

Chapter 1.61 HEARING EXAMINER

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1.61.010 Purpose.

The purpose of this chapter is to separate the land use regulatory function from the land use planning process; ensure procedural due process and appearance of fairness in regulatory land use hearings; and provide an efficient and effective land use regulatory system that integrates the public hearing and decision-making processes for land use matters. (Res. 2000-201 (part), 12/26/00).

1.61.020 Definitions.

- (1) Appellant means a person, organization, association or similar group who files a complete and timely appeal of a decision that provides for an appeal.
- (2) Applicant means a person who is the owner of the subject property or the authorized agent of the owner of the subject property and who has filed a complete application for a land use or development permit.
- (3) Comprehensive Plan means any map, plan, or policy statement pertaining to the development of land use, street and roads, or public utilities and facilities, for all or any portion of unincorporated Chelan County which has been officially adopted by the Board of County Commissioners.
- (4) County means Chelan County, Washington.
- (5) County Commissioners means the Board of County Commissioners.

- (6) Department means the Chelan County Community Development Department.
- (7) Ex Parte Communication means written oral communication with the hearing examiner about a pending matter that is not included in the public record and made outside of the public hearing.
- (8) Hearing means the proceeding at which testimony and exhibits are presented to the hearing examiner.
- (9) Hearing Examiner means the Chelan County Hearing Examiner or hearing examiner pro tempore.
- (10) Interested Person means any individual, partnership, corporation, association, or public or private organization that may be affected by the proceedings before the hearing examiner and shall include any party in a contested case.
- (11) Motion means a written request made to the hearing examiner for an order or other ruling.
- (12) Open Record Hearing means a hearing that creates the record through testimony and the submission of evidence. An open record may be held on an appeal if no open record hearing has previously been held on the application or interpretation being appealed.
- (13) Party of Record means:
 - a. A person who testifies at hearing
 - b. The applicant
 - c. Anyone who submits written testimony specific to a matter pending before the hearing examiner.
- (14) Record means the oral and written testimony and exhibits submitted at a hearing. The tape recording of the proceedings shall be included as part of the record.

1.61.0230 Office established.

Pursuant to Chapter 36.70 RCW and Chapter 58.17 RCW, the office of Chelan County hearing examiner, hereinafter referred to as “examiner,” is created by the board of Chelan County commissioners. The examiner shall interpret, apply and implement land use regulations and policies as provided in this chapter or other resolutions. Unless the context requires otherwise, the term “examiner” as used herein shall include deputy examiners and examiners pro tempore. (Res. 2000-201 (part), 12/26/00).

1.61.0340 Appointment and term.

The examiner shall be appointed by the board of commissioners and shall serve at the pleasure of the board. The examiner will be a contracted position on the terms and conditions deemed appropriate by the parties. Said contract may provide for examiner(s) pro tempore to serve in the absence or disqualification of the examiner under such terms and conditions deemed appropriate by the commission. (Res. 2000-201 (part), 12/26/00).

1.61.0450 Qualifications.

The examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have training and experience as will qualify the examiner to conduct administrative and quasi-judicial hearings utilizing land use regulatory codes. The examiner must have expertise and experience in law, architecture, land use planning, environmental sciences or some combination of education and experience in these disciplines that demonstrates the ability to carry out the duties of the office. The person appointed to this position shall demonstrate experience in drafting decisions which incorporate findings of fact and conclusions of law. The examiner shall hold no other elective or appointive office or position with the county. (Res. 2000-201 (part), 12/26/00).

1.61.0560 Standards of conduct.

The examiner shall avoid all appearances of impropriety in official conduct and shall ensure the appearance of fairness and actual fairness in official matters through adherence to the following provisions:

(1) No person shall have ex parte (one-sided) contact with the examiner regarding any pending matter, and no person, including government officials and employees shall attempt to interfere with or influence the examiner outside of a public hearing. This section shall not prohibit county officials or employees from providing information to the examiner upon request when such request and the information provided is made part of the record of the hearing.

(2) No examiner shall conduct or participate in any hearing or decision in which the examiner has a direct or indirect business, pecuniary or other interest or which the examiner has had substantial prehearing contacts with a party to the matter.

(3) The examiner shall not participate in any hearing or render any decision involving any family member, in-law, partner or any business in which the examiner is now serving or has served within the previous two years.

(4) The examiner shall not participate in any way that would violate any rule of law. (Res. 2000-201 (part), 12/26/00).

1.61.0670 Rules.

The examiner shall have the power to prescribe rules governing the conduct of hearings and other procedural matters relating to the duties of the office, subject to confirmation by the board of county commissioners. Said rules shall provide, without limitation, that all testimony be audio taped, under oath, and subject to penalties for perjury. Said rules may also provide for cross-examination of witnesses. These rules apply to call official activities and acts that the hearing examiner has authority to conduct as prescribed by law. (Res. 2000-201 (part), 12/26/00).

1.61.0780 Time computation.

In computing any period of time prescribed by this chapter, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a county legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or county legal holiday. (Res. 2000-201 (part), 12/26/00).

1.61.0890 Duties and powers.

(1) Hearings will be presided over by the examiner.

(2) The examiner shall not be subject to removal or disqualification from presiding over and rendering a decision in any matter before him/her by means of an "Affidavit of Prejudice" or similar legal mechanism. Disqualification of the examiner shall be controlled by the Appearance of Fairness Doctrine and RCW 42.36 et. seq.

(3) The examiner shall have all of the authority and duties as granted in state statutes, the Chelan County Code and other county rules and resolutions. Included in these duties are the following: to conduct fair and impartial hearings; to take all necessary action to avoid delay in the disposition of cases; and to maintain order. The examiner shall have all powers necessary to that end, including but not limited to the following:

- (A) To administer oaths and affirmations;
- (B) To issue subpoenas;
- (C) To rule upon offers of proof and receive evidence;
- (D) To regulate the course of hearings and the conduct of the parties and their agents;
- (E) To question any party presenting testimony at the hearing;

- (F) To hold conferences for settlement, simplification of the issues, or any other proper purpose.
- (G) To require briefs on legal issues;
- (H) To consider and rule upon all procedural and other motions appropriate to the proceedings; and,
- (I) To make and file decisions.

(4) In performance of adjudicative functions, the hearing examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of Chelan County.

~~(4)~~(5) The examiner shall review all applications for conformance with the Chelan County comprehensive plan, all relevant development regulations, and all other substantive and procedural regulations that apply to the type of application being considered. The examiner shall receive and examine available information, conduct public hearings and appeals and enter findings of fact and conclusions of law based upon the facts in the record of decision. Decisions shall be rendered within ~~ten~~fourteen calendar days of the conclusion of the hearing or appeal. The examiner is vested with the authority to hear and decide, but not be limited to, the following:

~~(1A)~~ (3A) Applications for conditional use permits, variances, and planned development district applications under Title 11 of the Chelan County Code;

~~(2B)~~ (4B) Applications for shoreline substantial development permits, time extensions to shoreline permits, revisions, shoreline variances, and shoreline conditional use permits under the shoreline master program;

~~(3C)~~ (5C) Applications for plat alterations, preliminary and final major subdivisions, and plat vacations under Title 12 of the Chelan County Code;

~~(4D)~~ (6D) Applications for zoning resolution text and map amendments not of general applicability (site-specific) under Title 14 and Section 11.96.010 of the Chelan County Code;

~~(5E)~~ (7E) Appeals of administrative decisions and interpretations relating to the subdivision resolution, the SEPA resolution, the zoning resolution and the shoreline master program;

~~(6F)~~ (8F) Appeals of the administrative denials of short plats, certificates of exemption, binding site plans, and boundary line adjustments under Title 12 of the Chelan County Code.

The examiner shall not review matters requiring policy decisions by the board of county commissioners, including, but not limited to, comprehensive plan text and map amendments, zoning resolution map and text amendments of general applicability, and shoreline master program amendments. Policy determinations for these and similar issues are solely within the purview of the board of county commissioners following the recommendation of the planning commission. Nothing in this section is intended to restrain the examiner from offering commentary to the board of commissioners on potential legislative alterations to the development regulations to improve their condition or operation. (Res. 2012-99 (Att. B, C), 10/30/12; Res. 2008-129, 8/26/08; Res. 2000-201 (part), 12/26/00).

1.61.100 Rights and Responsibilities of the Parties.

- (1) Rights of the County. The county staff shall have the right to prepare and present evidence and testimony, object, cross examination, make motions, offer arguments and recommendations and all other rights essential to a fair hearing.

- (2) Rights of the Applicant. Every applicant or appellant shall have the right of notice, cross examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing. The applicant shall also have the right to timely access to the county staff report.

The examiner may impose limitations on the number of witnesses and the length and nature of their testimony. Cross examination is permitted by the county and applicant as necessary for a full disclosure of the facts, but the examiner shall control the amount and style or cross examination.

- (3) Rights of Parties of Record. Every party of record shall have the right to present evidence and testimony at hearings. The right of parties of record to cross examine, object, submit motions and arguments shall be at the discretion of the examiner. The examiner may impose limitations on the number of witnesses heard and the nature and length of their testimony.
- (4) Responsibilities of County Staff. The county staff shall provide a staff report to the examiner, applicant, and have them available for public inspection at least seven (7) calendar days prior to the hearing, provide public notice of hearings, present materials at hearing, provide the examiner with the documents relevant to each case, and provide revised plans if received within fifteen (15) calendar days of the hearing.
- (5) Responsibilities of Applicant. Whenever possible, prior to the hearing the applicant shall provide the examiner with materials that supports the application and be prepared to answer questions by the examiner.
- (6) Responsibilities of Parties of Record and all Others. Parties, witnesses and observers shall conduct themselves with civility and deal courteously with all involved in the proceedings. Failure to do so will result in removal from the hearing.

1.61.110 Presence of Legal Council.

- (1) Although representation by legal council is not required, all parties participating in the hearings may be represented by legal council or their choice.
- (2) The examiner shall have the authority to see legal memorandum of legal issues raised at the hearing from the Chelan County Prosecutor's Office.
- (3) All forms of legal authority including briefs and other legal memoranda upon which a party of record will be relying or presenting at the hearing must be submitted to the examiner at least one (1) week in advance of the scheduled hearing date. The above-mentioned documents shall be available to the public in advance of the scheduled hearing date.

1.61.120 Prehearing Conferences.

- (1) The examiner may hold a conference prior to the hearing to structure the scope of the hearing. The examiner may use the conference for:
 - (A) Identification, clarification and simplification of the issues;
 - (B) Disclosures of witnesses to be called and exhibits to be presented;
 - (C) Arguments of motions based on law;
 - (D) Other matters deemed by the examiner to be appropriate for the orderly and expeditious disposition of the proceedings.
- (2) Prehearing conferences may be held by conference call or video conference.
- (3) The examiner shall give reasonable notice to the parties of any prehearing conference. Notice may be written or oral.
- (4) All parties shall be represented at the prehearing conference unless they waive the right to be present or represented.
- (5) Following the prehearing conference, the hearing examiner may issue an order reciting the actions taken or ruling on motions made at the conference.

- (6) At the hearing, the examiner shall develop for the record the time, purpose, and result of the hearing conference.

1.61.090130 Examiner's decision—Effect.

~~(a) The examiner's decision is a final decision and dispositive for all the types of applications that properly come before the examiner. There is no administrative appeal to any county official or body including the board of commissioners to the examiner's decision. Examiner decisions are appealable to superior court.~~

~~(b) Within ten working days of the conclusion of a hearing, unless the applicant agrees to a longer period in writing, the examiner shall render a written decision supported by findings of fact and conclusions of law based on the record. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the comprehensive plan and development regulations. (Res. 2000-201 (part), 12/26/00).~~

1.61.1030 Applications.

Applications for permits or approvals subject to review by the examiner shall be presented to the Chelan County department of building, fire safety and planning on forms provided by the department. The department shall accept such applications and issue a notice of complete application only if all applicable filing requirements as defined by Title 14 of the Chelan County Code and the requirements of the governing resolution are met. The department shall be responsible for administrative processes including, but not limited to, assigning a file number, making referrals, setting a hearing date and ensuring that public notice requirements are met in accordance with the controlling resolution or statute. (Res. 2000-201 (part), 12/26/00).

1.61.1140 Master applications.

A proposed development or project which requires more than one of the permits or approvals listed in Section 1.61.080 of this chapter may submit a master application to the department on forms furnished by the department containing the necessary information to process each permit or approval. The multiple fees for all permits or approvals must be paid. The master application shall thereafter be processed by the examiner subject to the longest time limitations applicable to any of the required permits or approvals. The examiner may consider two or more applications relating to a single project concurrently and the findings, conclusions and decision on each application may be contained in one written decision. (Res. 2000-201 (part), 12/26/00).

1.61.1250 Report of department.

When an application has been declared complete and scheduled for public hearing, the department of ~~building, fire safety and planning~~community development, hereafter referred to as the "department," shall prepare a written report summarizing the factors involved along with the findings and recommendations of the department. Where no specific provision for a report from the department is required by statute or resolution, the department may coordinate and assemble review comments from other county or city departments, other governmental agencies and franchised utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department's findings and recommendations. At least seven calendar days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof mailed to the applicant and be made available for public inspection. (Res. 2009-149, 12/28/09; Res. 2000-201 (part), 12/26/00).

1.61.160 Withdrawal of Application or Petition

- (1) Withdrawal Prior to Service of Notice. If a withdrawal request is made in writing to the department before the official notice of the public hearing is given, the withdrawal shall be automatically allowed.

- (2) Withdrawal Requested After Service of Notice. If a withdrawal request is made after official notice of the public hearing is given, the hearing examiner has full and sole discretion in allowing or disallowing the request.

1.61.1370 Public hearing.

(a1) Before rendering a decision on any matter properly before the examiner, one open record public hearing shall be held. Notice of the time and place of the public hearing shall be given as required by law.

(2) When necessary, the examiner may inspect a project site prior or subsequent to the hearing. The site visit is not part of the record. Failure to conduct a site visit will not render the examiner decision void. The examiner shall have the sole discretion to determine if a site visit is warranted or necessary.

(b3) The examiner shall have the authority to administer oaths and preserve order at hearings and prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of the office. All testimony before the examiner shall be given under oath or affirmation to tell the truth. The examiner shall administer the oath or affirmation. Such rules shall provide for recording of the proceedings and for compliance with county, state and federal laws which may govern such proceedings. Rules of procedure for the scheduling and conduct of public hearings shall be subject to confirmation by the board of commissioners. (Res. 2000-201 (part), 12/26/00). At a minimum the following applies to the record of hearing:

- (A) Hearings shall be electronically recorded and such recordings shall be part of the official record. Copies of the electronic recordings or transcripts thereof, shall be made available to the public upon request. The party making the request shall pay the reasonable cost of such copying or transcribing. No written minutes of the hearing will be produced.
 - (B) Copies of any written materials and other exhibits in the record may be obtained by any interested person who shall be responsible for paying the cost of reproducing such material.
- (4) The record of hearing conducted by the examiner shall include, but not be limited to, the following materials:
- (A) The application or petition;
 - (B) The departmental staff report;
 - (C) All evidence received which shall include oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
 - (D) All statement of all matters officially noticed;
 - (E) A decision containing the findings of fact and conclusions of law upon which the decision was based;
 - (F) Recordings made on electronic equipment; and,
 - (G) An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as amended (if applicable).
- (5) A open record hearing will usually include, but not limited to the following elements: a brief introductory statement by the examiner on the hearing procedures that will be followed; a report by the county staff that shall include an introduction of the official file, reference to any visual aids, and a summary of the recommendations by the department; testimony by the applicant or petitioner and cross examination of these witnesses; testimony in support; testimony of opposing parties; opportunity for cross examination and rebuttal; and opportunity for questions by the examiner.
- (6) Continuances of Hearings.

- (A) Hearing Examiner.
If the examiner determines that more information is necessary in order to make a decision, or the examiner is unable to hear all the public comments or study exhibits, the hearing may be continued to a date and time certain. If continued to a specific time and place, no further notice of that continued hearing need be given.
- (B) At the Request of a Party.
Any party of record may request a continuance of a hearing. The request, if made prior to the hearing, must be in writing and state reasonable grounds for a continuance. If the request is made orally at the hearing, it must be based on reasonable grounds. The examiner shall have sole discretion to grant or deny the request for continuance.
- (7) Evidence.
- (A) Burden of Proof. The applicant or appellant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and Chelan County.
- (B) Admissibility. The hearing generally will not be conducted according to strict legal rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The rules of privilege shall be effective to the extent recognized by law. The examiner shall have discretion on the admissibility of all evidence.
- (C) Copies. Documentary evidence may be received in the form of copies of excerpts if the original document is not readily available. Upon request, parties shall be given the opportunity to compare a copy to the original. It is advisable to provide an extra copy of all document to the examiner as a working copy.
- (D) Judicial Notice. The examiner may take judicial notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within his or her specialized knowledge. The examiner shall not take notice of disputed adjudicated facts that are at the center of a particular proceeding.
- (E) Late Filing of Documents. The examiner may request a document to be filed after the close of public testimony. Only those documents referred to at the public hearing may be submitted and only when specifically requested by the examiner.
- (F) Additional evidence may be submitted upon a Request for Reconsideration based on new evidence not available at the time of the public hearing. If additional evidence is submitted with a Request for Reconsideration, it will be considered only upon a showing of significant relevance to the case and good cause for the delay in its submission. All parties of record will be given notice, either in writing or orally, of the consideration of such evidence and file rebuttal arguments. The examiner shall have sole discretion in the admissibility of additional evidence.
- (G) Record of Evidence. All parties will be allowed the opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.

Reconsideration by examiner.

~~Any aggrieved party or agency that believes the decision of the examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgement, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the examiner hearing, may make a written request for reconsideration by the examiner within ten days of the filing of the written record of decision. The request for reconsideration shall be submitted to the department on forms provided by the department. Reconsideration of the decision is wholly within the discretion of the examiner. If the examiner chooses to reconsider, the examiner may take such further action deemed proper and may render a revised decision within five days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160. (Res. 2000-201-part), 12/26/00).~~

1.61.1480 Examiner's decision—Effect.

(a~~1~~) The examiner's decision is a final decision and dispositive for all the types of applications that properly come before the examiner. There is no administrative appeal to any county official or body including the board of commissioners to the examiner's decision. Examiner decisions are appealable to superior court.

(b~~2~~) Within ~~ten~~fourteen (14) calendar days of the conclusion of a hearing, unless the applicant agrees to a longer period in writing, the examiner shall render a written decision supported by findings of fact and conclusions of law based on the record. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the comprehensive plan and development regulations. The decision will also contain the procedure available to file an appeal of the examiner's decision. (Res. 2000-201 (part), 12/26/00).

(3) The decision shall include a statement of:

- (A) The nature and background of the proceeding.
- (B) The findings of fact shall be based exclusively on the evidence presented at the hearing and those matters officially noticed. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact.
- (C) Whenever practicable, the conclusions shall be referenced to specific provisions of the law and regulations or both, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision with reference to carrying out and conforming to the comprehensive plan and the county's development regulations.
- (D) The appropriate ruling, order or relief. The decision shall be based upon a consideration of the whole record and be supported by reliable, probative, and substantial evidence. All decisions may include conditions of approval.

1.61.190 Notice of examiner's decision.

(a~~1~~) Unless different procedures are prescribed by the resolution or statute governing the application, the department shall ~~mail~~provide copies of the examiner's decision ~~by certified mail~~ to the applicant and ~~by regular first-class mail~~ to other parties of record not later than ~~three working~~five (5) calendar days following the filing of a written decision by the examiner.

(b~~2~~) For the purposes of this chapter, "parties of record" means the applicant and all other persons who have either submitted written comment on any action or proposed action, or who have appeared at a public hearing or public meeting and specifically requested notice of the decision by signing a register provided for such purpose at the hearing or meeting. (Res. 2000-201 (part), 12/26/00).

1.61.200 Reopening the hearing by examiner.

If within five (5) calendar days after the public hearing any party of record petitions the examiner for a reopening of the hearing, the examiner shall have discretion to reopen the hearing to consider new testimony or new evidence that was unavailable at the time of the hearing. All parties of record who participated at the hearing shall be given notice, either written or oral, of the consideration of such additional evidence and be granted an opportunity to review such evidence and file rebuttal arguments.

1.61.150210 Reconsideration by examiner.

Any aggrieved party or agency that believes the decision of the examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgement, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the examiner hearing, may make a written request for reconsideration by the examiner within ~~ten~~fourteen (14) calendar days of the filing of the

written record of decision. The request for reconsideration shall be submitted to the department on forms provided by the department. The request shall specifically set forth alleged errors of fact, law or procedure as set forth in the examiner's decision. The request may also include direction to a specific issue that was inadvertently omitted from the decision. Reconsideration of the decision is wholly within the discretion of the examiner. If the examiner chooses to reconsider, the examiner may take such further action deemed proper and may render a revised decision within five seven (7) calendar days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160. If the examiner approves the request for reconsideration, the original decision shall be corrected or amended, or, the examiner can set the matter for a continued public hearing to correct the record or any deficiencies of the original decision. If a continued hearing is required, the notice of said hearing shall be sent to all parties of record not less than ten (10) calendar days before the hearing. (Res. 2000-201 (part), 12/26/00).

~~Public hearing.~~

~~(a) Before rendering a decision on any matter properly before the examiner, one open record public hearing shall be held. Notice of the time and place of the public hearing shall be given as required by law.~~

~~(b) The examiner shall have the authority to administer oaths and preserve order at hearings and prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of the office. Such rules shall provide for recording of the proceedings and for compliance with county, state and federal laws which may govern such proceedings. Rules of procedure for the scheduling and conduct of public hearings shall be subject to confirmation by the board of commissioners. (Res. 2000-201 (part), 12/26/00).~~

1.61.160220 Appeal of examiner's decision.

The actions taken by the examiner shall be final and conclusive unless a land use petition is timely filed in superior court pursuant to RCW 36.70C.040 (Section 705 of Chapter 347, Laws of 1995); provided, that no person having actual prior notice of the proceedings of the examiner shall have standing to challenge the examiner's decision unless such person was a party of record at the examiner's hearing. (Res. 2000-201 (part), 12/26/00).

1.61.170230 Annual report.

At least once each year, the examiner shall report in writing to the board of county commissioners for the purpose of reviewing the administration of the county's land use policies and regulating resolutions. The report shall include a summary of the number and type of decisions rendered since the prior report. (Res. 2000-201 (part), 12/26/00).

1.61.180240 Conflicting resolutions.

The resolution codified in this chapter shall take precedence over any and all resolutions in conflict herewith. (Res. 2000-201 (part), 12/26/00).

