrial (RI) and Rural Residential/Resource 5 (RR5). Properties to the south are zoned Rural Residential/Resources 20 (RR20). Properties to the west are zoned Rural Residential/Resources 5 (RR5) and Rural Residential/Resource 10 (RR10).

Under the proposed RI land use designation, the minimum lot size would be in accordance with the Chelan-Douglas health district standards for public or community water and sewage disposal. The maximum height of structures within RI zoning is sixty (60) feet.

**Conclusion:** The proposed amendment does not adversely affect the surrounding land uses as RI lands exist to the north and east.

F. The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.

**Finding of Fact:** Physical characteristics include flat ground on the northern portion near the highway and steep cliffs/bluffs at the southern end of the parcels. Portions of the land include areas shown to have erosive soils and possible landslide hazards. WDFW PHS mapping shows golden eagles to be present in the area.

**Conclusion:** The proposed amendment does not appear to adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.

G. The amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.

**Finding of Fact:** The proposed amendment would make the subject property available for industrial development, thereby accommodating projected employment growth in the rural, unincorporated areas of Chelan County.

The potential industrial development would modestly contribute to the projected growth of the Comprehensive Plan and would therefore not result in an adverse impact.

**Conclusion:** The proposed amendment would be unlikely to have an adverse impact on projected growth.

H. The proposed amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.

**Finding of Fact:** The proposed amendment would increase industrial land uses in the County. Vacant and underdeveloped parcels exist within the Malaga area, which may accommodate further development but might be constrained or unavailable. The price of land is ever increasing and larger groupings of rural properties is highly desired for industrial building lots. Industrial development and retention of existing industrial activities in Malaga will help diversify the economy within the rural areas.

The proposed amendment is not anticipated to impact the general public negatively in regards to public health, safety, or welfare.

**Conclusion:** The proposed amendment specifically serves the applicant but the general public including public health, safety and welfare, is not anticipated to be negatively affected.

#### FINDINGS OF FACT

- 1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of the Comprehensive Plan consistent with RCW 36.70A. The County followed the procedures required for amendment of the Comprehensive Plan.
- 2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the adoption and amendments to the Comprehensive Plan. The County used the applicable guidelines and regulatory review criteria for each amendment.
- 3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
- 4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance for the properties on October 06, 2023
- 5. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 31, 2023, submittal ID No. 2023-S-6402 (Attachment 3), pursuant to RCW 36.70A.106.
- 6. A request for a Comprehensive Plan Map Amendment was submitted by Chelan County to change the land use designation for the subject properties (101.02 acres) from RR5 and RR20 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 4770 Saturday Ave., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-230-000.
  - a. The location and characteristics are consistent with Chelan County Comprehensive Plan designation for Rural Industrial (RI), as outlined in this staff report.

## **CONCLUSIONS OF LAW**

- 1. The amendment to the Chelan County Comprehensive Plan is consistent with the requirements of the Chelan County Comprehensive Plan and County-Wide Planning Policies, and to some extent, consistent with Growth Management Act (RCW 36.70A).
- 2. The amendment does comply with the Comprehensive Plan designation/siting criteria.
- 3. The amendment does not adversely affect the surrounding land uses.
- 4. The amendment does not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
- 5. The amendment does not adversely affect the supply of land for various purposes available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.
- 6. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
- 7. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
- 8. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, SEPA Rules have been satisfied.

#### STAFF RECOMMENDATION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Comprehensive Plan Amendments to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report.

A. Move to recommend **approval/denial** of the Comprehensive Plan Amendment was submitted by Chelan County to change the land use designation for the subject properties (101.02 acres) from RR5 and RR20 to RI to enhance and support economic development in the rural Malaga area. The subject properties are located at 4770 Saturday Ave., Malaga, WA 98828 and further identified by Assessor's Parcel Nos. 22-21-35-220-000, given file number CPA 23-108, based upon the findings of fact and conclusions of law contained within the October 17, 2023 staff report.

## **ATTACHMENTS**

- 1. SEPA Determination, signed October 06, 2023
- 2. Agency and Public Comments
- 3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce
- 4. File of Record for CPA 23-108



## **CHELAN COUNTY**

## Department of Community Development 316 Washington Street, Suite 301, Wenatchee, WA 98801 Telephone: (509) 667-6225

# SEPA NOTICE ISSUANCE OF DETERMINATION OF NON-SIGNIFICANCE (DNS)

Project RR5 TO RI

**Description:** 

File Number: CPA 23-100

Related Files: CPA 23-101, CPA 23-102, CPA 23-103, CPA 23-104, CPA 23-105, CPA 23-106, CPA 23-107

and CPA 23-108

**Parcel Number:** 22-21-35-100-050

Related Parcels: 22-21-35-100-070; 22-21-35-130-175; 22-21-35-120-200; 22-21-35-120-150; 22-21-35-240-050;

22-21-35-240-000; 22-21-35-240-100 and 22-21-35-230-000

Site Address: 5243 Malaga Alcoa Hwy, Malaga, WA; NNA Malaga Alcoa Hwy, Malaga, WA; 5235 Malaga

Alcoa Hwy, Malaga, WA; 5229 Malaga Alcoa Hwy, Malaga, WA; 5251 Malaga Alcoa Hwy, Malaga, WA; 5185 Malaga Alcoa Hwy, Malaga, WA; 5101 Malaga Alcoa Hwy, Malaga, WA;

5048 Malaga Alcoa Hwy, Malaga, WA and 4770 Saturday Ave, Malaga, WA

Agent: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802

**Lead Agency:** Chelan County Department of Community Development

An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 5 (RR5) to Rural Industrial (RI).

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 October 23, 2023 for consideration.

**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: Walka Walter, SEPA Responsible Official

Date: 10/16/23

Date of Issuance: October 6, 2023 Date of Publication: October 9, 2023



One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

October 10, 2023

## VIA EMAIL jamie.strother@co.chelan.wa.us & US MAIL

Chelan County Board of Planning Commissioners Community Development 316 Washington Street, Suite #301 Wenatchee, WA 98801

Dear Planning Commissioners:

Comprehensive Plan Amendment Application No. CPA 23-100 (Malaga Rural Industrial Rezone) Re:

This letter is submitted on behalf of Chelan Douglas Regional Port Authority (RPA) and the Port of Chelan County (POCC), as lead agent/applicant for the application for Comprehensive Plan Amendment CPA 23-100 to include additional acreage for industrial development in the Malaga area. The RPA/POCC is one of nine original applicants seeking to incorporate and rezone property in the Malaga area for industrial development to facilitate future economic development in the County. The other applicants (property owners) include Jeff Quilter, Kemah Management LLC, Michael Schoenwald, Craig Quilter, Firing Range Association, Schaffer, Terrence Adcock, and Malaga Springs LLC. Since the original applications were submitted in early 2023, the POCC has purchased all of the property, except for the Terrance Adcock and the Firing Range Association properties. Closing on the property owned by Terrance Adcock is expected to occur before the end of 2023.

The POCC is primarily charged with economic development within Chelan County. As previously mentioned in comments submitted by the RPA to the Planning Commission in 2021, the POCC historically developed property within the Olds Station area of Chelan County. However, as part of a transaction with the Chelan County PUD, the POCC sold the majority of its remaining holdings in Olds Station to enable the PUD to construct and relocate to the new PUD headquarters. In addition, during the same period, the City of Wenatchee annexed the Olds Station area and rezoned the remaining property holdings of the POCC for uses and purposes other than what would be typically permitted in an industrial zone. As a result of these actions, the POCC and the RPA undertook measures to identify and evaluate the next industrial park in Chelan County. Initially, the POCC made several inquiries with Alcoa to see whether, and to what extent, Alcoa would be willing to sell some of its holdings located within the Malaga LAMIRD. Despite continued efforts in this regard, the land that is industrially zoned and owned by Alcoa remains idle.

In 2019, the POCC acquired a 72-acre parcel located within the Malaga LAMIRD and zoned industrial. However, due to topography to the south, the entire parcel is unable to be developed. The parcel is also somewhat land-locked. Put another way, the POCC required an industrial site greater than

the usable space of the property purchased in 2019 and discussed its needs for additional industrial property to promote economic development with the County.

In 2021, in response to the POCC's concerns regarding industrial development in the County, Chelan County initiated an expansion to the Malaga LAMIRD (consisting of 30 acres). The Board of County Commissioners approved Resolution No. 2021-148 ("Resolution"), adopting amendments to the County Comprehensive Plan to expand the Malaga LAMIRD and change the zoning designation of the added property from RR5 to RI as set forth in the Resolution. Following adoption of the Resolution, an application was submitted (ZC 21-118) to rezone the subject property from RR5 to RI. The Chelan County Hearing Examiner issued a Decision approving the rezone on January 20, 2022 ("Decision").

Both the Resolution and Decision confirmed that the Comprehensive Plan Amendment and zone change associated with expansion of the Malaga LAMIRD complied with the following County planning goals and polices:

- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- LU 9.3: Encourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses.
- LU 10: Maintain Chelan County's existing industrial base and promote further diversification of the area's economy with industries that are compatible with surrounding land uses.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- RE 4: Encourage rural economic development consistent with the goals and policies of the Chelan County Comprehensive Plan and the Growth Management Act.
- ED 1: Encourage efforts to diversify the existing economic base to focus on long- term sustainable economic development throughout the County.
- 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.

ED 4.3: Foster a diverse private-sector job base that supports attractive wages and facilitates the retention and expansion of existing businesses.

ED 5: Implement a regional and multi-jurisdictional approach to economic development.

ED 5.1: Coordinate with the Chelan County Port District in the evaluation and ranking of economic development projects.

Neither the Resolution or the Decision were challenged or appealed. In addition, in June 2022, regulations were adopted that further confirm the ability to amend or expand a rural LAMIRD. See, SB 5042; RCW 36.70A.067.

Following the successful expansion of the Malaga LAMIRD in 2021-22, the RPA and POCC completed negotiations and a transaction with Microsoft, wherein the block of property owned by the POCC for a future industrial park was acquired by Microsoft. The RPA and POCC have identified additional, logical areas for potential inclusion in the Malaga LAMIRD to support future industrial and economic development in the County (especially in absence of the ability to acquire or use the Alcoa property). The additional acreage associated with the properties identified in the pending application(s) will create the necessary nucleus to support the anticipated infrastructure that will be necessary for the POCC to pursue this expanded industrial park in Chelan County. The properties owned by the POCC and other applicants would continue to create a logical outer boundary for the LAMIRD. The properties have frontage along the Malaga Alcoa Highway. In addition, the property on the other side of the Highway is also currently zoned for industrial purposes.

The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Economic Development and 4) Environment. Findings by the legislature for the GMA recognize that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. The land use change proposed by the applicant serves to encourage economic development by adding to the industrial areas in Malaga.

The proposed further expansion of the Malaga LAMIRD would be consistent with the prior Resolution and Decision, and result in significant economic benefits to the local community while simultaneously advancing the relevant goals and policies of the Chelan County Comprehensive Plan. By amending the Comprehensive Plan and rezoning to allow industrial development on the properties in question, the Malaga LAMIRD expansion would serve to "diversify the existing economic base" (Goal ED 1), "attract businesses and industries that complement and build upon existing business and industry" (Policy ED 1.1), and "[i]ncentivize development that creates local re-investment funds and provides jobs in the local community" (Policy ED 1.2). As noted above, the positive economic impacts of expanding the Malaga LAMIRD would not be limited to the proposed expansion area itself, but would additionally facilitate productive development and use of POCC's land holdings within the LAMIRD's boundaries.

As before, the proposed expansion would also satisfy the applicable criteria for Type 1 LAMIRDs under the Comprehensive Plan. Section V of the Plan's Rural Element establishes the following guidelines for LAMIRD boundaries generally:

In establishing the logical outer boundary the County will address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

In addition, WAC 365-196-425 provides, in relevant part, that,

(E) Once a logical outer boundary [of the LAMIRD] has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary...

Expanding the Malaga LAMIRD as proposed by the applicant(s) is consistent with the standards and regulations set forth above. It is also consistent with the Resolution and Decision previously adopted by the County. The expansion being proposed by the collective applications would include 183.84 acres (at least 21 acres of which are not useable) and would not meaningfully impact, much less undermine, the character of any existing natural neighborhood or community. The area is not designated as resource lands of long-term commercial significance, and instead contains only residential and minor agricultural uses (most of which have now been acquired by the POCC). The expansion is expressly supported by the other eight applicants or petitioners representing owners in the community.

The expansion would also track the physical contours and features of the surrounding area in a logical, geographically coherent configuration, and would not result in any boundary irregularities. Indeed, westward expansion of the LAMIRD as proposed represents the *only* practicable direction in light of the adjacent highway to the north and the topographical constraints (hills) to the south; collectively, these features would form a permanent, logical outer boundary for the Malaga LAMIRD.

Finally, with appropriate infrastructure improvements, all land within the (expanded) LAMIRD can be served by necessary public facilities and services. The subject property is located within the service area of the Malaga Water District and agreements have been entered to extend water service to the land that was the subject of the prior rezone (the water main extension is nearly complete and will provide service to the lands described in the pending applications). The POCC and RPA have also consulted with potential utility providers regarding the extension of sanitary sewer service to the LAMIRD (it is the anticipation that this service would be through a tight-line, or dedicated, delivery system that would prevent low-density sprawl). Since some of the uses are anticipated to be data center or similar activities, the RPA is developing a cooling water discharge facility on the north side of the Malaga Alcoa Highway in support of the existing and proposed expansion of the industrial park. As the County itself has acknowledged through the prior adoption of Resolution No. 2021-18, new water and sewer utility improvements to serve the Malaga area are expressly encouraged.

With specific regard to Type 1 LAMIRDs involving industrial uses and the conversion of vacant land, the Comprehensive Plan standard is whether the proposal would be "consistent with the character of the existing uses, particularly in terms of building size, scale, use or intensity." Here again, the proposed expansion is compliant with the Plan. The size, scale and intensity of future industrial development within the Malaga LAMIRD would be comparatively modest in relation to the nearby Alcoa complex and KB Alloys facilities.

Collectively, the above factors demonstrate that the proposed LAMIRD expansion would also advance the most relevant policy of the Comprehensive Plan's Land Use Element in this context, which is to "[e]ncourage industrial development to locate in areas with access to necessary support facilities, services, and transportation systems, and where industrial development would be compatible with nearby land uses" (Policy LU 9.3). In sum, expanding the LAMIRD westwardly to encompass the area proposed by the application(s) would result in a logical outer boundary and would be consistent with the Comprehensive Plan in all pertinent respects.

As public agencies charged with serving the Chelan County community, the RPA and POCC share a common objective with the County in ensuring that local land use planning decisions are authorized by law and policy, and based upon careful consideration of relevant economic, environmental and other concerns. We appreciate the opportunity to provide additional comment to the Planning Commission on this important policy issue, and we are confident that expanding the Malaga LAMIRD to include additional acreage for industrial development represents the correct outcome for the reasons set forth above. As a result, we request that the County Planning Commission recommend approval of the application(s) as presented.

Sincerely,

CHELAN DOUGLAS REGIONAL PORT AUTHORITY

James M. Kuntz

Chief Executive Officer



# State of Washington DEPARTMENT OF FISH AND WILDLIFE REGION TWO

Mailing Address: 1550 Alder Street NW, Ephrata, WA 98823-9699 · 509 754-4624 · TDD 360 902-2207 Region Two Office Location: 1550 Alder Street NW, Ephrata, WA

October 20, 2023

Jamie Strother Chelan County Department of Community Development 316 Washington Street, Suite 301 Wenatchee, WA 98801

SUBJECT: Request for Comments – 2023-S-6422 – Proposed Comprehensive Plan Amendment – CPA 23-100 Firing Range, CPA 23-101 Kemah, CPA 23-102 Quilter, CPA 23-103 Schoenwald, CPA 23-104 Quilter, CPA 23-105 Shaffer Lease, CPA 23-106 Port of Chelan, CPA 23-107 Adcock, and CPA 23-108 Malaga Springs - Chelan County Dept. of Community Development

Dear Ms. Strother,

On September 6, 2023, the Washington Department of Fish and Wildlife (WDFW) received notice from the Chelan County Dept. of Community Development (CCCD) that it is accepting comments regarding the proposal referenced above. The Washington Department of Fish and Wildlife (WDFW) interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts on fish, wildlife, and their habitats, as well as possible impacts on recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW reviewed the application materials that were prepared for the proposed – 2023-S-6422 – Proposed Comprehensive Plan Amendment. An aerial map review of our WDFW Priority Habitat and Species (PHS) on the Web Map indicates that parcel numbers 222135120150, 222135100070, 222135120200, 222135130175, 222135100050, 222135240050, 222135240000, 222135240100, 222135230000 likely contain Fish and Wildlife Habitat Conservation Areas, including golden eagle, talus slopes, shrubsteppe and Biodiversity Area and Corridors, in particular the Columbia Plateau Biodiversity Corridor for movement of focal species, mule deer and greater sage grouse, between Douglas and Yakima County populations. Golden eagle information is displayed at the township scale and upon review by WDFW, golden eagle nesting sites do not appear to be present at these parcels, currently. They may nest in the future due to current site conditions.

WDFW PHS shrubsteppe Geographic Information System (GIS) map layer is a vegetation model utilizing available satellite imagery to create a map of potential shrubsteppe habitats. We use this as a mapping tool as a flagging tool to identify shrubsteppe habitat locations, which may require further on-the-ground assessment. Although we have not conducted a site-scale assessment, based on our review of GIS and aerial imagery, the undeveloped area within these parcels, in particular parcel numbers 222135240050, 222135240000 and 222135230000, qualifies as a Fish and Wildlife Habitat Conservation Area (FWHCA) identified in Chelan County Code (CCC) 11.78.010(2)(A).

<sup>&</sup>lt;sup>1</sup> Washington Department of Fish and Wildlife. 2023. Washington Priority Habitat and Species List. Olympia, WA.

WDFW recognizes large, connected, landscapes as an agency-wide conservation priority and refers to these areas as a type of Priority Habitat, Biodiversity Areas and Corridors (BACs). Biodiversity Areas and Corridors are lands with comparatively rich and abundant wildlife that are connected to allow wildlife to move freely and safely between core habitat areas. BACs are defined by WDFW as "areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, or areas identified as biologically diverse". BACs for landscape-scale information that is useful for flagging regions of high-quality, intact habitat and wildlife corridors of regional ecological significance. Conservation actions or low-intensity land use activities within the BAC network will best support wildlife sustainability and resilience. High-intensity land uses can negatively impact the network by fragmenting large blocks of habitat or severing or constricting wildlife corridors. We recommend that siting development and building envelope locations along with low-intensity land use activities help protect and allow for connectivity through these biodiversity areas and corridors. Changing the zoning from a low-density to a high-density use, in this case from undeveloped to commercial zoning, has very strong responses to sensitive species due to the fragmentation and disconnection of the landscape in the BACs.<sup>2</sup>

Talus slopes, while not listed on the PHS on the Web Map for this parcel, are present at the proposed project location and are considered a WDFW Priority Habitat and Chelan County FWHCA. Talus slopes provide a habitat for a variety of native wildlife and avian species. They are an extremely sensitive habitat feature type and are hard to recreate through mitigation, unlike replanting native vegetation. Therefore, WDFW does not have on-site, in-kind mitigation recommendations for talus slopes and recommends offsite, in-in-kind, or out-of-kind mitigation at a higher ratio, if applicable. The areas defined as "Topographical Constraints" capture and protect the talus slope locations at these parcels.

We understand this is a non-project action by Chelan County but hope that future development impacts to FWHCAs associated with a rezoning to increase density will be considered with respect to achieving no net loss of ecosystem functions and values at these locations. We appreciate the opportunity to comment. WDFW offers any technical assistance needed as the County considers the approval of this amendment. Our staff are available for further assistance to the landowner or future landowners when the time comes to develop the property. Thank you for the opportunity to comment on this zoning change. If you have any questions, please call me at (509) 670-3291.

Sincerely,

Ken Muir

WDFW Region 2 Habitat Biologist

Kun Man

Cc: Carmen Andonaegui, Region 2 Regional Habitat Program Manager Amanda Barg, WDFW Region 2 Assistant Regional Habitat Program Manager Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager Jo Anne Wright, Department of Commerce Growth Management Services Senior Planner

<sup>&</sup>lt;sup>2</sup> Washington Department of Fish and Wildlife. 2009. Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas. 88 pp + app. Olympia, WA.



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000 www.commerce.wa.gov

08/31/2023

Ms. Deanna Walter Community Development Director City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, WA 98816

Sent Via Electronic Mail

Re: City of Chelan--2023-S-6402--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.

Proposed Comprehensive Plan Map Amendments that were submitted to change the land use designations for the subject Properties from Rural Residential 5 (RR5) to Rural Industrial zoning.

We received your submittal on 08/31/2023 and processed it with the Submittal ID 2023-S-6402. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 10/30/2023.

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



# CHELAN COUNTY

**DEPARTMENT OF COMMUNITY DEVELOPMENT** 316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801 TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

#### GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): 222135230000	Lot Size: 101.02	(Acres)
Parcel Address: 4770 SATURDAY AVE	City/Zip Code: Malaga, 98828	
Property Owner(s): Malaga Springs LLC	Zoning: RR5	
Mailing Address: 40 N. Jennings St.		
City/State/Zip Code: Wenatchee, WA 98801		
Phone: n/a E-mail: n/a		
Applicant/Agent (if different than owner): Port of Chelan Count	у	
Company and Mailing Address: One Campbell Parkway, Suite A		
City/State/Zip: East Wenatchee, WA 98802	Phone: 509-884-4700	5)
E-mail: jim@cdrpa.org		
For multiple owners, applicants, or agents, provide additional	sheets.	
•••••	• • • • • • • • • • • • • • • • • • • •	• • • • • •
environmental forms) demonstrating compliance with all statu criteria.  Application For: (Check all that apply)	tory and regulatory requirements and other	er applicable
Administrative Modification Administrative Determination Administrative Interpretation Binding Site Plan ✓ Comprehensive Plan Map Amendment Comprehensive Plan Text Amendment	Open Space: Public Benefit Rating Sy Major Subdivision Master Planned Development Planned Development Plat Alteration or Vacation Short Plat	ystem
Conditional Use Permit Forest Practice/Conversion	✓ Variance (zoning or critical areas) ✓ Zoning Text Amendment/ Map Amend Other:	dment
APPLICABILITY SECTION		_
The following have their own individual application. Do n  1. Boundary Line Adjustments. Please use corresponding B  2. Certificate of Exemptions. Please use corresponding Cer  3. Shoreline Permits. Provide the JARPA form along with th	oundary Line Adjustment Application Form	

- 4. Building and Fire Permits.
- 5. Pre-Applications.

