



CHELAN COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

LIMITED ZONING TEXT AMENDMENTS Staff Report

TO: Chelan County Board of County Commissioners
FROM: Chelan County Community Development
HEARING DATE: June 2, 2020
FILE NUMBERS: ZTA 2020-005

A. Requested Action

Adoption of amendments to Chelan County Code (CCC) attached as Exhibit A. Requested actions include:

Limited text amendments are being proposed to clarify sections of the Chelan County Code Title 11 Zoning and Title 14 Development Permits Procedures and Administration as they relate to storage containers, yurts, residential accessory kitchens, vehicle and other storage, utilities as a permitted use within the Icicle Valley Design Review Overlay District, isolated nonresidential uses and isolated small-scale businesses, the planned development process within the Peshastin UGA, definitions, the hearing examiner and quasi-judicial process, and combining the process for amending the comprehensive plan map and zoning map. Chelan County Code Chapter 1.61 Hearing Examiner is proposed to be amended in conjunction to support the proposed changes in Titles 11 and 14.

The Planning Commission is being asked to review, consider, and make a recommendation to the Board of Chelan County Commissioners to approve, approve in part or deny adoption of the proposed Zoning Code and Definition amendments relating to Short term rentals.

General Information

Planning Commission Hearing Published on:	April 8, 2020
Planning Commission Hearing on:	April 22, 2020, postponed to a date certain, May 6, 2020
Board of County Commissioners Hearing Published on:	May 22, 2020
Board of County Commissioner Hearing on:	June 2, 2020
60-day State agency review:	April 6, 2020
SEPA DNS Determination:	April 3, 2020

B. SEPA Environmental Review

An Environmental Checklist. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed, and a Determination of Non-Significance (DNS) was issued on April 3, 2020. The SEPA Checklist and DNS are included within the file of record and adopted by reference.

C. Code Review Criteria

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

CCC 14.13.040 (1) The amendment is necessary to resolve a public land use issue or problem.

Staff Analysis:

The proposed amendments are needed to address inconsistencies and provide clarity in the code. The proposed amendments clarify sections of the Chelan County Code Title 11 Zoning and Title 14 Development Permits Procedures and Administration. They address storage containers, yurts, residential accessory kitchens, vehicle and other storage, utilities as a permitted use within the Icicle Valley Design Review Overlay District, isolated nonresidential uses and isolated small-scale businesses, the planned development process within the Peshastin UGA, definitions, and combining the process for amending the comprehensive plan map and zoning map. Additionally, Chelan County Code Chapter 1.61 Hearing Examiner is proposed to be amended in conjunction to support the proposed changes in Titles 11 and 14 for consistency.

CCC 14.13.040 (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

Staff Analysis:

The 14 goals of the Growth Management Act are:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention

and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

(14) Shoreline Management, to manage shorelines wisely.

The proposed amendments could provide support implementation of Growth Management Act goals (4) Housing, (5) Economic development, (6) Property rights, (7) Permits, and (11) Citizen Participation and coordination.

CCC 14.13.040 (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

Staff Analysis:

The Chelan County Comprehensive Plan has been reviewed for the proposed amendment. The proposed amendments appear consistent with the Chelan County Comprehensive Plan. There are no changes affecting the County-wide planning policies.

CCC 14.13.040 (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

Staff Analysis:

Chelan County reviews specific permits for consistency with the critical area regulations and, when located within a resource land, consistency with resource land regulations. The proposed amendments do not address resource lands or critical area regulations. The proposed amendment does not have an impact on the critical areas regulations or resource land regulations.

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

Staff Analysis:

The proposed amendments appear consistent with sound land use planning principles and would appear to further the general public health, safety and welfare.

D. Suggested Findings of Fact:

1. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
2. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
3. An Environmental Checklist. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed, and a Determination of Non-Significance (DNS) was issued on April 3, 2020.
4. The Chelan County has adopted the Chelan County Comprehensive Plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A.
5. The Chelan County Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for Chelan County in coordination with Chelan County. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
6. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
7. Notice of the public 60 day review and comment period, and public hearing date was published in the Wenatchee World on April 8, 2020 for amendments.
8. On April 6, 2020, the Chelan County provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Chelan County Code and initiation of the 60 day review and comment periods. No comments have been received.

9. On May 6, 2020, the Chelan County Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
10. The Chelan County Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Chelan County Code.

E. Suggested Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the Chelan County Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 14 Development Permit Procedures and Administration of the Chelan County Code.

G. Attachments

- A. Exhibit A