11.04.020 District use chart.

The use chart located on the following pages is made a part of this section. The following acronyms apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

- P(1) — Permitted use subject to development standards in Chapters [11.88](#), [11.93](#) and/or within the applicable zoning district standards
- P(2) — Permitted use subject to development standards in Chapters [11.88](#), [11.93](#) and/or within the applicable zoning district standards, except for on parcels that are twelve thousand square feet or smaller, the use/structure must be located on a lot with an existing single-family residence
- A — Accessory use
- A(1) — Accessory use subject to development standards in Chapters [11.88](#), [11.93](#) and/or within the applicable zoning district standards
- CUP — Conditional use permit

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Accessory Dwelling Unit	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Agricultural Structure	P	P	P	P	A	A	P	A	P	P	P	P	P
Accessory Use/Structure ¹	A	A	A	A	A	A	A	A	A	A	A	A	A
Storage Container	A	A	A	A	A	A	A	A	A	A	A	A	A
Electric Vehicle Charging Station	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Fences	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Isolated Cottage Industries		CUP	CUP	CUP						CUP			
Isolated Nonresidential Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP			CUP	CUP	CUP	
Isolated Small-Scale Businesses	CUP	CUP	CUP	CUP	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>			CUP			

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Recreation/Tourist Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP	
Planned Developments		P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
Sign, Agricultural Identification								P			P		
Signs	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)
Land Division	P	P	P	P	P	P	P	P	P	P	P	P	P
Cluster Subdivision	P(1)	P(1)	P(1)	P(1)							P(1)	P(1)	
Indoor Cannabis Production/Processing	CUP	CUP							CUP		CUP		
Outdoor Cannabis Production/Processing	CUP												
RESIDENTIAL USES													
Adult Family Home	P	P	P	P	P	P	P	A(1)					
Bed and Breakfast (3 or Fewer Rooms)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Caretaker Dwelling Unit								A(1)	A(1)				
Detached Garages	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)			P(2)	P(2)	
Dock/Pier, Single or Joint Use	P	P	P	P	P	P					P	P	
Dock/Pier, Community for Residential Development	A	A	A	A	A	A	A	A	A	A	A	A	
Dock/Pier, Community for Commercial Development	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Duplex Dwellings							P						
Guest Inn—4 to 6 Rooms	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP		
Home-Based Business	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
Home Occupations	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
<u>Accessory Residential Kitchens</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>	<u>A(1)</u>				<u>A(1)</u>	<u>A(1)</u>	
In-Home Daycare	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)			A(1)	A(1)	
Mobile/Manufactured Home Park			CUP	CUP	CUP	CUP	CUP						

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Multifamily Dwellings							P(1)						
Private Greenhouses	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)				P(2)	P(2)	
Dependent Care Housing	P(1)	P(1)	P(1)	P(1)	CUP	CUP	CUP				CUP	CUP	
Residential Dwelling Units, Above Ground Floor								P(1)					
Single-Family Dwelling	P	P	P	P	P	P	P				P	P	
AGRICULTURAL USES													
Accessory Uses That Support, Promote or Sustain Agricultural Operations	CUP	CUP	CUP	CUP							CUP		
Agricultural Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Worker Housing, Off-Site									CUP		CUP		
Agricultural Worker Housing, Permanent	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	CUP	CUP		P(1)	P(1)	P(1)
Agricultural Worker Housing, Temporary	A	A	A	A	A	A	A			A	A		
Agriculturally Related Industry	CUP	CUP	CUP	CUP					P		P		
Agricultural Processing Facility	P	P	P						P	P	P	P	P
Agricultural Support Services	CUP	CUP	CUP					P	P	CUP	CUP	P	CUP
Animal Boarding Facilities	CUP	CUP	CUP	CUP			CUP	CUP			P(1)	CUP	
Kennels	CUP	CUP	CUP	CUP			CUP	CUP			CUP	CUP	
Farm Visit, U-Pick and Rent-A- Tree Operation	P	P	P	P	P	P	P	P	P		P	P	
Forest Product Processing Facility	CUP	CUP	CUP						P	CUP	CUP	CUP	CUP
Forest Support Services	CUP	CUP	CUP					P	P	CUP	CUP	P	CUP
Forestry Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Roadside Stands, Nursery, Greater Than 1,500 sq. ft. Retail	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP	CUP	

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Roadside Stands, Nursery, Equal to or Less Than 1,500 sq. ft. Retail	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	A(1)		P	A(1)	
Winery, Equal to or Less Than 1,500 sq. ft. of Retail Space	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	A(1)		P		
Winery, Greater Than 1,500 sq. ft. of Retail Space	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP	CUP	
Value Added Agricultural Operations	P(1)	P(1)	P(1)								P		
COMMERCIAL USES													
Farm/Agricultural Supply Sales								P	P		CUP		
Agricultural Theme Market											CUP		
Airport/Heliport, Single Engine Crop Dusting/Spraying									CUP		CUP	CUP	
Commercial Amusement/Recreational Facilities								P					
Commercial Facilities Serving Water-Related Recreational/Tourist Activities, Less Than 5,000 sq. ft.					CUP	CUP		CUP					
Commercial Feedlot											CUP		
Lodging Facilities								P					
Neighborhood-Oriented Commercial								P					
Restaurants and Drinking Establishments								P					
Restaurants and Drinking Establishments, Less Than 5,000 sq. ft.								P					
Water-Dependent Use/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P
INDUSTRIAL USES													

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Public Facilities, Low Impact	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	
Recreational Vehicle Park/Campground, Major								P(1)		CUP			
Recreational Vehicle Park/Campground, Minor		CUP	CUP		CUP	CUP		P(1)		CUP		CUP	
Schools, Business, Technical or Trade (L)													
Utilities, High Impact	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utilities, Low Impact	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming Pools	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)			P(1)	P(1)	
SERVICE USES													
Daycare Center/Preschool	P	CUP	CUP	CUP	CUP	CUP	CUP	P(1)	A				
Food and Beverage Services	A	A	A	A	A	A	A						
Personal and Professional Services								P					
Personal and Professional Services, Less Than 5,000 sq. ft.								P					
Places of Public and Private Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P		CUP	CUP	CUP	
Service Station, Including Automotive Repair								P	P				

¹ May be placed prior to establishment of primary structure.

(Res. 2019-54 (Att. A) (part), 4/23/19; Res. 2017-119 (Att. B) (part), 12/19/17; Res. 2017-75 § 3 (Exh. D) (part), 8/22/17; Res. 2016-14 (Att. A) (part), 2/16/16; Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2010-68 (part), 7/13/10; Res. 2010-11, 1/12/10; Res. 2009-24, 2/23/09; Res. 2008-141 (part), 10/7/08; Res. 2007-164, 12/11/07; Res. 2007-98 (part), 7/2/07).

11.22.050 Planned developments.

(1) Purpose. The purpose of a planned development (PD) is to allow a more flexible use of land by encouraging the careful application of design components to achieve the creation of innovative developments and a more efficient utilization of public facilities in exchange for public benefits that achieve comprehensive plan goals. The PD can also be used to protect wetlands, floodways, and other critical areas from development. A PD is one that permits diversity in the location and type of structures; promotes the efficient use of land by facilitating a more economical arrangement of buildings, streets, utilities, and land use; preserves as much as possible critical areas and natural landscape features; and reduces development impacts to adjacent neighborhoods through design and mitigation.

Designation of a property as a PD binds the property owners and their successors to the development described and depicted in the application, binding site plan or preliminary subdivision and approval of the PD, and applicable development standards of this chapter. The PD designation confirms the PD is consistent with the purpose of and provisions for planned developments and the comprehensive plan and provides the standards by which subsequent development permits, including building permits, shall be reviewed. All provisions, conditions and requirements of the binding site plan or subdivision shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel or tract recreated pursuant to the binding site plan or subdivision that depicts the PD.

A PD shall be reviewed according to the provisions for a ~~Type III~~ quasi-judicial review of application process as described in Title 14, Development Permit Procedures and Administration, except as otherwise provided for in this section. There are established by this chapter provisions governing a residential planned development. This is a PD devoted solely to full-time residential uses. It is intended to promote more economical and efficient use of the land, while providing a harmonious variety of housing choices within a single residential project.

(2) Where Permitted and Permitted Uses. Planned developments, when approved in accordance with all applicable codes and this chapter, are established as a development permit and, as such, do not reclassify the existing zoning district designation.

(A) A PD may be permitted within the R-1, R-2 and R-3 zoning districts, provided it is connected to a public water system and a public wastewater system, and further provided the minimum project size is at least two acres.

(B) A PD may include the following uses, which uses shall be specifically identified and approved in the development permit application review and approval process:

(i) A combination of residential dwellings such as single-family attached, single-family detached, modular homes, duplexes, townhouses, apartments, condominiums and other similar dwellings in accordance with this section and chapter;

(ii) Manufactured homes are also allowed to be part of a PD; however, the placement of manufactured homes shall be specifically included and approved as part of the initial development permit application;

(iii) Accessory uses specifically designed to meet the needs of the residents of the PD such as garages, carports, personal and recreational vehicle storage, and other similar noncommercial uses;

(iv) Developed recreational facilities for the residents of the PD, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, parks, undeveloped recreational areas, open space areas and other similar type uses.

(3) Protection of Critical Areas and Provision of On-Site Recreation. The following standards apply to a PD:

(A) Where critical areas exist on a site subject to a PD, the benefits derived from the PD, including without limitation decreased lot sizes and increased densities as provided for in this chapter, shall be achieved in exchange for a dedicated protection of another portion of the property containing critical areas; provided, that:

(i) The critical areas to be protected are dedicated in perpetuity, and all future rights for development are traded in exchange for the rights to derive benefits from the PD process; and

(ii) Land protected by trading development density shall be protected from encroachment and maintained free of fill material, building and construction wastes, yard wastes and other debris that would diminish the property characteristics that the dedication was intended to protect. Any use of the critical areas on site shall be governed by Chelan County's critical areas protection resolutions;

(iii) Where critical areas within the development account for less than six hundred square feet per residential unit nor less than ten percent of the overall area of the development, additional on-site recreation and open space areas, as provided for in this chapter and in the applicable zoning code provisions, shall be provided in addition to retention of critical areas in an amount that achieves a total area in critical areas/open space/on-site recreation use of at least six hundred square feet per residential unit and in no case less than ten percent of the overall area of the development.

(B) Where no critical areas exist on a site subject to a PD, the benefits derived from the PD, including without limitation decreased lot sizes and increased densities as provided for in this chapter, shall be achieved in part in exchange for a dedication of another portion of the property as on-site recreation and/or open space areas, consistent with the provisions of this chapter and other applicable sections of the zoning code, that total at least six hundred square feet per residential unit and in no case less than ten percent of the overall development; provided, that:

(i) The on-site recreation may include a combination of natural areas, parks, landscaped areas, trails, and/or visual corridors; provided, that a minimum of ten thousand square feet or sixty percent of the on-site recreation, whichever is greater, is contiguous usable space;

(ii) The on-site recreation area/areas are dedicated in perpetuity, and all future rights for development are traded in exchange for the rights to derive benefits from the PD process.

(C) The overall area within a PD that is required to be devoted to critical areas, on-site recreation and/or open space shall be no less than six hundred square feet per residential unit, and in no case shall there be less than ten percent of the overall development devoted to these areas.

(4) Dedicated Lands. All lands dedicated for the preservation of critical areas, creation of open space or establishment of recreation facilities shall be protected in perpetuity by recorded covenants, approved by the county, which restrict uses to only those specified in the approved planned development site plan and provide for the maintenance of the open space in a manner which assures its continuing use for the intended purpose. Dedicated open space may be held in common interest by all of the property owners within the planned development, a public or private entity empowered to manage and maintain the open space, or by other appropriate legal measures that ensure the continuation of the open space/recreation areas. Perpetual restrictions shall be placed upon the title to all dedicated areas and on the face of the binding site plan or subdivision indicating that:

(A) All land uses and development shall be limited to the stated purpose of the dedicated property.

(B) If the open space/recreation areas are held in common interest by all of the property owners within the planned development, then all property owners within the planned development shall be mutually responsible for the maintenance and preservation of the dedicated lands.

(C) Dedicated lands shall be maintained free of any liens or encumbrances that could interfere with the stated purpose of the dedication.

(5) Density Credits. The following standards apply to a PD that chooses to include density credits:

(A) The maximum number of dwelling units permitted per acre for a PD shall be determined by utilizing the maximum density levels established by the comprehensive plan and zoning regulations, and the amount of public benefit or design elements provided within the proposed development. In all districts, exceeding the maximum density permitted with the district requires the connection to a domestic water and sanitary sewer system.

(B) Additional density shall be achieved by incorporating at least eleven of the following ~~twenty~~ nineteen (19) items into the design and construction of the PD:

(i) ~~The applicant shall use a design/development team that at a minimum consists of a licensed architect, engineer, surveyor, landscape architect, and licensed building contractor throughout the design and construction phases of the project.~~

(ii) On-site stormwater drainage retention facilities are integrated as usable recreation areas with a slope ratio not exceeding four units horizontal to one unit vertical.

(iii) Where a PD is proposed along an existing transit route, transit stops and the construction of shelters, pull-outs and other associated transit systems shall be integrated into the project.

(~~ijiv~~) Trees shall be planted adjacent and along the entire frontage of public and/or private street rights-of-way on the property being developed. Planting areas shall be a minimum of five feet in width and consist of a minimum of sixty percent deciduous trees at least four feet high at the time of planting on no greater than fifty-foot centers. Suitable groundcover including grasses and/or low growing shrubs to complement the trees shall also be provided.

(iv) At least two covered parking spaces shall be provided for all residential dwelling units. Covered parking shall be in the form of carports, garages, or above/below ground parking garages.

(vi) Where a proposed PD consists of more than ten units, parking areas that are kept small (ten to twenty spaces) in any group and interspersed with landscaping, recreation features, structures, or other similar uses when applicable.

(vii) Provisions shall be made for bicycle, pedestrian and/or natural trail systems, the majority of which are physically and functionally separated from motor vehicle traffic by a distance of ten feet or more. Separation may include such features as landscaping, undulated berms, natural features, topography, open space, or other similar features. Trail systems shall encompass the entire development and may be incorporated as part of the on-site recreation required. The trail system components shall connect all public open space, drainage ways, shoreline areas and other trail systems designated in the comprehensive plan. Trail system components shall be a minimum of eight feet wide and improved with an all-weather surface suitable for the type of trail proposed.

(viii) Natural drainage ways shall be incorporated into the overall PD design and left undisturbed or enhanced with native ornamental landscaping when applicable.

(~~viii~~) Significant existing natural features shall be maintained on the site, including without limitation topography, significant tree stands, or particularly noteworthy trees, view points or other important natural features found on site.

(ix) The PD project shall contain a facility for a child daycare center, pursuant to applicable provisions of the Chelan County Code. The daycare facility shall be of sufficient size to serve the projected demand for such services generated by the project.

(xi) Significant recreational areas shall be developed and equipped with such features as swimming pools, tennis courts, commercial grade playground equipment, community center or other significant features.

(xii) At least twenty-five percent of the site shall incorporate duplex, multifamily or zero-lot-line dwelling units.

(xiii) Where a proposed PD incorporates the development of duplexes, multifamily units and zero-lot-line lots, disperse their locations throughout the PD.

(~~xiii~~) Solar, geothermal or other similar design and access considerations shall be incorporated into the design of the development and proposed buildings. This may include

using topographical features of the development, siting criteria for structures, or specific structure design requirements.

(xiv) Accessory features such as benches, trash cans, tables and other similar attributes to enhance the character of the open space or other features shall be provided in the development. This shall not include primary garbage disposal areas. Trash cans shall be forty-two inches high with a total radius of two feet or less. The accessory features shall be consistent to the overall design of the development.

(xvi) An area shall be designated and developed with each PD phase for the storage of personal property and/or recreation vehicle storage. Storage areas shall be sized and designed for the sole use by the residents within the development. Common features shall include perimeter landscaping to screen them from view, accessibility to all residents, minimal lighting, and similar architectural features as the proposed residential structures. Signs for advertising purposes are prohibited.

(xvii) Pedestrian access, open space and recreation amenities shall be provided and incorporated into the PD, when the PD adjoins cultural/historical sites or water bodies such as ponds, creeks, rivers or lakes, when applicable.

(xviii) Landscape decks/garden porches shall be incorporated into the design of all duplexes and multifamily units.

(~~xviii~~) The PD shall be a secured, gated community.

(xix) The PD shall incorporate some other unique site and/or design features not listed above that distinguish it from a typical subdivision. The hearing examiner shall determine the applicability and appropriateness of this provision during the review process for each PD.

(C) In no case shall the overall density of the PD exceed the following:

(i) Eight units per acre in R-1;

(ii) Sixteen units per acre in R-2; and

(iii) Twenty-four units per acre in R-3.

(6) Binding Site Plan or Subdivision. A binding site plan is required for all multifamily PDs or a subdivision is required for single-family lot PDs and shall include the following:

(A) All information required on a preliminary plat;

(B) The location of all existing and proposed structures;

(C) A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation landscaping structures to be installed, the type of vegetation by common name and/or taxonomic designation, the installed and mature height of all vegetation;

(D) Schematic plans and elevations of proposed building(s) with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

(E) Utility, street and stormwater drainage plans that indicate the facilities, lay-out and capacities necessary to serve the entire PD;

(F) Inscriptions or attachments setting forth the limitations and conditions of development; and

(G) The provisions ensuring the development will be in conformance with the site plan.

(7) Project Description. A detailed written explanation of the design concept, planned features of the development, measures taken to meet the purposes of the PD, the proposed sequence and timing of development, the provisions of ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the PD shall be submitted with the binding site plan.

(8) Association Documents. An outline of the documents of the homeowner's association, by-laws, deeds, covenants and agreements governing ownership, maintenance and operation of the PD shall be submitted with the binding site plan or subdivision if applicable to the development. PD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The city/county may require that it be a third party beneficiary of certain covenants with the right but not obligation to enforce the same.

(9) Phased Developments. If a PD is planned to be completed in more than two years from the date of site plan approval, the PD will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. ~~The binding site plan for each phase shall be approved separately through a Type II administrative review of applications process pursuant to Title 14, Development Permit Procedures and Administration, and shall be consistent with all provisions of the PD.~~

(10) Required Certificates and Approval. Recording a binding site plan or subdivision shall include all of the certificates required for a final plat.

(11) Recording Required. A binding site plan or subdivision of a PD and accompanying documents, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval, shall be recorded by the Chelan County auditor.

(12) Minor Adjustments and Amendments. Minor adjustments to a PD may be authorized by the county through a full administrative review process as identified in Title 14. Minor adjustments are characterized by those which may affect the precise dimensions, siting of buildings or lot lines, but which do not affect the type, character and/or architectural style of buildings; increase the total amount of building floor area; increase the number of dwelling units, decrease or substantially change the location of required buffers; decrease the amount of required parking; decrease on-site recreation or

open space areas and/or increase the number of points of ingress and egress to the site. Modifications that exceed the conditions of a PD approval are inconsistent with the intent of the approved PD, and/or are not minor adjustments, as determined by the county, shall be considered a request for a major revision to the PD and shall be reviewed and approved in accordance with the procedures of this section as a new application. The new application shall be reviewed according to the applicable regulations in effect at the time of new application.

(13) Expiration. A binding site plan for a PD expires unless final approval is obtained from the citycounty and recorded by the Chelan County auditor within ~~two~~five years from the date of approval. For a PD that includes phases as permitted by this chapter, the PD shall expire unless final approval is obtained for the first phase from the citycounty, with subsequent phases falling within the identified phasing schedule, and recorded by the Chelan County auditor within ~~two~~five years from the date of approval. Minor revisions to the phasing schedule of a PD that has not expired pursuant to this section may be granted by the citycounty, provided the schedule is consistent with the overall timeframe anticipated for build-out of the PD. An applicant who files a written request with the city county within thirty days before the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the final binding site plan or final subdivision.

(14) On-Site Recreation and/or Open Space Design Requirements. The following are minimum design requirements for PDs that incorporate on-site recreation and/or open space:

(A) The following areas shall not be calculated in whole or in part as a portion of the required on-site recreation or open space:

(i) Public and/or private streets, parking lots and storm drainage, except as specifically enumerated within this chapter;

(ii) Slopes in excess of forty-five percent, geologically hazardous areas, water bodies, and/or submerged or marshy/boggy land, except that these areas may be used to satisfy a maximum of fifty percent of the open space requirements.

(B) The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population, and topography of the area. On-site recreation areas shall be centrally located in the development and designed for active and passive recreation unless otherwise approved by the hearing examiner.

(C) A minimum of sixty percent of the on-site recreation or open space shall be concentrated and/or connected into large usable areas. The remaining forty percent may be designated as buffers, entry features, recreation facilities, streetscape, and/or used for a natural trail system or other uses approved by the hearing examiner.

(D) On-site recreation areas or open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PD; provided, that the building coverage of such buildings or structures shall not exceed fifty percent of the minimum on-site recreation or open space required.

(E) At least sixty percent of the on-site recreation area or open space required shall be reasonably level to accommodate active recreational uses with slopes no greater than fifteen percent. On-site recreation areas shall be located on a public or private street with a minimum frontage width of thirty feet if the site is two acres or less in size and sixty feet of frontage width for areas larger than two acres.

(15) Minimum Development Standards. Within a PD the following minimum standards shall apply:

(A) Yard, Setback, and Width Requirements. The minimum yard, setback, and width requirements otherwise applying to the development in the zoning district may be modified from the standards of the district, provided:

(i) The minimum front, side and rear yard requirement on the exterior boundaries of the proposed PD shall not be less than twenty feet and the minimum front yard setback within the interior of the PD shall not be less than fifteen feet. Interior yards and setbacks shall be as approved on the PD binding site plan and each development will be reviewed to ensure adequate provision of light, air and life safety for all structures.

(ii) All buildings that are not attached or do not have common walls shall be separated by a minimum distance of ten feet.

(B) Each lot utilized for residential purposes shall have a minimum width of not less than thirty feet on an interior public or private street. Lots located on an exterior perimeter street shall comply with the normal minimum lot width of the district.

(C) The minimum lot sizes within a PD may be reduced from the normal standards of the district unless located on an exterior perimeter street. Lots located on the exterior perimeter boundary or along an exterior street of the PD shall be reduced by not less than ten percent of the normal minimum lot size requirement of the zoning district. Regardless of reduced minimum lot sizes, at no time shall the overall density of the development exceed the maximum densities identified in this chapter.

(D) The maximum lot coverage may be increased by twenty-five percent of the normal district requirement.

(E) The maximum building height within a PD shall be the same as permitted in the district. Whenever possible, development of the PD shall be designed to maximize views for each dwelling unit and to ensure that the views of surrounding properties have been considered.

(F) Landscaping shall be required at entries into a PD, for on-site recreation areas and facilities, and in conjunction with multifamily complexes. Natural landscape features including existing trees, shrubs and ground cover, drainage ways, rock outcroppings, and slopes shall be preserved to the greatest extent possible.

(G) A buffer shall be required when a PD has a density and/or intensity greater than that allowed within the applicable zoning district. The buffer shall include a combination of additional

landscaping, fencing, increased setbacks and/or other alternatives that mitigate impacts to adjacent properties.

(H) Parking shall be provided in the same ratio as required for the district and shall meet the minimum provisions established in Chapter 11.90 and the following:

(i) For each ten multifamily dwelling units, four additional parking spaces shall be required for visitor parking when on-street parking is unavailable. Special considerations may be given to low traffic generators such as senior citizen or assisted living housing.