#### The following attachments are required for a complete application:

MAR **01** 2023

- 1. Copy of Deed or Proof of Ownership
- 2. Supplemental Forms, if applicable

CHELAN COUNTY

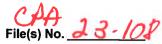
- 3. Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist

  4. All information, documents, studies and state that the section and Site Plan Checklist 4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
- 5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title, 12, Title 14, and Title 15.



#### **GENERAL INFORMATION**

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed): This is a Port of Chelan County request to convert the parcel from Rural Residential 5 zoning to Rural Industrial zoning to support economic development in Malaga. ☐ Narrative attached Please complete the following: Any related files (such as Pre-Applications): 2. Is the subject property located within an Urban Growth Area (UGA)? ■ No ☐ Yes If "yes", which UGA? \_\_ Please describe adjacent land uses in all directions around the subject property: 3. North Rural Residential South: Rural Residential 20 Fast: Rural Industrial; Agricultural West: Rural Residential; Ag Commercial What is the current use of the property? Agricultural 4. 5. Sanitation Disposal: ☐ N/A ☐ Septic Permit ☐ Sewer District: 6. Water Source: ■ Single Private Well □ N/A ☐ Shared Private Well ☐ Group B □ Public Water Supplier: Irrigation Water: □ N/A □ Yes (Private) ■ Yes (Public) Irrigation District/Purveyor: School District: Wenatchee School District Fire District: Chelan County Fire District 1 8. Power Service: Chelan County PUD 9. 10. Are there critical areas or critical area buffers on the property? ☐ Airport Overlay: ☐ Aquifer Recharge Area (see attached) Floodplain / Floodway \_\_\_ Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site: ☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250') ☐ Erosive soils (on-site) □ Landslide ☐ Snow Avalanche (500') ☐ Habitat/Riparian Area, protected species/area: \_\_\_\_ ☐ Streams / Waterbodies: \_\_\_\_\_ ☐Shoreline Environment Designation: ☐ Drainage or Seasonal Stream: ☐ ☐ Wetland, if so what category: □ Cultural or Archeological: RECEIVED 11. Will landfill be required? ■ No □ Yes, approximate \_\_\_\_\_(cubic yards) 12. Will excavation be required? ■ No □ Yes, approximate (cubic yards) MAR **0 1** 2023 13. Has site preparation been started on the site? If so, to what extent? CHELAN COUNTY Community Development 14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?



15.	Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:  n/a
16.	Are there any other applications pending for governmental approvals for this or other proposal affecting the property coverd by this proposal?    No  Yes, please list:
AQ	UIFER RECHARGE AREA DISCLOSURE SECTION
1 p	Exempt from this section only are Single Family Residences and their associated development per CCC 1.82.060.An applicant seeking to develop property which requires a development permit, shall submit with the permit application this certified statement, which lists each of the evaluation criteria and shall indicate whether the criteria "applies" or "does not apply" to the site or development. "Unknown" or similar responses will not be accepted.
t 1	f the development meets criteria A, B, C, or D or if the site or development meets any two of the remaining criteria, the Department will direct the applicant to determine the vulnerability rating for the development pursuant to Section 1.82.050 Aquifer Recharge Areas. If the development has a high or medium vulnerability rating, the development shall be subject to the performance standards of Section 11.82.060.
ti ii c c s ii	f an applicant's statement asserts that the criteria of do not apply to the development, the Department will accept the statement and proceed with the permitting process. If any statement is incorrect, the applicant will be advised in writing to either; (a) provide an amended statement adding the evaluation criteria as being applicable and determine the vulnerability rating of the development pursuant to Section 11.82.050, or (b) present sufficient countering information clearly establishing that the basis for the Department's concern is incorrect. If the applicant selects to proceed under (b), upon receipt of the applicant's information, the Department shall review the information and obtain whatever additional assistance may be required to resolve the issue. The final determination as to whether a determination of vulnerability is required shall be made by the Administrator.
EVA	ALUATION CRITERIA
The	e applicant is required to determine the vulnerability rating for any development permit, not otherwise exempted, if

The applicant is required to determine the vulnerability rating for **any development permit**, not otherwise exempted, if the site or development meets criteria A, B, C, or D or meets two or more of the remaining criteria below:

	vord(s) <b>"Applies</b> or <b>"Does Not Apply"</b> on the lines before each of the follow	ving statements:
Does Not Apply A.	Within a wellhead protection area designated under WAC 246-290;_*Wellhe surface and subsurface area surrounding a well or well field for a distance opublic water system, through which contaminants are reasonably likely to musuch water well or well field.	of 100 feet, supplying a
Does Not Apply B.	Within an aquifer recharge area mapped and identified by a qualified groun	d water scientist;
Does Not Apply C.	The site will be utilized for hazardous substance, (as now or hereafter defin 70.105D.020(7)), processing storage or handling in applications or quantitie of household use;	ed in RCW es larger than is typical
Does Not Apply D.	The site will be utilized for hazardous waste treatment and storage as set for Hazardous Waste Management, as now or hereafter amended;	orth in RCW 70.105
Does Not Apply E.	272-11001, Table II; **Highly Permeable Soils: Include soil types 1A, 1B and Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sand	nd 2A from Table II, Soil ds of coarser, all
	extremely gravely soils. 1B: Very gravely medium sand, very gravely fine safine sand, very gravely loamy sands. 2A: Coarse sands (also includes AST	
Does not Apply F.	· · · · · · · · · · · · · · · · · · ·	eral Safe Drinking
	Water Act (None currently designated in Chelan County);	CHELAN COUNTY
		Community Development



Does not apply G. Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC (None currently designated in Chelan County);

Does Not Apply H. The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;

Does Not Apply I. The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;

Does Not Apply J. The proposed use is as a commercial feedlot;

Does Not Apply K. The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

Depending upon soil depths from the surface, the following soil series within Chelan County are considered to be highly permeable soils:

Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam

Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam

Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam

Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam

BsD, 26-60 inches (depth from surface), very gravelly sandy loam

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

Jumpe: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam

Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam

Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam

Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam

Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam

Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam

Supplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam

Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; ThE 10-60 inches (depth from surface), very gravelly sandy loam

Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam

#### **CANNABIS DISCLOSURE SECTION**

**SUB-SECTION I: Circle** 

I AFFIRM there (S NOT) or IS (circle one) an existing or pending Liquor and Cannabis Board (LCB) license or approval for cannabis production, processing, or retail located on the property that is the subject of the requested development permit or approval.

If you circled "IS NOT" above, proceed to Sub-Section III of this form.

If you circled "IS" above, proceed to Sub-Section II of this form.

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CAA File(s) No. <u>23-108</u>

ECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-
Section III.
JK 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.
JK 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.  JK
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.
JK 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.
ECTION 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.
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. $-$ MAR $0.1$ 2023
Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion COUNTY

Community Development



	laterals, c	anal	abel all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation is, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest een the ordinary high water mark and proposed/existing structures.		
	Label the	nam	ne 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.				
	front yard required of	setl other	ing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the back area. All parking shall have durable and dustless surfaces suited to all weather use, unless wise. If applicable, show handicapped parking and accessible routes to the structure and within the tructures and features.		
	or affectin	g the	bel all easements and widths, deed restrictions, other encumbrances, and/or issues restricting e use or condition of the property, including but not limited to access, utilities, railroads, overhead power. Include the Auditor's file number(s). Before Any Development Occurs, 509-661-4220 for assistance in identifying PUD Easements!		
			ation of all existing and proposed overhead and underground utilities including, but not limited to gas, and electrical.		
	Identify lowell may i	catio mpa	on of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site act your project if it overlaps onto your parcel.		
	structure(s), source(s), setbacks	s). S , and from	on of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed Show the distance from proposed structure(s) to septic tank, drain field, drinking water well d any water body, wetland area and/or flood plain to ensure they meet the required horizontal a each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for icable, the approved Health District and County site plan must be identical.		
	If drinking property of	y wa or pro	ter wells, septic tank/drain field is off site, show the location of these systems on the adjacent operties and provide a copy of the easement agreement(s).		
			identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, and provisions for irrigation).		
	If applicat	ole, i	nclude outdoor lighting and signage. Label each as existing or proposed.		
If the		not	NT SECTION the owner of the property, this application and acknowledgment shall also be executed (signed) by		
Initials	_		Application, I acknowledge and certify the following:  Applicant)  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.		
	_ JK	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.		
	JK	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.		
	JK	4.	Additional permit applications and approvals may be necessary to conduct specific activities.		
	JK	<b>5</b> .	Application fees are non-refundable, except when approve by the Board.		
	JK	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 medes any for 3		

CHELAN COUNTY
Community Development

such defense.

CPA	4.0	100
File(s) No.	do	108

information sub Owner Signate Print Name: Owner/Applica	ure:	gent Signature:  M. Kuntz, Executive Director	Place:	
information sub	omitte		complete to the best of my	knowledge.
		ordinances applicable to the proposed of has been made pursuant to Section 14.	levelopment until a determ 08.030.	nination of completeness
JK	12	and are shown on the site plan submitted. This application shall be subject to all ac	, ,	the laws, regulations and
JK	. 11	. I certify that all Easements, Deed Restri restricting or affecting the use or condition		
JK	. 10	. I certify that this application has been m	ade with the consent of the	e lawful property owner(s).
JK	9.	I certify that I possess full legal authority property.	and rights necessary to e	exercise control over the subject
	8.	I certify that I am the property owner, or familiarized myself with the rules and reapplication.		
JK	_			

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CHELAN COUNTY
Community Development

Print Name:\_

CPA 23-108

14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.

- (1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:
  - A. The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

The proposal will enhance economic development and potentially improve public transportation to Malaga, in turn reducing carbon emissions and traffic. Additionally, the proposal will increase the available inventory of parcels zoned for economic development-related projects which will create jobs and county revenues.

B. The amendment is consistent with or supports the Chelan County comprehensive plan goals and policies; and

The proposal will support the goals and policies of the economic development element of the Chelan County Comprehensive Plan. In particular, this will be supported by:

- -Attracting businesses and industries that complement and build upon existing business and industry
- -Incentivizing development that creates local re-investment funds and provides jobs in the local community
- -Maintaining the County's rural economic base by permitting limited development in rural areas of industrial and natural resource land uses that are not suitable for urban areas, provided critical areas and surrounding land uses are protected.
- C. The amendment complies with comprehensive plan land use designation/siting criteria; and

The proposal complies with comprehensive plan land use designation/siting criteria in several ways, including the subject parcels' geographical and geological characteristics, proximity to sites with agricultural uses (adjacent to the west), and access to rural governmental services and planned infrastructure. Additionally, the subject site is adjacent to Rural Industrial land uses to both the north and east.

D. The amendment is supported by and consistent with the capital facility element and the transportation element. Amendments that would alter existing provisions of the capital facilities or transportation elements shall demonstrate why existing provisions should not continue to be in effect or why existing provisions should be amended; and

There will be no change to the Capital Facility Element or Transportation Element.

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E. The amendment does not adversely affect the surrounding land uses; and

F. The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and

The proposal does not adversely affect lands designated as resource lands of long-term commercial significance or designed critical area in ways that cannot be mitigated.

G. The amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and

The proposal would not affect projected growth.

H. The proposed amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.

The proposal serves the interests of both the applicant and general public.

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MAR **01** 2023

# **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 decisionmaking process.

The checklist questions apply to <u>all parts of your proposal</u>, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

#### Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## Use of checklist for nonproject proposals : [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. 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]

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 Name of proposed project, if applicable: [help] N/A

MAR 0 1 2023

- 2. Name of applicant: [help]
  Port of Chelan County
- 3. Address and phone number of applicant and contact person: [help]
  One Campbell Parkway, Suite A, East Wenatchee, WA 98802; 509-884-4700; Jim Kuntz

SEPA Environmental checklist (WAC 197-11-960)

July 2016

Page 1 of 12

- 4. Date checklist prepared: [help] 3/1/2023
- 5. Agency requesting checklist: [help] Port of Chelan County
- 6. Proposed timing or schedule (including phasing, if applicable): [help]
  Zoning change by end of year 2023
- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]

None known

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. <a href="[help]">[help]</a>

None known

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help]
- 10. List any government approvals or permits that will be needed for your proposal, if known. <a href="[help]">[help]</a>

Comprehensive Plan Map Amendment (Chelan County); Zone change (Chelan County)

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [help]

This is a Port of Chelan County-sponsored request to change the subject parcel from RR5 to RI land use and zoning to support economic development in Malaga.

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 cell topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [help]

The location of the proposal is just west of the former Alcoa site in east Malaga. The subject parcel number is: 222135230000

## B. Environmental Elements [help]

1		Earth	[hel	p	l
---	--	-------	------	---	---

a.	General	description	of the	site:	[help]
----	---------	-------------	--------	-------	--------

(circle one): Flat rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

\*The back portion of the parcel is steep cliffs/bluffs creating a natural barrier between this parcel and the adjacent parcels to the south.

- b. What is the steepest slope on the site (approximate percent slope)? [help]

  The back portion of the site has a steep grade/cliff at an approximate 100 degree angle.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]

Gravelly fine sandy loam, grassland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [help]

Potential erosion soils and landslide hazards in area.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area
  of any filling, excavation, and grading proposed. Indicate source of fill. [help]
  No filling or grading is proposed.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. <a href="[help]">[help]</a>

No clearing or construction is proposed.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [help]

There would be no new impervious surfaces as a result of land use change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>.</a>

#### 2. Air [help]

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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 1 2023 give approximate quantities if known. [help]

There would be no new emissions to the air.

PAA 23-108

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [help]

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help] None proposed

#### 3. Water [help]

- a. Surface Water:
  - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help] No
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help] No
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help] None proposed
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help] No
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help] No
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help] No

#### b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help] No

RECEIVED 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

None proposed

C.	Water	runoff	(including	stormwater	<b>)</b> :
----	-------	--------	------------	------------	------------

- Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
   N/A
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
- Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]
   No
- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: <a href="[help]">[help]</a>

None proposed

4.	Plants	[help]	١

a. Check the types of vegetation found on the site: [help]

deciduous tree. aid	der, mapie, aspen, other
_x_evergreen tree: fir,	cedar, pine, other
_x_shrubs	
_x_grass	
pasture	
crop or grain	
_x_Orchards, vineyard	s or other permanent crops.
wet soil plants: ca	ttail, buttercup, bullrush, skunk cabbage, othe
water plants: wate	r lily, eelgrass, milfoil, other
other types of vege	tation

- b. What kind and amount of vegetation will be removed or altered? <a href="[help] None proposed">[help] None proposed</a>
- c. List threatened and endangered species known to be on or near the site. [help]

  None proposed

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d. Proposed landscaping, use of native plants, or other measures to preserve or enhance IAR 0 1 2023 vegetation on the site, if any: [help]

#### None proposed

e. List all noxious weeds and invasive species known to be on or near the site. [help]

None proposed

5. Animals [help
------------------

a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

Examples include:

birds: hawk, heron, eagle, songbirds, other:	n
hear alk heaver other	

mammals:

deer bear elk, beaver, other.

fish: bass, salmon, trout herring, shellfish, other

Eagle, hawk, heron, songbirds, deer, elk, salmon, trout

- b. List any threatened and endangered species known to be on or near the site. [help] Eagle
- c. Is the site part of a migration route? If so, explain. [help]

No

d. Proposed measures to preserve or enhance wildlife, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

e. List any invasive animal species known to be on or near the site. [help]

None proposed

# 6. Energy and Natural Resources [help]

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [help]

None proposed

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [help]

None proposed

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any: [help]

None proposed

7. Environmental Health [help]

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CPA 23-108

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - 1) Describe any known or possible contamination at the site from present or past uses. <a href="[help]">[help]</a>

None proposed

- 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. <a href="[help]">[help]</a> None proposed
- Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help] N/A
- 4) Describe special emergency services that might be required. [help] None
- 5) Proposed measures to reduce or control environmental health hazards, if any: <a href="[help]">[help]</a> None proposed

#### b. Noise [help]

- What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? <a href="[help]">[help]</a>
   N/A
- 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)? Indi- cate what hours noise would come from the site. [help]
  Malaga Alcoa Hwy, agricultural operations and railroad in vicinity
- 3) Proposed measures to reduce or control noise impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>

#### 8. Land and Shoreline Use [help]

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [help]

Agriculture; residential. No, proposal will not affect current land uses on nearby or adjacent properties. Industrial to north across highway.

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b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [help]

Farmland. This proposal will not change use in the short term.

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: <a href="mailto:[help]">[help]</a>

No

c. Describe any structures on the site. [help]
Single family homes; outbuildings; wells

d. Will any structures be demolished? If so, what? [help]

e. What is the current zoning classification of the site? [help]

RR5

- f. What is the current comprehensive plan designation of the site? [help]
- g. If applicable, what is the current shoreline master program designation of the site? [help] N/A
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]

erosive soils, landslide hazard.

- i. Approximately how many people would reside or work in the completed project? [help]
   N/A
- j. Approximately how many people would the completed project displace? [help]

  None
- k. Proposed measures to avoid or reduce displacement impacts, if any: <a href="[help]">[help]</a>
  <a href="None proposed">None proposed</a>
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: <a href="mailto:[help]">[help]</a>

Application for a comprehensive plan map amendment and zone change.

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m. Proposed measures to reduce or control impacts to agricultural and forest lands of longterm commercial significance, if any: [help]

#### None proposed

#### 9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="[help]">[help]</a>

None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [help]

None

c. Proposed measures to reduce or control housing impacts, if any: <a href="[help]">[help]</a>
None

#### 10. Aesthetics [help]

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [help]

N/A

b. What views in the immediate vicinity would be altered or obstructed? [help]
 None

b. Proposed measures to reduce or control aesthetic impacts, if any: <a href="mailto:[help]">[help]</a>
<a href="N/A">N/A</a>

11 . Light and Glare [help]

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [help]

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views? [help]

N/A

c. What existing off-site sources of light or glare may affect your proposal? <a href="Miles of Indian Indi

d. Proposed measures to reduce or control light and glare impacts, if any: <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

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12. Recreation [help]

a. What designated and informal recreational opportunities are in the immediate vicinity? [help]

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe. [help] No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [help]

None proposed

#### 13. Historic and cultural preservation [help]

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [help]

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

The tribes and DAHP will be notified during county public notice period.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [help]

None proposed

#### 14. Transportation [help]

- Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help] The site is accessed from Malaga Alcoa Hwy
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help] No

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 c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [help]

N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]

No

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]

No

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help]

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]
  No
- h. Proposed measures to reduce or control transportation impacts, if any: <a href="mailto:[help]">[help]</a>
  <a href="None proposed">None proposed</a>

#### 15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire
protection, police protection, public transit, health care, schools, other)? If so, generally
describe. [help]

No

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="[help]">[help]</a>
<a href="None proposed">None proposed</a>

## 16. Utilities [help]

- a. Circle utilities currently available at the site: [help] electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

None proposed

CPA 23-108

# 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: Jim Kuntz

Position and Agency Organization: Executive Director, Port of Chelan County

Date Submitted: 3/1/2023

# D. Supplemental sheet for nonproject actions [help]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal could lead an increase in emissions to air; production, storage, or release of toxic or hazardous substances; production of noise. The proposal would not cause an increase in discharge to water. The proposal is to change the subject parcels from RR5 to RI, so all eligible activities under RI zoning in Chelan County code could potentially occur.

Proposed measures to avoid or reduce such increases are:

All proposed development would need to comply with local, state, and federal laws.

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2. How would the proposal be likely to affect plants, animals, fish, or marine life?

MAR 0 1 2023

N/A

CHELAN COUNTY
Community Development

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The proposal itself does not directly affect plants, animals, fish, or marine life; however, the development that could occur under RI zoning could potentially affect animals and plants in the subject parcels.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would likely not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal would not affect the above.

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not along a shoreline.

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The development allowed under RI could lead to an increased need in transportation, public services, and utilities in the area, which would be a benefit to the surrounding residents and occupants.

Proposed measures to reduce or respond to such demand(s) are:

Grant funding and other public funding could be used to expand these services to economic development in the area.

CPA 23-108

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 does not conflict with local, state, or federal laws or requirements for the protection of the environment.

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One Campbell Parkway, Suite A | East Wenatchee, WA 98802 | Phone: 509.884.4700 | Fax: 509.662.5151 | www.cdrpa.org

**Chelan County Planning Department** To:

Date:

March 1, 2023

Re:

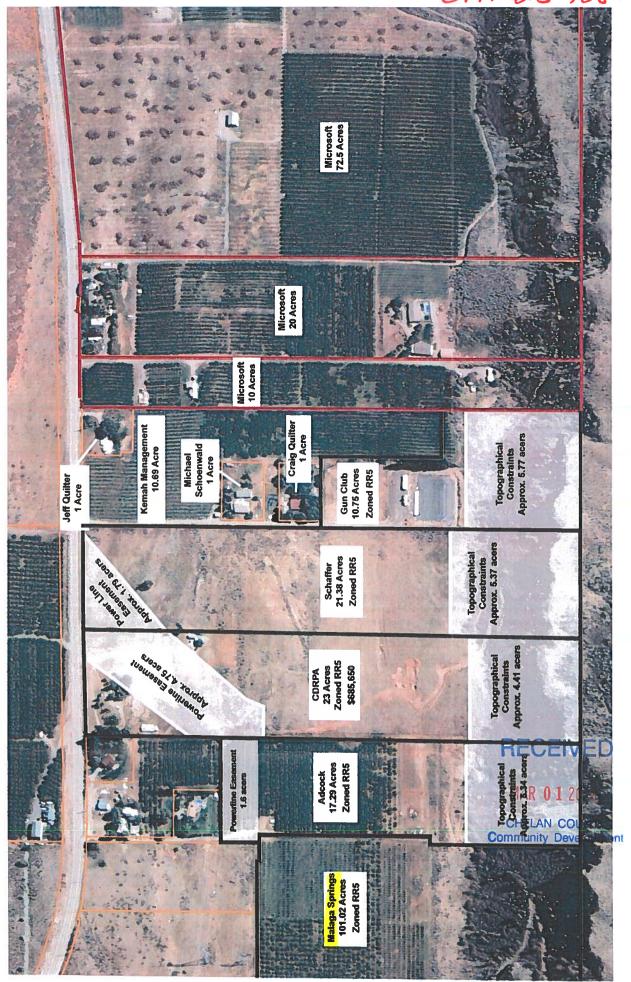
**Malaga Springs, LLC Property** 

The Regional Port has been working with Shawn Utigard and Paul Utigard on the above referenced property. They are representing their parents. Per a phone call with them yesterday, they approved the Regional Port submitting a rezoning request. A letter from the Utigard family is forthcoming in the next few weeks.

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CAA 23-108





# Chelan County Department of Community Development

Receipt Number: 23-00459

316 WASHINGTON ST. SUITE 301 Wenatchee, WA 98801 (509) 667-6225

Payer/Payee: PORT OF CHELAN COUNTY

1 CAMPBELL PKWY STE A EAST WENATCHEE WA 98802 Cashier: BRAD SCOTT

Date: 03/02/2023

PL 23-108 COMPREHENSIVE PLAN AMENDMENT 4770 Saturday Ave Malaga, WA 98828				
Fee Description	BARS Number	Fee Amount	Amount Paid	<u>Fee Balance</u>
Comp Plan Amendment/GMA	(Map) 010.020.32210.05.000	\$1,750.00	\$1,750.00	\$0.00
Environmental Review (SEPA)	010.020.34589.03.000	\$215.00	\$215.00	\$0.00
		\$1,965.00	\$1,965.00	\$0.00
		TOTAL PAID:	\$1,965,00	

Payment Method Reference Number
CHECK 5140 \$1,965.00

Total: \$1,965.00

Notes:

		Project Information	
Permit #	Permit Type	Project Description	Parcel #
PL 23-108	CPA	CPA - RR5 TO RI	222135230000

		Project Contacts	
Permit #	Name	Association	Address
PL 23-108	MALAGA SPRINGS LLC	APPLICANT	40 N JENNINGS ST, WENATCHEE, WA 98801
	MALAGA SPRINGS LLC	OWNER	40 N JENNINGS ST, WENATCHEE, WA 98801
	PORT OF CHELAN COUNTY	AGENT	1 CAMPBELL PKWY STE A, EAST WENATCHEE, WA 98802



## **CHELAN COUNTY**

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT**

# City of Chelan Urban Growth Area Amendment Staff Report

**TO:** Chelan County Planning Commission

FROM: Chelan County Community Development

**HEARING DATE:** October 25, 2023

FILE NUMBER: ZTA 23-426

#### RECOMMENDED MOTION

These proposals are recommended for adoption. Adoption of the proposed amendments aligns with countywide planning policies, county planning policies, and the 1997 interlocal planning MOU and RCW 36.70A.100. Land use changes are not in conflict with Chelan County planning policies and proper public notice procedures have been followed.

A. Move to recommend the Adoption of Ordinance 2019-1556 amending portions of the Chelan Municipal Code concerning Accessory Dwelling Units and General Zoning Regulations and its existing environmental documents by reference. Given file number ZTA 2023-426, based upon the findings of fact and conclusions of law contained within this October 11, 2023 staff report.

#### **GENERAL INFORMATION**

Applicant	Chelan County
Planning Commission Notice of Hearing Published	October 14, 2023
Planning Commission Hearing on	October 25, 2023
60-day State agency review	Expedited Review initiated: October 02, 2023
SEPA Determination	September 25, 2018 (City of Chelan)
Adoption of Existing Environmental Document	October 11, 2023 (Chelan County)

A Determination of Non-Significance was issued under WAC 197-11-340 on September 25, 2018 (Attachment 3) by the City of Chelan. Chelan County adopted this DNS by reference through the Adoption of an Existing Environmental Document on October 11, 2023. 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 5.)

#### **Public Comment:**

None received to date. (If received prior to hearing, will be Attachment 5.)

#### 60-Day Notice:

Request for expedited review sent to Department of Commerce October 02, 2023. Letter of acknowledgement included as Attachment 7

#### PROJECT DESCRIPTION - ZTA 2023-426

**Proposal:** The City of Chelan has submitted Ordinance 2019-1556 which includes changes to the Chelan Municipal Code concerning Accessory Dwelling Units and General Zoning Regulations which impact the Urban Growth Area (UGA). These are summarized in the table below.

CMC 17.04.063	Cryptocurrency, Data mining, and High-Density Electric Users
CMC 17.14.050	Housing Types (D. Accessory Dwelling Units)
CMC 19.10.04	Definitions (ADU. Short-term rentals, Duplex, Hostels, Tiny House, Tiny House on Wheels, Triplex, Boarding home, Dormitory, Manufactured or mobile home, micro-housing, Congregate housing, Group Home.
CMC 25 Section 5. SC 140	Private Roads
CMC 17.04.065	Livestock and poultry
CMC 17.04.075	Intrusions into setbacks (covered decks and storage of boat trailers in setbacks)

#### **Review Criteria**

These regulations are evaluated in accordance with Chelan County Code Section 14.13.040 Development Regulation Amendment evaluation criteria and Chelan County Code Section 14.14.047 Amendment review criteria for comprehensive plan text changes. These criteria determine the process for approval, modification, or denial of regulation amendment applications and text amendments to county-adopted city comprehensive plans.

#### 1. The amendment is necessary to resolve a public land use issue or problem.

**Finding**: In the 1997 interlocal planning MOU, Chelan County establishes policies with the City of Chelan regarding land use regulations within its Urban Growth Area (UGA). Chelan County agrees to adopt the city's "land use regulations, development standards and land use designations for the city's UGA." The County also agrees to implement the city's "street, street lighting, curb, gutter and sidewalk design standards" within the UGA.

GMA requires comprehensive planning for counties and cities designated under its jurisdiction. RCW 36.70A.100 details that each city's comprehensive plan must be coordinated and consistent with "other counties or cities with which the county or city has, in part, common border or related regional issues".

Chelan County has not adopted relevant land use changes and comprehensive plan amendments for the City of Chelan's UGA since its major update in 2017. Adoption of this ordinance will bring the County into alignment with the agreement outlined in the MOU and relevant state planning policies.

The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

**Finding**: The GMA planning goals include but are not limited to the following:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.
- (3) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (4) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (5) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The adoption of the city's comprehensive plan amendments and land use regulations within the UGA is consistent with the first two GMA goals, to encourage development in urban areas and to reduce sprawl. Housing and subdivision related amendments included for adoption promote the variety of residential densities in housing types within the UGA. Other land use updates encourage economic development consistent with the adopted comprehensive plan. Updating standards within the UGA will also support the timely review and processing of development applications to ensure predictability.

The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies, or how amendment of the comprehensive plans' goals or policies is supported by changing conditions or state or federal mandates.

Finding: The City of Chelan has reviewed and found the proposed amendments consistent with the City's Comprehensive Plan goals and policies. The County-wide Planning Policies support the use of the City regulations within the UGAs and adoption of city comprehensive plan amendments.

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.

Finding: The proposed amendments do not change resource lands or critical area regulations which would be reviewed based on the site-specific development at the time of future permit. City hillside development standards are intended to address grading, erosion, water quality, views, and other similar matters.

5. The amendment is based on sound land use planning practices and would further the general public health, safety and welfare. The comprehensive plan amendment would serve the interests of not only the applicant, but the public as a whole, including health, safety, or welfare.

Finding: The proposed amendments are the result of appropriate planning processes to reflect the community desire for development.

#### **Procedural Requirements**

Appropriate City procedures were followed for each amendment proposed for County adoption. Chelan County is performing its own SEPA review and hearing notice for this amendment. The public process for these 2019 changes incorporated a wide range of public engagement efforts, and some of these efforts are described below. Notices went to members of the community in the city limits and UGA and beyond by inclusion in utility billings, media reports, radio ads, etc.

- A May 2018 City Planning Commission conducted a proposal workshop on accessory dwelling units.
- June 2018 City planning commission held a workshop to review proposed amendments to Chapters 17 and 19 of the Chelan Municipal Code.
- A July 2018 open house was held for the public to review the proposed revisions.
- A July 2018 public hearing was held by the Planning Commission to hear public testimony on the proposed revisions
- August 2018 Planning Commission approved a motion to revise Chapters 17 and 19 of the Chelan Municipal Code.
- Open House events March through May, 2017 presenting the different chapters of the Comprehensive Plan.
- September 2018 the Planning Department notified the Department of Commerce of the proposed revisions to Chapters 17 and 19 of the Chelan Municipal Code, requesting sixty -day review.
- January 2019 Chelan County City Council passed Ordinance NO. 2019-1556.

#### **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. Ordinance 2019-2566
- 2. Ordinance 2019-2566- Track Changes
- 3. SEPA Check List & Register
- 4. DNS- City of Chelan
- 5. Agency and Public Comments (none at time of staff report issuance)
- 6. 60-day Review Acknowledgment Letter from WA Dept. of commerce, dated September 12, 2018
- 7. Chelan County request for Expedited Review (typically 60-day Review) Acknowledgment letter dated October 02, 2023
- 8. DNS Adoption Notice

#### Exhibit A

# Chapter 17.04 GENERAL PROVISIONS

#### 17.04.065 Livestock and poultry.

- A. Small stock animals, defined as any combination of four rabbits or chickens, are permitted on less than an acre and shall be housed within an enclosed structure that is set back ten feet from side yard property lines and are prohibited within the front yard setback area. No setback is required from the rear property line or an alley. Roosters are prohibited.
- B. Livestock and poultry are permitted, provided the property ownership is at least one contiguous acre in size, and the following criteria are met:
  - 1. The minimum pasture area maintained for each animal shall be as listed below, with additional young animals not included in determining the minimum pasture area:
    - a. One-half acre per each horse, pony, mule, cow, llama, alpaca and/or other similar size animal, with additional such animals under the age of one year not included;
    - b. One-quarter acre per each sheep, goat or other similar size animal, with additional such animals under the age of one year not included;
    - c. Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, or similar type animals, with additional such animals under the age of three months not included. The keeping of roosters is prohibited;
    - d. Twelve small mammals per acre. Small mammals may include any combination of rabbits, guinea pigs, ferrets, or similar type animals, with additional such animals under the age of three months not included;
    - e. One acre per each swine. When located within an urban growth area no more than three swine are permitted per property ownership, with additional swine under the age of three months not included.

- 2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisances and shall be in compliance with health district regulations.
- 3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any property line and/or any wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well.
- 4. Barns, shelters, or other buildings or structures for the keeping or feeding of such animals shall be located a minimum of fifty feet from any property line or one hundred feet from any off-premises residential dwelling, whichever distance is greater.
- 5. Pastures are defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pastures shall be maintained with a permanent, uniform, vegetative top cover and shall be kept free of noxious weeds. The perimeter fence shall be designed, constructed and maintained sufficiently to keep the animals within the fenced area.
- 6. Any future division of property must comply with the minimum standards above. The minimum pasture area and condition requirements must be met by each additional individual lot or parcel, including the original parcel of record, in order to maintain livestock or poultry on the property.
- 7. Potentially dangerous wild animals, as defined in RCW 16.30.010, are prohibited.
- 8. Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted.
- 9. Violations of this section shall constitute a nuisance, and shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1512 § 2 (Exh. A) (part), 2016: Ord. 1502 § 4 (Exh. O), 2015: Ord. 1361 § 1, 2008).

#### 17.04.075 Intrusions into setbacks.

Except as provided in Section <u>17.04.076</u> of this chapter, the setbacks required by this title are subject to the following intrusions:

- A. A driveway, walkway, and/or parking area in compliance with current city of Chelan development standards as adopted in Chapter 25.05 of this code as now exists or as may be hereafter amended.
- B. An uncovered patio or court, or other uncovered, ground-level improvement.
- C. An uncovered deck which is not higher than thirty inches above grade may extend into a required side or rear yard up to the lot line.
- D. Bay windows, eaves, cantilevered parts of a building and other elements of a structure, excluding gutters, that customarily extend beyond the exterior walls of a structure and do not require a foundation may extend up to eighteen inches into any required setback area. The total horizontal dimension of the elements that extend into a required yard, excluding eaves, may not exceed twenty-five percent of the width of the facade upon which it is located.
- E. Fences may be located in required setback areas subject to the fence requirements specified in this title as it now exists or as may be hereafter amended.
- F. Rockeries and Retaining Walls.
  - 1. Rockeries and retaining walls equal to or less than forty-eight inches in height may be located in required setback areas if:
    - a. The rockery or retaining wall is not being used as a direct structural support for a building; and
    - b. The rockery or retaining wall complies with the clear sight zone standards specified in Section 10 of the city's development standards adopted pursuant to Chapter <u>25.05</u> as now exists or as may be hereafter amended.
  - 2. At the discretion of the planning director, the side setback requirement for rockeries and retaining walls more than forty-eight inches in height may be waived to allow a single rockery or retaining wall to support a slope on two adjacent parcels of land provided:
    - a. The owners of adjacent parcels agree to the waiver; and
    - b. The agreement is recorded as a notice to title on the titles of both of the affected parcels, and recorded by the Chelan County auditor.

- 3. Rockeries and retaining walls more than forty-eight inches in height and less than seventy-two inches in height shall have a five-foot minimum setback at the front, side and rear yards.
- 4. Rockeries and retaining walls more than seventy-two inches in height shall comply with Section 17.04.077.
- 5. Appropriate provisions for drainage must be made in the case of any rockery or retaining wall located in any required setback.
- G. Heating, ventilation, and air conditioning (HVAC) equipment and liquid propane gas (LPG) tanks less than one-hundred-twenty-five-gallon capacity are prohibited from the front setback area and shall not be permitted within a required side setback area unless the equipment is at least five feet from the side property line. HVAC equipment shall be allowed up to two feet from one side property line if enclosed by a fence or vegetative plantings that, at maturity, will provide noise attenuation as solely determined by the city building official. Propane tanks of the capacity of one hundred twenty-five gallons or more are prohibited from the front setback area and shall be allowed in a required rear yard and side yard in compliance with setback requirements provided in the city's current International Fire Code as set forth in Title 15 of this code. (Ord. 1533 § 6 (Exh. 15) (part), 2017; Ord. 1328 § 4 (part), 2006; Ord. 1165 § 1, 2000; Ord. 1151 § 1, 1999).
- H. Storage of boat, recreational, or travel trailers in required side yard and rear yard setbacks associated with a single-family residence or multi-family developments, regardless of land use zone, shall comply with requirements set forth in Sections 17,20.020 and 17.24.020 accordingly.

#### 17.04.100 Zoning lots.

All zoning lots, or portions thereof, created or sold into two or more lots, as the result of land division or sale, shall conform to the dimensional standards set forth in the zoning district in which the lot is located. (Ord. 314 § 15 (E), 1962).

#### Exhibit B

### Chapter 17.20 ZONE R-L – SINGLE-FAMILY RESIDENTIAL DISTRICT

#### 17.20.010 Permitted uses.

Permitted uses are as follows:

- A. One-family dwellings, but not to exceed one dwelling on any one lot; provided, that the lot abuts on a public street or private road;
- B. Temporary construction offices within the tract or subdivision on which buildings are being erected and only for the duration of active construction;
- C. Crop and tree farming, truck farming, and nurseries; provided no retail sales rooms or other retail buildings are maintained on the premises; and provided further, that the raising or keeping of livestock or poultry would not be permitted except as allowed in Section <u>17.04.065</u>;
- D. Travel trailers and recreational vehicles for occupied overnight parking are permitted for a six-month period during construction, provided the owner has a permit therefor. The owner may obtain a permit by paying the city a fee of five dollars after the purchasing of a building permit. All such vehicles shall have operable self-contained sanitary facilities or be connected to the city sewer system. The permit shall be prominently displayed on such vehicle so as to be visible on the abutting street;
- E. Family day care homes, subject to licensing requirements of the Washington State Department of Social and Health Services and fire code requirements as set forth in Chapter 212-54 WAC;
- F. Home occupations that involve no customers or other business-related visitors to the home business, no signs or other outward appearance that a business exists in the home, no delivery trucks, and no more than one individual residing within the home who is active in the home occupation business; provided, that if the planning director is given satisfactory proof of a physical disability of the individual wishing to engage in a home business or occupation, a volunteer or employee may assist in the home occupation. In addition, the home occupation must comply with the conditions for home occupation set forth in Section 17.56.060 and the fees for a home occupation permit as established by resolution of the city council must be paid. (Ord. 1533 § 6 (Exh. 25) (part), 2017: Ord. 1363 § 1, 2008; Ord. 1283 § 7, 2004: Ord. 1205 § 3, 2001; Ord. 1061

§ 27, 1997; Ord. 712 § 3 (part), 1983; Ord. 667 § 2, 1980: Ord. 415 § 4, 1970; Ord. 333 § 3 (part), 1965; Ord. 314 § 6A, 1962).

### G. Alternative Housing Types Model Ordinance

Alternative housing types, including but not limited to tiny homes, cottage housing developments, or zero-lot line developments for the purpose of providing affordable housing or increasing the available stock of year-round housing through the Affordable Housing Program, once adopted or any similar policy of the city permitting such use.

#### 17.20.020 Accessory uses.

Accessory uses are as follows:

### A. Accessory Structures:

- 1. Garages or carports. Attached or freestanding private garage, carport or combination thereof not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section 17.20.030. Detached garages or carports must be no closer to the front property line than the principal structure on a lot.
- 2. Accessory Dwelling Units. One accessory dwelling unit (ADU) is permitted per single-family dwelling provided all dimensional and lot coverage standards shall be met. ADUs may be detached (DADU), whereby it is free standing, attached to the primary structure (AADU), or attached to a permitted accessory structure provided the standards specified in the CMC 17.14.050(D) for ADUs in Housing Type Standards shall be met. Supplemental standards for ADUs in R-L zones shall be as follows:
  - a. Either the primary residence or the accessory dwelling unit must be occupied by the owner of the property;
  - b. The total number of occupants of both the primary residence and the accessory dwelling unit combined may not exceed the maximum number

- established by the definition of "family" in Section 19.10.040, whereby no more than five residents may be unrelated;
- c. The square footage of the floor area of an ADU, excluding garage area, shall not exceed fifty percent of the total square footage of the primary residence or 1200 square feet whichever is less; except for a unit sharing a common floor-ceiling with a permitted accessory or primary structure. The planning director may permit an increased size allowance in order to efficiently use all floor area, so along as all the other standards are met;
- d. The construction of a second entry door facing on a street front for entrance into an ADU accessory unit is prohibited. AADU entrances are permitted on the sides and rear of a house, or on the front side facing on a street where no other door exists when the ADU is attached; provided, that existing single-family structures with two or more entry doors facing on a street shall not be prohibited from using one of the doors to access the ADU. A shared common entrance to both the primary and accessory dwelling, on the front side oriented toward the street frontage where no other door exists to access the existing single-family structures shall be allowed. When an ADU is attached to another permitted accessory structure, entrance to the ADU may be separate or in common with access to the structure.
- B. Other accessory buildings collectively shall be twenty-five percent of the floor area of the principal structure, excluding the basement area, not to exceed six hundred square feet; provided, that, regardless of size of the principal structure, other accessory buildings collectively may be at least three hundred square feet. The total number of accessory structures, including ADUs, garages, workshops or the like may not exceed two, whereby the total number of permitted structures on a lot shall not exceed three including the primary structure.
- C. The renting of rooms to not more than two boarders or lodgers.
- D. Agricultural uses with the exception of the keeping of livestock per Section 17.04.065.
- E. Boat and Trailer storage.

1. Not more than one each of a house trailer or truck, or two boats, may be stored in the rear

yard area of any one zoning lot.

2. A maximum of one boat and accompanying trailer may be stored in a side yard provided

the required setback is maintained; or

3. A maximum of one boat and accompanying trailer may be stored in a side yard setback,

provided a sight-obscuring fence in maintained along the property boundary.

4. Boats and trailers shall not be stored in the front setback or front yard.

F. Repealed by Ord. 1022.

G. Fences:

1. Front yard: Forty-two inches maximum height. On corner lots, fences shall be limited to

thirty-six inches in height for a distance of fifteen feet from the intersection of the property

lines abutting the street and to forty-two inches for the remainder of the front yard facing on

those streets.

Where two adjoining properties have front yards of differing depths, any fence built along

the side yard between the two properties shall not exceed a height of forty-two inches

adjacent to the front yard of either dwelling.

Front yard fence height may be increased to a maximum of four feet in those instances where

a "family day care home, mini day care center and day care centers" have been established

in accordance with the provisions of Section 17.56.080.

2. Side yard: Six feet maximum height.

3. Rear yard: Six feet maximum height.

4. Where there is a difference in grade between two adjoining properties, the base line for

the fence height shall be the median of the difference between the grades of the two

properties.

H. Covered patios:

- 1. A freestanding covered patio must meet the standards of this section. If the covered patio is attached to a dwelling, it is to be considered as a part of that dwelling.
- 2. Height limit: Ten feet; provided however, that a fireplace flue may extend beyond the maximum height limit to a height of not over thirteen feet.

#### I. Swimming pools:

- 1. All swimming pools must be located behind the front yard setback line and the yard or area around them must be enclosed by a fence of not less than five feet in height. At least a five-foot setback from all side and rear property lines must be maintained.
- J. Cold storage warehouse, but only for produce grown on the premises, may be permitted accessory to the agricultural use of land.
- K. Tenant residences; provided, that they are located behind the minimum setback distances prescribed for the district, may be permitted accessory to the agricultural use of land.
- L. Low intensity agricultural tourism uses pursuant to Chapter <u>17.47</u>. (Ord. 1533 § 6 (Exh. 26) (part), 2017: Ord. 1099 § 1, 1998; Ord. 1071 § 3, 1997; Ord. 1022 § 3, 1995; Ord. 897 § 2, 1990; Ord. 886 § 3, 1989; Ord. 333 § 3 (part), 1965: Ord. 314 § 6B, 1962).

#### 17.20.030 Conditional uses.

Conditional uses are as follows:

- A. Bed and breakfast under conditions set forth in Chapter 17.56.
- B. Churches under conditions set forth in Chapter 17.56.
- C. Historical site or structure under conditions set forth in Section <u>17.56.200</u>.
- D. Home occupations, not meeting the permitted use criteria set forth in Section  $\underline{17.20.010}(F)$ , under conditions set forth in Chapter  $\underline{17.56}$ .
- E. Mini day care centers, and day care centers within churches and other semipublic building, under conditions set forth in Chapter 17.56.
- F. Municipal buildings under conditions set forth in Chapter 17.56.