(ii) Additional parking/storage areas shall be required for recreational vehicles (RVs) such as campers, boats, trail bikes, motor homes and other similar vehicles unless these types of vehicles are precluded by the developer in the form of covenants or other restrictions approved by the ~~city~~ county. When thirty or more dwelling units are proposed, one parking space shall be provided for every ten dwelling units. The size of the parking/storage area shall be based on the following:

(a) Parking/storage stalls shall be a minimum of ten feet wide by twenty-eight feet long;

(b) Access driveways shall be a minimum of thirty feet in width;

(c) The minimum area requirement for each space, together with access and maneuvering area, shall not be less than four hundred square feet.

(I) Special Areas. A PD that is adjacent to any lake, river, drainage or other waterway shall provide pedestrian or vehicular access to said amenity, as reviewed and approved through the PD process.

(J) A PD may allow development standards different from those imposed under the Chelan County Code, except as provided in the applicable district in relation to permitted uses, and provided a clear description of the approved development standards is provided with the binding site plan or subdivision that is recorded pursuant to this section. Any approved development standards that differ from those otherwise required by the county shall not require any further zoning district reclassification, variance or other county approval apart from the PD and any subsequent, associated construction plan approvals. The development standards as approved through the PD shall apply to and govern the development and implementation of each PD site in lieu of any conflicting or different standards or requirements elsewhere in the county's zoning code. (Res. 2008-143 (part), 10/7/08).

11.72.040 Permitted uses.

In the Icicle Valley design review overlay district, uses are permitted as conditional uses as outlined in Section 11.72.050, except the following:

(1) Agricultural uses;

(2) Forestry uses;

~~(3) Utility uses.~~

Chapter 11.88
SUPPLEMENTARY PROVISIONS AND ACCESSORY USES

Sections:

- 11.88.010 General regulations.
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11.88.010 General regulations.

(1) Except as specifically provided in this title, only one primary residential structure per lot is allowed in those zones that permit residential uses.

(2) Riparian habitat restoration/rehabilitation projects by an agency whose mandate includes such work which is unassociated with the mitigation of a specific development proposal shall be exempt from the provisions of this title. (Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.020 Concurrency.

No development permit requiring approval under this title shall be approved without a written finding that:

(1) After the opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development, concurrently with the demand for such services and facilities.

(2) No county facilities will be reduced below adopted levels of service as a result of the development. (Res. 2007-98 (part), 7/2/07; Res. 2007-53 (part), 3/27/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.030 Livestock.

(1) A fence adequate to contain the animals shall be maintained at all times.

(2) Animal Densities.

(A) Inside a county urban growth area:

(i) Lots less than one acre:

(a) No livestock.

(b) Four poultry, rabbits or other similarly sized animals, excluding roosters.

(c) Two pot belly pigs.

(ii) Lots one acre or greater:

(a) One head of livestock per acre, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.

(b) Twelve poultry, rabbits or other similarly sized animals per acre.

(c) Two pot belly pigs.

(B) Outside an urban growth area:

(i) Lots less than one-half acre:

(a) No livestock.

(b) Twenty-four poultry, rabbits or other similarly sized animals.

(c) Two pot belly pigs.

(ii) Lots one-half acre or greater, but less than five acres:

(a) One head of livestock per one-half acre, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.

(b) Twenty-four poultry, rabbits or other similarly sized animals per one-half acre.

(c) Two pot belly pigs.

(iii) Lots five acres or greater:

(a) Four head of livestock per acre, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals.

(b) Twenty-four poultry, rabbits or other similarly sized animals per one-half acre.

(c) Two pot belly pigs.

(3) All structures for the housing of small stock (chickens, rabbits and similarly sized animals) must be located at least fifteen feet from any property line.

(4) All structures for the housing of all other livestock must be located at least twenty-five feet from any property line.

(5) 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.

(6) 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 off-premises dwelling, surface water, and any domestic or irrigation well. Waste from swine shall be prohibited within two hundred feet of any surface water and domestic or irrigation well.

(7) Pastures shall be maintained with a permanent, uniform vegetative top cover and shall be kept free of noxious weeds. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2007-98 (part), 7/2/07; Res. 2005-66 (part), 6/28/05; Res. 2003-07 (part), 1/21/03; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.040 Setback provisions.

(1) A zero-foot setback from property lines is allowed for bus shelters and related transit amenities.

(2) Reduction of Front Yard Setback Requirements Due to Slope. Front yard setback requirements may be reduced under the following conditions; see Graphics G-1A and G-1B in Appendix A:

(A) The front yard requirement may be reduced to twenty feet from the street right-of-way or fifty feet from the street centerline, whichever distance is greater, when the average natural slope is fourteen percent or greater, as calculated within the area defined by the width of the proposed structure, projected out to the front property line, and within the first fifty feet of lot depth;

(B) The front yard requirement may be reduced to fifteen feet from the street right-of-way or forty-five feet from the street centerline, whichever distance is greater, when the average natural slope is twenty-five percent or greater, as calculated within the area defined by the width of the proposed structure, projected out to the front property line, and within the first fifty feet of lot depth;

(C) The front yard requirement may be reduced to twelve feet from the street right-of-way or forty-two feet from the street centerline, whichever distance is greater, when the average natural slope is fifty percent or greater, as calculated within the area defined by the width of the proposed structure, projected out to the front property line, and within the first fifty feet of lot depth; and

(D) If the front yard requirement is to be reduced under the conditions specified in this section (slope reduction) only, all driveways and entrances to garages and carports shall be parallel or nearly parallel to the street. The purpose of this regulation is to avoid backing of vehicles directly onto the street and to allow vehicles to be completely outside the structure before entering the street where sight distance may be limited due to slope; see Appendix Graphics G-1A through G-1C.

(3) Regardless of side and rear yard requirements of the district, a side or rear yard may be reduced to five feet for an accessory structure erected more than sixty feet from streets, other than alleys, provided the structure is located ten feet or greater from any other building.

(4) Accessory structures may be built within a required rear yard; provided, that structures do not occupy more than fifty percent of the rear yard area; and provided, that the rear yard does not abut upon any street other than an alley.

(5) If dwellings are present on both adjoining lots, each with a required front yard less than the required size for the district, the front yard for the lot may be reduced to the average distance of the two adjoining lots.

(6) Lots with street frontage on two opposite sides shall maintain front yard setbacks on both street frontages.

(7) Setbacks from easements shall be maintained as follows:

(A) Setbacks from ingress/egress easements shall be a minimum of five feet from the edge of the easement, except retaining walls which may be permitted within the setback and within the

easement, with the signature of affected property owners. The director shall have the authority to grant administrative modification from the minimum five-foot setback requirement as follows:

(i) The setback requirement may be adjusted pursuant to a reasonable use determination using the criteria from Section 11.98.020(5). However, in no case shall the setback be reduced below two feet.

(ii) The setback requirement may vary subject to condition of a prior subdivision approval.

(iii) The setback requirement may vary subject to the nonconformity provisions of this title.

(iv) No existing structures will be deemed nonconforming due to the adoption of this code amendment.

(B) For all easements, Chelan County assumes no liability whatsoever for the existence, status, location, nor nature of said easements.

(8) No dwelling unit adjacent to the commercial agricultural zoning district shall be placed within one hundred feet of a property line, including those across a right-of-way. The entire width of any public right-of-way may be used as part of the setback area. However, in no case shall the setback from a public right-of-way be less than fifty-five feet from centerline or twenty-five feet from the front property line, whichever is greater; see Graphic G-2 in Appendix A.

(9) Where a project proposal is within ten percent of meeting the established minimum requirements for setback areas within the applicable zoning district, said proposal may be authorized by the administrator through a limited administrative review process identified in Title 14 of the Chelan County Code, subject to the following:

(A) No reasonable alternative exists, as determined by the administrator based on the following:

(i) Topographic issues.

(ii) Unique physical characteristics.

(iii) Existing permitted structure(s) on the project site. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2011-110 (Att. A), 11/29/11; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2003-95, 7/22/03; Res. 2002-8 (part), 1/15/02; Res. 2001-60 (part), 4/17/01).

11.88.045 Lot coverage exemption.

Where a project proposal is within ten percent of meeting the established minimum requirements for lot coverage within the applicable zoning district, except within the planned unit development overlay district (PDD), said proposal may be authorized by the administrator through a limited administrative review process identified in Title 14 of the Chelan County Code; subject to the following:

(1) No reasonable alternative exists, as determined by the administrator based on the following:

(A) Topographic issues.

(B) Unique physical characteristics.

(C) Existing permitted structure(s) on the project site. (Res. 2011-86 (Att. A) (part), 10/4/11).

11.88.050 Public transit development.

Property owners and/or developers of proposed developments requiring a development permit required under this title and located within the LINK transit service area which generate two hundred average daily trips or twenty peak hour vehicle trips or greater, as determined by the county engineer, shall negotiate with the public transit authority for the provision of facilities to address the impacts associated with the development as it relates to providing public transit in compliance with Chelan County Code Title 15. Improvements may include, but are not limited to, bus shelters, pull-outs, transit stops and/or other necessary facilities to offset transportation system impacts of the development. (Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.060 Unsuitable land.

Land which is determined to be unsuitable for the development of all permitted, accessory, administrative or conditional uses as defined by this title due to the potential failure to adequately mitigate life, health and safety issues shall not be developed unless the developer formulates adequate safeguards that are approved by the administrator or the appropriate hearing body. The safeguards shall be based on technical data and/or professional review as deemed necessary by the administrator or appropriate hearing body and in conformance with the critical area regulations contained in this title. If no adequate safeguards are available, the unsuitable land area shall be retained for agricultural, forestry, or open space purposes and properly redesigned as such in the next amendment of the comprehensive plan. Land can only be declared unsuitable through a resolution adopted by the board of Chelan County commissioners. (Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.070 Ingress, egress and driveway requirements.

(1) In all districts, driveway and roads standards contained in Chapter 15.30 shall apply for all development permits requiring approval under this title.

(2) An applicant for a development permit under this title shall obtain a driveway/access approach permit from the county engineer, pursuant to Chapter 8.60, or Washington State Department of Transportation, except instances where vehicular access is not required for the development permit, such as docks and piers or structures located on properties not accessed by motor vehicles. Other exceptions may be listed in Section 8.60.030, Applicability.

(3) An applicant for a development permit under this title shall dedicate, when determined necessary by the county, right-of-way in conformance with the provisions contained in Chapter 15.30 and RCW 82.02.020.

(4) All uses requiring approval of a development permit under this title shall abut on or be accessed by a public or private road meeting the standards outlined in Chapter 15.30. Primitive and U.S. Forest Service roads are not considered adequate access for these purposes, except as provided below:

(A) The following uses can be allowed for property with access by a primitive road or U.S. Forest Service roads:

(i) Single-family residences;

(ii) Single-family accessory buildings;

(iii) Agricultural operational buildings;

(iv) Essential public facilities;

(v) Developed open space;

(vi) Passive recreation including nature trails, picnicking, sight-seeing, horseback riding, and necessary associated amenities, such as playground equipment, picnic shelters, equipment storage, signage, parking areas, restroom facilities;

(vii) Two lot short plats are allowed off a primitive road as long as the projected AADT is less than 100.

(B) All uses or development with access by a U.S. Forest Service road shall require proof of access from the U.S. Forest Service.

(C) As a condition precedent for granting any permit for a use or development with access by a primitive road, the applicant shall sign and record with the county auditor a notice to title setting forth that the applicant and applicant's successors waive all objection to formation of a road improvement district for improvement of the primitive road when the county engineer determines that the average annual daily traffic upon the primitive road exceeds one hundred. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2010-68 (part), 7/13/10; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.080 Light and glare.

Parking lot lights, security lights, or any exterior lighting shall be low-intensity, nonflashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines. (Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.090 Clear view triangle.

(1) All corner lots at unsignalized (traffic signal) street intersections or railroads shall maintain, for safety vision purposes, a clear view triangle. The triangle shall consist of the area bounded by the centerlines of the intersecting streets extending along the centerlines for a distance of eighty feet from the intersection and a straight line connecting the ends of these two lines; provided, that each of the intersecting streets extend at least one hundred feet from the point of intersection.

(2) Nothing within the clear view triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of three feet and ten feet above grade of centerline. (Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.100 Inoperable vehicles.

~~(1) No more than three hulk or abandoned vehicles, as defined by Title 9 of the Chelan County Code, or derelict vehicles and trailers, or parts thereof, shall be stored on a parcel or lot. Said vehicles and trailers, or parts thereof, shall be removed at the property owner's expense within fourteen days of official notification. This shall include vehicles and trailers parked on private property, and streets, roads or rights-of-way within public view. If fourteen days after official notification the vehicles are not removed, the inoperable vehicle(s) or equipment may be removed by the county, at the owner's expense.~~

~~(2) Property owners, or owners of derelict, inoperable or abandoned vehicles and trailers shall have the right to retain the above if contained in an enclosed structure, or if visually screened from public roads or private roads open to public use or surrounding property. (Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).~~

11.88.110 Electric vehicle charging stations.

(1) Electric vehicle charging stations and related infrastructure are permitted if located within one thousand feet of urban or rural collector roads, as defined in Section 15.30.220, or a state highway and in compliance with the following:

(A) Electric charging stations shall provide a parking stall using the size requirements defined in Table 11.90-4; and

(B) Electric charging station stalls shall be designated by vertical signage identifying the station as an electric vehicle charging station and indicating that it is only for electric vehicle charging. The signage must be consistent with the Manual on Uniform Traffic Control Devices, as adopted by the Department of Transportation under RCW 47.36.030. Additionally, the electric vehicle charging station must be indicated by green pavement markings. Additional signage may be permitted to inform and direct the public to the station.

(2) Parking spaces designated for electric vehicle charging may be included in the calculation of the off-street parking requirements, as defined in Section 11.90.060. (Res. 2017-119 (Att. B) (part), 12/19/17).

11.88.120 Exception to building height limitation.

The following types of structures or structural parts are not subject to the building height limitations of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, monuments, observation towers, radio, telecommunication and television towers, smoke stacks, water towers, windmills and other similar projections. None of these exemptions, except chimneys, shall be used for or attached to residential structures. (Res. 2015-73 (Atts. A, B) (part), 8/4/15: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.130 Irregular-shaped lots.

(1) In the case of a triangular shaped lot, the rear lot line shall be parallel to and at the maximum distance from the front lot line, see Appendix A Graphics G-3.

(2) In the case of “panhandle,” “flag” or other irregularly shaped lots, the front yard setback shall be measured at the nearest point from the front lot line where the lot meets the minimum width for the zoning district in which it is situated, see Appendix A Graphics G-3.

(A) The administrator may reduce the front yard setback to ten feet for “flag” lots where one or more of the following conditions are present:

(i) Where lot width cannot be met, front lot line shall be determined by the administrator.

(ii) Where lot depth is less than one hundred feet, as measured from the required lot width to the rear property line.

(iii) Where topographical or other critical area requirements limit the building area. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2002-105 (part), 7/16/02: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.140 Projections from buildings.

(1) Cornices, eaves, gutters and sunshade features may not project more than two feet into a required yard setback.

(2) Projections for foundation support, such as attached wing-walls, landscape walls, or similar structures, may project into the required yard setback but shall not project into any critical area (including shoreline) or associated buffer or cross property lines. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.150 Verification of adequate provisions for domestic water and sewage disposal.

No building or structure to be used for human habitation or commercial enterprise shall be erected, nor shall any such building or structure be moved, altered, enlarged or rebuilt, unless the building or structure has adequate provisions for domestic water supply and sewage disposal. Approval of septic system requires two steps from the Chelan-Douglas Health District: first, design approval prior to building permit issuance and second, construction approval prior to certificate of occupancy of the building or structure. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.155 Location of wellhead protection and sanitary control areas.

The wellhead protection or sanitary control area or zone is governed by the Chelan Douglas Health District. (Res. 2014-38 (Atts. A, B) (part), 4/15/14).

11.88.160 Manufactured housing.

Manufactured and mobile housing shall be permitted as a single-family dwelling unit in all districts allowing residential uses when placed in accordance with the manufacturer’s setup manual and Chapter 3.12. Uninstalled manufactured and mobile homes, or buildings from other sites, may only be stored on a property while building and development permits are being processed and issued for that structure’s installation on that property, except storage of the structure on a manufactured home sales lot. (Res.

2018-8 (Att. A) (part), 1/30/18: Res. 2009-122 (Exh. A) (part), 11/3/09: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

11.88.170 Accessory uses and structures.

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

(1)(A) Fences shall be erected and maintained to a height not to exceed six feet in the side or rear yard area and four feet in the front yard, except on corner lots.

(B) Fences for public facilities, utilities, industrial, agricultural and commercial uses may be erected and maintained to a height not to exceed eight feet in the side or rear yard area and four feet in the front yard, except on corner lots.

(C) On corner lots, all fences located in the building setback for either street shall not exceed four feet, except where superseded by a clear view triangle (Section 11.88.090) which limits height to three feet.

(D) Fences outside of the building setback or required yard areas do not have a height restriction.

(E) All fences over ~~seven~~six feet (or as required by the International Building Codes) require a building permit.

(2) Swimming pools shall not be located within a required front yard setback area. Additionally, pools must be in compliance with ~~Appendix G of the IRC~~ International Swimming Pool and Spa Code, current edition;

(3) In any district that permits single-family residences, freestanding decks shall have a maximum height of thirteen feet;

(4) In any district that permits single-family residences, the renting of rooms to not more than two boarders, roomers, or lodgers is permitted as an accessory use;

(5) Dwellings may be located on upper floors of commercial structures in commercial districts;

(6) Temporary occupancy of not more than two recreational vehicles per lot for a time period of not more than ten days during any sixty-day period is permitted, provided each unit is parked on an off-street parking space outside of any required front or side yard and no rental fees are charged;

(7) In all zoning districts that permit the handling and processing of hazardous wastes, on-site waste treatment facilities shall be permitted as an accessory use; provided, that such facilities meet the state siting criteria adopted pursuant to Chapter 70.105 RCW;

(8) Temporary agricultural worker housing (occupied on a seasonal basis) shall be permitted when consistent with zoning;

(9) Permanent agricultural worker housing (occupied year-round) shall be permitted; provided, that the following conditions are met:

- (A) The dwelling units are subject to all applicable building and health regulations;
- (B) The structures shall be compatible with surrounding land uses and where necessary shall include increased setbacks from property lines, landscaping, buffering or design provisions as determined by the administrator;
- (C) The dwelling units are to be used to house agricultural workers and their families who are employed in agricultural operations on the premises or a site adjacent to the agricultural operation. A covenant shall be recorded in a form acceptable to the county that the permanent agricultural worker housing is exclusively for the use of agricultural workers and their families;
- (D) The total number of dwelling units shall not exceed the density of the district, excluding the primary residence;
- (E) One parking space per residential unit, not within a required yard setback, shall be provided;

(10) Vehicle and other Storage.

- (A) Outside storage shall be maintained in an orderly manner and shall create no fire, safety, health or sanitary hazard;
- (B) Required front yard areas shall not be used for storage;
- (C) Commercial/Industrial Storage. Every reasonable effort shall be made by persons operating a business to store all such materials within an enclosed building with the following exceptions:
 - (i) Where inside storage is not practical or desired for reasons related to health, fire or safety codes;
 - (ii) Where outside storage of merchandise is a normal and standard practice;
- (D) Uninstalled mobile/manufactured homes or buildings from other sites, see Section 11.88.160;
- (E) Vehicles. Unless addressed within a municipal urban growth area, no more than a combined total of five cars, boats, trucks or recreational vehicles per dwelling unit may be stored outside of an enclosed building on any lot, with no more than two of the five being inoperable vehicles regulated under Section 11.88.100. An exemption to this provision is the storage of operable agricultural equipment used for agricultural purpose; Unless parked within the confines of a legal wrecking yard or on the premises of a legally established vehicle repair business, abandoned, unlicensed, inoperable or partially dismantled vehicles, or junk vehicles can be parked within an enclosed building and shall not be parked outdoors; provided, that not more than two vehicles intended to be repaired or restored may be parked outdoors if they are 100 percent visually screened from off- site.

~~(F) In all districts, unless otherwise permitted through a planned development or conditional use permit, no more than a combined total of five cars, boats, trucks, trailers, toy haulers, cargo trailers, or recreational vehicles per residential lot may be stored outside of an enclosed building on any lot. An exemption to this provision is the storage of operable agricultural equipment used for agricultural purpose;~~

(11) Accessory Residential Kitchens. Establishment of an accessory residential kitchen, as defined in Section 14.98, within or accessory to single-family residences shall be subject to the following:

(A) The accessory kitchen shall share the same water supply as the associated primary residential kitchen in the dwelling or on the same lot.

~~(B) A Notice to Title shall be recorded in a form acceptable to the County stipulating the accessory residential kitchen is for incidental use associated with the primary single family residence, and not for use as an additional dwelling unit on the property.~~

~~(C)~~(B) Use of the accessory residential kitchen for any commercial purpose must follow the home occupation requirements of this Title and all applicable local and state regulations.

~~(11)~~(12) Governing Standards.

(A) An accessory structure shall meet the dimensional standards of the district in which it is located, except as modified by this chapter.

(B) Accessory structures shall not be used as a dwelling unit, defined by the IRC, unless allowed under this title.

(C) Regardless of side and rear yard requirements of the district, a side or rear yard may be reduced to five feet for an accessory structure erected more than sixty feet from streets, other than alleys, provided the structure is located ten feet or greater from any other building.

(D) Accessory structures may be built within a required rear yard; provided, that structures do not occupy more than fifty percent of the rear yard area; and provided, that the rear yard does not abut upon any street other than an alley.

(E) Accessory buildings shall not exceed the building height limitation set forth in the applicable zoning district, except for barns and similar agricultural buildings shall not exceed fifty feet in height. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07; Res. 2002-105 (part), 7/16/02; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

11.88.175 Caretaker dwelling units.

Where permitted in the Chelan County Code Section 11.04.020 district use chart, caretaker dwelling units may be placed subject to the following standards:

(1) Dwelling units floor area shall be equal to or less than one thousand two hundred square feet.

(2) One additional structure may be permitted for a garage and or storage when equal to or less than three hundred square feet. (Res. 2011-86 (Att. A) (part), 10/4/11).

11.88.190 Construction hours in and near residential areas.

No construction activity shall be permitted within one thousand feet of an occupied residence between the hours of ten p.m. to seven a.m. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2007-98 (part), 7/2/07; Res. 2003-07 (part), 1/21/03).

11.88.200 Accessory dwelling unit.

Accessory dwelling units shall meet the following criteria:

(1) There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family dwelling unit.

(2) An accessory dwelling unit may be attached to, created within, or detached from a new or existing single-family dwelling unit.

(3) The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the primary residence.

(4) The floor area of the accessory dwelling unit may be attached to, created within, or detached from a new or existing single-family dwelling unit; provided, that the floor area of an accessory dwelling shall not exceed one thousand two hundred square feet. Excluded from the calculation of the allowed floor area are the following: garages, and any space subservient to the primary garage use (e.g., storage, mechanical, bathroom, utility room), carports, stairwells and uncovered decks.

(5) The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence.

(6) No recreational vehicle shall be considered an accessory dwelling unit.

(7) A common driveway servicing both the existing or new single-family dwelling unit and the accessory dwelling unit shall be used to the greatest extent possible.

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

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

(Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2011-86 (Att. A) (part), 10/4/11; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07).

11.88.210 Bed and breakfast.

Bed and breakfast operations may have three or less lodging units for rent and shall meet the following criteria:

(1) Bed and breakfast facilities shall meet all applicable health, fire safety and building codes and shall be operated so as to not give appearance of being a business, and those facilities shall not infringe upon the right of neighboring residents to peaceful occupancy of their home.

(2) The bed and breakfast facility shall be the principal residence of the operator.

(3) Signage shall be in accordance with Chapter 11.92.

(4) Driveways accessing a bed and breakfast which are greater than one hundred fifty 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.

(5) One off-street patron parking space in addition to the residential parking requirements, not located within a setback, shall be provided for each lodging unit rented.

(6) The administrator may impose other conditions, such as additional parking, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site or the facility. (Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07).

11.88.220 Developed open space.

(1) Developed open space normally is considered a permitted use with the following criteria:

(A) Lighting shall be directed away from adjoining residential zones.

(B) Hours of operation shall be established for a proposed nighttime use. The administrator may impose hours of operation for other uses.

(C) The administrator may require fencing, screening and/or landscape buffers to screen outside storage or any other conditions to mitigate any adverse impact to surrounding property. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2007-98 (part), 7/2/07).

11.88.230 Home occupations.

The following minimum conditions shall apply to home occupations:

(1) Not over twenty-five percent of the entire floor area of the dwelling is to be used for the home occupation.

(2) The home occupation is to be secondary to the main use of the dwelling as a residence.

(3) Not more than one person outside the resident family shall be employed in the home occupation.

(4) Signage shall be in accordance with Chapter 11.92.

(5) No entrance to the space devoted to the home occupation other than from within the dwelling shall be allowed except when otherwise required by law.

(6) There shall be no exterior display or storage of materials.

(7) There shall be no stock in trade nor quantity kept for sale which is not produced on the premises, except storage of stock and commodities kept primarily for off-premises sales which is stored entirely indoors, and items which are accessory to the product or services produced on the premises may be allowed.

(8) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the residence or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

(9) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicles having more than two axles.

(10) Home occupations may be conducted in an accessory building; provided, that at least two parking spaces other than those required for the dwelling are provided, and that the use of only one building of not more than five hundred square feet shall be allowed. (Res. 2007-98 (part), 7/2/07).

11.88.240 In-home daycare.

In-home daycare shall meet the following criteria:

(1) Care, supervision and guidance is provided for a child or group of children up to twelve years of age or under for a period of greater than four hours, but less than twenty-four hours per day where the facility meets all state and local licensing requirements.

(2) The daycare shall be for the care of twelve or fewer children. (Res. 2007-98 (part), 7/2/07).

11.88.250 Low impact public facility.

(1) The minimum lot size in the district where a public facility structure is located may be waived on a finding that the waiver will not result in noise or other detrimental effects on adjacent properties.

(A) When the minimum lot size is waived, a note shall be placed on the face of the plat that states that the parcel is not a building site other than for the permitted public facility use. The requirement for verification of adequate provision for water and sewage may be waived.

(B) When the minimum lot size is waived, a notice to title shall be recorded with the Chelan County auditor stating that the parcel is not an allowable building site other than for the permitted public facility use.

(2) Adequate ingress and egress to the site shall be provided pursuant to Title 15 of the Chelan County Code.

(3) If the use involves outside storage, the use shall be enclosed in a view-obscuring fence or total view-obscuring landscape buffer.

(4) Lighting shall be directed away from any adjacent residential district.

(5) If the use requires parking, said parking shall be in accordance with Chapter 11.90 of this title.

(6) The hearing examiner may impose any additional requirements as may be necessary to mitigate negative impacts created by the use. (Res. 2007-98 (part), 7/2/07).

11.88.260 Roadside stand/winery/nursery/ value-added operation less than one thousand five hundred square feet of retail space.

(1) Wineries less than one thousand five hundred square feet of retail space, including decks, patios or terraces associated with the retail use are limited to the small-scale processing and sale of wine or spirits, wine tasting, incidental and/or accessory food and beverage service, and limited sale of ancillary items related to the winery and its products, subject to the following conditions:

(A) The applicant shall submit a site design plan which addresses and mitigates, if necessary, the impacts of the facility. Such issues may include, but are not limited to, parking, noise, lighting, odor, drainage, and traffic impacts.

(B) The use shall adhere to all applicable building, fire safety and health codes, and all zoning restrictions of the district in which it is located.

(C) The administrator may impose other conditions, such as additional parking, noise, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility.

(D) Incidental and/or accessory uses shall consist of no more than twenty percent of the overall allowed retail space.

(2) Roadside stands, nurseries, and value-added operations with less than one thousand five hundred square feet of retail space shall be permitted, provided the following criteria are met:

(A) The use shall be located on a site with a bona fide agricultural operation.

(B) A minimum of seventy-five percent of the products sold shall be produced within the local area.

(C) Ingress and egress shall be approved by the county engineer and/or WSDOT if appropriate.

(D) The use shall adhere to all applicable building, fire safety, health codes, and all zoning regulations of the district in which it is located.

(E) Promotional items advertising the agricultural business may be sold concurrently with the sale of on-site produced agricultural products.

(F) Other related uses, such as, but not limited to, value-added operations, farm stays and U-pick/Rent-A-Tree operations may be allowed; provided, that these uses are accessory to the roadside stand/nursery and that any required criteria for these uses are met.

(G) Food service may be allowed as part of the value-added operation; provided, that the primary focus of the food service is the agricultural product grown on-site.

(H) The administrator may impose other conditions, such as additional parking, increased setbacks, improved access, landscaping or screening, found necessary to protect the best interests of surrounding properties or the neighborhood due to the nature or character of the site of the facility. (Res. 2009-122 (Exh. A) (part), 11/3/09; Res. 2008-141 (part), 10/7/08; Res. 2007-98 (part), 7/2/07).

11.88.270 Model homes.

Model homes may be placed on land divisions which have received preliminary approval when consistent with Chapter 12.02. (Res. 2018-8 (Att. A) (part), 1/30/18).

11.88.280 Storage Containers.

~~(1) Truck trailers including semi-trailers which are or may be licensed shall not be allowed for use, with or without modifications, as accessory structures.~~

~~(2) Storage containers may only be used as single units. Units may not be stacked or combined into larger structures.~~

~~(3) Temporary use of storage containers during construction in conjunction with an active building permit may be authorized in all zoning districts by the building official.~~

~~(4) Storage containers are allowed as an accessory use to a permitted business within all zoning districts.~~

~~(A) Provided, that they are not located within a designated loading dock or loading bay and shall be located no less than fifty feet from any existing residential zoning district and screened from view off-site.~~

~~(5) Storage containers located within the 100-year SFHA (Special Flood Hazard Area) shall comply with the requirements of CCC Chapter 3.20 Flood Hazard Development.~~

11.88.290 Yurts.

The use of a yurt that meets the following criteria may be allowed as a single-family residence when consistent with the following:

- (1) Shall be placed on a permanent foundation or pad;
- (2) Is not a camping unit or recreational vehicle as defined in Section 14.98.
- (3) Meets the current building code, as amended and Chelan-Douglas Health Department requirements

11.93.200 Isolated nonresidential uses.

Expansion of legally established, isolated nonresidential uses ~~in existence prior to July 1, 1990:~~
Expansion shall be limited to a maximum of fifty percent of the existing building footprint and/or fifty percent of the existing outdoor working area; provided, that the total expansion does not exceed a total of one thousand five hundred square feet for areas inside of urban growth areas and three thousand square feet for areas outside of urban growth areas, and that all of the standards below are met. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of July 1, 1990.

(2) The expansion shall meet the setback and lot coverage requirements of the district;

~~(2)~~(3) The expansion shall not include a new residential component;

~~(3)~~(4) Expanded or permitted hours of operation shall take into consideration impacts to adjoining land uses;

(5) The hearing examiner may limit hours of operation or require fencing, screening and/or landscape buffers to screen outside storage or any other conditions to mitigate any adverse impact to surrounding property.

(Res. 2011-86 (Att. A) (part), 10/4/11: Res. 2007-98 (part), 7/2/07: Res. 2002-8 (part), 1/15/02: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00. Formerly 11.93.190).

11.93.290 Isolated small-scale business.

The intent of this section is to provide for small-scale businesses in noncommercial zones per the provisions of the comprehensive plan. Businesses shall be created to export services or products and shall not be designed to service local needs. Such uses may include manufacturing/assembly, research facilities, telemarketing, online/telephone sales and services. The following minimum conditions shall apply:

~~(1) A two-hundred-foot setback shall be maintained from all adjoining properties for new construction. The building shall meet the setback and lot coverage requirements of the district~~

~~(2) Maximum building size shall be five thousand square feet.~~

(3) Maximum of five hundred square feet may be used for a retail component of the use.

(4) The hearing examiner may limit hours of operation or require fencing, screening and/or landscape buffers to screen outside storage or any other conditions to mitigate any adverse impact to surrounding property. (Res. 2011-86 (Att. A) (part), 10/4/11: Res. 2007-98 (part), 7/2/07: Res. 2002-8 (part), 1/15/02: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00. Formerly 11.93.270).

14.04.050 Hearing examiner.

The hearing examiner shall review and make decisions on the following applications:

~~(1) Preliminary subdivisions;~~

~~(2) Planned developments;~~

~~(3) Rezones which are not of general applicability (site-specific);~~

~~(4) Applications for variances and conditional use permits;~~

~~(5) Applications for shoreline variances and shoreline conditional use permits;~~

~~(6) Amendments and/or alterations to plats;~~

~~(7) Petitions for plat vacations;~~

~~(8) Appeals alleging an error in a decision of a county official in the interpretation or the enforcement of the zoning code or any other part of the development code;~~

~~(9) Appeals alleging an error in a decision of a county official in taking an action on a short subdivision or binding site plan;~~

~~(10) Appeals alleging an error in administrative decisions or determinations pursuant to Chapter 43.21C RCW; and~~

(1) Applications for conditional use permits, variances, and planned development district applications under Title 11 of the Chelan County Code;

(2) Applications for shoreline substantial development permits, time extensions to shoreline permits, revisions, shoreline variances, and shoreline conditional use permits under the shoreline master program;

(3) Applications for plat alterations, preliminary and final major subdivisions, and plat vacations under Title 12 of the Chelan County Code;

(4) Applications for zoning resolution text and map amendments not of general applicability (site-specific) under Title 14 and Section 11.96.010 of the Chelan County Code;

(5) Appeals of administrative decisions and interpretations relating to the subdivision resolution, the SEPA resolution, the zoning resolution and the shoreline master program;

(6) Appeals of the administrative denials of short plats, certificates of exemption, binding site plans, and boundary line adjustments under Title 12 of the Chelan County Code.

~~(11)~~ Any other matters as specifically assigned to the hearing examiner by the board of county commissioners or as prescribed by the county code. (Res. 2012-78 (part), 8/14/12; Res. 2007-55 (part), 3/27/07).

14.08.050 Notice of application.

(1) Within fourteen calendar days after issuing a determination of completeness, the department shall issue a notice of application. If an open record pre-decision hearing or administrative decision is required, the notice of application shall be provided at least fifteen calendar days prior to the date of open record hearing. The notice shall include, but not be limited to, the following:

(A) The date of application, the date of the determination of completeness, and the date of the notice of application;

(B) A description of the proposed project action, a list of permits required for the application, and, if applicable, a list of any studies requested;

(C) The identification of other required permits not included in the application, to the extent known by the director;

(D) The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;

(E) A statement of the public comment period, which shall be not less than fourteen calendar days nor more than thirty calendar days (for permits reviewed pursuant to the Shoreline Management Act and Chelan County shoreline master program) following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights. Public comments will be accepted at any time prior to the closing of the record of an open meeting predecision hearing or prior to the decision on the project permit if no predecision open record hearing is required;

(F) The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;

(G) A statement of the preliminary State Environmental Policy Act (SEPA) determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development;

(H) Any other information determined by the department to be appropriate.

(2) Notice of application shall be provided to the public and the departments and agencies with jurisdiction in the following manner:

(A) Where no other public notice, such as the required notice of a public hearing, is required, the notice of application shall be published in a newspaper of general circulation in the general area where the proposal is located. Said notice shall contain information regarding the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed.

(B) Posting the notice of application on the subject property by the applicant for site-specific proposals for the duration of the public comment period. The sign must be maintained at the location and in good condition and shall be the responsibility of the applicant until the sign(s) and post(s) are returned to the county after the required public comment period. After the public

comment period, the applicant shall sign an affidavit of posting with the department verifying that the above requirements have been met. Any necessary replacement of the notice of application sign(s) and post(s) shall be the sole responsibility of the applicant.

(C) Mailing to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet or greater if required by other ordinances.

(D) When the subject property is located in a remote area and posting the notice of application will not provide reasonable and meaningful notice to the public, the director may require additional and/or alternative means of informing the public of the notice of application.

(3) The notice of application is not a substitute for any required notice of a public hearing. It may serve as notice of a public hearing, provided it contains all of the information required for a public hearing notice and complies with all other public notice requirements for the type of action being sought.

(4) A notice of application is not required for the following actions or when the actions are categorically exempt from SEPA or environmental review has been completed in connection with other project permits.

(A) Application for a single-family residence, accessory uses or other minor construction building permits.

(B) Application for boundary line adjustments or certificate of exemption.

(C) Any application for which limited administrative review is determined applicable.

(D) Legislative actions such as comprehensive plan amendments, area-wide rezones, etc.

(5) A State Environmental Policy Act (SEPA) threshold determination may be issued for a proposal concurrent with the notice of application. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12; Res. 2007-55 (part), 3/27/07; Res. 2004-16 (part), 1/27/04; Res. 2000-126 (part), 10/17/00).

14.08.060 Notice of public hearing.

(1) Except as otherwise required, notice of a public meeting or hearing for all development applications and all open record appeals shall be given as follows:

(A) Publication in the official newspaper at least ten calendar days before the date of a public meeting, hearing or pending action; and

(B) Mailing at least ten calendar days before the date of a public meeting, hearing or pending action to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet, not including street rights-of-way, or the boundaries of the property which is the subject of the meeting or pending action.

(2) The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

(3) If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date, time and place certain and no further notice under this section is required. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12; Res. 2007-55 (part), 3/27/07).

14.10.040 Quasi-judicial review of applications.

(1) Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review shall be used for appeals of administrative decisions, major subdivisions, conditional use permits, planned developments, variances, shoreline substantial development permits, shoreline variances, shoreline conditional uses, rezones that are not of general applicability (site-specific) and other similar applications.

(2) The review procedure under quasi-judicial review shall be as follows:

(A) A quasi-judicial review process requires an open record public hearing before the appropriate hearing body.

(B) The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.

(C) The notice of public hearing shall be given as identified in Chapter 14.08.

(D) At least ~~five working~~ seven calendar days prior to the date of the public hearing, the department will issue a written staff report, integrating the SEPA review and threshold determination and shall make available to the public a copy of the staff report for review and inspection, and shall ~~mail and e-mail, if address is provided,~~ provide a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

(E) Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. A public hearing shall be recorded on ~~either audio or audio-visual tape~~ electronic equipment. If for any reason the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.

(F) Within ~~ten working~~ fourteen calendar days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).

(G) The hearing body may approve, approve with conditions or deny the application and shall ~~mail and e-mail, if address is provided,~~ provide the notice of its decision to the department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:

(i) A statement of the applicable criteria, standards and law; and

(ii) A statement of the findings of fact and conclusions of law the hearing body made showing the proposal does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards; and

(iii) A statement of the conditions of approval (if any); provided, however, all conditions of approval attached to any land-use approval shall be based on statutory requirements or peer-reviewed science. Such statutes (including the specific applicable section or sections) or science shall be cited in the condition or footnoted to each condition of approval. It is expected of any agency or department requesting a condition to demonstrate compliance with this provision, and no approval authority will attach conditions which do not meet this test; and

(iv) A statement that the decision is final unless appealed. The appeal closing date shall be listed; and

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Chelan County department of community development. The notice shall list the place and telephone number of the department. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.10.060 Notice of final decision.

(1) The county should not exceed one hundred twenty days, pursuant to RCW 36.70B.080, to issue a written notice of final decision on an application reviewed pursuant to either a full administrative or a quasi-judicial review process within one hundred twenty calendar days after the date of the determination of completeness, unless timelines are specified otherwise in the respective title. In determining the number of days that have elapsed, the following periods shall be excluded:

(A) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen calendar days after the date the information has been received by the department.

(B) If the county determines the information submitted by the applicant under subsection (1)(A) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (1)(A) of this section shall apply to the request for information.

(C) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(D) Any period for administrative appeals.

(E) Any extension of time mutually agreed upon in writing by the applicant and the department.

(2) The time limit by which the county will issue a notice of final decision does not apply if an application:

(A) Requires an amendment to the comprehensive plan or a development regulation.

(B) Requires approval of a new fully self-contained community, a master planned resort, or the siting of an essential public facility, as are provided in Chapter 36.70A RCW and as may be hereafter amended.

(C) Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete as provided for in Section 14.08.030.

(3) If the county is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) The review authority shall provide the notice of decision or copy of findings of fact and conclusions of law and decision to the applicant, agent (if applicable), surveyor (if applicable), commenting agencies of jurisdiction, and any parties of record (any person who prior to the rendering of the decision requested notice of decision, submitted written comments on the application, or testified at the public hearing). (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2002-10 (part), 1/15/02: Res. 2000-126 (part), 10/17/00).

14.12.005 Appeals.

(1) An appeal of an administrative decision shall be timely filed with the department, pursuant to Section 14.12.010, by the applicant or any party of record. The administrative appeal shall be heard as an open record appeal by the hearing examiner at a public hearing.

(2) An appeal of a final legislative decision or final quasi-judicial decision of the board of county commissioners shall be timely filed as a judicial appeal pursuant to Section 14.12.020.

(3) An appeal of the final decision of the hearing examiner shall be timely filed as a judicial appeal.

(4) The county shall have no obligation to the applicant or any party to defend an appeal from a decision of the department, hearing examiner, planning commission or the board of county commissioners. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.12.010 Administrative appeals.

(1) An administrative appeal to the hearing examiner shall be filed with the department within ~~ten working~~ fourteen calendar days of the issuance of the decision appealed, together with the applicable appeal fee.

(2) The notice of appeal shall contain a concise statement identifying:

(A) The decision being appealed;

(B) The name and address of the appellant and his/her interest(s) in the application or proposed development;

(C) The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous;

(D) The specific relief sought by the appellant;

(E) The appeal fee. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.14.050 Applications for comprehensive plan map or urban growth area amendments.

(1) Application Requirements for Individual Requests for Comprehensive Plan Map or Urban Growth Area (UGA) Amendments. Applications for amendments to the Chelan County comprehensive plan maps, or county-adopted city comprehensive plan maps as these plans related to the unincorporated portions of each city's urban growth area (UGA), must be submitted in writing to the director of the community development department on the application form provided by the department. Applications must be in conformance with the requirements and process outlined in this title. Separate applications must be submitted for properties under separate ownerships and must contain the following information:

(A) Application information as outlined in the application including:

- (i) The name, address and phone number of each person submitting the application; and
- (ii) The name, address and phone number of any agent acting on the owner's behalf, including a notarized authorization form; and
- (iii) The name, address and phone number of all owners with an interest in the affected property;

(B) Parcel/site information as outlined in the application;

(C) Comprehensive plan amendment information as outlined in the application including:

- (i) A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended; and
- (ii) Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and
- (iii) A statement of how the amendment complies with or supports the comprehensive plan's goals and policies; and
- (iv) A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria; and
- (v) A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required; and
- (vi) For land use designation amendments, identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation; and

(vii) Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas; and

(viii) How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and

(ix) Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare; and

(x) For any proposed urban growth area boundary changes submitted pursuant to Section 14.14.040, a detailed statement describing:

(a) That the designated area of expansion is contiguous to an existing UGA; and

(b) How the area is characterized by urban growth; and

(c) The availability of or plans of urban governmental services; and

(d) The compatibility of the proposal with designated natural resource lands and the protection of designated critical areas; and

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

(D) A completed SEPA checklist;

(E) The applicable processing fee for comprehensive plan amendments and SEPA review as determined by the county's adopted fee schedule, as amended, except that amendment requests by the cities shall not require the collection of said fees; and

(F) Additional information determined by the director of the community development department as being necessary for an initial evaluation of the proposal.

(2) Application Fees. An application processing fee for comprehensive plan map or urban growth area amendments shall be collected, defined in the county's fee schedule, as amended. Fees collected pertaining to an application for a comprehensive plan amendment within the unincorporated portion of a city urban growth area shall be equally shared with the relevant city.

(3) Application Deadlines for the Chelan County Comprehensive Plan. Deadlines to submit all applications for proposed comprehensive plan map or urban growth area amendments must be submitted in writing to the director of the community development department no later than the first

business calendar day of March. All proposed amendments submitted after the above-noted dates shall be processed during the next year's amendment cycle.

(4) Where an individual application for a site-specific amendment to the Chelan County comprehensive plan land use designations map or county-adopted city comprehensive plan land use designations map (as it relates to the unincorporated portions of each city's UGA) may be processed concurrently with an application to amend the corresponding zoning map before the Board of County Commissioners. ~~is approved, a subsequent application for an amendment to the corresponding zoning map (site-specific rezone) is required to be submitted by the applicant to be reviewed and processed before the county hearing examiner according to the provisions of this title for quasi-judicial review of applications, Chapters 36.70 and 36.70B RCW, as applicable.~~ (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12; Res. 2008-103, 7/15/08; Res. 2007-55 (part), 3/27/07; Res. 2004-85 (part), 7/27/04; Res. 2000-126 (part), 10/17/00).

Chapter 14.98 DEFINITIONS

Sections:

- 14.98.010 Purpose and applicability.
- 14.98.020 Definitions.
- 14.98.025 AASHTO.
- 14.98.030 Adequate public facilities.
- 14.98.035 Abate.
- 14.98.040 Abut.
- 14.98.045 Access.
- 14.98.050 Accessory dwelling unit.
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14.98.010 Purpose and applicability.

The purpose of this chapter is to provide a primary source for the definition of terms used in Titles 10, 11, 12, 13, 14, 15 and 16 of the Chelan County Code. The definitions herein are applicable to those titles within the context of their use. These definitions do not supersede or replace the definitions of other terms found in the enumerated titles.

If a term is not specifically defined in this section, an applicant may request from the administrator an administrative interpretation, in which the administrator shall reference the most current edition of Webster’s Dictionary, Black’s Law Dictionary or the New Illustrated Book of Development Regulations.