- G. Parks and playgrounds, including park buildings.
- H. Public schools and private schools offering curricula similar to public schools under conditions set forth in Chapter 17.56.
- I. Telephone exchanges, electrical substations and similar uses of public service corporations provided they are either:
  - 1. Completely enclosed within buildings which conform to and harmonize with surrounding buildings as to type of architecture and landscaping and comply with the setback requirements of the R-L zone; or
  - 2. If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be completely enclosed by a view-obscuring fence or hedge with the exterior grounds landscaped and the enclosure to meet the following setback requirements:
    - a. Front yard: Thirty feet;
    - b. Side yard: Twenty feet;
    - c. Rear yard: Ten feet if abutting on alley, otherwise twenty feet.
- K. Garage and carport sizes larger than fifty percent of the floor area of the principal structure, including basement area; provided, that any detached garage or carport must be no closer to the front property line than the principal structure on a lot.
- L. Community waterfront parks or recreation facilities. (Ord. 1533 § 6 (Exh. 27) (part), 2017; Ord. 1502 § 3 (part), 2015; Ord. 1491 § 7 (Exh. H) (part), 2015: Ord. 1205 § 4, 2001; Ord. 1099 § 2, 1998; Ord. 1058 § 2, 1996; Ord. 1041 § 1, 1996; Ord. 742 § 1, 1984: Ord. 712 § 3 (part), 1983; Ord. 625 § 1 (part), 1979; Ord. 415 § 5, 1970; Ord. 314 § 6C, 1962).

### Exhibit C

### Chapter 17.24 ZONE R-M – MULTI-FAMILY RESIDENTIAL DISTRICT

#### 17.24.010 Permitted uses.

Permitted uses are as follows:

- A. Any use permitted in the R-L Residential District;
- B. Two-family, three-family and multi-family dwellings;
- C. Townhouses (a type of multi-family dwelling). (Ord. 1533 § 6 (Exh. 29) (part), 2017: Ord. 1355 § 3 Exh. 1 (part), 2008: Ord. 314 § 7A, 1962).
- D. Cottage housing developments pursuant to CMC 17.14.050.
- E. Alternative Housing Types Model Ordinance upon adoption

Alternative housing types, including but not limited to tiny homes, cottage housing developments, or zero-lot line developments for the purpose of providing affordable housing or increasing the available stock of year-round housing through the Affordable Housing Program, once adopted or any similar policy of the city permitting such use.

#### 17.24.020 Accessory uses.

Accessory uses are as follows:

- A. Single-family dwellings located in the R-M District shall be subject to the same conditions as in the R-L District set forth in Sections <u>17.20.020(A)</u>, (B) and (C);
- B. Accessory Dwelling Units (ADUs):
  - Appurtenant to existing or new single-family residences: ADUs shall comply with conditions in section 17.20.020, except that the requirement for owner-occupied units shall not be applied in the R-M zone. In the case where the owner desires two or more detached dwelling units for residential uses, the development shall be considered a multi-family development and conform to the cottage housing standards to the most extent possible on new developments, including the open space requirement.

- 2. Appurtenant to multi-family use: additional dwelling units that fit the size and dimensional standards of an ADU, whether attached or detached, shall be considered an additional multi-family unit of the development. In the case where an owner desires more than two detached residences as part of the multi-family development, the cottage housing standards shall be applied to the most extent possible at the discretion of the administrator with an emphasis on provisions for common open space. Such units shall be categorized as individual dwellings in a multi-family development and be charged appropriate system development fees.
- C. Attached or freestanding private garages, carports, and ADUs sharing a common footprint of an accessory structure or combination thereof shall not exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all primary single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section 17.24.030. Detached garages, carports, or ADUs must be no closer to the front property line than the principal structure on a lot; Accessory uses other than private garages and carports for multi-family dwellings shall be restricted to one hundred square feet per dwelling unit;
- D. Agricultural uses with the exception of the keeping of livestock;
- E. Not more than one each of a truck of gross vehicle weight of twelve thousand pounds or greater, or a house trailer, or two boats, may be stored in the rear yard area of any one zoning lot;
- F. Repealed by Ord. 1022;
- G. Fences: Fences subject to the same conditions as in the R-L Residential District as set forth in Section 17.20.020(G);
- H. Swimming pools: Swimming pools subject to the same conditions as in the R-L Residential District as set forth in Section <u>17.20.020(I)</u>;
- I. Cold storage warehouse, but only for produce grown on the premises, may be permitted accessory to the agricultural use of land;
- J. Tenant residences; provided that they are located behind the minimum setback distances prescribed for the district, may be permitted accessory to the agricultural use of land.

K. Low intensity agricultural tourism uses pursuant to Chapter <u>17.47</u>. (Ord. 1533 § 6 (Exh. 30) (part), 2017: Ord. 1136 § 1, 1999; Ord. 1071 § 5, 1997; Ord. 1022 § 4, 1995; Ord. 940 § 1, 1992: Ord. 897 § 3, 1990: Ord. 314 § 7B, 1962).

L. Storage of boat and accompanying trailers on lots occupied by single-family dwellings in the RM zone shall not exceed one boat and accompanying trailer in a side yard provided the required side yard setback is maintained. A boat and accompanying trailer may be stored in a side yard setback, provided a sight-obscuring fence is maintained along the property boundary. Boat and trailers may not be stored in the front-yard setback including driveways.

M. Storage of boat and accompanying trailers on lots occupied by multi-family units shall comply with the standards set forth in Section N herein, whereby a maximum number of boat/trailer units occupying a side-yard setback may not exceed the number of residential units.

#### Exhibit D

# Chapter 17.48 ZONE T-A – TOURIST ACCOMMODATIONS DISTRICT

#### 17.48.010 Permitted uses.

Permitted uses are as follows:

- A. Single-family, two-family, three-family and multi-family dwellings, townhouses, and cottage housing developments provided they do not accommodate short-term nightly rentals and are intended to house year-round residents or seasonal employees for periods no less than 30 days;
- B. Motels, hotels, lodges or similar resort accommodation operations, short-term rental units, and bed and breakfasts pursuant to conditions in Section 17.56.230 whereby the bed and breakfast may be permitted as an Administrative Permit;
- C. Restaurants, exclusive of drive-ins;
- D. Barber or beauty shops;
- E. Travel agencies and tourist bureaus;
- F. Souvenir and gift shops;
- G. Bookstores and newsstands:
- H. Boat launching facilities, marinas and similar facilities;
- I. Professional offices;
- J. Special event as defined in and pursuant to the provisions of Chapter <u>5.50</u>, as the same exists now or may hereafter be amended;
- K. Per Chapter <u>17.47</u>, low intensity, moderate intensity, and high intensity agri-tourism uses are allowed in the T-A Overlay. (Ord. 1533 § 6 (Exh. 45) (part), 2017: Ord. 1355 § 3 Exh. 1 (part), 2008; Ord. 1245 § 3, 2002; Ord. 1114 § 3, 1998; Ord. 670 § 1, 1980: Ord. 338 § 2 (part), 1965: Ord. 314 § 13A, 1962).
- L. Alternative Housing Types Model Ordinance upon adoption

Alternative housing types, including but not limited to tiny homes, cottage housing developments, or zero-lot line developments for the purpose of providing affordable housing or increasing the available stock of year-round housing through the Affordable Housing Program, once adopted or any similar policy of the city permitting such use.

#### 17.48.020 Accessory uses.

Accessory uses are as follows:

A. Repealed by Ord. 1022;

B. Fences permitted under the same conditions listed in Section 17.32.020D. (Ord. 1022 § 9, 1995; Ord. 886 § 8 (part), 1989; Ord. 670 § 2, 1980: Ord. 338 § 2 (part), 1965: Ord. 314 § 13B, 1962).

C. Accessory Dwelling Units (ADUs). ADUs are allowed provided they are accessory to a permitted single-family residence. One ADU appurtenant to a single-family residence is permitted, provided one unit, either the primary unit or ADU is either owner-occupied or leased on a long-term basis. ADUs associated with single-family residences shall comply with conditions set forth in CMC 17.20.020 and 17.14.50(D).

#### 17.48.030 Conditional uses.

Conditional uses are as follows:

- A. Municipal buildings and facilities;
- B. Places of public or private assembly;
- C. Campgrounds or recreational vehicle parks;
- D. Recreation and amusement facilities;
- E. Restaurants with cocktail lounges exclusive of taverns and bars, but not within one hundred fifty feet of any residential zone;
- F. Self-service laundry;
- G. Drive-ins;

- I. Restaurants with brewpubs as an accessory use where the brewpub activity does not utilize more than forty-nine percent of the structure, excluding office space and shared storage. Restaurants with brewpubs are subject to conditions set forth in Section 17.56.270;
- J. Marijuana producers;
- K. Community waterfront parks, parks and playgrounds, including park buildings; and
- L. Resort plans in the T-A Overlay. (Ord. 1533 § 6 (Exh. 46) (part), 2017: Ord. 1491 §§ 5, 7 (Exh. E) (part), 2015: Ord. 1474 § 8, 2014; Ord. 1120 § 1, 1998; Ord. 800 § 6, 1987; Ord. 670 § 3, 1980: Ord. 625 § 1 (part), 1979; Ord. 338 § 2 (part), 1965: Ord. 314 § 13C, 1962).

#### Exhibit E

### Chapter 17.56 CONDITIONAL USES

#### 17.56.230 Bed and breakfast.

Minimum conditions are as follows:

#### A. Districts Permitted.

- 1. R-L Single-Family Residential District;
- 2. R-M Multi-Family Residential District;
- 3. DMR Downtown Mixed Residential;
- 4. DSF Downtown Single-Family;
- 5. C-HS Highway Service Commercial District;

#### B. Minimum Conditions.

- 1. The owner of the premises shall be the applicant for the conditional use permit.
- 2. The bed and breakfast facilities shall be the principal residence of the owner. The owner must full time occupy the residence while the bed and breakfast is in operation. Owner occupancy is defined in Section 19.10.040.
- 3. Bed and breakfast facilities shall meet all applicable health, fire safety and building codes and shall be operated so as to not give the appearance of being a business, and those facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to peaceful occupancy of their homes.
- 4. Repealed by Ord. 1022.
- 5. Driveways accessing a bed and breakfast which are more than one hundred feet in length shall have an improved width of at least twelve feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.
- 6. A minimum of three parking stalls shall be provided.

- 7. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.
- 8. Conditional use permits granted shall specify the number of rooms available for rental by the owner. (Ord. 1533 § 6 (Exh. 67) (part), 2017: Ord. 1491 § 6 (Exh. G), 2015: Ord. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1114 § 8, 1998; Ord. 1040 § 1, 1996; Ord. 1022 § 12 (part), 1995; Ord. 800 § 7, 1987).

### Exhibit F

The following definitions shall be revised or added to the definitions section of Chapter 19.10.040 of the Chelan Municipal Code in alphabetical order with the now existing definitions.

"Accessory dwelling units" (ADU) means a subordinate dwelling unit incorporated to a primary structure on a zoning lot. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence or structure and may not be rented for a period of less than 30 days.

"AADU" – attached accessory dwelling unit, sharing a common wall, common ceiling/floor, or under a common roofline.

"DADU" – a free standing accessory dwelling unit not sharing a common wall or ceiling to the primary structure.

"Boarding home/house" means a type of single-family dwelling in which no more than eight people or small family units unrelated to one-another and/or other boarders are housed, and each pay an individual rent for their unit. Each individual or family unit has a private bedroom but shares with other residents a common dining room, cooking, recreational room, or other facilities. Units may or may not have private baths. Meals and low level of caregiving may be provided by the owner or manager or agency of record.

"Boarding house, transient:" a dwelling meeting the above definition where rooms are rented on a short-term basis up to 30 consecutive days.

"Boarding house, non-transient:" a dwelling meeting the above definitions where rooms are rented on a long-term basis over 30 consecutive days.

"Congregate housing" means a multi-family dwelling that houses more than three people, unrelated to one another in separate, private sleeping quarters. While private units may have private baths, other facilities are communal. Individual units do not meet the requirements for a dwelling unit.

"Dormitory" means a multi-family dwelling housing type where private sleeping quarters are provided to each unit. All other facilities may be communal or private. Dormitory developments are associated with a primary employer or organization requiring seasonal, term, or semi-transient accommodations for employees, students, or trainees such as a school, hospital, or seasonal employer.

"Duplex" means a residential structure with two dwelling units sharing a common wall or ceiling, located on one tax parcel or zoning lot. Duplex units are considered multi-family dwelling units

for land use purposes only, whereby they are allowed in any zone that permits multi-family dwellings. When a size disparity of 40% or less exists between two units sharing a common wall or ceiling, the smaller unit shall be classified as an accessory dwelling unit.

"Group home" means a single-family dwelling financed, in whole or part, by the state department of community, trade, and economic development or by an affordable housing levy under RCW 84.52.105. A group home has multiple units occupied on a twenty-four hour basis for persons who are not related by birth or marriage and who are not dependent on each other financially. Residents of group homes typically receive financial assistance from federal or state government such as Social Security benefits for supplementary security insurance.

"Hostel" means tourist accommodations where individual beds or rooms, numbering more than 3, may be rented on a nightly basis. Hostels have shared common spaces for living, food preparation, and bathing, though private baths may be available as well. Hostels are subject to Washington State Department of Health licensing.

"Manufactured or mobile homes" means—any home that meets the definition in RCW 65.20.020 as follows: a structure designed and constructed to be transportable in one or more sections and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. "Manufactured home" does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

- (1) A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:
- (a) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- (b) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- (c) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.
- (2) "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW82.45.032(2).

"Micro-housing" or "micro-apartment" means a multi-family housing type where individual units are designed to maximize efficiency providing basic requirements of dwelling units for permanent dwellings not to exceed 500 square feet including lavatory, sleeping, bathing, and cooking. Larger communal spaces for community dining, cooking, and living are often provided as well.

"Short-term rentals" means residential units, or portions of residential dwelling units, that are rented out on a nightly basis for not more than 30 days to individual guests. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose administration and enforcement of this ordinance, the terms "overnight rental", "nightly rental", and "vacation rental" are interchangeable with short-term rentals. Subleasing or subletting of units for short term rental is prohibited if the underlying zone prohibits such use.

"Tiny house" means any dwelling, attached to a permanent foundation, that measures no more than 400 square feet excluding lofts, as per the International Residential Code. Homes between 400-750 square feet shall be inspected as a traditional home but may be located where tiny homes are allowed or as cottage homes.

"Tiny house on wheels" means a dwelling classified as a recreational or transient dwelling. Tiny homes on wheels are not allowed on parcels outside trailer plazas, manufactured home parks, or special districts designated for tiny homes.

"Triplex" means a multi-family structure with three dwelling units sharing common walls or ceiling on one tax parcel. Triplexes are considered multi-family dwellings for land use purposes only, whereby they are allowed in any zone that permits multi-family dwellings.

#### Exhibit G

#### 17.14.050 Housing type standards.

### A. Purpose and Applicability.

- 1. Purpose. This section provides supplemental direction for the design of new residential developments consistent with the goals and policies of the Chelan downtown master plan.
- 2. Applicability. Each subsection herein provides standards that apply to a particular type of housing within the downtown planning area. The provisions herein supplement the standards set forth in Section 17.14.020. Triplexes and townhouses are also subject to the provisions of Sections 17.14.030 and 17.14.040 unless otherwise noted.

#### B. Single-Family Design Standards.

#### 1. Intent.

- a. To enhance the character of the street;
- b. To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape;
- c. To deemphasize garages and driveways as major visual elements along the street; and
- d. To provide usable yard space for residents.

### 2. Entries.

- a. Clear and obvious pedestrian access between the sidewalk and the building entry is required for new homes.
- b. All new houses shall provide a covered entry with a minimum dimension of four feet by six feet. Covered entries may project up to six feet into the front yard per Section 17.14.020(C)(3).

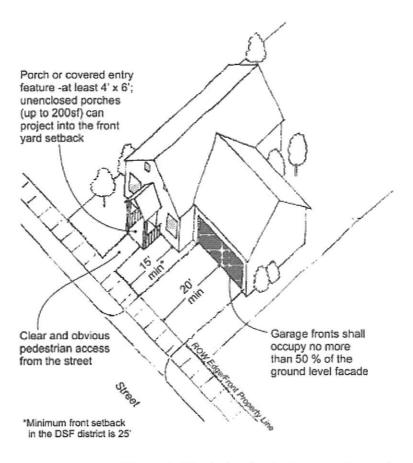


Figure 1. Single-family design requirements.

- 3. Garage Placement and Design.
  - a. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley.
  - b. The garage face shall occupy no more than fifty percent of the ground-level facade facing the street.
  - c. Garages shall be set back at least twenty feet from the front property line.
- 4. Driveway Standards. See Section 5 of the City of Chelan Development Standards Manual for applicable standards.
- 5. Minimum Usable Open Space. All new single-family residences shall provide a contiguous open space equivalent to ten percent of the lot size. Such open space shall not be located within the front yard. The required open space shall feature a minimum dimension

of fifteen feet on all sides. For example, a six thousand square foot lot would require a contiguous open space of at least six hundred square feet, or twenty feet by thirty feet in area. For lots in the DMR district where there is more than one single-family residence on the lot, each residence shall have access to a usable open space with minimum dimensions of fifteen feet on all sides. Driveways shall not count in the calculations for usable open space.

All single-family additions shall not create or increase any nonconformity with this standard.

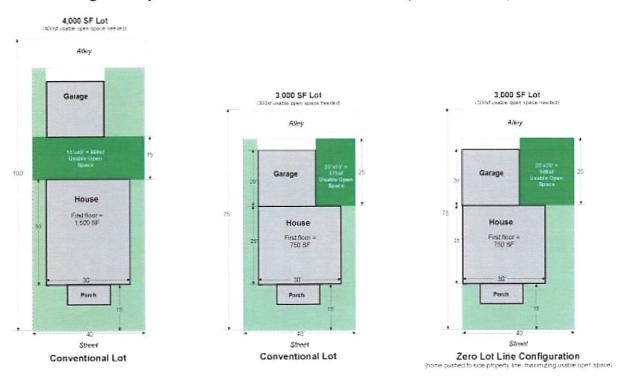


Figure 2. Open space requirements for alley-loaded lots.

### C. Duplex and Triplex Design Standards.

- 1. Intent. Duplexes and triplexes should be designed similar in nature to single-family homes and shall feature a visible entry and windows facing the street. The visibility of driveways and garages should be minimized and sufficient private open space should be provided.
- 2. Design Standards. Specifically, duplexes and triplexes shall comply with the single-family design standards in subsection B of this section with the following exceptions and additional provisions:
  - a. Duplexes and triplexes may include a twenty-foot-wide shared driveway or two

twelve-foot driveways on opposite ends of the lot;

- b. Separate covered entries for each unit are required (applicable to new buildings only); and
- c. Duplexes on corner lots shall place pedestrian entries on opposite streets (applicable to new buildings only).

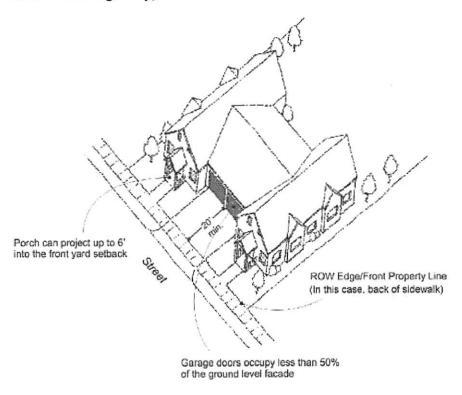


Figure 3. Diagram illustrating some duplex design standards.

### D. Accessory Dwelling Units (ADU).

### 1. Intent.

- a. To provide infill housing opportunities downtown.
- b. To provide affordable housing options downtown and all residential zones.
- c. To provide an opportunity for rental income for downtown property owners.
- 2. Standards for All ADUs in all zones. One accessory dwelling unit is permitted provided

all of the following conditions are met:

- a. ADU Entrance. The ADU entrance shall be subordinate (setback) to the principal dwelling unit entrance. The ADU entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit.
  - i. A pedestrian walkway shall be provided from the street or alley to the ADU entrance; and
  - ii. A stairway to access a second-story ADU shall be internal, or, if external, it must not be visible from the street;
- b. No more than two bedrooms shall be provided in an accessory dwelling unit;
- c. The square footage of an ADU, excluding garage area, shall not exceed fifty percent of the total square footage of the primary residence or 1,200 square feet whichever is less; except for a unit sharing a common floor-ceiling with a permitted accessory or primary structure, the planning director may permit an increased size allowance in order to efficiently use all floor area, so long as all the other standards are met;
- d. ADUs shall contain a minimum of 275 square feet in floor area, exclusive of stairways or garage area;
- e. One additional off-street parking space shall be required for an ADU;
- f. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering;
- g. Privacy. The orientation of the ADU shall, to the maximum extent practical as determined by the director, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement. The director may require that windows, doors, and balconies be relocated to maintain the privacy of the new unit and/or adjacent residences.

- h. The accessory dwelling unit shall meet all construction and utility code standards including, but not limited to, building, fire, plumbing, and Title 13, regulating water and sewers, all as now exist or as may be hereafter amended.
- Accessory dwelling units shall be permitted at homes approved for home occupations or bed and breakfast, provided these uses are attached to the primary structure, not the ADU.
- j. Detached accessory dwelling units must be screened from neighboring properties with a six-foot height solid visual barrier where necessary to protect abutting property owners' privacy, as determined by the director;

#### 3. Standards for an Attached ADU.

- a. ADUs may not exceed fifty percent of the floor area of a primary dwelling unit or 1,200 square feet, whichever is less. Exception: The director may allow increased size for an attached ADU in order to efficiently use all floor area on one floor or a portion of an existing house or attached accessory structure (constructed as of November 9, 2010), as long as all other standards herein are met; and
- b. Additions to Existing Homes. The ADU shall be architecturally consistent with the principal unit. Specific standards:
  - i. Exterior Materials. The exterior finish material must be the same or visually match in type, size and placement the exterior finish material of the primary dwelling;
  - ii. Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling;
  - iii. Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling;
  - iv. Windows. Windows must match those in the primary dwelling in proportion

(relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations; and

v. Front Facade. The front facade of the principal dwelling shall not be significantly altered to accommodate an ADU.

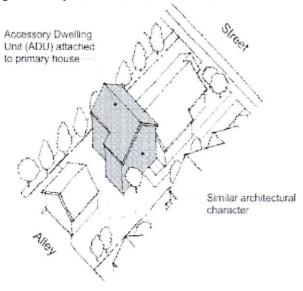


Figure 4. Attached ADU example/standards.

- 4. Standards for a Detached ADU (DADU).
  - a. The footprint or total square footage of DADUs may not exceed fifty percent of the floor area of a primary dwelling unit or 1,200 square feet, whichever is less;
  - b. Detached DADUs may be separate freestanding structures located to the side or rear of a primary dwelling unit or may be placed next to and/or above a garage;
  - c. DADUs are subject to the building placement standards set forth for the applicable land use district in Section  $\underline{17.14.020}(C)(3)$ ;
  - d. The site coverage of the DADU and accessory buildings shall not exceed forty percent of the rear yard area;
  - e. There shall be a minimum separation of fifteen feet between the existing dwellings and the DADU, except where the DADU is built on top of and/or next to an existing

### garage; and

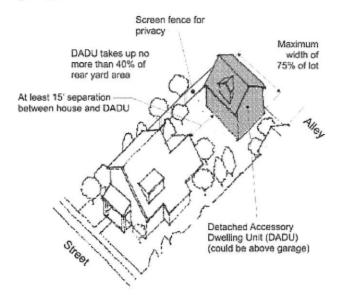


Figure 5. DADU example/standards.

f. The maximum width of the DADU shall be seventy-five percent of the width of the lot, including all projecting building elements such as bay windows and balconies.



AB 2018-036B

## **CITY OF CHELAN**

CITY COUNCIL 08 Jan 2019

Subject/Title: Accessory Dwelling Units Ordinance No. 2019-1556

Department: Planning
Staff Contact: Craig Gildroy
Reviewed By: City Attorney

City Administrator

#### **GOVERNING LEGISLATION**

AUTHORITY: RCW 36.70A.130 Comprehensive plans – Review procedures and schedules – Amendments. (1)(a) "...Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them."

### PREVIOUS COUNCIL ACTION TAKEN

On October 23, 2018, City Council moved to approve Title 17 zoning code revisions for accessory dwelling units, definitions additions and boat trailer and RV storage amendments as presented, with the revision that we increase the maximum of 720 square feet to 1, 200 square feet, and instruct the City Attorney to prepare the adopting ordinance. Council approval was deferred to January 8, 2019.

### **OVERVIEW**

City Council held a public hearing on October 23, 2018 and approved the accessory dwelling unit provisions of Title 17 zoning providing for consistency of accessory dwelling units regulations, distinguishing ADUs from duplexes and allowing ADUs within the Single Family zone without a conditional use permit and consistent with the downtown land development code for attached and detached accessory dwelling units. The owner occupied definition has not been amended from the current code. Accessory

dwellings may not be rented for less than 30 days as is the current requirement.

# FINANCIAL IMPLICATIONS

None.

### **ATTACHMENTS**

1. Ordinance No. 2019-1556

# SUGGESTED MOTION

Suggested Motion: I move to authorize the Mayor to sign Ordinance No. 2019-1556 revising Title 17 accessory dwelling unit requirements.

#### **ORDINANCE NO. 2019-1556**

AN ORDINANCE OF THE CITY OF CHELAN, WASHINGTON REVISING AND AMENDING PORTIONS OF THE CHELAN MUNICIPAL CODE CONCERNING ACCESSORY DWELLING UNITS AND GENERAL ZONING REGULATIONS.

WHEREAS, on May 16, 2018, the City Planning Commission conducted a proposal workshop on accessory dwelling units; and

WHEREAS, on June 20, 2018, the City Planning Commission reviewed proposed amendments to Chapters 17 and 19 of the Chelan Municipal Code related to accessory dwelling units, boat storage, and other zoning issues at a regular workshop; and

WHEREAS, public notice was published in the *Chelan Mirror* newspaper from July 4, 2018 to July 11, 2018 regarding a public hearing and open house regarding proposed amendments to the Chelan Municipal Code; and

WHEREAS, a public open house was held on July 18, 2018 from 5:00 p.m. to 6:00 p.m. for the public to review the proposed revisions cited above; and

WHEREAS, on July 18, 2018, the Planning Commission held a public hearing to hear public testimony on the proposed revisions cited above; and

WHEREAS, on August 15, 2018, the Planning Commission approved a motion to revise Chapters 17 and 19 of the Chelan Municipal Code relating to accessory dwelling units, boat storage, and other revisions; and

WHEREAS, The Planning Department notified the Department of Commerce on September 11, 2018 of the proposed revisions to Chapters 17 and 19 of the Chelan Municipal Code, requesting sixty-day review under RCW 36.70A.106, and

WHEREAS, the Department of Commerce did not comment on the proposed revisions to Chapters 17 and 19 of the Chelan Municipal Code; and

WHEREAS, pursuant to RCW 36.70A.130 the City Council has authority to continually review and revise the Comprehensive Plan and development regulations as needed;

The City Council of the City of Chelan, Washington, do ordain as follows:

- **Section 1.** <u>Incorporation of Recitals</u>. The foregoing Recitals are incorporated into this Ordinance
- **Section 2.** Revisions to Chapter 17.04. Chapter 17.04 of the Chelan Municipal Code shall be revised as set forth in Exhibit A, attached.
- **Section 3.** Revisions to Chapter 17.20. Chapter 17.20 of the Chelan Municipal Code shall be revised as set forth in Exhibit B, attached.
- **Section 4.** Revisions to Chapter 17.24. Chapter 17.24 of the Chelan Municipal Code shall be revised as set forth in Exhibit C, attached.
- **Section 5.** Revisions to Chapter 17.48. Chapter 17.48 of the Chelan Municipal Code shall be revised as set forth in Exhibit D, attached.
- **Section 6.** Revisions to Chapter 17.56. Chapter 17.56 of the Chelan Municipal Code shall be revised as set forth in Exhibit E, attached.
- **Section 7.** Revisions to Chapter 19. Chapter 19 of the Chelan Municipal Code shall be revised as set forth in Exhibit F, attached.
- **Section 8.** Revisions to Chapter 17.14 Chapter 17.14 of the Chelan Municipal Code shall be revised as set forth in Exhibit G, attached.
- **Section 9.** <u>Severability</u>. If any term or provision in this Ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of any other term or provision of this Ordinance.
- **Section 10.** <u>Publication and Effect</u>. This Ordinance, or a summary thereof, shall be published in the official newspaper of the City of Chelan and shall take effect and be in full force thirty (30) days after passage and publication.

PASSED by the City Council of the City of Chelan, Washington, this 8th day of January, 2019.

AI	PPROV	ED:		
By	V4400 1940	ooney, N	Iayor	

ATTEST/AUTHENTICATE:
By: Peri Gallucci, City Clerk
APPROVED AS TO FORM:
By: Quentin Batjer, City Attorney
FILED WITH THE CITY CLERK: December 12, 2018 PASSED BY THE CITY COUNCIL: PUBLISHED: EFFECTIVE DATE: ORDINANCE NO.:

#### Exhibit A

# Chapter 17.04 GENERAL PROVISIONS

#### 17.04.065 Livestock and poultry.

A. Small livestock animals, defined as any combination of four rabbits or chickens, are permitted on less than an acre and shall be housed within an enclosed structure that is set back ten feet from side yard property lines and are prohibited within the front yard setback area. No setback is required from the rear property line or an alley. Roosters are prohibited.

- B. Livestock and poultry are permitted, provided the property ownership is at least one contiguous acre in size, and the following criteria are met:
  - 1. The minimum pasture area maintained for each animal shall be as listed below, with additional young animals not included in determining the minimum pasture area:
    - a. One-half acre per each horse, pony, mule, cow, llama, alpaca and/or other similar size animal, with additional such animals under the age of one year not included;
    - b. One-quarter acre per each sheep, goat or other similar size animal, with additional such animals under the age of one year not included;
    - c. Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, or similar type animals, with additional such animals under the age of three months not included. The keeping of roosters is prohibited;
    - d. Twelve small mammals per acre. Small mammals may include any combination of rabbits, guinea pigs, ferrets, or similar type animals, with additional such animals under the age of three months not included;
    - e. One acre per each swine. When located within an urban growth area no more than three swine are permitted per property ownership, with additional swine under the age of three months not included.

- 2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisances and shall be in compliance with health district regulations.
- 3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any property line and/or any wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well.
- 4. Barns, shelters, or other buildings or structures for the keeping or feeding of such animals shall be located a minimum of fifty feet from any property line or one hundred feet from any off-premises residential dwelling, whichever distance is greater.
- 5. Pastures are defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pastures shall be maintained with a permanent, uniform, vegetative top cover and shall be kept free of noxious weeds. The perimeter fence shall be designed, constructed and maintained sufficiently to keep the animals within the fenced area.
- 6. Any future division of property must comply with the minimum standards above. The minimum pasture area and condition requirements must be met by each additional individual lot or parcel, including the original parcel of record, in order to maintain livestock or poultry on the property.
- 7. Potentially dangerous wild animals, as defined in RCW  $\underline{16.30.010}$ , are prohibited.
- 8. Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted.
- 9. Violations of this section shall constitute a nuisance, and shall be enforced according to the uniform procedures set out in Chapter <u>2.80</u>. (Ord. 1512 § 2 (Exh. A) (part), 2016: Ord. 1502 § 4 (Exh. O), 2015: Ord. 1361 § 1, 2008).

#### 17.04.075 Intrusions into setbacks.

Except as provided in Section <u>17.04.076</u> of this chapter, the setbacks required by this title are subject to the following intrusions:

- A. A driveway, walkway, and/or parking area in compliance with current city of Chelan development standards as adopted in Chapter <u>25.05</u> of this code as now exists or as may be hereafter amended.
- B. An uncovered patio or court, or other uncovered, ground-level improvement.
- C. A<u>n uncovered</u> deck which is not higher than thirty inches above grade may extend into a required <u>side</u> <u>or rear</u> yard up to the lot line.
- D. Bay windows, eaves, cantilevered parts of a building and other elements of a structure, excluding gutters, that customarily extend beyond the exterior walls of a structure and do not require a foundation may extend up to eighteen inches into any required setback area. The total horizontal dimension of the elements that extend into a required yard, excluding eaves, may not exceed twenty-five percent of the width of the facade upon which it is located.
- E. Fences may be located in required setback areas subject to the fence requirements specified in this title as it now exists or as may be hereafter amended.
- F. Rockeries and Retaining Walls.
  - 1. Rockeries and retaining walls equal to or less than forty-eight inches in height may be located in required setback areas if:
    - a. The rockery or retaining wall is not being used as a direct structural support for a building; and
    - b. The rockery or retaining wall complies with the clear sight zone standards specified in Section 10 of the city's development standards adopted pursuant to Chapter <u>25.05</u> as now exists or as may be hereafter amended.
  - 2. At the discretion of the planning director, the side setback requirement for rockeries and retaining walls more than forty-eight inches in height may be waived to allow a single rockery or retaining wall to support a slope on two adjacent parcels of land provided:
    - a. The owners of adjacent parcels agree to the waiver; and
    - b. The agreement is recorded as a notice to title on the titles of both of the affected parcels, and recorded by the Chelan County auditor.

- 3. Rockeries and retaining walls more than forty-eight inches in height and less than seventy-two inches in height shall have a five-foot minimum setback at the front, side and rear yards.
- 4. Rockeries and retaining walls more than seventy-two inches in height shall comply with Section <u>17.04.077</u>.
- 5. Appropriate provisions for drainage must be made in the case of any rockery or retaining wall located in any required setback.
- G. Heating, ventilation, and air conditioning (HVAC) equipment and liquid propane gas (LPG) tanks less than one-hundred-twenty-five-gallon capacity are prohibited from the front setback area and shall not be permitted within a required side setback area unless the equipment is at least five feet from the side property line. HVAC equipment shall be allowed up to two feet from one side property line if enclosed by a fence or vegetative plantings that, at maturity, will provide noise attenuation as solely determined by the city building official. Propane tanks of the capacity of one hundred twenty-five gallons or more are prohibited from the front setback area and shall be allowed in a required rear yard and side yard in compliance with setback requirements provided in the city's current International Fire Code as set forth in Title 15 of this code. (Ord. 1533 § 6 (Exh. 15) (part), 2017; Ord. 1328 § 4 (part), 2006; Ord. 1165 § 1, 2000: Ord. 1151 § 1, 1999).
- H. Storage of boat, recreational, or travel trailers in required side yard and rear yard setbacks associated with a single-family residence or multi-family developments, regardless of land use zone, shall comply with requirements set forth in Sections 17,20.020 and 17.24.020 accordingly.

#### 17.04.100 Zoning lots.

All zoning lots, or portions thereof, created or sold into two or more lots, as the result of land division or sale, shall conform to the dimensional standards set forth in the zoning district in which the lot is located. No zoning lots shall be divided into two or more zoning lots and no portion of any zoning lot shall be sold-unless all zoning lots resulting from said division or sale shall conform to all dimensional standards of the district in which the zoning lot is located. (Ord. 314 § 15 (E), 1962).

#### Exhibit B

#### Chapter 17.20 ZONE R-L – SINGLE-FAMILY RESIDENTIAL DISTRICT

#### 17.20.010 Permitted uses.

Permitted uses are as follows:

- A. One-family dwellings, but not to exceed one dwelling on any one lot; provided, that the lot abuts on a public street or private road;
- B. Temporary construction offices within the tract or subdivision on which buildings are being erected and only for the duration of active construction;
- C. Crop and tree farming, truck farming, and nurseries; provided no retail sales rooms or other retail buildings are maintained on the premises; and provided further, that the raising or keeping of livestock or poultry would not be permitted except as allowed in Section 17.04.065;
- D. Travel trailers and recreational vehicles for occupied overnight parking are permitted for a six-month period during construction, provided the owner has a permit therefor. The owner may obtain a permit by paying the city a fee of five dollars after the purchasing of a building permit. All such vehicles shall have operable self-contained sanitary facilities or be connected to the city sewer system. The permit shall be prominently displayed on such vehicle so as to be visible on the abutting street;
- E. Family day care homes, subject to licensing requirements of the Washington State Department of Social and Health Services and fire code requirements as set forth in Chapter 212-54 WAC;
- F. Home occupations that involve no customers or other business-related visitors to the home business, no signs or other outward appearance that a business exists in the home, no delivery trucks, and no more than one individual residing within the home who is active in the home occupation business; provided, that if the planning director is given satisfactory proof of a physical disability of the individual wishing to engage in a home business or occupation, a volunteer or employee may assist in the home occupation. In addition, the home occupation must comply with the conditions for home occupation set forth in Section 17.56.060 and the fees for a home occupation permit as established by resolution of the city council must be paid. (Ord. 1533 § 6 (Exh. 25) (part), 2017: Ord. 1363 § 1, 2008; Ord. 1283 § 7, 2004: Ord. 1205 § 3, 2001; Ord. 1061 § 27, 1997; Ord. 712 § 3 (part), 1983; Ord. 667 § 2, 1980: Ord. 415 § 4, 1970; Ord. 333 § 3 (part), 1965; Ord. 314 § 6A, 1962).

**ORDINANCE NO. 2019-1556** 

#### G. Alternative Housing Types Model Ordinance

Alternative housing types, including but not limited to tiny homes, cottage housing developments, or zerolot line developments for the purpose of providing affordable housing or increasing the available stock of
year-round housing through the Affordable Housing Program, once adopted or any similar policy of the
city permitting such use.

#### 17.20.020 Accessory uses.

Accessory uses are as follows:

## A. A. Accessory Structures:

- 1. Garages or carports. Attached or freestanding private garage, carport or combination thereof not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section 17.20.030. Detached garages or carports must be no closer to the front property line than the principal structure on a lot.
- 2. Accessory Dwelling Units. One accessory dwelling unit (ADU) is permitted per single-family dwelling provided all dimensional and lot coverage standards shall be met. ADUs may be detached (DADU), whereby it is free standing, attached to the primary structure (AADU), or attached to a permitted accessory structure provided the standards specified in the CMC 17.14.050(D) for ADUs in Housing Type Standards shall be met.
  Supplemental standards for ADUs in R-L zones shall be as follows:
  - a. Either the primary residence or the accessory dwelling unit must be occupied by the owner of the property:
  - b. The total number of occupants of both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of "family" in Section 19.10.040, whereby no more than five residents may be unrelated;

- c. The square footage of the floor area of an ADU, excluding garage area, shall not exceed forty fifty percent or 1200 square feet of the total square footage of the primary residence; except for a unit sharing a common floor-ceiling with a permitted accessory or primary structure. The planning director may permit an increased size allowance in order to efficiently use all floor area, so land as all the other standards are met;
- d. The construction of a second entry door facing on a street front for entrance into an ADU accessory unit is prohibited. AADU entrances are permitted on the sides and rear of a house, or on the front side facing on a street where no other door exists when the ADU is attached; provided, that existing single-family structures with two or more entry doors facing on a street shall not be prohibited from using one of the doors to access the ADU. A shared common entrance to both the primary and accessory dwelling, on the front side oriented toward the street frontage where no other door exists to access the existing single-family structures shall be allowed. When an ADU is attached to another permitted accessory structure, entrance to the ADU may be separate or in common with access to the structure.
- B. Other accessory buildings collectively shall be twenty-five percent of the floor area of the principal structure, excluding the basement area, not to exceed six hundred square feet; provided, that, regardless of size of the principal structure, other accessory buildings collectively may be at least three hundred square feet. The total number of accessory structures, including ADUs, garages, workshops or the like may not exceed two, whereby the total number of permitted structures on a lot shall not exceed three including the primary structure.
- C. The renting of rooms to not more than two boarders or lodgers.
- D. Agricultural uses with the exception of the keeping of livestock per Section 17.04.065.
- E. Boat and Trailer storage.
  - 1. Not more than one each of a house trailer or truck, or two boats, may be stored in the rear yard area of any one zoning lot.

- 2. A maximum of one boat and accompanying trailer may be stored in a side yard provided the required setback is maintained; or
- 3. A maximum of one boat and accompanying trailer may be stored in a side yard setback, provided a sight-obscuring fence in maintained along the property boundary.
- 4. Boats and trailers shall not be stored in the front setback or front yard.
- F. Repealed by Ord. 1022.

#### G. Fences:

1. Front yard: Forty-two inches maximum height. On corner lots, fences shall be limited to thirty-six inches in height for a distance of fifteen feet from the intersection of the property lines abutting the street and to forty-two inches for the remainder of the front yard facing on those streets.

Where two adjoining properties have front yards of differing depths, any fence built along the side yard between the two properties shall not exceed a height of forty-two inches adjacent to the front yard of either dwelling.

Front yard fence height may be increased to a maximum of four feet in those instances where a "family day care home, mini day care center and day care centers" have been established in accordance with the provisions of Section <u>17.56.080</u>.

- 2. Side yard: Six feet maximum height.
- 3. Rear yard: Six feet maximum height.
- 4. Where there is a difference in grade between two adjoining properties, the base line for the fence height shall be the median of the difference between the grades of the two properties.

#### H. Covered patios:

- 1. A freestanding covered patio must meet the standards of this section. If the covered patio is attached to a dwelling, it is to be considered as a part of that dwelling.
- 2. Height limit: Ten feet; provided however, that a fireplace flue may extend beyond the maximum height limit to a height of not over thirteen feet.

**ORDINANCE NO. 2019-1556** 

#### I. Swimming pools:

- 1. All swimming pools must be located behind the front yard setback line and the yard or area around them must be enclosed by a fence of not less than five feet in height. At least a five-foot setback from all side and rear property lines must be maintained.
- J. Cold storage warehouse, but only for produce grown on the premises, may be permitted accessory to the agricultural use of land.
- K. Tenant residences; provided, that they are located behind the minimum setback distances prescribed for the district, may be permitted accessory to the agricultural use of land.

L. Low intensity agricultural tourism uses pursuant to Chapter <u>17.47</u>. (Ord. 1533 § 6 (Exh. 26) (part), 2017: Ord. 1099 § 1, 1998; Ord. 1071 § 3, 1997; Ord. 1022 § 3, 1995; Ord. 897 § 2, 1990; Ord. 886 § 3, 1989; Ord. 333 § 3 (part), 1965: Ord. 314 § 6B, 1962).

#### 17.20.030 Conditional uses.

Conditional uses are as follows:

- A. \_Accessory Dwelling Units. One accessory dwelling unit is permitted provided all of the following-conditions are met:
- 1. Either the primary residence or the accessory dwelling unit must be occupied by the owner of the property;
- 2. The total number of occupants of both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of "family" in Section 19.10.040;
- 3. The accessory dwelling unit shall contain not less than three hundred square feet and not more than one thousand square feet, excluding any related garage area; provided, if the accessory dwelling unit is completely located on a single floor, the planning director may allow increased size in order to efficiently use all floor area, so long as all the standards set forth in this section are met;
- 4. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed forty percent of the total square footage of the primary residence and accessory dwelling unit combined, except for a unit completely located on one floor as provided in subsection (A)(3) of this section;

- 5. There shall be one off-street parking space provided for the accessory dwelling unit, in addition to any off-street parking spaces required for the primary residence;
- 6. The construction of a second entry door facing on a street front for entrance into an accessory unit isprohibited. New entrances not facing a street front are permitted on the sides and rear of a house, or onthe front side facing on a street where no other door exists; provided, that existing single-family structures with two or more entry doors facing on a street shall not be prohibited from using one of the doors toaccess the accessory dwelling unit;
- 7. The accessory dwelling unit shall meet all construction and utility code standards including, but not limited to, building, fire, plumbing, and Title <u>13</u>, regulating water and sewers, all as now exist or as may be hereafter amended;
- 8. Accessory dwelling units must be screened from neighboring properties with a six-foot height solidvisual barrier where necessary to protect abutting property owners' privacy;
- 9. Accessory dwelling units may not be permitted in accessory structures detached from the primary residence, including but not limited to detached garages, guest cottages, or workshops;
- 10. Accessory dwelling units may not be permitted in homes approved for home occupations or bed and breakfast, unless the property owner relinquishes such approval; and
- 11. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering.
- B. Bed and breakfast under conditions set forth in Chapter 17.56.
- C. Churches under conditions set forth in Chapter 17.56.
- D. Historical site or structure under conditions set forth in Section 17.56.200.
- E. Home occupations, not meeting the permitted use criteria set forth in Section  $\underline{17.20.010}(F)$ , under conditions set forth in Chapter  $\underline{17.56}$ .
- F. Mini day care centers, and day care centers within churches and other semipublic building, under conditions set forth in Chapter <u>17.56</u>.