Whenever the following words and phrases appear in this title, they shall be given the meanings attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. (Res. 2012-78 (part), 8/14/12; Res. 2007-100 (part), 7/2/07).

14.98.020 Definitions.¹

(Res. 2012-78 (part), 8/14/12).

14.98.025 AASHTO.

"AASHTO" means the American Association of State Highway and Traffic Officials. (Res. 2012-78 (part), 8/14/12).

14.98.030 Adequate public facilities.

"Adequate public facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums. (Res. 2012-78 (part), 8/14/12).

14.98.035 Abate.

"Abate" means to take whatever steps are necessary to return a property to the condition in which it existed before a code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair. (Res. 2012-78 (part), 8/14/12).

14.98.040 Abut.

"Abut" means to physically touch or border upon; or to share a common property line but not overlap. (Res. 2012-78 (part), 8/14/12).

14.98.045 Access.

"Access" means a way or means of approach to provide physical vehicular or pedestrian entrance to a property. (Res. 2012-78 (part), 8/14/12).

14.98.050 Accessory dwelling unit.

"Accessory dwelling unit" means a separate dwelling unit, which may be attached, detached, or located within the primary residence. No mobile home or recreational vehicle shall be an accessory dwelling unit. Such dwelling shall be subject to the requirements and conditions provided in Chapter 11.88. (Res. 2012-78 (part), 8/14/12).

14.98.055 Accessory use/structure.

"Accessory use/structure" means a use of land or building or portion thereof which is customarily incidental and subordinate to a principal use of the land or building and located on the same lot or within the same project as the principal use. For the purpose of determining an accessory use/structure, a dock/pier is not considered a principal use. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.060 Act.

"Act" means doing or performing something. (Res. 2012-78 (part), 8/14/12).

14.98.065 Adjacent.

“Adjacent” means abutting on public roads, streets, rights-of-way or easements in which street system improvements are installed or directly connecting to street system improvements through an interest in real property such as an easement or license. (Res. 2012-78 (part), 8/14/12).

14.98.070 Adjacent land.

Adjacent Land. See “Adjoining land.” (Res. 2012-78 (part), 8/14/12).

14.98.075 Adjoining land.

“Adjoining land” means a lot or parcel that shares all or part of a common lot line with another lot or parcel of land. (Res. 2012-78 (part), 8/14/12).

14.98.080 Administrative use.

“Administrative use” means a use which by the fact of its location, operational characteristics or intensity may require some limited standards of review or performance criteria. (Res. 2012-78 (part), 8/14/12).

14.98.085 Administrator.

“Administrator” shall mean the director of the Chelan County community development department or his/her designated representative, who is vested with the duty of administering subdivision and platting regulations within the unincorporated area of Chelan County. For Chapter 15.30, Road Standards, “administrator” shall mean the Chelan County public works director. (Res. 2012-78 (part), 8/14/12).

14.98.090 ADT.

“ADT” means average daily traffic as determined by the latest edition of the Trip Generation Manual as published by the Institute of Transportation Engineers. (Res. 2012-78 (part), 8/14/12).

14.98.095 Adult family home.

“Adult family home” means a regular family abode in which a person or persons provides personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. (Res. 2012-78 (part), 8/14/12).

14.98.100 After-the-fact permit.

“After-the-fact permit” means a permit application for work/development commenced prior to authorization by the department, whether or not the development is the subject of a code violation investigation. (Res. 2012-78 (part), 8/14/12).

14.98.105 Agricultural processing facility.

“Agricultural processing facility” means a facility which adds value to, refines, or processes raw agricultural goods, including but not limited to washing, sorting, cutting, drying, bagging, freezing, cold storage/controlled atmosphere and/or packing. Types of businesses include but are not limited to cold storage/controlled atmosphere buildings handling less than three hundred thousand boxes a year.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.110 Agricultural structure(s).

“Agricultural structure(s)” means a building or structure, such as a barn, outbuilding, pumphouse or other structure necessary for the support and service of agricultural activities. It does not include retail structures.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.115 Agricultural support service.

“Agricultural support service” means any nonagricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services exist within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Such services include, but are not limited to, ag equipment repair, trucking operations, equipment rental and agricultural research facilities.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.120 Agricultural theme market.

“Agricultural theme market” means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on or off site, and may include, as incidental and accessory to the principal use, wineries, places of public/private assembly, and food and beverage service. An agricultural market is distinguished from a home fruit stand by a larger scale of activity and a greater range of products offered. This definition does not include the sale of livestock, gasoline or fuels.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.125 Agricultural tourism.

“Agricultural tourism” refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16; Res. 2012-78 (part), 8/14/12).

14.98.130 Agricultural use.

“Agricultural use” means the tilling of the soil, the raising of crops, forestry, horticulture, gardening, keeping or raising of livestock and poultry and any agricultural industry or business such as dairies, nurseries, wholesale greenhouses or similar uses.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16: Res. 2012-78 (part), 8/14/12).

14.98.135 Agricultural worker housing, permanent.

“Agricultural worker housing, permanent” means dwellings provided on-site by the owner/operator of an agricultural operation for the purpose of housing permanent (year-round) workers employed by said owner/operator. Dwellings are subject to all applicable building and health regulations. (Res. 2012-78 (part), 8/14/12).

14.98.140 Agricultural worker housing, temporary.

“Agricultural worker housing, temporary” means a place, area, or piece of land where sleeping places or housing sites are provided on-site by an agricultural operator for his or her employees for temporary or seasonal occupancy as per Chapter 246-359 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.145 Agriculturally related industry.

“Agriculturally related industry” means uses directly related to the processing, storage, or physical or chemical alteration of the agricultural product. Such industries include, but are not limited to, canning, butchering, bottling, refining, cold storage/controlled atmosphere, food processing facilities. Types of businesses include but are not limited to cold storage/controlled atmosphere buildings handling three hundred thousand or more boxes a year.

All marijuana or cannabis in all forms, and the growing, production, processing, selling or transporting thereof, is excluded from the definition of agriculture, agriculture related, and agricultural use. (Res. 2016-32 (Exh. A) (part), 3/29/16: Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2012-78 (part), 8/14/12).

14.98.150 Alley.

“Alley” means a service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation. (Res. 2012-78 (part), 8/14/12).

14.98.155 Alternative antenna support structure.

“Alternative antenna support structure” includes flat roofs of buildings, bell towers, clock towers, water towers, church steeples, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other manmade structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception. (Res. 2012-78 (part), 8/14/12).

14.98.160 Amendment.

“Amendment” means a change in the wording, context, or substance of this title or a change in the zoning district boundaries upon the zoning map, which is a part of this title when adopted by the board. (Res. 2012-78 (part), 8/14/12).

14.98.165 Animal boarding facility.

“Animal boarding facility” means a facility where animals are housed, fed, and cared for, excluding a veterinary clinic ~~and kennels~~, for a period greater than 24 hours for commercial purposes. Such uses shall include, but are not limited to, boarding stables and riding academies. (Res. 2012-78 (part), 8/14/12).

14.98.170 Antenna.

“Antenna” means a specific device the surface of which is used to receive or capture incoming and/or transmit outgoing radio frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas. (Res. 2012-78 (part), 8/14/12).

14.98.175 Antenna, ancillary.

“Antenna, ancillary” means an antenna designed primarily to receive and transmit signals described as “personal wireless communication services,” including global positioning satellite (GPS) data, personal communications service (pcs) technology and pagers. (Res. 2012-78 (part), 8/14/12).

14.98.180 Antenna array.

“Antenna array” means two or more devices used for the transmission or reception of radio frequency (RF) signals, microwave or other signals for commercial communications purposes and may include omni-directional, directional, parabolic, or ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or midway thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building, are included in the definition of antenna array. (Res. 2012-78 (part), 8/14/12).

14.98.185 Antenna, directional (panel antenna).

“Antenna, directional (panel antenna)” means an antenna designed to receive and/or transmit signals in a directional pattern which is less than three hundred sixty degrees, typically an arc of approximately one hundred twenty degrees. (Res. 2012-78 (part), 8/14/12).

14.98.190 Antenna, omni-directional (whip antenna).

“Antenna, omni-directional (whip antenna)” means an antenna, up to twenty feet in height or length, and up to five inches in diameter, designed to receive and/or transmit signals in a three-hundred-sixty-degree pattern. (Res. 2012-78 (part), 8/14/12).

14.98.195 Antenna, parabolic (dish antenna).

“Antenna, parabolic (dish antenna)” means an antenna, generally a bowl-shaped device, that is designed to receive and/or transmit signals in an approximate direction. (Res. 2012-78 (part), 8/14/12).

14.98.200 Antenna support structure.

“Antenna support structure” means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is significantly above the base of such structure; antenna support structures include the following:

- (1) “Lattice tower” means a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;
- (2) “Monopole tower” means a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, typically round or square, and driven into the ground or attached to a foundation. (Res. 2012-78 (part), 8/14/12).

14.98.205 Applicant.

“Applicant” means a person(s) or developer who submits an application for a land use action with the county. (Res. 2012-78 (part), 8/14/12).

14.98.210 Application.

“Application” means a request for any land use permit required from the county for a proposed development or action. (Res. 2012-78 (part), 8/14/12).

14.98.215 Approved site plan.

“Approved site plan” means a drawing which identifies the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title; contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local governmental body having authority to approve the site plan; and contains provisions establishing conformity with the site plan. (Res. 2012-78 (part), 8/14/12).

14.98.220 Aquifer.

“Aquifer” means a water-bearing stratum of permeable rock, sand or gravel. (Res. 2012-78 (part), 8/14/12).

14.98.225 Aquifer recharge.

“Aquifer recharge” means the movement or percolation (usually downward) of surface water through an unsaturated zone of soil or rock into a groundwater body. (Res. 2012-78 (part), 8/14/12).

14.98.230 Aquifer recharge area.

“Aquifer recharge area” means an area with a recharging effect on aquifers used for potable water. (Res. 2012-78 (part), 8/14/12).

14.98.235 As-built.

“As-built” means the original construction drawings revised to incorporate information pertaining to the street and/or utility improvements as they were constructed. (Res. 2012-78 (part), 8/14/12).

14.98.240 Auditor.

“Auditor” means the Chelan County auditor. (Res. 2012-78 (part), 8/14/12).

14.98.245 Automobile wrecking yard.

“Automobile wrecking yard” means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers or the storage or sale of dismantled, obsolete or wrecked vehicles or their parts or the storage of motor vehicles unable to be moved under the power of the vehicle. (Res. 2012-78 (part), 8/14/12).

14.98.250 Auxiliary lane.

“Auxiliary lane” means the portion of the roadway adjoining the traveled way for parking, turning, or other purposes supplementary to through-traffic movement. (Res. 2012-78 (part), 8/14/12).

14.98.255 AWWA.

“AWWA” means the American Water Works Association. (Res. 2012-78 (part), 8/14/12).

14.98.260 Base flood.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the “one-hundred-year flood.” (Res. 2012-78 (part), 8/14/12).

14.98.265 Bed and breakfast.

“Bed and breakfast” means a facility in which one kitchen, a shared dining area, and not more than a total of three lodging units are available within a single-family residence providing short-term lodging for paying guests. (Res. 2012-78 (part), 8/14/12).

14.98.270 Benefit area.

“Benefit area” means that area which includes all parcels of real property adjacent to street system improvements or likely to require connection to or service by utility system improvements constructed by a developer. (Res. 2012-78 (part), 8/14/12).

14.98.275 Berm.

“Berm” means an earthen mound designed to provide visual interest, screen undesirable views, decrease noise or separate incompatible uses. (Res. 2012-78 (part), 8/14/12).

14.98.280 Best management practices.

“Best management practices” means conservation practices or systems or practices and management measures that:

- (1) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment.
- (2) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of hydrologically related critical areas. (Res. 2012-78 (part), 8/14/12).

14.98.285 Binding site plan.

“Binding site plan” means a drawing that identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this chapter; contains inscriptions or attachments setting forth appropriate limitations and conditions for the use of the land; and contains provisions requiring any development proceeding thereunder. (Res. 2012-78 (part), 8/14/12).

14.98.290 Bio-engineering.

“Bio-engineering” means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. (Res. 2012-78 (part), 8/14/12).

14.98.295 Block.

“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries. (Res. 2012-78 (part), 8/14/12).

14.98.300 Board.

“Board” shall mean the board of Chelan County commissioners. (Res. 2012-78 (part), 8/14/12).

14.98.305 Buffer.

“Buffer” means a portion of land that is designed and designated to remain permanently vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access. (Res. 2012-78 (part), 8/14/12).

14.98.310 Buildable area.

“Buildable area” means the area of a lot remaining after the minimum yard setbacks, open space, critical area buffers, and all other requirements have been met. (Res. 2012-78 (part), 8/14/12).

14.98.315 Buildable site.

“Buildable site” means the buildable area necessary for a structure. (Res. 2012-78 (part), 8/14/12).

14.98.320 Building.

“Building” means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods or materials of any kind. (Res. 2012-78 (part), 8/14/12).

14.98.325 Building height.

“Building height” means the vertical distance from the average elevation of the actual or proposed finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. (Res. 2012-78 (part), 8/14/12).

14.98.330 Building official.

“Building official” means the individual designated by Chelan County to enforce the provisions of the international codes. (Res. 2012-78 (part), 8/14/12).

14.98.335 Bulb.

“Bulb” means a round area for vehicle turnaround typically located at the end of a cul-de-sac street. (Res. 2012-78 (part), 8/14/12).

14.98.340 Cabin.

“Cabin” means a permanent structure which provides basic accommodation for temporary use. (Res. 2012-78 (part), 8/14/12).

14.98.345 Caliper.

“Caliper” means the trunk diameter of a tree measured six inches above the ground for trees up to four inches in size, and twelve inches above the ground for larger trees. (Res. 2012-78 (part), 8/14/12).

14.98.350 Camp site.

“Camp site” means a specific area within an RV park or campground that is set aside for use by a camping unit. (Res. 2012-78 (part), 8/14/12).

14.98.355 Campground.

“Campground” means any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more recreational vehicle, recreational park trailer or other camping unit sites are offered for the use of the public or members of an organization. (Res. 2012-78 (part), 8/14/12).

14.98.360 Camping unit.

“Camping unit” means any structure, shelter or vehicle designed and intended for occupancy by persons engaged in camping. The basic units are: recreational vehicle, tent, teepee, yurt, or other portable shelter or a permanent structure when related to glamping. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2012-78 (part), 8/14/12).

14.98.365 Carport.

“Carport” means an accessory building or portion of a main building used as a covered shelter for an automobile and open on two or more sides. (Res. 2012-78 (part), 8/14/12).

14.98.370 Churches and religious facilities.

“Churches and religious facilities” means buildings or structures, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses such as daycare and schools. (Res. 2012-78 (part), 8/14/12).

14.98.375 Citation.

“Citation” means a written order issued by the administrator imposing a fine for failure to abate a civil code violation(s). (Res. 2012-78 (part), 8/14/12).

14.98.380 Civil code violation.

“Civil code violation” means any act or omission contrary to any ordinance, resolution or regulation regulated by this title or an act or omission contrary to the conditions of any permit, notice and order, or stop work order issued pursuant to any such ordinance, regulation or resolution regulated by this title. Each civil code violation shall constitute a separate infraction for each and every day or portion thereof during which a violation is continued. (Res. 2012-78 (part), 8/14/12).

14.98.385 Clear view triangle.

“Clear view triangle” shall consist of the area bounded by the centerlines of the intersecting streets extending along the centerlines for a distance of eighty feet from the intersection and a straight line connecting the ends of these two lines; provided, that each of the intersecting streets extend at least one hundred feet from the point of intersection. (Res. 2012-78 (part), 8/14/12).

14.98.390 Clearing.

“Clearing” means the destruction and removal of vegetation by burning, mechanical, or chemical methods. (Res. 2012-78 (part), 8/14/12).

14.98.395 Closed record appeal.

“Closed record appeal” means an appeal on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. (Res. 2012-78 (part), 8/14/12).

14.98.400 Cluster development.

“Cluster development” means the arrangement or grouping of lots on an overall parcel or parcels to increase densities on some portions of the property to preserve the rest of the parcel for open space, forest or agricultural use, recreation or preservation of environmentally sensitive areas or for future development if zoning regulations allow. (Res. 2012-78 (part), 8/14/12).

14.98.405 Co-location.

“Co-location” means the use of a single antenna support structure, alternative antenna support structure, or underground conduit or duct, by more than one wireless communication service provider to accommodate wireless communications facilities of two or more wireless communications service providers. (Res. 2012-78 (part), 8/14/12).

14.98.410 Commercial amusement/recreation facilities.

“Commercial amusement/recreation facilities” means establishments engaged in providing entertainment or recreation for a fee and including, but not limited to, such activities as dance halls; studios; theatrical productions; bands; orchestras; bowling alleys; billiard establishments, arenas, rinks; membership sports and health clubs, swimming pools; expositions; game parlors; amusement parks; racetracks; and golf courses. (Res. 2012-78 (part), 8/14/12).

14.98.415 Commercial feed lot.

“Commercial feed lot” means a confined area or structure used for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods. (Res. 2012-78 (part), 8/14/12).

14.98.420 Commercial use.

“Commercial use” means any activity involving the sale of goods or services carried out for profit. (Res. 2012-78 (part), 8/14/12).

14.98.425 Communication tower.

“Communication tower” means any tower, pole, mast, whip, antenna, or any combination used for radio, television, cellular, or microwave telecommunications broadcast transmission or line-of-sight relay, including amateur radio service. (Res. 2012-78 (part), 8/14/12).

14.98.430 Comprehensive plan.

“Comprehensive plan” means any map, plan, or policy statement pertaining to the development of land use, streets and roads, or public utilities and facilities, for all or any portion of the unincorporated territory of Chelan County which has been officially adopted by the county commissioners of Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.435 Conditional use.

“Conditional use” means a use permitted only after demonstrating that such use, in the specified location, will comply with all conditions and standards of operation of the use as specified in Chelan County Code and by the hearing examiner. (Res. 2012-78 (part), 8/14/12).

14.98.440 Confined aquifer.

“Confined aquifer” means a section of an aquifer overlain by low-permeability strata that lower the probability of ground water contamination from surface sources. A highly confined aquifer will receive very little leakage from the confining strata, but may be subject to artificial penetrations such as abandoned boreholes. Depending on (A) the presence of permeable pathways and/or (B) the existence of certain hydrogeologic conditions, contamination is possible. (Res. 2012-78 (part), 8/14/12).

14.98.445 Conservancy environment.

“Conservancy environment” (as defined and designated in the shoreline master program use regulations of Chelan County) means an area characterized by a potential for diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related development. (Res. 2012-78 (part), 8/14/12).

14.98.450 Conservation easement.

“Conservation easement” means a legal agreement between a landowner and a conservation organization or agency which transfers development rights to the conservation organization or agency for the purpose of protecting environmentally significant land. (Res. 2012-78 (part), 8/14/12).

14.98.455 Contaminant.

“Contaminant” means any chemical, physical, biological, or radiological substance at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging. (Res. 2012-78 (part), 8/14/12).

14.98.460 Contaminant loading potential.

“Contaminant loading potential” means the degree to which the activities of a business or industry could contaminate an aquifer recharge area based upon the type of materials that are used, handled or stored on-site. (Res. 2012-78 (part), 8/14/12).

14.98.465 Contractor’s storage yard.

“Contractor’s storage yard” means an area used for the storage and routine maintenance of construction equipment, construction vehicles and material pertinent to the primary business activity. (Res. 2012-78 (part), 8/14/12).

14.98.470 Cottage industry.

“Cottage industry” means small-scale industrial, commercial, or service operations, on a parcel where the operator resides; frequently with an art or craft orientation or related to information processing or the natural resources of the area. However, it may be of any type, so long as the scale of the operation is in keeping with the surrounding area and off-site impacts are compatible in intensity to those generated by residential use allowed in the zone. (Res. 2012-78 (part), 8/14/12).

14.98.475 County.

“County” means Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.480 County engineer.

“County engineer” means the Chelan County engineer or authorized representative. (Res. 2012-78 (part), 8/14/12).

14.98.485 Critical areas.

“Critical areas” include the following areas and ecosystems:

- (1) Wetlands; and
- (2) Areas with a critical recharging effect on aquifers used for potable water; and
- (3) Fish and wildlife habitat conservation areas; and
- (4) Frequently flooded areas; and
- (5) Geologically hazardous areas.

“Fish and wildlife habitat conservation areas” do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. (Res. 2017-119 (Att. B) (part), 12/19/17; Res. 2012-78 (part), 8/14/12).

14.98.490 Critical material.

“Critical material” means a substance present in sufficient quantity that its accidental or intentional release would result in the impairment of the aquifer water to be used as potable drinking water. (Res. 2012-78 (part), 8/14/12).

14.98.495 Cul-de-sac.

“Cul-de-sac” means a street having one end open to traffic and the other temporarily or permanently terminated by a vehicle turnaround. (Res. 2012-78 (part), 8/14/12).

14.98.500 Day nursery and nursery school.

“Day nursery and nursery school” means a facility which is primarily engaged in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours a day. (Res. 2012-78 (part), 8/14/12).

14.98.505 Daycare center.

“Daycare center” means a center for the care of thirteen or more children during part of the twenty-four-hour day. (Res. 2012-78 (part), 8/14/12).

14.98.510 Daycare center/preschool.

“Daycare center/preschool” means any preschool, day nursery, nursery school, child home-based daycare nursery or other building or premises regularly used for the daycare of a group of children for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state daycare center licensing provisions and conducted in accordance with state requirements. (Res. 2012-78 (part), 8/14/12).

14.98.515 Daycare, family home.

“Daycare, family home” means any day nursery or nursery school operation located within a single-family residence regularly used for the daycare of a group of children, not to exceed twelve children, for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state

daycare center licensing provisions and conducted in accordance with state requirements. (Res. 2012-78 (part), 8/14/12).

14.98.520 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to him no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. (Res. 2012-78 (part), 8/14/12).

14.98.525 Density.

“Density” means the number of dwelling units per unit of land. (Res. 2012-78 (part), 8/14/12).

14.98.530 Department.

“Department” means the Chelan County community development department or the department of public works, as required. (Res. 2012-78 (part), 8/14/12).

14.98.535 Dependent care housing.

“Dependent care housing” means temporary housing provided to assist in the care of persons in need of special assistance by reason of advanced age, infirmity or disability. (Res. 2012-78 (part), 8/14/12).

14.98.540 Developed open space.

“Developed open space” means a landscaped area maintained for the purpose of human activity, including, but not limited to, parks, bridal paths, play fields, playgrounds, golf courses, arboretums, botanical gardens, non-motorized trails and other similar uses, including uses and structures that are accessory and supportive of the primary open space activity. Driving ranges are not considered developed open space unless operated accessory to a golf course. (Res. 2012-78 (part), 8/14/12).

14.98.545 Developer.

“Developer” means any person, firm, partnership, association, joint venture or corporation, or any other entity, who undertakes to improve residential, commercial, or industrial property or to subdivide for the purpose of resale and profit. (Res. 2012-78 (part), 8/14/12).