- G. Municipal buildings under conditions set forth in Chapter 17.56.
- H. Parks and playgrounds, including park buildings.
- I. Public schools and private schools offering curricula similar to public schools under conditions set forth in Chapter 17.56.
- J. Telephone exchanges, electrical substations and similar uses of public service corporations provided they are either:
  - 1. Completely enclosed within buildings which conform to and harmonize with surrounding buildings as to type of architecture and landscaping and comply with the setback requirements of the R-L zone; or
  - 2. If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be completely enclosed by a view-obscuring fence or hedge with the exterior grounds landscaped and the enclosure to meet the following setback requirements:
    - a. Front yard: Thirty feet;
    - b. Side yard: Twenty feet;
    - c. Rear yard: Ten feet if abutting on alley, otherwise twenty feet.
- K. Garage and carport sizes larger than fifty percent of the floor area of the principal structure, including basement area; provided, that any detached garage or carport must be no closer to the front property line than the principal structure on a lot.
- L. Community waterfront parks or recreation facilities. (Ord. 1533 § 6 (Exh. 27) (part), 2017; Ord. 1502 § 3 (part), 2015; Ord. 1491 § 7 (Exh. H) (part), 2015: Ord. 1205 § 4, 2001; Ord. 1099 § 2, 1998; Ord. 1058 § 2, 1996; Ord. 1041 § 1, 1996; Ord. 742 § 1, 1984: Ord. 712 § 3 (part), 1983; Ord. 625 § 1 (part), 1979; Ord. 415 § 5, 1970; Ord. 314 § 6C, 1962).

#### **Exhibit C**

# Chapter 17.24 ZONE R-M – MULTI-FAMILY RESIDENTIAL DISTRICT

#### 17.24.010 Permitted uses.

Permitted uses are as follows:

- A. Any use permitted in the R-L Residential District;
- B. Two-family, three-family and multi-family dwellings;
- C. Townhouses (a type of multi-family dwelling). (Ord. 1533 § 6 (Exh. 29) (part), 2017: Ord. 1355 § 3 Exh. 1 (part), 2008: Ord. 314 § 7A, 1962).
- D. Cottage housing developments pursuant to CMC 17.14.050.
- E. Alternative Housing Types Model Ordinance upon adoption

Alternative housing types, including but not limited to tiny homes, cottage housing developments, or zerolot line developments for the purpose of providing affordable housing or increasing the available stock of year-round housing through the Affordable Housing Program, once adopted or any similar policy of the city permitting such use.

#### 17.24.020 Accessory uses.

Accessory uses are as follows:

A. Single-family dwellings located in the R-M District shall be subject to the same conditions as in the R-L District set forth in Sections 17.20.020(A), (B) and (C);

- B. Accessory Dwelling Units (ADUs):
  - 1. Appurtenant to existing or new single-family residences: ADUs shall comply with conditions in section 17.20.030, except that the requirement for owner-occupied units shall not be applied in the R-M zone. In the case where the owner desires two or more detached dwelling units for residential uses, the development shall be considered a multi-family development and conform to the cottage housing standards to the most extent possible on new developments, including the open space requirement.

Page 15

**ORDINANCE NO. 2019-1556** 

Commented [DR1]: The sequential lettering was incorrect in the draft I received, so it is corrected here.

- 2. Appurtenant to multi-family use: additional dwelling units that fit the size and dimensional standards of an ADU, whether attached or detached, shall be considered an additional multi-family unit of the development. In the case where an owner desires more than two detached residences as part of the multi-family development, the cottage housing standards shall be applied to the most extent possible at the discretion of the administrator with an emphasis on provisions for common open space. Such units shall be categorized as individual dwellings in a multi-family development and be charged appropriate system development fees.
- C. Attached or freestanding private garages, carports, and ADUs sharing a common footprint of an accessory structure or combination thereof shall not to exceed fifty percent of the floor area of the principal structure, including basement area; provided, that all primary single-family residences, regardless of size, shall be allowed a minimum size private garage or carport of nine hundred sixty square feet. A garage larger than the standards set out herein shall be allowed as a conditional use under the conditions set forth under Section 17.24.030. Detached garages, or carports, or ADUs must be no closer to the front property line than the principal structure on a lot;
- C. Accessory uses other than private garages and carports for multi-family dwellings shall be restricted to one hundred square feet per dwelling unit;
- D. The renting of rooms to not more than five boarders or lodgers;
- **E**D. Agricultural uses with the exception of the keeping of livestock;
- **FG**. Not more than one each of a truck of gross vehicle weight of twelve thousand pounds or greater, or a house trailer, or two boats, may be stored in the rear yard area of any one zoning lot;
- GH. Repealed by Ord. 1022;
- Hi. Fences: Fences subject to the same conditions as in the R-L Residential District as set forth in Section 17.20.020(G);
- L. Swimming pools: Swimming pools subject to the same conditions as in the R-L Residential District as set forth in Section 17.20.020(I);
- ⊎K. Cold storage warehouse, but only for produce grown on the premises, may be permitted accessory to the agricultural use of land;

KL. Tenant residences; provided that they are located behind the minimum setback distances prescribed for the district, may be permitted accessory to the agricultural use of land.

LM. Low intensity agricultural tourism uses pursuant to Chapter <u>17.47</u>. (Ord. 1533 § 6 (Exh. 30) (part), 2017: Ord. 1136 § 1, 1999; Ord. 1071 § 5, 1997; Ord. 1022 § 4, 1995; Ord. 940 § 1, 1992: Ord. 897 § 3, 1990: Ord. 314 § 7B, 1962).

N. Storage of boat and accompanying trailers on lots occupied by single-family dwellings in the RM zone shall not exceed one boat and accompanying trailer in a side yard provided the required side yard setback is maintained. A boat and accompanying trailer may be stored in a side yard setback, provided a sight-obscuring fence is maintained along the property boundary. Boat and trailers may not be stored in the front-yard setback including driveways.

O. Storage of boat and accompanying trailers on lots occupied by multi-family units shall comply with the standards set forth in Section N herein, whereby a maximum number of boat/trailer units occupying a side-yard setback may not exceed the number of residential units.

**Commented** [DR2]: This section was revised for readability and clarity from the draft that I was provided.

## Exhibit D

# Chapter 17.48 ZONE T-A – TOURIST ACCOMMODATIONS DISTRICT

#### 17.48.010 Permitted uses.

Permitted uses are as follows:

A. Single-family, two-family, three-family and multi-family dwellings,-including townhouses, and cottage housing developments provided they do not accommodate short-term nightly rentals and are intended to house year-round residents or seasonal employees for periods no less than 30 days;

B. Motels, hotels, lodges-and or similar resort accommodation operations, short-term rental units, and bed and breakfasts pursuant to conditions in Section 17.56.230 whereby the bed and breakfast may be permitted as an Administrative Permit;

- C. Restaurants, exclusive of drive-ins;
- D. Barber or beauty shops;
- E. Travel agencies and tourist bureaus;
- F. Souvenir and gift shops;
- G. Bookstores and newsstands;
- H. Boat launching facilities, marinas and similar facilities;
- I. Professional offices;
- J. Special event as defined in and pursuant to the provisions of Chapter <u>5.50</u>, as the same exists now or may hereafter be amended;
- K. Per Chapter <u>17.47</u>, low intensity, moderate intensity, and high intensity agri-tourism uses are allowed in the T-A Overlay. (Ord. 1533 § 6 (Exh. 45) (part), 2017: Ord. 1355 § 3 Exh. 1 (part), 2008; Ord. 1245 § 3, 2002; Ord. 1114 § 3, 1998; Ord. 670 § 1, 1980: Ord. 338 § 2 (part), 1965: Ord. 314 § 13A, 1962).
- L. Alternative Housing Types Model Ordinance upon adoption

Alternative housing types, including but not limited to tiny homes, cottage housing developments, or zerolot line developments for the purpose of providing affordable housing or increasing the available stock of
year-round housing through the Affordable Housing Program, once adopted or any similar policy of the
city permitting such use.

#### 17.48.020 Accessory uses.

Accessory uses are as follows:

- A. Repealed by Ord. 1022;
- B. Fences permitted under the same conditions listed in Section 17.32.020D. (Ord. 1022  $\S$  9, 1995; Ord. 886  $\S$  8 (part), 1989; Ord. 670  $\S$  2, 1980: Ord. 338  $\S$  2 (part), 1965: Ord. 314  $\S$  13B, 1962).
- C. Accessory Dwelling Units (ADUs). ADUs are allowed provided they are accessory to a permitted single-family residence. One ADU appurtenant to a single-family residence is permitted, provided one unit, either the primary unit or ADU is either owner-occupied or leased on a long-term basis. ADUs associated with single-family residences shall comply with conditions set forth in CMC 17.20.030 and 17.14.50(D).

#### 17.48.030 Conditional uses.

Conditional uses are as follows:

- A. Municipal buildings and facilities;
- B. Places of public or private assembly;
- C. Campgrounds or recreational vehicle parks;
- D. Recreation and amusement facilities;
- E. Restaurants with cocktail lounges exclusive of taverns and bars, but not within one hundred fifty feet of any residential zone;
- F. Self-service laundry;
- G. Drive-ins;

**ORDINANCE NO. 2019-1556** 

Commented [DR3]: This sentence was separated out as a subsection below C. There did not appear to be any reason to make it a subsection so I brought it into C.

Page 19

## H. Bed and breakfast, under conditions set forth in Section 17.56.230;

I. Restaurants with brewpubs as an accessory use where the brewpub activity does not utilize more than forty-nine percent of the structure, excluding office space and shared storage. Restaurants with brewpubs are subject to conditions set forth in Section 17.56.270;

#### J. Marijuana producers;

K. Community waterfront parks, parks and playgrounds, including park buildings; and

L. Resort plans in the T-A Overlay. (Ord. 1533 § 6 (Exh. 46) (part), 2017: Ord. 1491 §§ 5, 7 (Exh. E) (part), 2015: Ord. 1474 § 8, 2014; Ord. 1120 § 1, 1998; Ord. 800 § 6, 1987; Ord. 670 § 3, 1980: Ord. 625 § 1 (part), 1979; Ord. 338 § 2 (part), 1965: Ord. 314 § 13C, 1962).

## Exhibit E

# Chapter 17.56 CONDITIONAL USES

#### 17.56.230 Bed and breakfast.

Minimum conditions are as follows:

#### A. Districts Permitted.

- 1. R-L Single-Family Residential District;
- 2. R-M Multi-Family Residential District;
- 3. DMR Downtown Mixed Residential;
- 4. DSF Downtown Single-Family;
- 5. C-HS Highway Service Commercial District;
- 6. T-A Tourist Accommodations District; and
- 7. SUD Special Use District.
- B. Minimum Conditions.
  - 1. The owner of the premises shall be the applicant for the conditional use permit.
  - 2. The bed and breakfast facilities shall be the principal residence of the owner. The owner must full time occupy the residence while the bed and breakfast is in operation. Owner occupancy is defined in Section 19.10.040.
  - 3. Bed and breakfast facilities shall meet all applicable health, fire safety and building codes and shall be operated so as to not give the appearance of being a business, and those facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to peaceful occupancy of their homes.
  - 4. Repealed by Ord. 1022.

- 5. Driveways accessing a bed and breakfast which are more than one hundred feet in length shall have an improved width of at least twelve feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.
- 6. A minimum of three parking stalls shall be provided.
- 7. The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.
- 8. Conditional use permits granted shall specify the number of rooms available for rental by the owner. (Ord. 1533 § 6 (Exh. 67) (part), 2017: Ord. 1491 § 6 (Exh. G), 2015: Ord. 1448 § 6 (Exh. G) (part), 2012: Ord. 1411 § 4 (Exh. C) (part), 2010: Ord. 1114 § 8, 1998; Ord. 1040 § 1, 1996; Ord. 1022 § 12 (part), 1995; Ord. 800 § 7, 1987).



#### Exhibit F

The following definitions shall be revised or added to the definitions section of Chapter 19.10.040 of the Chelan Municipal Code in alphabetical order with the now existing definitions.

"Accessory dwelling units" (ADU) means a subordinate dwelling unit incorporated within a single family structure to a primary structure on a zoning lot. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence or structure and may not be rented for a period of less than one month at a time.

"AADU" – attached accessory dwelling unit, sharing a common wall, common ceiling/floor, or under a common roofline.

"DADU" – a free standing accessory dwelling unit not sharing a common wall or ceiling to the primary structure.

"Boarding home/house" means a building other than a hotel where lodging and meals are provided for three or more persons for compensation. means a type of single-family dwelling in which no more than eight people or small family units unrelated to one-another and/or other boarders are housed, and each pay an individual rent for their unit. Each individual or family unit has a private bedroom but shares with other residents a common dining room, cooking, recreational room, or other facilities. Units may or may not have private baths. Meals and low level of caregiving may be provided by the owner or manager or agency of record.

"Boarding house, transient:" a dwelling meeting the above definition where rooms are rented on a short-term basis up to 30 consecutive days.

"Boarding house, non-transient:" a dwelling meeting the above definitions where rooms are rented on a long-term basis over 30 consecutive days.

"Congregate housing" means a multi-family dwelling that houses more than three people, unrelated to one another in separate, private sleeping quarters. While private units may have private baths, other facilities are communal. Individual units do not meet the requirements for a dwelling unit.

"Dormitory" means a multi-family dwelling housing type where private sleeping quarters are provided to each unit. All other facilities may be communal or private. Dormitory developments are associated with a primary employer or organization requiring seasonal, term, or semitransient accommodations for employees, students, or trainees such as a school, hospital, or seasonal employer.

"Duplex" means a residential structure with two dwelling units sharing a common wall or ceiling, located on one tax parcel or zoning lot. Duplex units are considered multi-family dwelling units for land use purposes only, whereby they are allowed in any zone that permits multi-family dwellings. When a size disparity of 40% or less exists between two units sharing a common wall or ceiling, the smaller unit shall be classified as an accessory dwelling unit.

"Group home" means a single-family dwelling financed, in whole or part, by the state department of community, trade, and economic development or by an affordable housing levy under RCW 84.52.105. A group home has multiple units occupied on a twenty-four hour basis for persons who are not related by birth or marriage and who are not dependent on each other financially. Residents of group homes typically receive financial assistance from federal or state government such as Social Security benefits for supplementary security insurance.

"Hostel" means tourist accommodations where individual beds or rooms, numbering more than 3, may be rented on a nightly basis. Hostels have shared common spaces for living, food preparation, and bathing, though private baths may be available as well. Hostels are subject to Washington State Department of Health licensing.

"Manufactured or modular mobile homes and structures" means a dwelling unit or structure which conforms to the uniform building codes adopted by the city of Chelan. any home that meets the definition in RCW 65.20.020 as follows: a structure designed and constructed to be transportable in one or more sections and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. "Manufactured home" does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

- (1) A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:
- (a) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- (b) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- (c) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

(2) "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW82.45.032(2).

"Micro-housing" or "micro-apartment" means a multi-family housing type where individual units are designed to maximize efficiency providing basic requirements of dwelling units for permanent dwellings not to exceed 500 square feet including lavatory, sleeping, bathing, and cooking. Larger communal spaces for community dining, cooking, and living are often provided as well.

"Short-term rentals" means residential units, or portions of residential dwelling units, that are rented out on a nightly basis for not more than 30 days to individual guests. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose administration and enforcement of this ordinance, the terms "overnight rental", "nightly rental", and "vacation rental" are interchangeable with short-term rentals. Subleasing or subletting of units for short term rental is prohibited if the underlying zone prohibits such use.

"Tiny house" means any dwelling, attached to a permanent foundation, that measures no more than 400 square feet excluding lofts, as per the International Residential Code. Homes between 400-750 square feet shall be inspected as a traditional home but may be located where tiny homes are allowed or as cottage homes.

"Tiny house on wheels" means a dwelling classified as a recreational or transient dwelling. Tiny homes on wheels are not allowed on parcels outside trailer plazas, manufactured home parks, or special districts designated for tiny homes.

"Triplex" means a multi-family structure with three dwelling units sharing common walls or ceiling on one tax parcel. Triplexes are considered multi-family dwellings for land use purposes only, whereby they are allowed in any zone that permits multi-family dwellings.

#### Exhibit G

#### 17.14.050 Housing type standards.

#### A. Purpose and Applicability.

- 1. Purpose. This section provides supplemental direction for the design of new residential developments consistent with the goals and policies of the Chelan downtown master plan.
- 2. Applicability. Each subsection herein provides standards that apply to a particular type of housing within the downtown planning area. The provisions herein supplement the standards set forth in Section <u>17.14.020</u>. Triplexes and townhouses are also subject to the provisions of Sections <u>17.14.030</u> and <u>17.14.040</u> unless otherwise noted.

#### B. Single-Family Design Standards.

#### 1. Intent.

- a. To enhance the character of the street;
- b. To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape;
- c. To deemphasize garages and driveways as major visual elements along the street; and
- d. To provide usable yard space for residents.

#### 2. Entries.

- a. Clear and obvious pedestrian access between the sidewalk and the building entry is required for new homes.
- b. All new houses shall provide a covered entry with a minimum dimension of four feet by six feet. Covered entries may project up to six feet into the front yard per Section 17.14.020(C)(3).

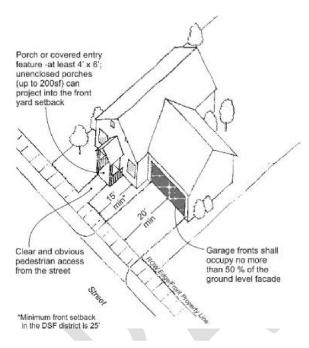


Figure 1. Single-family design requirements.

## 3. Garage Placement and Design.

- a. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley.
- b. The garage face shall occupy no more than fifty percent of the ground-level facade facing the street.
- c. Garages shall be set back at least twenty feet from the front property line.
- 4. Driveway Standards. See Section 5 of the City of Chelan Development Standards Manual for applicable standards.
- 5. Minimum Usable Open Space. All new single-family residences shall provide a contiguous open space equivalent to ten percent of the lot size. Such open space shall not be located within the front yard. The required open space shall feature a minimum dimension of fifteen feet on all sides. For

example, a six thousand square foot lot would require a contiguous open space of at least six hundred square feet, or twenty feet by thirty feet in area. For lots in the DMR district where there is more than one single-family residence on the lot, each residence shall have access to a usable open space with minimum dimensions of fifteen feet on all sides. Driveways shall not count in the calculations for usable open space.

All single-family additions shall not create or increase any nonconformity with this standard.

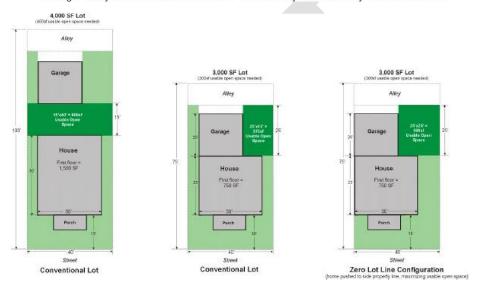


Figure 2. Open space requirements for alley-loaded lots.

- C. Duplex and Triplex Design Standards.
  - 1. Intent. Duplexes and triplexes should be designed similar in nature to single-family homes and shall feature a visible entry and windows facing the street. The visibility of driveways and garages should be minimized and sufficient private open space should be provided.
  - 2. Design Standards. Specifically, duplexes and triplexes shall comply with the single-family design standards in subsection B of this section with the following exceptions and additional provisions:
    - a. Duplexes and triplexes may include a twenty-foot-wide shared driveway or two twelve-foot

driveways on opposite ends of the lot;

- b. Separate covered entries for each unit are required (applicable to new buildings only); and
- c. Duplexes on corner lots shall place pedestrian entries on opposite streets (applicable to new buildings only).

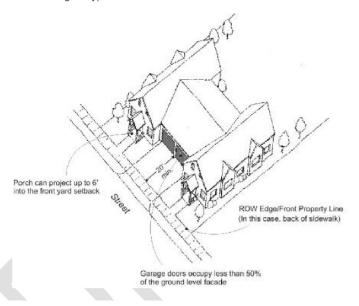


Figure 3. Diagram illustrating some duplex design standards.

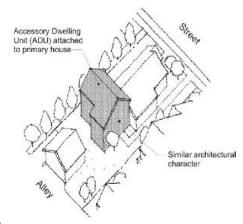
- D. Accessory Dwelling Units (ADU).
  - 1. Intent.
    - a. To provide infill housing opportunities downtown.
    - b. To provide affordable housing options downtown and all residential zones.
    - c. To provide an opportunity for rental income for downtown property owners.
  - 2. Standards for <u>All ADUs in all zones</u>. One accessory dwelling unit is permitted provided all of the following conditions are met:

- a. ADU Entrance. The ADU entrance shall be subordinate (setback) to the principal dwelling unit entrance. The ADU entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit.
  - i. A pedestrian walkway shall be provided from the street or alley to the ADU entrance; and
  - ii. A stairway to access a second-story ADU shall be internal, or, if external, it must not be visible from the street;
- b. No more than two bedrooms shall be provided in an accessory dwelling unit;
- c. The square footage of an ADU, excluding garage area, shall not exceed forty fifty percent or 1,200 square feet of the total square footage of the primary residence; except for a unit sharing a common floor-ceiling with a permitted accessory or primary structure, the planning director may permit an increased size allowance in order to efficiently use all floor area, so long as all the other standards are met;
- d. ADUs shall contain a minimum of <u>275 square feet</u> in floor area, exclusive of stairways or garage area;
- e. One additional off-street parking space shall be required for an ADU;
- f. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering;
- g. Privacy. The orientation of the ADU shall, to the maximum extent practical as determined by the director, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement. The director may require that windows, doors, and balconies be relocated to maintain the privacy of the new unit and/or adjacent residences.
- h. The accessory dwelling unit shall meet all construction and utility code standards including, but not limited to, building, fire, plumbing, and Title 13, regulating water and sewers, all as now exist or as may be hereafter amended.

- Accessory dwelling units shall be permitted at homes approved for home occupations or bed and breakfast, provided these uses are attached to the primary structure, not the ADU.
- Detached accessory dwelling units must be screened from neighboring properties with a six-foot height solid visual barrier where necessary to protect abutting property owners' privacy, as determined by the director;

#### 3. Standards for an Attached ADU.

- a. ADUs may not exceed forty percent of the floor area of a primary dwelling unit or 1,200 square feet, whichever is less. Exception: The director may allow increased size for an attached ADU in order to efficiently use all floor area on one floor or a portion of an existing house or attached accessory structure (constructed as of November 9, 2010), as long as all other standards herein are met; and
- b. Additions to Existing Homes. The ADU shall be architecturally consistent with the principal unit. Specific standards:
  - i. Exterior Materials. The exterior finish material must be the same or visually match in type, size and placement the exterior finish material of the primary dwelling;
  - ii. Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling;
  - iii. Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling;
  - iv. Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations; and
  - v. Front Facade. The front facade of the principal dwelling shall not be significantly



altered to accommodate an ADU.

Figure 4. Attached ADU example/standards.