14.98.550 Development.

“Development” means the construction or exterior alteration of a structure or structures, dredging, drilling, dumping, filling, removal of natural resources or vegetation, placing of obstructions, any project of a permanent nature or changes in the use of land or preparation for the change of use of land except as allowed by the provisions of this title. (Res. 2012-78 (part), 8/14/12).

14.98.555 Development agreement.

“Development agreement” means an agreement, pursuant to RCW 36.70B.170, which sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. (Res. 2012-78 (part), 8/14/12).

14.98.560 Development, major.

“Development, major” includes the following or similar land uses: three residential dwelling units or greater, feed lots, mine development, active recreation, commercial and industrial structures greater than one thousand five hundred square feet in size, short subdivisions three lots or greater in size, major

subdivisions, conditional use permits which have the potential to have moderate or high levels of impact to fish and wildlife conservation areas, and planned developments. (Res. 2012-78 (part), 8/14/12).

14.98.565 Development, minor.

“Development, minor” includes the following or similar uses: home occupations and daycare facilities, dependent care housing, bed and breakfasts, agricultural uses, signage, single-family dwelling units, duplexes, commercial and industrial structures smaller than one thousand five hundred square feet in size, residential lot segregations in the interim commercial agricultural district, two lot short plats, accessory structures, drainage of natural ponds, and alteration of land or vegetation that is not exempt under this chapter or defined as major development, which may or may not include SEPA review. (Res. 2012-78 (part), 8/14/12).

14.98.570 DHV.

“DHV” means design hourly volume as determined by the latest edition of the Trip Generation Manual as published by the Institute of Transportation Engineers. (Res. 2012-78 (part), 8/14/12).

14.98.575 Direct marketing.

“Direct marketing” means any marketing method whereby farmers sell their products directly to consumers. (Res. 2012-78 (part), 8/14/12).

14.98.580 Director.

“Director” means the director of the Chelan County department of community development or designee. This term is synonymous with administrator. (Res. 2012-78 (part), 8/14/12).

14.98.582 Distillery.

“Distillery” means a place where distillation (a process of separating the component substances from a liquid mixture by selective evaporation and condensation to create alcohol) takes place. For the purpose of administration of Chelan County codes, distillery is synonymous with winery. (Res. 2015-73 (Atts. A, B) (part), 8/4/15).

14.98.585 Dock/pier.

“Dock/pier” means a structure extending into navigable water for use as a landing place or promenade. (Res. 2012-78 (part), 8/14/12).

14.98.590 Dock/pier, community.

“Dock/pier, community” means a structure extending into navigable water for use as a landing place or promenade servicing more than three residences and/or serving a commercial function. (Res. 2012-78 (part), 8/14/12).

14.98.595 Drive-thru espresso stand.

“Drive-thru espresso stand” means a commercial coffee/beverage business utilizing a driveway to accommodate the business transaction from one’s car. Additionally, a drive-thru espresso stand may include, as an incidental use, a walk-up window to serve pedestrian and nonvehicular customers. (Res. 2012-78 (part), 8/14/12).

14.98.600 Driveway.

“Driveway” means a privately maintained access to residential, commercial, or industrial properties. (Res. 2012-78 (part), 8/14/12).

14.98.605 Duplex.

“Duplex” means a building containing two single-family dwelling units totally separated from each other by a fire separation wall extending from ground to roof. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.610 Dwelling.

“Dwelling” means a building or portion thereof that is used for human habitation. (Res. 2012-78 (part), 8/14/12).

14.98.615 Dwelling, multifamily.

“Dwelling, multifamily” means a building containing three or more dwelling units, including units that are located over the other. (Res. 2012-78 (part), 8/14/12).

14.98.620 Dwelling, single-family.

“Dwelling, single-family” means a building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. (Res. 2012-78 (part), 8/14/12).

14.98.625 Dwelling unit.

“Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as a separate living quarters with sleeping, sanitary facilities and kitchen facilities provided within the dwelling unit for the exclusive use of a single household. (Res. 2012-78 (part), 8/14/12).

14.98.630 Easement.

“Easement” means a right to use land for a specific purpose or purposes and held by persons or entities other than the owner. (Res. 2012-78 (part), 8/14/12).

14.98.635 Eating and drinking establishment.

“Eating and drinking establishment” means a retail establishment where food (prepared off-site) and/or drink is sold for consumption. (Res. 2012-78 (part), 8/14/12).

14.98.637 Electric vehicle charging station.

“Electric vehicle charging station” means a public or private parking space that is served by charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle. It may include a battery charging station, battery exchange station, rapid charging station and/or electric vehicle infrastructure, as defined in RCW 36.70A.695(5). (Res. 2017-119 (Att. B) (part), 12/19/17).

14.98.640 Emergency.

“Emergency” means a situation which the administrator determines requires immediate action to prevent or eliminate a threat to the health or safety of persons, property or the environment. (Res. 2012-78 (part), 8/14/12).

14.98.645 Emergency exemption.

“Emergency exemption” means an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this code. (Res. 2012-78 (part), 8/14/12).

14.98.650 Endangered species (federal).

“Endangered species (federal)” means those species listed by federal agencies under the federal register for the Endangered Species Act of 1973, as amended, as endangered species. (Res. 2012-78 (part), 8/14/12).

14.98.655 Endangered species.

“Endangered species” means those species listed by Washington State agencies as endangered species pursuant to WAC 232-12-014, as amended. (Res. 2012-78 (part), 8/14/12).

14.98.660 Engineer.

“Engineer” means an individual licensed as an engineer pursuant to Chapter 18.43 RCW. (Res. 2012-78 (part), 8/14/12).

14.98.665 Engineer, professional.

“Engineer, professional” means a professional engineer licensed to practice in the state of Washington. (Res. 2012-78 (part), 8/14/12).

14.98.670 Engineering geology.

“Engineering geology” means a specialty of geology affecting the planning, design, operation, and maintenance of engineering works and other human activities where geological factors and conditions impact the public welfare or the safeguarding of life, health, property, and the environment. (Res. 2012-78 (part), 8/14/12).

14.98.675 Enhanced on-site sewage system.

“Enhanced on-site sewage system” means a system determined by the Chelan-Douglas health district to have natural or designed features providing a fifty percent increase in phosphate soil binding sites above what would otherwise be provided by minimal compliance with Chelan-Douglas health district requirements, or an equivalent means of phosphate reduction. (Res. 2012-78 (part), 8/14/12).

14.98.680 Environmental health standards.

“Environmental health standards” means those rules and regulations for the provision of adequate water and sewage treatment facilities in Chelan County that have been adopted by the district board of health of the Chelan-Douglas health district. (Res. 2012-78 (part), 8/14/12).

14.98.685 Equipment enclosure.

“Equipment enclosure” means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilations, or auxiliary electricity generators. (Res. 2012-78 (part), 8/14/12).

14.98.690 Erosion.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water, or ice. (Res. 2012-78 (part), 8/14/12).

14.98.695 Erosion control, permanent.

“Erosion control, permanent” means the continuous on-site and off-site control measures that are needed to reasonably control conveyance or deposition of earth, turbidity or pollutants after development, construction or restoration. (Res. 2012-78 (part), 8/14/12).

14.98.700 Erosion control, temporary.

“Erosion control, temporary” means the on-site or off-site control measures that are needed to reasonably control conveyance or deposition of earth, turbidity, or pollutants during development, construction or restoration. (Res. 2012-78 (part), 8/14/12).

14.98.705 Essential public facilities.

“Essential public facilities” means those facilities, privately or publicly owned, typically difficult to site, such as airports, state educational facilities, state and regional transportation facilities, correctional facilities, solid waste handling facilities, inpatient facilities including substance abuse treatment centers, mental health facilities, group homes and secure community transition facilities and/or any facility listed on the state ten-year capital plan maintained by the Office of Financial Management. (Res. 2017-119 (Att. B) (part), 12/19/17; Res. 2012-78 (part), 8/14/12).

14.98.710 Exemption.

“Exemption” means certain specific developments are exempt from the definition of development and are therefore exempt from the development permit process. (Res. 2012-78 (part), 8/14/12).

14.98.715 Extirpated plant.

“Extirpated plant” means a plant that has been pulled up or removed by the roots. (Res. 2012-78 (part), 8/14/12).

14.98.720 Extremely gravelly.

“Extremely gravelly” means equal to or greater than sixty percent gravel and coarse fragments by volume. (Res. 2012-78 (part), 8/14/12).

14.98.725 Eyebrow.

“Eyebrow” means a partial bulb located adjacent to the serving road that provides access to lots and serves as a vehicle turnaround. (Res. 2012-78 (part), 8/14/12).

14.98.730 FAA.

“FAA” means the Federal Aviation Administration. (Res. 2012-78 (part), 8/14/12).

14.98.735 Family daycare home.

“Family daycare home” means a home that regularly provides care during part of a twenty-four-hour day to twelve or fewer children. (Res. 2012-78 (part), 8/14/12).

14.98.740 FCC.

“FCC” means the Federal Communications Commission. (Res. 2012-78 (part), 8/14/12).

14.98.745 FDC.

“FDC” means fire department connection. (Res. 2012-78 (part), 8/14/12).

14.98.750 Fence.

“Fence” means an artificially constructed barrier of an approved material or combination of materials erected to enclose, screen, or separate areas. (Res. 2012-78 (part), 8/14/12).

14.98.755 Fertigation.

“Fertigation” means mechanical distribution of fertilizer through an irrigation system. (Res. 2012-78 (part), 8/14/12).

14.98.760 Fill, fill material.

“Fill, fill material” means a deposit of material placed by human or mechanical means. (Res. 2012-78 (part), 8/14/12).

14.98.765 Filling.

“Filling” means the act of placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface, or other fill material. (Res. 2012-78 (part), 8/14/12).

14.98.770 Final plat.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW, as amended, and in this code. (Res. 2012-78 (part), 8/14/12).

14.98.775 Fire apparatus access road.

“Fire apparatus access road” means any road or driving surface ~~as defined and regulated in accordance with WAC 51-54A-0503~~, whether public or private, that is used to meet the access requirement of the currently adopted edition of the International Fire Code. (Res. 2012-78 (part), 8/14/12).

14.98.780 Fire area.

“Fire area” means the floor area, in square feet, used to determine the required fire flow. (Res. 2012-78 (part), 8/14/12).

14.98.785 Fire department.

“Fire department” means the office of the county fire marshal. (Res. 2012-78 (part), 8/14/12).

14.98.790 Fire flow.

“Fire flow” means the rate of water delivery needed for the sole purpose of fighting fires. (Res. 2012-78 (part), 8/14/12).

14.98.795 Fire hydrant.

“Fire hydrant” means a mechanical device which is self-draining, frost free, and is constructed to provide the required fire flow for the area serviced. (Res. 2012-78 (part), 8/14/12).

14.98.800 Fire hydrant, private.

“Fire hydrant, private” means a fire hydrant which is situated and maintained so as to provide water for fire fighting purposes with restrictions as to its use or accessibility by the public. (Res. 2012-78 (part), 8/14/12).

14.98.805 Fire hydrant, public.

“Fire hydrant, public” means a fire hydrant which is dedicated or otherwise permanently appropriated to the public for public use. (Res. 2012-78 (part), 8/14/12).

14.98.810 Fire marshal.

“Fire marshal” means the appointed Chelan County fire marshal. (Res. 2012-78 (part), 8/14/12).

14.98.815 Floodplain.

“Floodplain” includes all lands subject to flooding as depicted on the flood insurance rate maps (FIRM) and the floodway maps as published and from time to time amended by the Federal Emergency Management Agency (FEMA). (Res. 2012-78 (part), 8/14/12).

14.98.820 Floodway.

“Floodway” means the primary channel of the river or other watercourse that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Res. 2012-78 (part), 8/14/12).

14.98.825 Floodway fringe.

“Floodway fringe” means the portion of a riverine floodplain beyond the limits of the floodway. Here, flood waters are generally shallow and slow moving. (Res. 2012-78 (part), 8/14/12).

14.98.830 Floor area.

“Floor area” means the area included within the surrounding exterior walls of a building or portion thereof. The floor area of a building, or portion thereof, not provided with surrounding exterior wall shall be the usable area under the horizontal projection of the roof or floor above. (Res. 2012-78 (part), 8/14/12).

14.98.835 Food and beverage service.

“Food and beverage service” means ~~on-site preparation~~, catered food, ~~and/or~~ pre-packaged food ~~served and consumed~~ for activities and uses that are accessory to places of public and private assembly, wineries and other similar uses. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.840 Forest practice.

“Forest practice” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction; harvesting, final and intermediate; precommercial thinning, reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. “Forest practices” shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources. (Res. 2012-78 (part), 8/14/12).

14.98.845 Forest products processing facility.

“Forest products processing facility” means a facility which adds value to or processes timber and other forestry goods, including but not limited to cutting, drying, splitting, shaking, pulping, or forming. (Res. 2012-78 (part), 8/14/12).

14.98.850 Forestry support services.

“Forestry support services” means any nonforestry use which is directly related to forestry and directly dependent on forestry for its existence. These support services exist within districts that are intended to facilitate the production, marketing and distribution of forest products, such as, but not limited to, equipment repair, trucking operations and equipment rental. (Res. 2012-78 (part), 8/14/12).

14.98.855 Frequently flooded area.

“Frequently flooded area” means an area subject to flooding, as defined by FIRM, once every one hundred years. (Res. 2012-78 (part), 8/14/12).

14.98.860 Frontage.

“Frontage” denotes the property line which abuts the principal means of access to the property. (Res. 2012-78 (part), 8/14/12).

14.98.865 Geologically hazardous areas.

“Geologically hazardous areas” means areas susceptible to erosion, sliding, earthquake, or other geological events. (Res. 2012-78 (part), 8/14/12).

14.98.870 Geologist.

“Geologist” means a person who has a bachelor of science degree in geologic sciences or a related field from an accredited college or university and has a minimum of five years of related experience. (Res. 2012-78 (part), 8/14/12).

14.98.875 Geologist, engineering.

“Geologist, engineering” means a geologist who, by reason of his or her knowledge of engineering geology, acquired by education and practical experience, is qualified to engage in the practice of engineering geology, has met the qualifications in engineering geology under Chapter 18.220 RCW, and has been issued a license in engineering geology. (Res. 2012-78 (part), 8/14/12).

14.98.880 Geo-technical engineer.

“Geo-technical engineer” means a practicing professional/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geo-technical engineering, including at least five years’ professional experience in evaluating geologically hazardous areas. (Res. 2012-78 (part), 8/14/12).

14.98.882 Glamping.

“Glamping” means glamorous camping involving accommodations and facilities more luxurious than those associated with traditional camping, with additional amenities such as, but not limited to, electrical power, heat, running water; also see Section 14.98.360. (Res. 2014-38 (Atts. A, B) (part), 4/15/14).

14.98.885 Grade.

“Grade” means the average elevation of the finished ground level at the center of all exterior walls of the building. (Res. 2012-78 (part), 8/14/12).

14.98.890 Grading.

“Grading” means any excavating, filling, cleaning, leveling, or contouring of the ground surface by human or mechanical means. (Res. 2012-78 (part), 8/14/12).

14.98.895 Gravelly, high.

“Gravelly, high” means equal to or greater than thirty-five percent and less than sixty percent gravel and coarse fragments, by volume. (Res. 2012-78 (part), 8/14/12).

14.98.900 Ground water management program.

“Ground water management program” means a comprehensive program designed to protect groundwater quality, to assure ground water quantity, and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to Chapter 173-100 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.905 Groundcover.

“Groundcover” means low growing evergreen or deciduous plants, typically less than twenty-four inches in height at maturity, that provide relatively complete ground coverage beneath the foliage. (Res. 2012-78 (part), 8/14/12).

14.98.910 Guest house.

“Guest house” means an accessory building designed, constructed, and used for the purpose of providing temporary sleeping accommodations for guests, or for members of the same family as that occupying the main structure. (Res. 2012-78 (part), 8/14/12).

14.98.915 Guest inn.

“Guest inn” means a facility with one kitchen, a shared dining area, with not more than a total of six lodging units, which are available within a single-family residence and/or cabin outbuildings providing short-term lodging for paying guests. (Res. 2012-78 (part), 8/14/12).

14.98.920 Habitable space.

“Habitable space” means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space. (Res. 2012-78 (part), 8/14/12).

14.98.925 Habitat management and mitigation plan.

“Habitat management and mitigation plan” means a plan developed by a project proponent for the purposes of addressing how the effects of the project on surrounding habitat will be avoided or mitigated. (Res. 2012-78 (part), 8/14/12).

14.98.930 Half-street.

“Half-street” means a street constructed along the common right-of-way and development property line, utilizing a portion of the existing roadway. (Res. 2012-78 (part), 8/14/12).

14.98.935 Hazardous substance processing or handling.

“Hazardous substance processing or handling” means the use, storage, manufacture, or other land use activity involving hazardous substances in applications or quantities larger than is typical of household use. (Res. 2012-78 (part), 8/14/12).

14.98.940 Hazardous substance(s).

“Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products. (Res. 2012-78 (part), 8/14/12).

14.98.945 Hazardous waste.

“Hazardous waste” includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70-105 RCW and Chapter 173-303 WAC.

(1) “Dangerous waste” means any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residue or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(A) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(B) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(2) “Extremely hazardous waste” means any waste which:

(A) Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of humans or wildlife; and

(B) Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment. (Res. 2012-78 (part), 8/14/12).

14.98.950 Hazardous waste treatment and storage facility.

“Hazardous waste treatment and storage facility” means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.955 Highly permeable soils.

“Highly permeable soils” include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravelly coarse sands or coarser, all extremely gravelly soils. 1B: Very gravelly medium sand, very gravelly fine sand, very gravelly very fine sand, very gravelly loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand). (Res. 2012-78 (part), 8/14/12).

14.98.960 Home-based business.

“Home-based business” means a limited-scale contracting, service or fabrication business operating from an established residence or residential accessory building where the business is subordinate to the primary use of the premises as a residence occupied by the operator. (Res. 2012-78 (part), 8/14/12).

14.98.965 Home occupation.

“Home occupation” means a lawful occupation carried on entirely within a primary residential building as a clearly secondary use involving the occupant(s) thereof. Transacting wholesale-retail establishments are not considered home occupations. (Res. 2012-78 (part), 8/14/12).

14.98.970 Hospital.

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical and mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences. (Res. 2012-78 (part), 8/14/12).

14.98.975 Impervious surface.

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. For purposes of determining whether thresholds for application of core elements are exceeded, open, uncovered retention or detention facilities shall not be considered as impervious surfaces. Open, uncovered retention or detention facilities shall be considered impervious surfaces for purposes of runoff modeling. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2012-78 (part), 8/14/12).

14.98.980 Impoundment.

“Impoundment” means a body of water, such as a pond, confined by a dam, dike, floodgate or other barrier. (Res. 2012-78 (part), 8/14/12).

14.98.985 Industrial park.

“Industrial park” means a tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses with special attention to circulation, parking, utility needs and compatibility. (Res. 2012-78 (part), 8/14/12).

14.98.990 Inert waste.

“Inert waste” means substances defined by WAC 173-350-990, such as construction materials, that have not been tainted, through exposure from chemical, physical, biological, or radiological substances, such that they present a threat to human health or the environment greater than that inherent to the material. These may include cured concrete, asphaltic materials that have been used for structural and construction purposes, brick and masonry, ceramic materials, glass, stainless steel and aluminum, and other items which are not capable of catching fire and burning from contact with flames, and maintain physical and chemical structure under expected conditions of storage. (Res. 2014-38 (Atts. A, B) (part), 4/15/14: Res. 2012-78 (part), 8/14/12).

14.98.995 Inert waste site.

“Inert waste site” means a site in which construction, demolition or yard waste and/or inert material such as aggregate, soil, wood, vegetation, etc., is dumped and covered with soil or other suitable

material or composted. Said wastes shall not include hazardous or toxic material. (Res. 2012-78 (part), 8/14/12).

14.98.1000 Infill.

“Infill” means the development of new housing or other buildings on scattered vacant sites in a built-up area. (Res. 2012-78 (part), 8/14/12).

14.98.1005 Injection well.

“Injection well” means a well that is used for the purpose of subsurface emplacement of fluids, as per Chapter 178-218 WAC. (Res. 2012-78 (part), 8/14/12).

14.98.1010 Intervening ownership in riparian buffers.

“Intervening ownership in riparian buffers” means legal lots of record within riparian buffers which are separated from being adjacent to rivers, streams or lakes by an intervening legal lot of record; and provided, that such intervening legal lot of record is: a buildable lot adequate in size for the purposes of the placement of a single-family home or cabin or other structures of similar size or greater; or the legal lot of record is utilized as a public or private road or railway. (Res. 2012-78 (part), 8/14/12).

14.98.1015 Isolated cottage industry.

“Isolated cottage industry” means an industry operated primarily by family members. (Res. 2012-78 (part), 8/14/12).

14.98.1020 Isolated nonresidential use.

“Isolated nonresidential use” means an existing commercial, retail or industrial business ~~in existence prior to July 1, 1990.~~ (Res. 2012-78 (part), 8/14/12).

14.98.1025 Isolated small scale businesses.

“Isolated small scale businesses” means businesses created to export services or products and not designed to service local needs; may include manufacturing/assembly, research facilities, telemarketing, online/telephone sales and services. (Res. 2012-78 (part), 8/14/12).

14.98.1030 Joint-use driveway tract.

“Joint-use driveway tract” means a jointly owned and maintained tract or easement serving two properties. (Res. 2012-78 (part), 8/14/12).

14.98.1035 Junk.

“Junk” means storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, appliances, demolition waste, or any used material. (Res. 2012-78 (part), 8/14/12).

14.98.1040 Junkyard.

“Junkyard” means any area, lot, parcel, building, structure or part thereof used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, junk or reclaimable material. (Res. 2012-78 (part), 8/14/12).

14.98.1045 Kennel.

“Kennel” means a lot or building in which four or more dogs, cats or animals at least four months of age are kept ~~commercially~~ for board, propagation, training or sale. (Res. 2012-78 (part), 8/14/12).

14.98.10XX Kitchen, accessory residential.

“Kitchen, accessory residential” means a second kitchen, in addition to the principal kitchen serving the single-family dwelling that is incidental to the primary single-family dwelling and is located in the same dwelling or on the same lot. This definition does not include catering kitchens operated as a home business.

14.98.1050 Kitchen facility.

“Kitchen facility” means an area within a building intended for the preparation and storage of food. (Res. 2012-78 (part), 8/14/12).

14.98.1055 Land.

“Land” means ground, soil, or earth. (Res. 2012-78 (part), 8/14/12).

14.98.1060 Land use, high intensity.

“Land use, high intensity” means land uses which are associated with moderate or high levels of human disturbance or substantial wetland or riparian habitat impacts including, but not limited to, medium and high density residential, multifamily residential, active recreation, and commercial and industrial land uses. (Res. 2012-78 (part), 8/14/12).

14.98.1065 Land use, low intensity.

“Land use, low intensity” includes single-family residential and related accessory structures and home occupational uses, uses that are associated with low levels of human disturbance or low wetland or riparian habitat impacts including but not limited to agriculture or forest management uses. (Res. 2012-78 (part), 8/14/12).

14.98.1070 Landfill.

“Landfill” means a disposal facility or part of a facility which includes the permanent placement of hazardous or dangerous waste, solid waste, special waste, wood waste, inert and demolition waste landfills or unlined surface impoundments. (Res. 2012-78 (part), 8/14/12).

14.98.1075 Landing.

“Landing” means a road or driveway approach area to any public or private road. (Res. 2012-78 (part), 8/14/12).

14.98.1080 Landscaping.

“Landscaping” means any combination of grass, groundcover, shrubs, vines, hedges, trees, or other plant materials and nonliving materials used to enhance existing site conditions. (Res. 2012-78 (part), 8/14/12).

14.98.1085 Latecomer’s agreement.

“Latecomer’s agreement” means a written contract between the county and one or more developers providing partial reimbursement for cost of construction of street system improvements and/or utility system improvements to the developer by owners of property who are likely to utilize the

improvements and who did not contribute to the original cost of construction. (Res. 2012-78 (part), 8/14/12).

14.98.1090 Legal lot of record.

“Legal lot of record” means:

- (1) A lot created by a recorded subdivision or short subdivision; or
- (2) A lot greater than twenty acres in size meeting the requirements for an exempt parcel as defined in the Chelan County subdivision code; or
- (3) An approved certificate of exemption or boundary adjustment; or
- (4) A lot created prior to October 17, 2000. (Res. 2012-78 (part), 8/14/12).

14.98.1095 Livestock.

“Livestock” means domestic animals of types customarily raised or kept on farms for profit or other purposes, including cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other like animals. (Res. 2012-78 (part), 8/14/12).

14.98.1100 Loading space, off-street.

“Loading space, off-street” means space logically and conveniently located and scaled to accommodate bulk and delivery trucks for the use. (Res. 2012-78 (part), 8/14/12).

14.98.1105 Lodging facilities.

“Lodging facilities” means establishments providing transient sleeping accommodations and may also provide additional services such as restaurants, meeting rooms and banquet rooms. Such uses may include, but are not limited to, hotels, motels and lodges greater than six rooms. (Res. 2012-78 (part), 8/14/12).

14.98.1110 Lodging unit.

“Lodging unit” means one self-contained unit designated by number, letter or some other method of identification. (Res. 2012-78 (part), 8/14/12).

14.98.1115 Long-term commercial significance.

“Long-term commercial significance” means the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land. (Res. 2012-78 (part), 8/14/12).

14.98.1120 Loop.

“Loop” means a road of limited length forming a loop, having no other intersecting road, and functioning mainly as direct access to abutting properties that may be designated for one-way or two-way traffic. (Res. 2012-78 (part), 8/14/12).

14.98.1125 Lot.

“Lot” means a fractional part of divided lands having fixed boundaries, also known as property lines. The term shall include tracts and parcels. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2012-78 (part), 8/14/12).

14.98.1130 Lot area.

“Lot area” means the total area within the lot lines of a lot, excluding any street right-of-way. (Res. 2012-78 (part), 8/14/12).

14.98.1135 Lot, corner.

“Lot, corner” means a lot or parcel of land abutting upon two or more streets, other than an alley, at their intersection. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1140 Lot coverage.

“Lot coverage” means the ratio of the surface area measured by the exterior walls of the ground floor of all principal and accessory structures and decks, patios, etc., on a lot to the total lot area, as measured on a horizontal plain. (Res. 2012-78 (part), 8/14/12).

14.98.1145 Lot depth.

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line. For the purposes of Chapter 11.78 and 11.80, lot depth is measured at the maximum and minimum points perpendicular to the opposing property line(s) or the ordinary high water mark, where the parcel is dissected by the water body. In the case of triangular or irregularly shaped lots where the minimum measurement would be zero, the common line setback, unless otherwise designated by the administrator or a hearing body, shall be determined with a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. (Res. 2012-78 (part), 8/14/12).

14.98.1150 Lot line.

“Lot line” means a line that divides one lot from another lot or from a public or private street or any other public space. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2012-78 (part), 8/14/12).

14.98.1155 Lot line, front.

“Lot line, front” means a lot that abuts a street right-of-way or other primary means of vehicular access, other than an alley. Corner lots, or lots bounded by more than one street right-of-way, shall be considered to have two or more front lot lines each requiring a front yard setback. (Res. 2018-8 (Att. A) (part), 1/30/18: Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1160 Lot line, rear.

“Lot line, rear” means the lot line opposite and most distant from the front lot line. (Res. 2012-78 (part), 8/14/12).

14.98.1165 Lot line, side.

“Lot line, side” means any lot line other than the front or rear lot line, except, where there are three or more front and/or rear lot lines then the remaining lot line shall be a side lot line. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1170 Lot, reverse frontage.

“Lot, reverse frontage” means a lot that has two opposite sides abutting two parallel or approximately parallel streets. The remaining lot lines will be side lot lines. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12).

14.98.1175 Lot width.

“Lot width” means the horizontal distance between the side lot lines of a lot, measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback. (Res. 2012-78 (part), 8/14/12).

14.98.1180 Major subdivision.

“Major subdivision” means a division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or the transfer of ownership; provided, however, for lands located in an urban growth area, a major subdivision is ten or more lots, except where the county has adopted the city’s subdivision code. (Res. 2012-78 (part), 8/14/12).

14.98.1185 Manufactured home.

“Manufactured home” means a single-family dwelling constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements; and designed for transportation after fabrication in one or more sections on its own chassis and wheels. (Res. 2012-78 (part), 8/14/12).

14.98.1190 Manufactured home, designated.

“Manufactured home, designated” means a manufactured home that meets the following:

- (1) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- (2) Was originally constructed with and now has a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and
- (3) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences. (Res. 2012-78 (part), 8/14/12).

14.98.1195 Manufactured/mobile home park.

“Manufactured/mobile home park” means a site, lot, or tract of land under the management of one person, firm, or corporation intended for the occupancy of three or more manufactured/mobile homes for dwelling or sleeping purposes. This definition does not include parks for the location of recreational vehicles. (Res. 2012-78 (part), 8/14/12).

14.98.1200 Mapped point location.

“Mapped point location” means generally but not limited to an individual occurrence, breeding location, communal roost or haul-out site for a state priority species, as identified by the priority habitats and species database and wildlife heritage database. (Res. 2012-78 (part), 8/14/12).

14.98.1205 Master planned resort.

“Master planned resort” means a fully integrated, self-contained planned unit development, in a setting of significant natural amenities, with its primary focus on destination resort facilities, consisting of short-

term visitor accommodations associated with a range of developed on-site indoor and/or outdoor recreational facilities. (Res. 2012-78 (part), 8/14/12).

14.98.1210 Meeting, public.

“Meeting, public” means an informal meeting, hearing, workshop or other public gathering to obtain comments from the public or other agencies on an application, proposed action or issue of community interest. A public meeting does not constitute an open record hearing. (Res. 2012-78 (part), 8/14/12).

14.98.1215 Mineral extraction, long-term.

“Mineral extraction, long-term” means any activity which utilizes the extraction, processing and sale of commercial and noncommercial mineral resources. “Long-term” shall mean for a duration of greater than six years. (Res. 2012-78 (part), 8/14/12).

14.98.1220 Mineral extraction, short-term.

“Mineral extraction, short-term” means any activity which utilizes the extraction, processing, and sale of commercial and noncommercial mineral resources. “Short-term” shall mean for a duration of six years or less. (Res. 2012-78 (part), 8/14/12).

14.98.1225 Mineral resource activity.

“Mineral resource activity” means any activity which utilizes the storage, extraction, processing and sale of commercial and noncommercial mineral resources. Such activities may include, but are not limited to, stockpiling, crushing, sorting, batching of asphalt or concrete, preparation of a mining site for operation, ore extraction and reclamation of a mining site. (Res. 2012-78 (part), 8/14/12).

14.98.1230 Mineral resource materials.

“Mineral resource materials” means rock, gravel, sand and metallic and nonmetallic substances of commercial value. (Res. 2012-78 (part), 8/14/12).

14.98.1235 Mini-storage facility.

“Mini-storage facility” means a facility including buildings segregated into storage cubicles used exclusively for the storage of property and outdoor storage of vehicles and boats. (Res. 2012-78 (part), 8/14/12).

14.98.1240 Mining.

“Mining” means the act of extraction from the earth minerals and/or ores (including sand and gravel) via open pit, shaft, leaching or hydraulic methods. (Res. 2012-78 (part), 8/14/12).

14.98.1245 Mitigation.

“Mitigation” means methods used to alleviate or lessen the impact of development. (Res. 2012-78 (part), 8/14/12).

14.98.1250 Mixed use development.

“Mixed use development” means the development of a tract of land, building, or structure with a variety of uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment in a compact urban-like form. (Res. 2012-78 (part), 8/14/12).

14.98.1253 Model home.

“Model home” means a dwelling unit permitted in an approved preliminary plat prior to final plat recording which does not transfer ownership until after the final plat recording. (Res. 2018-8 (Att. A) (part), 1/30/18).

14.98.1255 Mobile home.

“Mobile home” means ~~a single family dwelling unit constructed prior to June 15, 1976, designed on a permanent chassis, transportable in one or more sections that are eight feet or more in width and thirty two feet or more in length.~~ a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes per WAC 296-150M-0020.

(Res. 2012-78 (part), 8/14/12).

14.98.1260 Modular home.

“Modular home” means a manufactured structure designed for initial movement in whole or units without benefit of an undercarriage frame or wheels to a site of permanent placement on a full perimeter foundation. A modular home constructed to ~~international codes standards the~~ requirements of WAC Chapter 296-150M and bearing the gold insignia from the Washington State Department of Labor and Industries shall be considered a single-family dwelling and not a manufactured/mobile home. (Res. 2012-78 (part), 8/14/12).

14.98.1265 National Wetlands Inventory Maps.

“National Wetlands Inventory Maps” means those maps provided to the county by the United States Department of the Interior which depict those areas which, based on aerial photography and soils data, have a strong likelihood of containing a wetland. (Res. 2012-78 (part), 8/14/12).

14.98.1270 Native vegetation.

“Native vegetation” means vegetation indigenous to, or originating naturally in Chelan County or north central Washington. (Res. 2012-78 (part), 8/14/12).

14.98.1275 Natural environment.

“Natural environment” (as defined and designated in the shoreline master program use regulations of Chelan County) means an area containing some unique natural or cultural features considered valuable in a natural or original condition which are relatively intolerant of intensive human uses. (Res. 2012-78 (part), 8/14/12).

14.98.1280 Natural resource support facility.

“Natural resource support facility” means any facility that provides equipment, supplies and/or service to industries and operations that are involved in mineral resource, timber, agriculture and other activities related to natural resources. Such facilities may include, but are not limited to, equipment sales and service, chemical sales and technical support, and processing of resource materials. (Res. 2012-78 (part), 8/14/12).

14.98.1285 Neighborhood-oriented commercial.

“Neighborhood-oriented commercial” means a commercial area providing convenience goods and services for the residents of the surrounding area. (Res. 2012-78 (part), 8/14/12).

14.98.1290 NFPA.

“NFPA” means the National Fire Protection Association. (Res. 2012-78 (part), 8/14/12).

14.98.1295 Noncompliance.

“Noncompliance” means an activity or use that is not in conformity with current rules and regulations. (Res. 2012-78 (part), 8/14/12).

14.98.1300 Nonconforming.

“Nonconforming” means a lot, use, building or structure which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the current requirements of the zoning district. (Res. 2012-78 (part), 8/14/12).

14.98.1305 Normal maintenance and repair.

(1) “Normal maintenance” means those acts to prevent a decline, lapse, or cessation from a lawfully established condition.

(2) “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(1)(b)). (Res. 2012-78 (part), 8/14/12).

14.98.1310 Notice and order.

“Notice and order” means a written notice declaring that a code violation(s) has occurred which specifies the action required to abate the violation and the civil fine for failure to comply with the notice and order. (Res. 2012-78 (part), 8/14/12).

14.98.1315 Noxious weeds.

“Noxious weeds” means those plants that are non-native, highly destructive and competitive as defined in Chapter 17.10 RCW, as now or hereafter amended. (Res. 2012-78 (part), 8/14/12).

14.98.1320 Nursery.

“Nursery” means land or structures, such as greenhouses, used to raise plants, flowers and shrubs for sale. (Res. 2012-78 (part), 8/14/12).

14.98.1322 Observation tower.

“Observation tower” means a public or commercially owned structure used to view areas/events from long distances. (Res. 2015-73 (Atts. A, B) (part), 8/4/15).

14.98.1325 Off-street parking space.

“Off-street parking space” means an area accessible to vehicles, exclusive of roadways, sidewalks, and other pedestrian facilities, that is improved, maintained, and used for the purpose of parking a motor vehicle on a dedicated street right-of-way. (Res. 2012-78 (part), 8/14/12).

14.98.1330 Omission.

“Omission” means a failure to act. (Res. 2012-78 (part), 8/14/12).

14.98.1335 On center (O.C.).

“On center (O.C.)” means a method of measurement to indicate plant spacing whereby the measurement is taken from the center of one plant to the center of the next. As used in this title for trees, average spacing “on center” is used for calculating the minimum number of trees necessary to

meet the planting requirements and does not necessarily refer to the specific location or relative special arrangement of the trees. (Res. 2012-78 (part), 8/14/12).

14.98.1340 On-farm retail sales.

“On-farm retail sales” means a secondary, subordinate and supplemental element of the operation of an ongoing commercial agriculture activity as defined by RCW 84.34.020(2). (Res. 2012-78 (part), 8/14/12).

14.98.1345 Open record hearing.

“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application. (Res. 2012-78 (part), 8/14/12).

14.98.1350 Open space, passive.

“Open space, passive” means any area of land essentially unimproved and set aside, dedicated, designated, or reserved for public or private use as a natural environment and/or passive activities, such as trails. (Res. 2012-78 (part), 8/14/12).

14.98.1355 Open space, active.

“Open space, active” means any area of land set aside, dedicated, designated, or reserved for public or private use which includes active areas, such as playgrounds, and/or infrastructure, such as well pumps, utility easements and may include septic systems under certain circumstances. (Res. 2012-78 (part), 8/14/12).

14.98.1360 Ordinary high water mark (OHWM).

“Ordinary high water mark (OHWM)” means a mark on all lakes, streams, and tidal waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. RCW 90.58.030(2)(b). (Res. 2012-78 (part), 8/14/12).

14.98.1365 Parcel.

“Parcel” means a tract, lot or plat of land of any size which may or may not be subdivided or improved. (Res. 2012-78 (part), 8/14/12).

14.98.1370 Park and ride facility.

“Park and ride facility” means a parking area designed for drivers to leave their cars and use mass transit or other ride sharing which begins or ends at the park and ride facility. (Res. 2012-78 (part), 8/14/12).

14.98.1375 Park model ~~home~~ trailer.

“Park model ~~home~~ trailer” shall be defined pursuant to RCW 46.04.622, and for the purposes of this code shall be treated similar to a stick built or manufactured home provided it is in compliance with all development standards of the Chelan County Code. (Res. 2012-78 (part), 8/14/12).

14.98.1380 Parking area.

“Parking area” means any area designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets. (Res. 2012-78 (part), 8/14/12).

14.98.1385 Parking space.

“Parking space” means a space for the parking of a motor vehicle within a parking area. (Res. 2012-78 (part), 8/14/12).

14.98.1390 Pavement width.

“Pavement width” means the paved area on shoulder-type roads or paved surfaces between curb, thickened edge or gutter flow line on all other roads. (Res. 2012-78 (part), 8/14/12).

14.98.1395 Perennial.

“Perennial” means containing water continuously year-round. (Res. 2012-78 (part), 8/14/12).

14.98.1400 Permeability.

“Permeability” means the property or condition of being able to pass liquids and gases through a soil or other geologic formation; also the rate of flow of that liquid or gas through the soil or other geologic formation. (Res. 2012-78 (part), 8/14/12).

14.98.1405 Permitted use.

“Permitted use” means any use allowed outright in a zoning district. (Res. 2012-78 (part), 8/14/12).

14.98.1410 Person.

“Person” means any individual, firm, association, partnership, corporation, or any entity, public or private. (Res. 2012-78 (part), 8/14/12).

14.98.1415 Personal and professional services.

“Personal and professional services” means establishments engaged in providing services involving the care of a person, personal goods or providing services based on a recognized profession. (Res. 2012-78 (part), 8/14/12).

14.98.1420 Pipe stem.

“Pipe stem” means a strip of land having a width narrower than that of the lot or parcel to be served and is designed for providing access to that lot or parcel. Also known as a flag lot. (Res. 2012-78 (part), 8/14/12).

14.98.1425 Place of habitation.

“Place of habitation” means a building used in whole or in part as habitable space. (Res. 2012-78 (part), 8/14/12).

14.98.1430 Place of public/private assembly.

“Place of public/private assembly” means a building or space used in whole or in part for the gathering together of persons for such purposes as deliberation, entertainment, amusement, socializing, or awaiting transportation; such uses include, but are not limited to, meeting halls, clubhouses, grange, cinemas, theaters, and churches and religious facilities. (Res. 2019-54 (Att. A) (part), 4/23/19; Res. 2012-78 (part), 8/14/12).

14.98.1435 Planned unit development (PUD).

“Planned unit development (PUD)” means an area of a minimum contiguous size to be planned, developed, operated, and maintained as a single entity and containing one or more structures with appurtenant/supportive common areas. (Res. 2012-78 (part), 8/14/12).

14.98.1440 Planning commission.

“Planning commission” means the Chelan County planning commission. (Res. 2012-78 (part), 8/14/12).

14.98.1445 Plat.

“Plat” means a map or representation of a subdivision, showing thereon the division of land into lots, blocks, streets and alleys or other divisions, dedications and information. (Res. 2012-78 (part), 8/14/12).

14.98.1450 Plat, final.

“Plat, final” means the final drawing of a subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements as set forth in Title 12 of the Chelan County Code and Chapter 58.17 RCW. (Res. 2012-78 (part), 8/14/12).

14.98.1455 Plat, preliminary.

“Plat, preliminary” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (Res. 2012-78 (part), 8/14/12).

14.98.1460 Plat, short.

“Plat, short” means a map or representation of a short subdivision. (Res. 2012-78 (part), 8/14/12).

14.98.1465 Pre-decision.

“Pre-decision” means an open record hearing held prior to the decision on a project permit. (Res. 2012-78 (part), 8/14/12).

14.98.1470 Primary association.

“Primary association” means use of a habitat area by a species regulated by Chapter 11.78 for rearing young, roosting, feeding, breeding, vulnerable aggregations, migration or foraging on a regular basis during the appropriate season. (Res. 2012-78 (part), 8/14/12).

14.98.1475 Principal, primary use.

“Principal, primary use” means a specific and primary purpose for which land, a building or structure is, or may be, occupied, arranged, designed, intended or maintained. (Res. 2012-78 (part), 8/14/12).

14.98.1480 Priority habitats.

“Priority habitats” means habitats which include one or more of the following attributes: comparatively high fish and wildlife density, comparatively high fish and wildlife diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, important fish and wildlife movement corridors, limited availability, high vulnerability to habitat alteration, and/or unique or dependent species. These habitats may include: Aspen stands, caves, cliffs, instream habitat, Juniper Savannah, old growth/mature forests, prairies and steppe, riparian areas, rural natural open space, shrub steppe (large

blocks), shrub steppe (small blocks), snags, talus, urban natural open space, and freshwater wetlands and deepwater. (Res. 2012-78 (part), 8/14/12).

14.98.1485 Private road.

“Private road” shall mean a road, though approved by the county, which is not a county road and is not maintained by the county. (Res. 2012-78 (part), 8/14/12).

14.98.1490 Property line.

Property Line. See “Lot line.” (Res. 2012-78 (part), 8/14/12).

14.98.1495 Prosecuting attorney.

“Prosecuting attorney” means the Chelan County prosecuting attorney. (Res. 2012-78 (part), 8/14/12).

14.98.1500 Protective improvements.

“Protective improvements” means project-specific facilities such as storm water detention ponds, natural floodways, fences designed to protect the public from hazardous areas and similar improvements and facilities. (Res. 2012-78 (part), 8/14/12).

14.98.1505 Public facility, high impact.

“Public facility, high impact” means a building or structure owned and operated by a public agency to provide a governmental service to the public. Such uses shall include, but are not limited to, composting facility, utility substations, solid waste transfer station, equipment storage/maintenance yard. (Res. 2012-78 (part), 8/14/12).

14.98.1510 Public facility, low impact.

“Public facility, low impact” means a building or structure owned and operated by a public agency to provide a governmental service to the public. Such uses shall include, but are not limited to, unoccupied emergency services buildings, transit shelters, rest areas and interpretive sites. (Res. 2012-78 (part), 8/14/12).

14.98.1515 Qualified ground water scientist.

“Qualified ground water scientist” means a hydrogeologist, geologist, engineer or other scientist who meets all of the following criteria:

(1) Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and

(2) Has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground water vulnerability. (Res. 2012-78 (part), 8/14/12).

14.98.1520 Qualified professional wetland biologist/consultant.

“Qualified professional wetland biologist/consultant” means the holder of at least a four-year degree in science with specific or related fields with course work in wetland ecology, hydrology or soils science with at least two years of professional experience in wetland delineation, functional assessment and mitigation. (Res. 2012-78 (part), 8/14/12).

14.98.1525 Recreational development.

“Recreational development” means development that may include, but is not limited to, campgrounds, RV parks, developed swimming beaches or similar types of uses. (Res. 2012-78 (part), 8/14/12).

14.98.1530 Recreational vehicle.

“Recreational vehicle” means a vehicular-type unit primarily designed for recreational camping or travel use certified as a recreational vehicle (RV) by the Department of Labor and Industries. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.1535 Recreational vehicle park/campground.

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

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

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

14.98.1540 Recreational vehicle, park model trailers.

“Recreational vehicle, park model trailers” means recreational vehicles used primarily as destination camping units and regulated consistent with other recreational vehicles. (Res. 2012-78 (part), 8/14/12).

14.98.1545 Redevelopment.

“Redevelopment” means any land-disturbing activity occurring on existing developed property. (Res. 2012-78 (part), 8/14/12).

14.98.1550 Remote industrial use.

“Remote industrial use” means those industrial uses which cannot be sited in urban areas or rural industrial districts due to noise, odor, or operational characteristics. (Res. 2012-78 (part), 8/14/12).

14.98.1555 Rent-a-tree operation.

“Rent-a-tree operation” means arrangements where customers rent or lease trees from farmers. (Res. 2012-78 (part), 8/14/12).

14.98.1560 Repeat violation.

“Repeat violation” means any civil code violation of the same ordinance, resolution or regulation in any location by the same person for which voluntary compliance has been sought within five years or a notice and order, stop work order or citation has been issued within five years; or a violation of a condition stated on a permit. (Res. 2012-78 (part), 8/14/12).