- 4. Standards for a Detached ADU (DADU).
  - a. The footprint or total square footage of DADUs may not exceed forty fifty percent of the floor area of a primary dwelling unit or eight hundred 1,200 square feet, whichever is less;
  - b. Detached DADUs may be separate freestanding structures located to the side or rear of a primary dwelling unit or may be placed next to and/or above a garage;
  - c. DADUs are subject to the building placement standards set forth for the applicable land use district in Section 17.14.020(C)(3);
  - d. The site coverage of the DADU and accessory buildings shall not exceed forty percent of the rear yard area;
  - e. There shall be a minimum separation of fifteen feet between the existing dwellings and the DADU, except where the DADU is built on top of and/or next to an existing garage; and

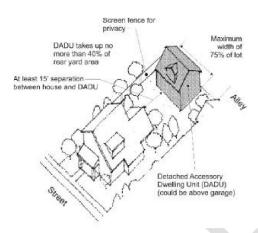


Figure 5. DADU example/standards.

f. The maximum width of the DADU shall be seventy-five percent of the width of the lot, including all projecting building elements such as bay windows and balconies.

SEPAZOL 8-08
Attachment 3 - Sepa checklist & register

## **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 <u>all parts of your proposal</u>, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## Use of checklist for nonproject proposals: [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements —that do not contribute meaningfully to the analysis of the proposal.

## A. Background [help]

1. Name of proposed project, if applicable: [help]

Chelan Comprehensive Plan and Municipal Code Update

2. Name of applicant: [help]

City of Chelan

3. Address and phone number of applicant and contact person: [help]

135 E Johnson Ave, Chelan, WA 98816

4. Date checklist prepared: [help]

50-31-5N95

Sept. 14, 2018

5. Agency requesting checklist: [help]

City of Chelan

6. Proposed timing or schedule (including phasing, if applicable): [help]

City Council hearing and consideration of adoption: November 2018

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]

The proposal is a non-project action. Future residential, commercial or infrastructure development upon implemention of these updates by public and private applicants would be subject to their SEPA review if they are above the threshold.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help]

As a non-project action, there is no environmental reports the directly relate to these proposals.

The City issued a Determinations of Non-Significance supported by SEPA Checklists for annual docket amendments or periodic updates including the period review conduction in 2017.

For the 2017 Comprehensive Plan Update, an Existing Conditions and Trends Report was prepared in March 2017. It identifies natural and built environmental conditions. An evaluation of critical area regulations, with a focus on geologic hazards, has been prepared by RH2 Engineering in May 2017. Documents associated with the proposal are available at the City's website: <a href="https://cityofchelan.us/departments/building-planning-department/planning-department/2017-comprehensive-plan/">https://cityofchelan.us/departments/building-planning-department/planning-department/2017-comprehensive-plan/</a>.

▶ 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help]

Not applicable to this non-project action. Once adopted, the changes to the land use code will become effective immediately. Any project under review is vested under the current Chelan Municipal Code.

10. List any government approvals or permits that will be needed for your proposal, if known. [help]

Planning Commission Recommendation and City Council approval.

Washington Department of Commerce 60-day review. WSDOT Aviation Consultation. Chelan Douglas Transportation Council certification of Transportation Element.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [help]

The City of Chelan is updating its Comprehensive Plan consistent with the Growth Management Act (RCW 36.70A) and sections of it's municipal land use code (Chapter 19.40 CMC).

The Comprehensive Plan Update includes amendments to the Utilities Element Goals and Policies.

The proposed text amendments to its Municipal Code to implement policies of the 2017 Comprehensive Plan include the following sections:

CMC 17.04.063 Cryptocurrency, Data mining, and High Density Electric Users

CMC 17.14.050 Housing Types (D. Accessory Dwelling Units)

CMC 19.10.04 Definitions (ADUs, Short-term rentals, Duplex, Hostels, Tiny House, Tiny House on Wheels, Triplex, Boarding home, Dormitory, Manufactured or mobile home, microhousing, Congregrate housing, Group Home).

CMC 25 Section 5. SC 140 – Private Roads

Clerical changes to CMC 17.04.065 (livestock and poultry), 17.04.075 Intrusions into setbacks (covered decks and storage of boat trailers in setbacks)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [help]

Chelan city limits and Urban Growth Area

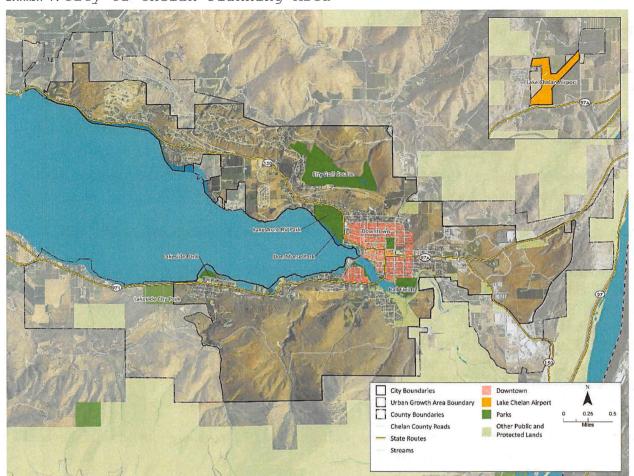


Exhibit 1. City of Chelan Planning Area

## B. ENVIRONMENTAL ELEMENTS [help]

## 1. Earth [help]

a. General description of the site: [help]

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other

Topography is flat in Downtown. Hills and slopes are found on north and south shores.

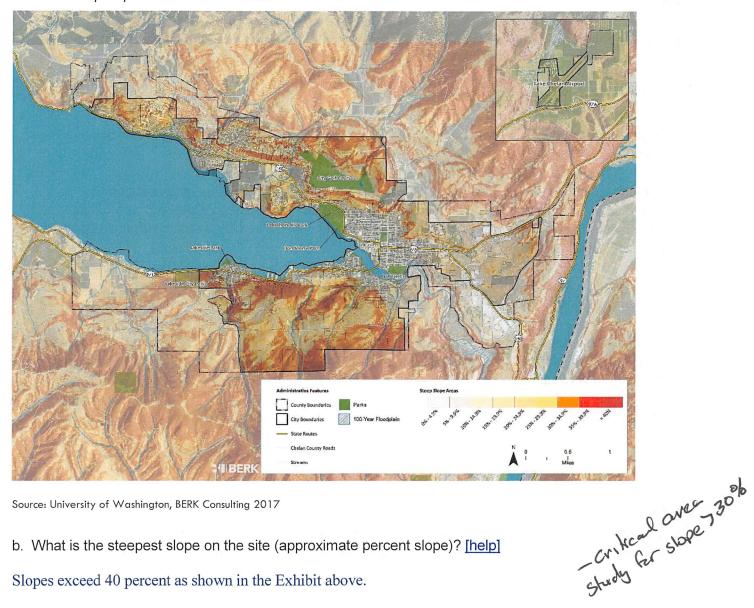


Exhibit 2. Steep Slopes in 5 Percent Increments

Source: University of Washington, BERK Consulting 2017

b. What is the steepest slope on the site (approximate percent slope)? [help]

Slopes exceed 40 percent as shown in the Exhibit above.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]

Soils vary and include series from the Entiat, Chelan, and Antilon series, primary sandy loams and gravelly loams. There are soils considered prime farmland. The city limits and Urban Growth Area (UGA) contain current agricultural activities, but none have been classified as lands of long-term commercial significance.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [help]

Geologic hazards include areas susceptible to erosion, sliding, earthquake, or other geological events.

Much of the City's steep slopes are subject to erosion.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [help]

Not applicable to this non-project action.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]

Not applicable to this non-project action. Erosion could occur during clearing or construction by development occurring in the future under the proposed plan or regulations. However, new hillside development standards and dust control regulations would apply. The City would continue to apply its stormwater standards.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [help]

Not applicable to this non-project action. Future development would be subject to zoning standards for building coverage, stormwater standards, and critical area regulations that govern clearance limits on slopes over 30 percent.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [help]

The City will apply its critical area regulations, stormwater management regulations and manual, new hillside development standards, and new dust control standards.

## 2. Air [help]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [help]

Not applicable to this non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [help]

Not applicable to this non-project action.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help]

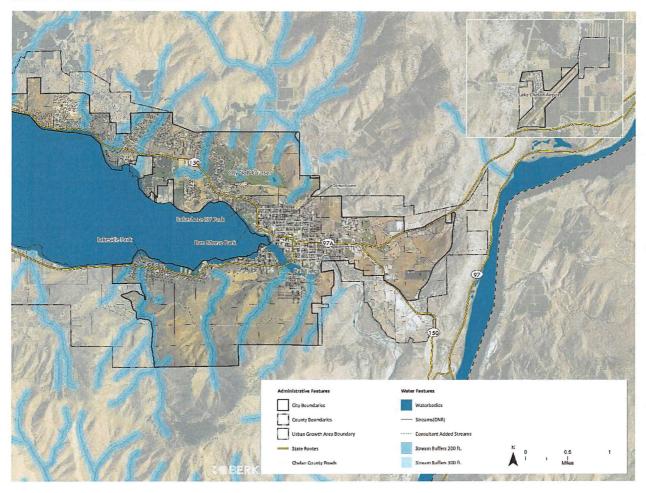
Not applicable to this non-project action.

- 3. Water [help]
- a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help]

Lake Chelan and the Chelan River are shorelines of the state. Ravines and streams are seasonal surface water bodies in the planning area.

Exhibit 3. Streams and Ravines



Sources: Washington Department of Natural Resources 2014, RH2 2017, BERK 2017

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]

Not applicable to this non-project action. Future development or activities in the shoreline jurisdictions of Lake Chelan or Chelan River would be subject to the City's Shoreline Master Program.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help]

Not applicable to this non-project action. Future development would be subject to City wetlands and

## shoreline regulations that are designed to avoid impacts to critical areas.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help]

Not applicable to this non-project action.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]

The presence of the Lake Chelan hydroelectric dam limits the flooding hazard along the main lake valley. The presence of numerous hydroelectric dams along the Columbia River also limits flooding on this system. The possibility of flash flooding is a factor for the many smaller drainages and tributaries at lower elevations in the basin especially in recently burned areas (City of Chelan, 2011). The City applies standards for building and site development to avoid impacts along the Chelan River.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]

Not applicable to this non-project action.

## b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]

Not applicable to this non-project action.

City boundaries

| City boundaries | Control |

Exhibit 4. Critical Aquifer Recharge Areas

Source: Public Wells: Department of Health (2013); Surficial Alluvial Geology: Division of Geology and Earth Resources (DGER), a part of DNR (2010); BERK Consulting 2014

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

Not applicable to this non-project action.

- c. Water runoff (including stormwater):
  - 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]

Not applicable to this non-project action. Future development of accessory dwelling units are subject to lot coverage maximums.

2) Could waste materials enter ground or surface waters? If so, generally describe. [help]

Not applicable to this non-project action.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]

Not applicable to this non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [help]

Application of City critical area regulations protecting surface and groundwater and City stormwater standards.

200				
4.	DI	ante	Thal	n
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a.	Check the	e types	of vegetation	found on	the site:	[help
u.	OHOOK CH	o typoc	or vogotation	Touris on	ti io oito.	1110

X	deciduous tree: alder, maple, aspen, other
X	evergreen tree: fir, cedar, pine, other
X	shrubs
X	grass
X	pasture
X	crop or grain
X	Orchards, vineyards or other permanent crops.
X	wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
X	water plants: water lily, eelgrass, milfoil, other
X	other types of vegetation

Fauna within the study area is found in three specific habitats: the wetlands along the Columbia River and the Lake Chelan shorelines, the canyon/steppe habitat of the steep drainage's and the urban areas of Chelan.

b. What kind and amount of vegetation will be removed or altered? [help]

Not applicable to this non-project action.

c. List threatened and endangered species known to be on or near the site. [help]

Threatened and endangered plant species are identified within Chelan County. Presence within the Chelan Planning Area would require additional consultation with Washington State Department of Natural Resources.

Exhibit 5. Washington Natural Heritage Information System: List of Known Occurrences of Rare Plants and Mosses in Washington: Compiled on April 14, 2017

Scientific Name	Common Name	State	Federal	Historical
		Status	Status	Record
Agoseris elata	tall agoseris	S		
Alectoria nigricans	witch's hair lichen	T (0) = 0		

Scientific Name	Common Name	State Status	Federal Status	Historical Record
Anemone patens var. multifida	pasqueflower	T		***************************************
Astragalus arrectus	Palouse milk-vetch	Т		
Astragalus sinuatus	Whited's milk-vetch	E		
Botrychium hesperium	western moonwort	Т		
Botrychium paradoxum	two-spiked moonwort	Т		
Carex comosa	bristly sedge	S		
Carex magellanica ssp. irrigua	poor sedge	S		
Carex proposita	Smoky Mountain sedge	Т		
Chaenactis thompsonii	Thompson's chaenactis	S		
Cicuta bulbifera	bulb-bearing water-hemlock	S		
Cryptantha spiculifera	Snake River cryptantha	S		
Cryptogramma stelleri	Steller's rockbrake	S		
Delphinium viridescens	Wenatchee larkspur	Т		
Dermatocarpon meiophyllizum	silverskin lichen	Τ		
Diplacus cusickii	Cusick's monkeyflower	T		Н
Eremothera pygmaea	dwarf evening-primrose	S		Н
Erigeron salishii	Salish fleabane	S		
Eritrichium nanum var. elongatum	pale alpine forget-me-not	S		
Erythranthe suksdorfii	Suksdorf's monkeyflower	S		
Geum rossii var. depressum	Ross' avens	Е		
Githopsis specularioides	common bluecup	S		
Hackelia cinerea	gray stickseed	S		Н
Hackelia hispida var. disjuncta	sagebrush stickseed	S		Н
Hackelia taylorii	Taylor's Stickseed	Т		
Hackelia venusta	showy stickseed	E	LE	
Iliamna longisepala	longsepal globemallow	S		
Juncus howellii	Howell's rush	Т		
Kalmia procumbens	alpine azalea	Т		Н
Nicotiana attenuata	coyote tobacco	S		Н
Ophioglossum pusillum	Adder's-tongue	Т		
Packera bolanderi var. harfordii	Harford's ragwort	S		Н
Pellaea brachyptera	Sierra cliffbrake	S		
Pellaea breweri	Brewer's cliffbrake	S		
Peltigera hydrothyria	hydrothyria lichen	S		
Petrophytum cinerascens	Chelan rockmat	E		
Potentilla glaucophylla var.	diverse-leaved cinquefoil	S		Н
perdissecta	·			
Rotala ramosior	lowland toothcup	Т		
Salix pseudomonticola	false mountain willow	S		
Salix tweedyi	Tweedy's willow	S		
Salix vestita	rock willow	S		Н

Scientific Name	Common Name	State Status	Federal Status	Historical Record
Saxifraga hyperborea	pygmy saxifrage	S		
Saxifragopsis fragarioides	strawberry saxifrage	T		
Schizachyrium scoparium var. scoparium	little bluestem	Т		
Scouleria marginata	marginate splashzone moss	T		Н
Sidalcea oregana var. calva	Wenatchee Mountain checker- mallow	E	LE	
Silene scouleri ssp. scouleri	Scouler's catchfly	S		Н
Silene seelyi	Seely's silene	S		
Spiranthes diluvialis	Ute ladies' tresses	E	LT	
Spiranthes porrifolia	western ladies' tresses	S		
Swertia perennis	swertia	S		
Tholurna dissimilis	urn lichen	S		
Trifolium thompsonii	Thompson's clover	Т		
Umbilicaria phaea var. coccinea	navel lichen	E		

Leaend:

State Status of plant species is determined by the Washington Natural Heritage Program. Factors considered include abundance, occurrence patterns, vulnerability, threats, existing protection, and taxonomic distinctness. Values include:

E = Endangered. In danger of becoming extinct or extirpated from Washington.

T = Threatened. Likely to become Endangered in Washington.

S = Sensitive. Vulnerable or declining and could become Endangered or Threatened in the state.

X = Possibly Extinct or Extirpated from Washington.

Federal Status under the U.S. Endangered Species Act (USESA) as published in the Federal Register:

LE = Listed Endangered. In danger of extinction.

LT = Listed Threatened. Likely to become endangered.

PE = Proposed Endangered.

PT = Proposed Threatened.

C = Candidate species. Sufficient information exists to support listing as Endangered or Threatened.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [help]

The City will apply its landscaping standards in Title 17 and critical areas regulations in Title 14.

e. List all noxious weeds and invasive species known to be on or near the site. [help]

### Not applicable to this non-project action.

### 5. Animals [help]

a. <u>List</u> any birds and <u>other</u> animals which have been observed on or near the site or are known to be on or near the site. [help]

mountain lion, mule deer, white tail deer, song birds, birds of prey including eagles, hawks, falcons, owls, black bear, big horned sheep, rattle snakes, small mammal and rodents

Fish and wildlife conservation areas include waters of the state, priority fish bearing rivers and lakes, and priority habitats and species including riparian vegetation and shrub-steppe lands among others. Priority fish occur in Lake Chelan and the Chelan and Columbia Rivers. Intermittent and perennial streams have also carved ravines in the city.

Mapped Areas of mule deer are noted in east Chelan and the Columbia River. Mapped areas of Dusky Grouse and mule deer touch the Butte and the wildlife refuge south of the city. The Chelan Butte Wildlife Refuge is a 12,000-acre game refuge managed by the Washington State Department of Fish and Wildlife south of the city limits and is inhabited by game birds and occasionally migrating big game animals.

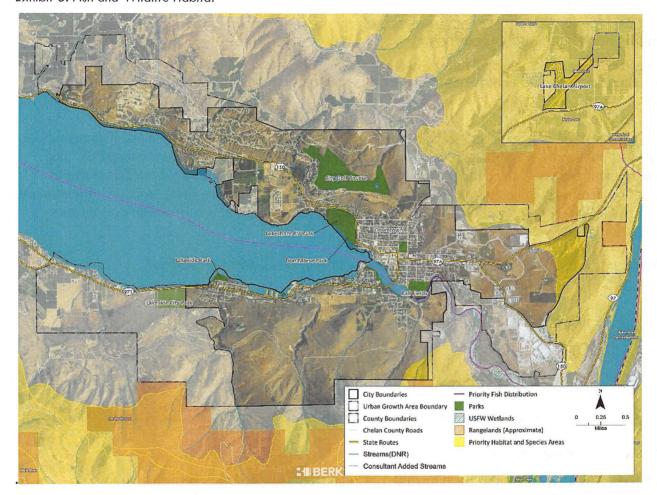


Exhibit 6. Fish and Wildlife Habitat

Source: Washington Department of Fish and Wildlife (WDFW), 2014); BERK, 2014 and 2017.

b. List any threatened and endangered species known to be on or near the site. [help]

Chelan's Shoreline Master Program Analysis Report indicates that <u>Heritage point information</u> is mapped near Lake Chelan for the western gray squirrel a state threatened species.

c. Is the site part of a migration route? If so, explain. [help]

Mule deer and elk migration areas are mapped to the east and south of the city.

d. Proposed measures to preserve or enhance wildlife, if any: [help] not applicable to this non-project action.

e. List any invasive animal species known to be on or near the site. [help]

The Washington Invasives Species Council has published plant, fish, and animal lists of invasive species. <a href="http://www.invasivespecies.wa.gov/priorities.shtml">http://www.invasivespecies.wa.gov/priorities.shtml</a>. Some of the species are identified on the noxious weeds list as well. Some species of insects affect orchards and some species are identified as extensive in Eastern Washington and may be present in the Chelan Planning Area.

### 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. <a href="[help]">[help]</a>

The Comp Plan Amendment specifically addresses concerns related to the inefficient and inequitable use of abundant public power for the purpose of private data mining and crypto-currency enterprises. The proposal establishes goals and policies that prioritize energy resources be directed for development of housing and traditional industries and small businesses that support a thriving local economy. Futhermore, the removal a CUP for construction of ADUs creates more efficient use of urban land and resources by consolidation.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [help]

As a nonproject action, there would be no impact on solar energy as a result of this proposal.

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: <a href="[help]">[help]</a>

The proposal bans the establishment of high demand electrical consumers that request over 250 kW/ft²/yr.

### 7. Environmental Health [help]

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]
  - 1) Describe any known or possible contamination at the site from present or past uses. [help]

As a nonproject action, no environmental health hazards would result as a consequence of this proposal.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [help]

The Washington State Department of Ecology maintains a database of sites of environmental interest, including; State Cleanup sites, Federal Superfund sites, Hazardous Waste Generators, Solid Waste Facilities, Underground Storage Tanks; Dairies, and Enforcement, <a href="http://www.ecy.wa.gov/fs/">http://www.ecy.wa.gov/fs/</a>. A number of facilities are identified in the Chelan Planning Area such as gas stations, commercial operations, orchards, packing operations, and others.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [help]

As a nonproject action, no toxic or hazardous chemicals would be stored, used, or produced as a consequence of this proposal. Future development may propose the use of chemicals or may locate near hazardous sites.

4) Describe special emergency services that might be required. [help]

As a nonproject action, no special emergency services are required or proposed.

5) Proposed measures to reduce or control environmental health hazards, if any: [help]

As a nonproject action, no measures to reduce or control environmental health hazards are required. b. Noise [help]

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]

N/A

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [help]

N/A

3) Proposed measures to reduce or control noise impacts, if any: [help]

Chapter 173-62 of the Washington Administrative Code, Motor Vehicle Noise Performance Standards, provides noise emission standards for new motor vehicles and noise emission standards for the operation of motor vehicles on public highways. Chapter 8.30 CMC also addresses vehicle noise.

- 8. Land and Shoreline Use [help]
- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [help]

The proposal does not change the land use designation of any area, but does apply small modifications the building of accessory dwelling units and clearly defines different housing types. The 2017 Comprehensive Plan analysis summarized land use types in the following table form Chelan County Assessor data.

Exhibit 7. Current Land Uses per County Assessor Parcel Records

2016 Planning Area

Current Uses: Assessor Compilation	City	UGA	Grand Total	Percent
Agriculture	92.0	326.8	418.8	7%
Other Resource Production	83.3	94.9	178.2	3%
Commercial	204.8	80.3	285.1	5%
Industrial	4.7	10.0	14.7	0.2%
Civic/Institutional	8.9	-	8.9	0.1%
Public	157.6	14.8	172.4	3%
Utilities	5.9	46.6	52.5	1%
Recreation	159.1	-	159.1	3%
Residential, Detached	1,565.6	1,362.1	2,927.6	48%
Residential, Multifamily	15.5	-	15.5	0.3%
Residential, Other	109.1	81.0	190.0	3%
Residential, Vacation and Cabin	81.0	5.0	86.0	1%
Undeveloped	1,221.9	333.8	1,555.7	26%
Unknown	4.2	_	4.2	0.1%
Grand Total	3,713.6	2,355.2	6,068.8	100%

2017 Planning Area

<b>Current Uses Assessor Compilation</b>	City	UGA	<b>Grand Total</b>	Percent
Agriculture	92.0	245.5	337.5	7%
Other Resource Production	83.3	39.4	122.8	2%
Commercial	188.5	75.0	263.6	5%
Industrial	8.9	15.2	24.2	0%
Civic/Institutional	10.0	-	10.0	0%
Public	157.6	14.8	172.4	3%
Utilities	5.9	46.6	52.5	1%
Recreation	169.5	-	169.5	3%
Residential, Detached	1,565.6	846.3	2,411.8	47%
Residential, Multifamily	14.4	-	14.4	0%
Residential, Other	110.2	81.0	191.1	4%
Residential, Vacation and Cabin	81.0	5.0	86.0	2%
Undeveloped	1,221.9	96.1	1,318.0	25%
Grand Total	3,708.9	1,464.9	5,173.8	

Source: Chelan County Assessor, 2017; BERK, 2017.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [help]

Land in the City is used for orchards and vineyards. Per the tables above, about 7% of the planning area

could convert from agriculture to urban uses. However, the City has right-to-farm protections and special land use designations where agriculture and ag-tourism uses can promote protection of lands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [help]

See "b" above.

c. Describe any structures on the site. [help]

N/A.

d. Will any structures be demolished? If so, what? [help]

N/A

e. What is the current zoning classification of the site? [help]

The 2017 Comprehensive Plan reduced the UGA and established the following land use zones and approximate acreage.

Exhibit 8. Draft Future Land Use and Zoning 2017: Parcel Acreage

FLU/Zone Name	FLU/Zone	City	UGA	<b>Grand Total</b>	Percent
Airport	Α	62	62	123	2%
Highway Service Commercial	C-HS	44		44	1%
Waterfront Commercial	C-W	25	0	25	0%
Downtown Mixed Use	DMR	164		164	3%
Downtown Mixed Residential	DMU	34		34	1%
Downtown Single Family	DP	13		13	0%
Downtown Public	DSF	11		11	0%
Public Lands and Facilities	PLF	297	99	396	8%
Single Family Residential	R-L	1,042	512	1,554	30%
Multi-Family Residential	R-M	209	2	211	4%
Special Use District	SUD	227	480	707	14%
Tourist Accommodation	T-A	1,163	91	1,254	24%
Tourist Mixed Use	TMU	6		6	0%
Warehouse and Industrial	W-I	414	218	632	12%
	<b>Grand Total</b>	3,709	1,465	5,174	100%

Source: City of Chelan, Chelan County Assessor, BERK 2017

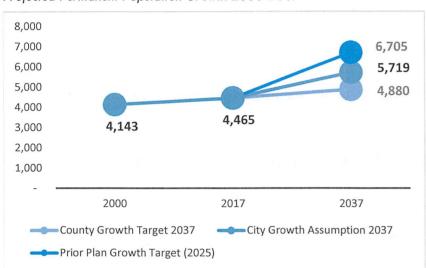
- f. What is the current comprehensive plan designation of the site? [help] see "e"
- g. If applicable, what is the current shoreline master program designation of the site? [help]

### N/A non-project action

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]

Critical areas include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas (RCW 36.70A.030). Within the City limits and UGA, each of the critical areas is found.

i. Approximately how many people would reside or work in the completed project? [help] Current population estimates are 4,465. Seasonal equivalents can double or triple populations during peak summer months.



Projected Permanent Population Growth 2000-2037

Source: (Office of Financial Management B, 2016)

j. Approximately how many people would the completed project displace? [help]

The intent of text amendments to Accessory Dwelling Units is to increase the number of affordable dwellings for seasonal and year round occupants.

k. Proposed measures to avoid or reduce displacement impacts, if any: [help]

### Not Applicable.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]

The project implements the recent updates to the Comprehensive Plan as well as addresses pressing urgency regarding increased requests for data mining operations.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [help]

The proposed private road standards amendments help minimize build out of agricultural lands for agtourism developments by allowing minimal road widths.

- 9. Housing [help]
- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <a href="[help]">[help]</a>

The nonproject proposal will not provide any housing units however the removal of a CUP for ADUs should encourage more development of small infill development.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [help]

N/A

c. Proposed measures to reduce or control housing impacts, if any: [help]

The proposals are designed to improve the creation of affordable units

- 10. Aesthetics [help]
- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [help]

N/A

b. What views in the immediate vicinity would be altered or obstructed? [help]

N/A

b. Proposed measures to reduce or control aesthetic impacts, if any: [help]

The private road provision will minimize the visual impact of roads.

The ADUs are using uniform design standards so that they will blend in with existing housing stock.

- 11. Light and Glare [help]
- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? <a href="[help]">[help]</a>

As a nonproject action, N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [help]
- c. What existing off-site sources of light or glare may affect your proposal? [help]
- d. Proposed measures to reduce or control light and glare impacts, if any: [help]
- 12. Recreation [help]
- a. What designated and informal recreational opportunities are in the immediate vicinity? [help]
  The City of Chelan has over 195 acres of land it uses for parks, open space, and golf courses. Non-city providers add an additional 504 acres of parks, open spaces, and land for recreational uses.

b. Would the proposed project displace any existing recreational uses? If so, describe. [help]

### No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: <a href="[help]">[help]</a>

### N/A

- 13. Historic and cultural preservation [help]
- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [help]

The following sites are registered with DAHP.

- St. Andrews Episcopal Church, built in 1899 (National Register, Washington Heritage Register)
- Ruby Theater, built in 1913 (National Register, Washington Heritage Register)
- Lord Richard Hinton House, a Queen Anne Victorian house built in 1902 (National Register, Washington Heritage Register),
- Lake Chelan Hydroelectric Power Plant, built in 1926 (National Register, Washington Heritage Register)
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]

DAHP has identified through a predictive model that the Lake Chelan area may have a high risk of containing sensitive archaeological resources, and cultural resource surveys are highly advised prior to development and construction.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

The nonproject proposal does not include a specific site for assessment of impacts to cultural and historic resources.

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. <a href="[help]">[help]</a>

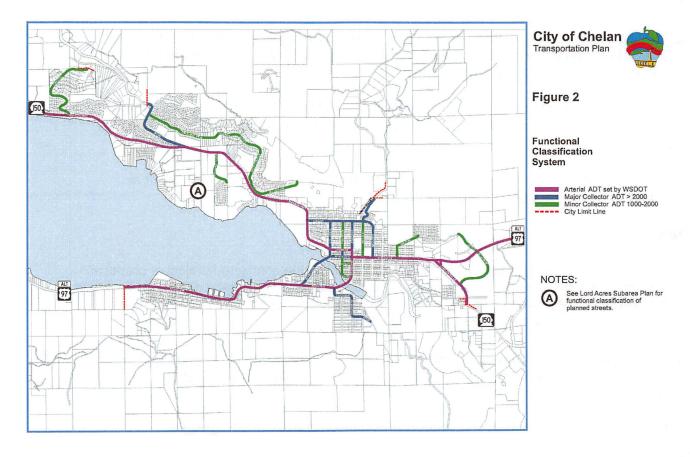
The city intends to adopt an IDP - Inadvertant Discovery Plan in Title 15 an 19 by the end of 2018, adopting by reference the Department of Ecology Form ECY-07-560 for projects that fall below current SEPA limits. In addition the following state laws apply:

- Chapter 27.44 RCW provides for the protection of Native American graves and burial grounds, encourages voluntary reporting of said sites when discovered, and mandates a penalty for disturbance or desecration of such sites.
- Chapter 27.53 RCW governs the protection and preservation of archaeological sites and resources and establishes the Department of Archaeology and Historic Preservation (DAHP) as the administering agency for these regulations.
- Section 36.70A.020 RCW includes a goal to identify and encourage "the preservation of lands, sites, and structures that have historical, cultural, and archaeological significance." This goal must be considered and incorporated into comprehensive plans and the implementing development regulations.
- Chapter 68.60 RCW provides for the protection and preservation of abandoned and historic cemeteries and graves.

### 14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]

Alt US 97 is the primary access to Chelan from US 97. City public streets are classified in the map below. Exhibit 9. Functional Class System



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? <a href="[help]">[help]</a>

Link Transit is the service name of the Chelan-Douglas Public Transportation Benefit Area (PTBA) which serves 17 communities year-round. The PTBA includes all of Chelan County and one-third of Douglas County. Columbia Station, an intermodal transportation center, is located in downtown Wenatchee, and houses Link Transit, Northwest Trailways and Amtrak. In 2008, Link Transit operated eight urban fixed routes, four rural deviated routes, three urban trolley routes, three regional commuter routes, and one seasonal route. Dial-a-Ride and LinkPlus paratransit services are provided to residents of Chelan and Douglas Counties.

Link Transit operates six Park and Ride lots, including a 29-space lot at SR 97A and Center Street (Lakeside) in the City of Chelan. Chelan is served by two fixed bus routes.

- Route 20 runs between Columbia Station and Manson, and travels through the communities of Orondo, Chelan Falls, and Chelan on SR 2 and SR 150. Five routes are operated Monday-Friday.
- Route 21 runs between Columbia Station and Chelan along SR 97A, through Entiat providing service Monday-Saturday with 30-minute headways during the PM commute.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [help]

### N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]

CMC 15 Development Standards for Private Roads provides the City Engineer decision-making authority to require pedestrian accommodations on private roads in the SUD and establish development requirements.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]

### N/A

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help]

N/A

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help] N/A

h. Proposed measures to reduce or control transportation impacts, if any: [help]

### N/A

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.

N/A

b. Proposed measures to reduce or control direct impacts on public services, if any. <a href="[help]">[help]</a>
N/A

### 16. Utilities [help]

a. Circle utilities currently available at the site: [help]
 electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
 other \_\_\_\_\_

All the above utilities exist throughout the city. The proposed amendments to the Utitlies Element address the recent rise in demand for high density users of electrical resources.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

The Comprehensive Plan Utilities and Capital Facilities Elements, and detailed utility system plans, discuss current and future services and needs for the county.

# 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	Sarah Schrock
Position and Agency/Organization _	City of Chelan
Date Submitted:Sept. 19, 20	18

# 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 changes to title 17, 19, and 25, listed below, will not result in the release or increase of emissions, discharge of water or hazardous substances. *Current stormwater regulations would apply.* See comments per amdenments:

CMC 17.04.063 Cryptocurrency, Data mining, and High Density Electric Users

This provisions limits or bans data mining activities that could result in high usage of electricity; the release or discharge of heat, e-waste, though generally these operations do not generate noise, will be reduced by this proposal.

CMC 17.14.050 Housing Types (D. Accessory Dwelling Units)

Changes to ADU requirements have no effect on pollution concerns. Lot coverage maximums are upheld. ADUs in single-family zones no longer require and CUP, but housing standards, lot maximums and parking requirements are controlled through Title 17.

CMC 19.10.04 Definitions (ADUs, Short-term rentals, Duplex, Hostels, Tiny House, Tiny House on Wheels, Triplex, Boarding home, Dormitory, Manufactured or mobile home, microhousing, Congregrate housing, Group Home).

Changes to ADU requirements have no effect on pollution concerns.

CMC 25 Section 5. SC 140 – Private Roads

Private road standards will still be in compliance with Eastern Washington Storm Manual as well as local standards.

Clerical changes to CMC 17.04.065 (livestock and poultry), 17.04.075 Intrusions into setbacks (covered decks and storage of boat trailers in setbacks) will not have substantive effect.

Proposed measures to avoid or reduce such increases are:

These amendments do not alter or change current protections.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed amendments do not substantially alter the development implications of future development allowed by the Comprehensive Plan. Development regulations in the Critical Areas, Hillside Development, and Shoreline Master program are directed to minimize negative effect to plants and animals within the city and UGA. Land clearing for construction of housing and infrastructure, stormwater runoff, and human disturbance associated with future growth are balanced by land use designations whereby density standards and clustering requirements in undeveloped areas preserve open space benefits. Site-specific clearing will occur for residential growth.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The following codes and plans address loss of plant, animal and aquatic life:

Critical Areas Ordinance CMC 14.10, Shoreline Master Program, Aquatic Plants Transportation CMC 8.32.196, Hillside Protections CMC 17.59.

3. How would the proposal be likely to deplete energy or natural resources?

No, it protects energy distribution. The proposed Comprehensive Plan Update updates goals and policies related to efficient and equitable distribution of electrical uses and the accompanying code amendment (CMC 17.04.063 Cryptocurrency, Data mining, and High Density Electric Users)

Proposed measures to protect or conserve energy and natural resources are:

The crypto-currentcy code limits or bans activities that could result in high usage of electricity; the release or discharge of heat, e-waste, though generally these operations do not generate noise, will be reduced by this proposal.

New private road standards are aimed to support the intended protection of agricultural uses in the Special Use District.

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 private road standards may pass through steep slopes. This proposal requires the City Engineer to utilize existing standards for hillside protections while allowing for reductions in the the profile/width of road for private roads, whereby lessening the impact of road cuts.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Implementation of the City's Parks, Recreation, and Open Space Plan, Capital Facilities Plan, and critical areas regulations, as they currently exist, will continue to apply to new developments.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

*N/A.* Non of the proposed amendments alter the use or regulations in the Shorelines.

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

N/A. These changes will not have any effect on transportation demand or networks. By allowing private road development in the special use district, demands on public facilities will not be increased. However, the proposal requires a dedication of a public ROW to ensure future demands can be met.

Proposed measures to reduce or respond to such demand(s) are:

By allowing private road development in the Special Use District, demands on public facilities will not be increased. However, the proposal requires a dedication of a public ROW to ensure future demands can be met

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed Comprehensive Plan Update and implementing amdendments to development regulations would not conflict with any local, state or federal regulations or requirements to protect the environment.

# State Environmental Policy Act (SEPA) Register

SEPA and NEPA documents posted by the Department of Ecology since 2000

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# 201805318 - Chelan City of

# Lead Agency Chelan City of File # SEPA2018-09 Contact Sarah Schrock (509) 682-8017 sschrock@cityofchelan.us (mailto:sschrock@cityofchelan.us) County CHELAN Region Central

### SEPA#

201805318

**Document Type** 

**DNS** 

**Date Issued** 

09/25/2018

**Comments Due** 

10/09/2018

**Proposal Name** 

### **Proposal Description**

Comprehensive Plan Amendments to the Utilities Element of the plan and Municipal Code updates for the following section:

CMC 17.04.063 Cryptocurrency, Data mining, and High Density Electric Users

CMC 17.14.050 Housing Types (D. Accessory Dwelling Units)

CMC 19.10.04 Definitions (ADUs, Short-term rentals, Duplex, Hostels, Tiny House, Tiny House on Wheels, Triplex, Boarding home, Dormitory, Manufactured or mobile home, micro-housing, Congregate housing, Group Home).

CMC 25 Section 5. SC 140 - Private Roads

Clerical changes to CMC 17.04.065 (livestock and poultry), 17.04.075 Intrusions into setbacks (covered decks and storage of boat trailers in setbacks)

### **Related Record**

### Location

Address: Chelan, WA

Other identifying information: City wide

### **Applicant**

Chelan City

### **Applicant Contact**

### **Documents**

- DNS Comp Plan and Text Amendment 2081-09.pdf (Document/DocumentOpenHandler.ashx? DocumentId=45467) (37 KB)
- SEPA2018-09 Comp Plan & Text Amendments Environmental Checklist- Planning Review.pdf (Document/DocumentOpenHandler.ashx?DocumentId=45763) (15 MB)

Please email SEPA Help (mailto:sepahelp@ecy.wa.gov) with any updates, problems, or questions about SEPA Register.

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# **Community Development Department**

135 E Johnson Ave. P.O. Box 1669 Chelan, Washington, 98816

(509)682-8017 Fax (509)682-8050

# **DETERMINATION OF NONSIGNIFICANCE**

SEPA2018-09- Comprehensive Plan Amendments and Municipal Code Update

**Description of proposal:** The City of Chelan received a SEPA checklist for Comprehensive Plan Amendments to the Utilities Element of the plan and Municipal Code updates for the following section:

CMC 17.04.063 Cryptocurrency, Data mining, and High Density Electric Users

CMC 17.14.050 Housing Types (D. Accessory Dwelling Units)

CMC 19.10.04 Definitions (ADUs, Short-term rentals, Duplex, Hostels, Tiny House, Tiny House on Wheels, Triplex, Boarding home, Dormitory, Manufactured or mobile home, microhousing, Congregate housing, Group Home).

CMC 25 Section 5. SC 140 – Private Roads

Clerical changes to CMC 17.04.065 (livestock and poultry), 17.04.075 Intrusions into setbacks (covered decks and storage of boat trailers in setbacks)

Applicant: Sarah Schrock, Project Planner, City of Chelan, 135 E Johnson Street, Chelan. Wa.

**Location of proposal:** City wide **Lead Agency:** City of Chelan

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). This 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 on request.

other information on the with the lead agency. This in	normation is available to the public on request.
☐ There is no comment period for this DNS.	
☐ This DNS is issued after using the optional DNS proces period on the DNS.	s in WAC 197-11-355. There is no further comment
$\square$ This DNS is issued under WAC 197-11-340(2); the le from the date below. $N/A$	ad agency will not act on this proposal for 14 days
Responsible official: Craig Gildroy	
Position/title: Community Development Director	<b>Phone:</b> (509) 682-8020
Address: 135 E. Johnson Avenue/PO Box 1669, Chelan,	WA 98816
Date: Sept. 25, 2018 Signature:	Crais Cildry



### STATE OF WASHINGTON

### DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000 www.commerce.wa.gov

September 12, 2018

Sarah Schrock Project Planner City of Chelan 135 East Johnson Avenue Post Office Box 1669 Chelan, Washington 98816

Dear Ms. Schrock:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Chelan - Proposed minor text amendments to development regulations Title 17, regarding livestock, boat/trailer parking, and accessory dwelling units.

Minor text amendments to Title 19, Definitions.

Minor text amendments to Title 25. Private Road Standards in the Special Use District. These materials were received on September 11, 2018 and processed with the material ID # 25255. Expedited Review is requested under RCW 36.70A.106(3)(b).

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce. 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 Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team Growth Management Services



# STATE OF WASHINGTON DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000 www.commerce.wa.gov

10/02/2023

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-6484--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Ms. Walter:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under RCW 36.70A.106. We received your submittal with the following description.

Adopting Ordinance NO. 2019-1566 of the Chelan Municipal Code concerning accessory dwelling units and general zoning regulations.

We received your submittal on 10/02/2023 and processed it with the Submittal ID 2023-S-6484. Please keep this letter as documentation that you have met this procedural requirement. Your 60 -day notice period ends on 12/01/2023.

You requested expedited review under RCW 36.70A.106(3)(b). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

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



# **CHELAN COUNTY**

# **DEPARTMENT OF COMMUNITY DEVELOPMENT**316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801

TELEPHONE: (509) 667-6225 FAX: (509)667-6475

### STATE ENVIRONMENTAL POLICY ACT

### DETERMINATION OF NONSIGNIFICANCE ADOPTION of EXISTING ENVIRONMENTAL DOCUMENT PURSUIANT TO WAC 197-11-635

October 16, 2023

Lead agency: Chelan County Community Development Department

**Agency Contact:** Deanna Walter 316 Washington Street, Suite 301

Wenatchee, WA 98801 Phone: (509) 667-6225

**Agency File Number: ZTA 2023-426** 

**Description:** The City of Chelan has submitted Ordinance 2019-1556 which includes an update to their Comprehensive Plan as well as corresponding amendments to its land use code which impact the Urban Growth Area (UGA). In the 1997 interlocal planning MOU, Chelan County establishes an interlocal process with the City of Chelan regarding land use regulations within its Urban Growth Area (UGA). Chelan County agrees to adopt the city's "land use regulations, development standards and land use designations for the city's UGA." The County also agrees to implement the city's "street, street lighting, curb, gutter and sidewalk design standards" within the UGA. The ordinances included in this proposal covers Accessory Dwelling Units and General Zoning Regulations.

### Exhibit 1: Ordinance 2019-1566, City of Chelan UGA.

CMC 17.04.063	Cryptocurrency, Data mining, and High-Density Electric Users
CMC 17.14.050	Housing Types (D. Accessory Dwelling Units)
CMC 19.10.04	Definitions (ADU. Short-term rentals, Duplex, Hostels, Tiny House, Tiny House on Wheels, Triplex, Boarding home, Dormitory, Manufactured or mobile home, microhousing, Congregate housing, Group Home.
CMC 25 Section 5. SC 140	Private Roads
CMC 17.04.065	Livestock and poultry
CMC 17.04.075	Intrusions into setbacks (covered decks and storage of boat trailers in setbacks)

Location: This proposal is for property within some or all of the Chelan UGA.

John Ajax jajax@cityofchelan.us, City of Chelan Planning Director, PO Box 1669 135 E. Johnson Chelan, WA 98816

Title of document being adopted: Ordinance No. 2019-1566

**Date adopted document was prepared:** Filed with City Clerk December 12, 2018 and effective as of February 15, 2019

Description of document (or portion thereof) being adopted: See table in Exhibit 1

The adopted document is available at: https://www.co.chelan.wa.us/community-development

We have identified and adopted this document as being appropriate for this proposal after independent review. The document[s] meet[s] our environmental review needs for the current proposal and will accompany the proposal to the decision maker[s].

<u>Chelan County</u> has determined that this proposal will 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). This determination is based on the following findings and conclusions:

This proposal updates the land use code and identifies compatible uses for various zones in the UGA, including residential, industrial, and commercial areas. The City developed the proposals to be compatible and not conflict with other parts of the Comprehensive Plan and Municipal Code. The County's adoption of City proposals helps ensure consistency and compatibility with plans per interlocal agreements. As future development occurs they will be subject to adopted codes addressing critical areas regulations, shoreline master program, and standards for height and bulk, landscaping, parking and transportation, and project-level SEPA review where applicable.

Responsible Official: Deanna Walter / SEPA Responsible Officer

Address: Chelan County Department of Community Development

316 Washington Street, Suite 301

Wenatchee, WA 98801

**Phone:** (509)667-6225

Signature Olduka Willer Date 10/11/23

Appeal process: Appeals of this SEPA determination may be made pursuant to Chelan County Code 14.12.030.