14.98.1565 Reserve easement.

“Reserve easement” (or dedication) is a strip of land between a subdivision boundary and a street within an approved subdivision, the control of which is deeded or dedicated to the county as a nonaccess right-of-way. (Res. 2012-78 (part), 8/14/12).

14.98.1570 Resource agencies.

“Resource agencies” means those various federal, state and local agencies and organizations whom the county relies upon for technical expertise and comment. (Res. 2012-78 (part), 8/14/12).

14.98.1575 Restaurant.

“Restaurant” means an establishment where food and drink are prepared and served on-site and may be consumed on- or off-site. (Res. 2012-78 (part), 8/14/12).

14.98.1580 Restoration.

“Restoration” means to revitalize or reestablish characteristics and processes of a wetland or fish and wildlife habitat area which have been diminished or lost by past alterations, activities, or catastrophic events. (Res. 2012-78 (part), 8/14/12).

14.98.1585 Retail sales.

“Retail sales” means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and customary auxiliary uses and services incidental to the sale of such goods. (Res. 2012-78 (part), 8/14/12).

14.98.1590 Retail space.

Retail Space. See “Retail sales.” (Res. 2012-78 (part), 8/14/12).

14.98.1595 Retaining wall.

“Retaining wall” means a structure or barrier constructed and erected between areas of different elevations to protect structures, support a surcharge, and/or prevent erosion. (Res. 2012-78 (part), 8/14/12).

14.98.1600 Revegetation.

“Revegetation” means to provide with a new vegetative cover composed of locally prescribed native vegetation in consultation with the applicable resource agencies. (Res. 2012-78 (part), 8/14/12).

14.98.1605 Right-of-way, ingress/egress.

“Right-of-way, ingress/egress” means land, property, or property interest dedicated, or under fee ownership, used primarily for transportation and associated land uses. (Res. 2012-78 (part), 8/14/12).

14.98.1610 Riparian.

“Riparian” means relating to, living or located along the bank of a watercourse including ponds, lakes, perennial and intermittent streams, and rivers. (Res. 2012-78 (part), 8/14/12).

14.98.1615 Road.

“Road” means a facility providing public or private access including the roadway and all other improvements inside the right-of-way. “Road” and “street” will be considered interchangeable terms for the purpose of these standards. (Res. 2012-78 (part), 8/14/12).

14.98.1620 Road, public.

“Road, public” means a road established and adopted by the proper authorities for use by the general public for vehicular circulation and a means of access to abutting properties. A road may serve as, but not be limited to, a location for public utilities, walkways, public open space and recreation area, cut and fill slopes, and drainage. (Res. 2012-78 (part), 8/14/12).

14.98.1625 Roadside stand.

“Roadside stand” means a temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on- or off-site, but may include, incidental to fresh produce sale, the sale of limited prepackaged food products and non-food items. This use is to be seasonal in duration, open for the duration of the harvest season. (Res. 2012-78 (part), 8/14/12).

14.98.1630 Roadway.

“Roadway” means that surfaced portion of a street or alley right-of-way that is improved for vehicular traffic only. (Res. 2012-78 (part), 8/14/12).

14.98.1635 Rural area.

“Rural area” means those areas of the county outside of an urban growth area as depicted in the Chelan County comprehensive plan. (Res. 2012-78 (part), 8/14/12).

14.98.1640 Rural environment.

“Rural environment” (as defined and designated in the shoreline master program use regulations of Chelan County) means an area characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. (Res. 2012-78 (part), 8/14/12).

14.98.1645 Rural tourism, recreational.

“Rural tourism, recreational” means an experience involving visits to rural settings or rural environments for the purpose of participation in or experiencing activities, events or attractions not readily available in urbanized areas. These activities are not necessarily agricultural in nature. (Res. 2012-78 (part), 8/14/12).

14.98.1650 Sanitary landfill.

“Sanitary landfill” means land upon which solid waste material consisting in whole or part of garbage, refuse, trash, rubbish, sludge or any other solid waste is dumped and covered with earth or other suitable material. (Res. 2012-78 (part), 8/14/12).

14.98.1655 Sedimentation.

“Sedimentation” means the deposition and settling of loose transported material into an open water body through the action of erosion or land instability. (Res. 2012-78 (part), 8/14/12).

14.98.1660 Sensitive species (state).

“Sensitive species (state)” means those species listed by state agencies as sensitive species pursuant to WAC 232-12-011, as amended. (Res. 2012-78 (part), 8/14/12).

14.98.1665 Service drive.

“Service drive” means any driveway, accessway or easement designed and used primarily for the purpose of obtaining access to a service entrance or loading area of a building or structure. (Res. 2012-78 (part), 8/14/12).

14.98.1670 Setback.

“Setback” means the distance between the nearest load-bearing member of a structure to any lot line, as measured on a horizontal plane. Exemptions are listed in Chapter 11.88. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12).

14.98.1675 Shoreline environment designations.

“Shoreline environment designations” means the categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctly different shoreline areas. (Res. 2012-78 (part), 8/14/12).

14.98.1680 Shoreline substantial development.

“Shoreline substantial development” means any development on designated shorelines which meet the requirements of RCW 90.58.030. (Res. 2012-78 (part), 8/14/12).

14.98.1685 Shorelines of the state.

“Shorelines of the state” means shorelines and shorelines of state-wide significance as defined in RCW 90.58.030. (Res. 2012-78 (part), 8/14/12).

14.98.1690 Short subdivision.

“Short subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of lease, sale, or transfer of ownership; provided, however, that in the Peshastin or Manson urban growth areas, a short subdivision is nine or fewer lots. (Res. 2012-78 (part), 8/14/12).

14.98.1695 Shoulder.

“Shoulder” means the paved or unpaved portion of the roadway outside the traveled way that is available for emergency parking or nonmotorized use. (Res. 2012-78 (part), 8/14/12).

14.98.1700 Shrub.

“Shrub” means a woody deciduous or evergreen plant with multiple stems or branches adapted for growth in Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.1705 Sign.

“Sign” means a display or device affixed to the ground, attached to a building or other structure using graphics, symbols, and/or written copy designed specifically for the display of a commercial or other advertisement to the public. (Res. 2012-78 (part), 8/14/12).

14.98.1710 Sign, directional.

“Sign, directional” means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which the public is directed. (Res. 2012-78 (part), 8/14/12).

14.98.1715 Sign, fascia.

“Sign, fascia” means a flat sign which projects one and one-half feet or less horizontally from the vertical face of a canopy awning or parapet upon which it is affixed, painted or attached, running parallel for its whole length to the face or wall of the building and which does not extend beyond the horizontal width of such wall awning or parapet. (Res. 2012-78 (part), 8/14/12).

14.98.1720 Sign, freestanding.

“Sign, freestanding” means a sign not attached to or forming part of a building. (Res. 2012-78 (part), 8/14/12).

14.98.1725 Sign, illuminated.

“Sign, illuminated” means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign. (Res. 2012-78 (part), 8/14/12).

14.98.1730 Sign, off-premises advertising.

“Sign, off-premises advertising” means a sign which advertises or promotes merchandise, services, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which said sign is located, or is available for rent or lease. (Res. 2012-78 (part), 8/14/12).

14.98.1735 Sign, off-premises directional.

“Sign, off-premises directional” means a sign which directs persons to a premises different from where the sign is located. These signs typically include an address or street name or direction such as “two blocks south on the right.” (Res. 2012-78 (part), 8/14/12).

14.98.1740 Sign, on-premises advertising.

“Sign, on-premises advertising” means a sign which carries only advertisements related to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business and name of the person, firm or corporation occupying the premises. “On-premises sign” also means a sign which contains religious, political, social and other noncommercial messages. (Res. 2012-78 (part), 8/14/12).

14.98.1745 Sign, portable.

“Sign, portable” means any sign designed to move or be moved by a trailer or vehicle to advertise at different locations. Further, these signs include any sign which is not firmly fastened to a building or the ground. (Res. 2012-78 (part), 8/14/12).

14.98.1750 Sign, projecting.

“Sign, projecting” means a sign which projects more than one and one-half feet horizontally from the vertical face of a building, or parapet. (Res. 2012-78 (part), 8/14/12).

14.98.1755 Sign, rooftop.

“Sign, rooftop” means a sign erected upon the roof of a building or canopy or a sign attached to a building which projects vertically above the roof, eave, awning or parapet; however, this does not include signs attached to the vertical face of a parapet, awning or canopy; providing the sign does not project above the vertical face of the parapet, awning or canopy to which it is attached. (Res. 2012-78 (part), 8/14/12).

14.98.1760 Sign, rotating.

“Sign, rotating” means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. (Res. 2012-78 (part), 8/14/12).

14.98.1765 Sign, temporary.

“Sign, temporary” means any sign which is not permanently installed or affixed to any sign structure or building, and not displayed for longer than thirty calendar days. In case of construction project signs, they may be maintained for the duration of the construction. (Res. 2012-78 (part), 8/14/12).

14.98.1770 Significant habitat block.

“Significant habitat block” means an area, or site in conjunction with an area, which is adequate in size to contain the sum of all environmental factors of a specific place necessary for the support and sustenance on a permanent or seasonal basis of a species, population or community. (Res. 2012-78 (part), 8/14/12).

14.98.1775 Silvicultural practices.

“Silvicultural practices” means pertaining to the cultivation and care of forest trees. (Res. 2012-78 (part), 8/14/12).

14.98.1780 Site plan.

“Site plan” means a written drawing illustrating a parcel of land, all existing and proposed structures, location of access, critical areas and the requested change to said areas. (Res. 2012-78 (part), 8/14/12).

14.98.1785 Slope.

“Slope” means the inclined ground surface of an area, the inclination of which is expressed as a ratio (percentage) of rise (vertical distance) to run (horizontal distance) by the following formula:

$$\text{Rise/Run (x100) = Average \% grade.}$$

(Res. 2012-78 (part), 8/14/12).

14.98.1790 Sludge.

“Sludge” means the material pumped out of septic tanks, cesspools, seepage pits or other receptacles built and maintained to receive and collect sewage from buildings not connected to a sewer and, in addition, includes treatment residues from water treatment plants and municipal wastewater treatment plants. (Res. 2012-78 (part), 8/14/12).

14.98.1795 Small scale recreation and tourism.

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

14.98.1800 Sole source aquifer.

“Sole source aquifer” means an aquifer which supplies at least fifty percent of the drinking water consumed in the area overlying the aquifer. These areas can have no alternative drinking water source(s) that could physically, legally, and economically supply all those who depend upon the aquifer for drinking water. (Res. 2012-78 (part), 8/14/12).

14.98.1805 State natural area preserves and natural resource conservation areas.

“State natural area preserves and natural resource conservation areas” are those areas defined, established, and managed as such by the Washington State Department of Natural Resources. (Res. 2012-78 (part), 8/14/12).

14.98.1810 Street frontage.

“Street frontage” means the linear frontage of a parcel or property abutting a street or access easement. (Res. 2012-78 (part), 8/14/12).

14.98.1815 Street, private.

“Street, private” means a privately owned and maintained access provided for by a tract, easement, or other legal means, typically serving three or more potential dwelling units. (Res. 2012-78 (part), 8/14/12).

14.98.1820 Street, public.

“Street, public” means a publicly owned facility providing access, including the roadway and all other improvements, inside the right-of-way. (Res. 2012-78 (part), 8/14/12).

~~14.98.18XX Storage.~~

~~“Storage” means a space or place where goods, materials, and/or personal property are placed for more than 24 consecutive hours.~~

14.98.18XX Storage, container.

“Storage, container” means intermodal transport units, isotainers, and similar shipping containers that are generally transported on cargo ships, railroad cars, trucks, and/or planes.

14.98.1825 Structure.

“Structure” means that which is built, constructed, erected or any kind or any piece of work artificially built up or composed of parts joined together which requires location on the ground or attached to something having a location on the ground with the exception of retaining walls. Not included are structures or similar improvements less than four feet in height. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12).

14.98.1830 Structure, plant communities.

“Structure, plant communities” means the associated characteristics of species richness, number of canopy levels, the degree of maturation of the community, and the dominant individuals that define the community. (Res. 2012-78 (part), 8/14/12).

14.98.1835 Structure, temporary.

“Structure, temporary” means a structure without any foundation or footings and erected for a period of less than one hundred eighty calendar days. (Res. 2012-78 (part), 8/14/12).

14.98.1840 Substantial changes.

“Substantial changes” means changes to a proposed development, within the discretion of the director, that affect access, density, utilities, drainage, critical areas or other relevant provisions or changes that warrant review from commenting agencies. (Res. 2012-78 (part), 8/14/12).

14.98.1845 Susceptibility.

“Susceptibility” means the condition of being especially sensitive and open to contamination. (Res. 2012-78 (part), 8/14/12).

14.98.1850 Temporary use.

“Temporary use” means a use established for a period of one hundred eighty calendar days or when the need for the use has ceased, whichever is shorter. Temporary uses do not involve the construction or alteration of a permanent structure. (Res. 2012-78 (part), 8/14/12).

14.98.1855 Tent.

“Tent” means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported in any manner except by air or the contents it protects. (Res. 2012-78 (part), 8/14/12).

14.98.1860 Threatened species (federal).

“Threatened species (federal)” means those species listed by federal agencies under the federal register for the Federal Endangered Species Act of 1973, as amended, as threatened species. (Res. 2012-78 (part), 8/14/12).

14.98.1865 Threatened species (state).

“Threatened species (state)” means those species listed by state agencies as threatened species pursuant to WAC 232-12-011, as amended. (Res. 2012-78 (part), 8/14/12).

14.98.1870 Traditional forest practices.

“Traditional forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to, road and trail construction, thinning, reforestation, prevention and suppression of disease and insects, salvage of trees and brush control. (Res. 2012-78 (part), 8/14/12).

14.98.1875 Traveled way.

“Traveled way” means that part of the road made for vehicle travel excluding shoulders and auxiliary lanes. (Res. 2012-78 (part), 8/14/12).

14.98.1880 Tree.

“Tree” means a large deciduous or evergreen woody plant having one or more self-supporting trunks and numerous branches and normally growing to a minimum height of twelve feet adapted for growth in Chelan County. (Res. 2012-78 (part), 8/14/12).

14.98.1885 U-Pick operation.

“U-Pick operation” means farms or orchards where the customers themselves harvest the fruit or agricultural product. (Res. 2012-78 (part), 8/14/12).

14.98.1890 Urban environment.

“Urban environment,” as defined and designated in the shoreline master program use regulations of Chelan County, means an area of high intensity land use including residential, commercial, and industrial development in addition to open space and public uses. (Res. 2012-78 (part), 8/14/12).

14.98.1895 Urban growth area.

“Urban growth area” means those areas designated by the county where urban growth will be supported by public facilities and services, as established by RCW 36.70A.110. (Res. 2012-78 (part), 8/14/12).

14.98.1900 Urban wildland interface area.

“Urban wildland interface area” means that geographical area where structures and other human development meet or intermingle with wildland or vegetative fuels. All areas shown as having moderate, high, or extreme risk hazard on the current edition of the Chelan County fire map, developed by the Washington State Department of Natural Resources, are urban wildland interface areas. (Res. 2012-78 (part), 8/14/12).

14.98.1905 Use.

“Use” means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained. (Res. 2012-78 (part), 8/14/12).

14.98.1910 Utility.

“Utility” means a company providing public service such as gas, electric power, telephone, telegraph, water, sewer, or cable television, whether or not such company is privately owned or owned by a governmental entity. (Res. 2012-78 (part), 8/14/12).

14.98.1915 Utility, high impact.

“Utility, high impact” means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure. High impact public utilities shall include, but are not limited to, generating and switching stations, substations, pumping stations and antennas or repeaters when not installed on a building. (Res. 2012-78 (part), 8/14/12).

14.98.1920 Utility, low impact.

“Utility, low impact” means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure. Low impact utilities shall include, but are not limited to, poles, lines, pipes, antennas or repeaters when installed on a building, carrier hotels and similar technology infrastructure. (Res. 2012-78 (part), 8/14/12).

14.98.1925 Value added operation.

“Value added operation” means any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value added operations may include bagging, packaging, bundling, pre-cutting, food and beverage service, etc. (Res. 2012-78 (part), 8/14/12).

14.98.1930 Variance.

“Variance” is the means by which an adjustment is made in the application of the specific dimensional standards of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges in conformance with the provisions of Chapter 11.95 (RCW 36.70.020). (Res. 2012-78 (part), 8/14/12).

14.98.10XX Vehicle, inoperable.

“Vehicle, inoperable” means a motor vehicle meeting at least ~~three~~ two (2) of the following requirements:

~~(1) Is three years old or older;~~

~~(2)~~(1) Is extensively damaged, such damage including, but not limited to, any of the following: a buildup of debris that obstructs use, broken window or windshield; missing wheels, tires, tail/headlights, or bumpers; missing or nonfunctional motor or transmission; or body damage;

~~(3)~~(2) Is apparently inoperable, or missing major component parts, including engines and short blocks, fames, transmissions or transfer cases, cabs, doors, front or rear boxes, seats, and hoods;

~~(4)~~(3) Is without a valid, current license or registration plate; or

~~(5) Has an approximate fair market value equal only to the approximate value of the scrap in it.~~

14.98.1935 Vehicle sales.

“Vehicle sales” means the sale to the general public of new or used motorized or nonmotorized vehicles, to include, but not be limited to, automobiles, trucks, recreational vehicles, boats or motorcycles. (Res. 2012-78 (part), 8/14/12).

14.98.1940 Vulnerability.

“Vulnerability” means the combined effect of susceptibility to contamination and the presence of potential contaminants. (Res. 2012-78 (part), 8/14/12).

14.98.19XX Warehouse.

“Warehouse” means a building or portion thereof primarily used for storage, production, processing and/or distribution of products, equipment, materials or commodities. ~~that are not available for retail sale on the premises.~~

14.98.1945 Water-dependent use/structure.

“Water-dependent use/structure” means those uses and/or structures that cannot exist in any other location and require location on the shoreline by reason of the intrinsic nature of their operations, such as: (A) ferry and passenger terminals, (B) terminal and transfer facilities for marine commerce and industry, (C) marine construction, dismantling and repair, (D) marinas—boat and seaplane, (E) intakes and outfalls, (F) boat launch facilities, (G) shoreline recreation, including parks, bike trails, beaches, etc., (H) aquaculture, (I) marina and limnological research and education, (J) hydroelectric power plants. (Res. 2012-78 (part), 8/14/12).

14.98.1950 Water main.

“Water main” means the piping used or which may be used to deliver domestic or industrial water and/or fire flows intended for fire protection in amounts prescribed in this chapter, and excludes storage facilities, hydrants, and service connections. (Res. 2012-78 (part), 8/14/12).

14.98.1955 Water purveyor.

“Water purveyor” means a federal, state, or county agency, or city, town, municipal corporation, firm, company, association, corporation, partnership, district, institution, person or persons owning or operating a public or private water system. (Res. 2012-78 (part), 8/14/12).

14.98.1960 Water system, public.

“Water system, public” means any system of water supply intended to be used for human consumption or other domestic uses, including, but not limited to, sources, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use. (Res. 2012-78 (part), 8/14/12).

14.98.1965 Waters of the state.

“Waters of the state” means Type 1 through 5 Waters as classified by WAC 222-16-030, Water Typing System. (Res. 2012-78 (part), 8/14/12).

14.98.1970 Wellhead protection area.

“Wellhead protection area” means the surface and subsurface area surrounding a well or well field for a distance of one hundred feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field. (Res. 2012-78 (part), 8/14/12).

14.98.1975 Wetland or wetlands.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands (RCW 36.70A.030). (Res. 2012-78 (part), 8/14/12).

14.98.1980 Wetland classification.

“Wetland classification” means a rating given to wetlands to differentiate between them based on their sensitivity to disturbance, rarity, irreplaceability and the functions and values they provide. (Res. 2012-78 (part), 8/14/12).

14.98.1985 Wetland delineation.

“Wetland delineation” means a process to determine the location and boundaries of a wetland. (Res. 2012-78 (part), 8/14/12).

14.98.1990 Wetland delineation manual.

“Wetland delineation manual” means the Washington State Wetlands Identification and Delineation Manual, (DOE Publication No. 96-94, March 1997), as amended. (Res. 2012-78 (part), 8/14/12).

14.98.1995 Wetland four-tiered rating system.

“Wetland four-tiered rating system” means the system established in the Washington State Wetland Rating System for Eastern Washington (DOE Publication No. 91-58, October 1991), as amended. (Res. 2012-78 (part), 8/14/12).

14.98.2000 Wholesale trade.

“Wholesale trade” means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. (Res. 2012-78 (part), 8/14/12).

14.98.2005 Winery.

“Winery” means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area. Distilleries and breweries, for the purposes of placement in various zoning districts and regulation requirements, are synonymous with winery. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.2010 Wireless communications facility.

“Wireless communications facility” means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas. (Res. 2012-78 (part), 8/14/12).

14.98.2015 Wireless communications service.

“Wireless communications service” means the providing or offering for rent, sale, lease or, in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. (Res. 2012-78 (part), 8/14/12).

14.98.2020 Wireless communications service provider.

“Wireless communications service provider” means every person who provides wireless telecommunications service for rent, sale, lease or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person. (Res. 2012-78 (part), 8/14/12).

14.98.2025 Working days.

“Working days” means those days in which the office of Chelan County community development is open to the public. (Res. 2012-78 (part), 8/14/12).

14.98.2030 Xeriscape.

“Xeriscape” is a patented name that stands for water conserving landscapes. (Res. 2012-78 (part), 8/14/12).

14.98.2035 Yard.

“Yard” means an open space on a tract or lot which is unoccupied and unobstructed from the ground upward, except as permitted in Title 11. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located. For example, front yard extends from the front lot line. (Res. 2018-8 (Att. A) (part), 1/30/18; Res. 2012-78 (part), 8/14/12).

14.98.2055 Yurt.

“Yurt” means a circular, domed, portable tent. (Res. 2012-78 (part), 8/14/12).

14.98.2060 Zoning map.

“Zoning map” means the map or maps that are part of this title and delineate the boundaries of zoning districts. (Res. 2012-78 (part), 8/14/12).

14.98.2065 Zoning resolution.

“Zoning resolution” shall mean the officially adopted zoning code of Chelan County as it now exists or may be subsequently amended. (Res. 2012-78 (part), 8/14/12).

Code reviser’s note: Resolution 2012-78 sets out Chapter 14.98 in its entirety and includes code section numbers for each definition. Prior to Resolution 2012-78, all definitions were in Section 14.98.020 and were based on Resos. 2011-86, 10/4/11; 2010-68, 7/13/10; 2009-23, 2/23/09; 2008-141, 10/7/08; 2008-86, 5/20/08; 2007-165, 12/11/07; 2007-164, 12/11/07; 2007-104, 7/10/07; 2007-100, 7/2/07; and 2006-79 § 915, 6/20/06.