

**WENATCHEE PLANNING COMMISSION
SCHEDULED MEETING
February 21, 2018
WENATCHEE CITY HALL COUNCIL CHAMBERS
129 S. Chelan Avenue
Wenatchee, WA 98801**

AGENDA

I. CALL TO ORDER AND WELCOME

II. ADMINISTRATIVE AFFAIRS

- A. Approval of minutes from the last regular meeting on January 17, 2018

III. OLD BUSINESS

- A. None

IV. NEW BUSINESS

- A. Planning Commission applicant interviews
 - 1. Richard Erickson
 - 2. Cameron de Mestre
 - 3. Sarah Shaffer
- B. Workshop on proposed revisions to Chapter 7.36 Vehicular Access to State Highways and 11.20 Subdivision Design Standards.
- C. Public Hearing on amendments to the Wenatchee City Code in Chapters 10.08 Definitions, 10.10 District Use Chart, 10.48 General Regulations, and 12.04030 categorical exemptions.
- D. Workshop on upcoming Critical Areas Ordinance revisions to Geologically Hazardous Areas and Fish and Wildlife Habitat Areas.

V. OTHER

- A. Member roundtable

VI. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Mayor's office at (509) 888-6204 (TTY 711). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1.)

MINUTES

I. CALL TO ORDER

Chair Griffith called the meeting to order at 5:30 p.m. with the following members in attendance: Ace Bollinger, Joe Gamboni and John Brown. Absent were Commissioners Tony Freytag and Susan Albert.

City Planning staff was represented by: Glen DeVries, Community Development Director and Stephen Neuenschwander, Planning Manager.

II. ADMINISTRATIVE AFFAIRS

A. Approval of the minutes of the regular meeting of November 15, 2017.

Commissioner Bollinger moved to approve the minutes of November 15, 2017.
Commissioner Gamboni seconded the motion. The motion carried.

III. OLD BUSINESS

None

IV. NEW BUSINESS

- A. Planning Commission applicant interviews
1. Cameron de Mestre
 2. Richard Erickson
 3. Sarah Shaffer

The only applicant present was Sarah Shaffer.

Commissioners interviewed Ms. Shaffer.

Chair Griffith advised her that the Commission would wait on making a recommendation for appointment in order to see if the other two applicants might arrive later. He informed her that she was welcome to leave if she wanted to and advised that staff would contact her at a later date with additional information on the status of her application.

B. Public comment period

Stanley Donough, 1550 Cherry Street, Wenatchee, WA addressed the Commission. Donough advised that he wanted to address the Commission regarding parking requirements and new development. He advised that he was a developer for years with an emphasis in affordable housing. He advised that he pushed for smaller lots with minimum parking and wound up creating some slums which he is not proud of. He said that he sees the City headed in the same route in some instances by allowing larger densities with minimum parking standards.

Commissioners thanked Donough for his comments and advised that they would take them into consideration. They invited and encouraged him to return to any future meetings where the matter of densities and parking standards were on the agenda.

- C. Continuation of the workshop on the North Wenatchee Business District Moratorium on outdoor storage.

Stephen Neuenschwander, Planning Manager, and Glen DeVries, Community Development Director, presented the staff report.

Commissioners discussed desired and viable uses to be considered in the North Wenatchee Business District and made recommendations to staff.

Staff advised that they would come back with detailed options for the Commission at the public hearing on the matter next month.

- D. Continuation of the workshop on draft revisions to WCC 10.48.180 Fences.

Stephen Neuenschwander, Planning Manager, presented the staff report.

Commissioners asked questions and provided input to staff.

V. OTHER

- A. Member roundtable
 - 1. Subdivision update

As the other two applicants for the Planning Commission never arrived. Commissioners were in agreement that staff should re-contact them to see if they were still interested and could attend the next regular meeting in February to be interviewed. Commissioners agreed that they would then make a recommendation for appointment at that time.

VI. ADJOURNMENT

With no further business to come before the Planning Commission, Chair Scott Griffith adjourned the meeting at 7:28 p.m.

Respectfully submitted,

CITY OF WENATCHEE
DEPARTMENT OF COMMUNITY DEVELOPMENT
Kim Schooley, Administrative Assistant



**City of
Wenatchee**

**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

Public Services Center
1350 McKittrick Street, Suite A
Wenatchee, WA 98801

(509) 888-3200
Fax (509) 888-3201

TO: City of Wenatchee Planning Commission
FROM: Community Development staff
DATE: February 14, 2018
RE: Interim control on subdivision street design

The City of Wenatchee is experiencing significant pressures for growth and has a deficiency of housing units which has resulted in residential vacancy rates which are some of the lowest in the State. These housing constraints impact the local economy and the community's overall quality of life. The update of the comprehensive plan for housing demonstrated a sufficient supply of land and a need to update provisions of code and pursue infrastructure extensions to facilitate an increase in a diversity of housing types and supply of housing units.

Many land areas which are available for development in the Wenatchee Urban Growth Area include some form of constraint. Additionally, new innovative approaches for engineering and development design are changing every year. The City's current subdivision code does not provide the Public Works Department much latitude to approve alternative designs that can still meet the fundamental components of public interest and be sensitive to site constraints and innovation. Many surrounding jurisdictions have built this latitude into their codes to provide the engineer additional flexibility. Providing this flexibility would be of assistance in the review of development to continue to work to meet community housing needs, while pursuing quality development that is consistent with the comprehensive plan and provisions for the public's health, safety and general welfare.

In order to provide this flexibility, the City Council adopted Interim Official Controls by Ordinance 2017-24 on November 2, 2017, attached. The interim ordinance amends Chapter 11.20.020 and provides a path for alternative compliance with the street standards. The interim code as adopted is very similar to provisions allowed for by the City of East Wenatchee and Douglas County.

The interim regulations allow an applicant's engineer to propose alternatives demonstrating that alternatives from subdivision street standards are based on sound engineering judgment and that the requirements for safety, function, appearance, fire protection and maintainability are fully met and comply with the Wenatchee Urban Area Comprehensive plan and appropriate subarea plan if applicable. The proposed interim control provides for an administrative option for alternatives to be reviewed either before an application submittal or during the review of an application for review and approval by the City of Wenatchee's Public Works Director. The existing variance section would still remain in place as a hardship review tool for consideration by the City of Wenatchee Hearing Examiner.

The interim control expires six months from the date of adoption. The city has sent the code to the Washington State Department of Commerce for review. It is anticipated that the Planning Commission will conduct a public hearing on this matter at your March meeting. The City Engineer will be at your meeting to answer any questions you may have.

Apple Capital of the World

ORDINANCE NO. 2017-24

AN ORDINANCE, adopting an interim official control relating to subdivision design standards by providing for alternative street design where flexibility would be beneficial yet comply with sound engineering principles.

WHEREAS, the City of Wenatchee is experiencing significant pressures for growth and has a deficiency of housing units which has resulted in residential vacancy rates which are some of the lowest in the State. These housing constraints impact the local economy and the community's overall quality of life. The update of the comprehensive plan for housing demonstrated a sufficient supply of land and a need to update provisions of code and pursue infrastructure extensions to facilitate an increase in a diversity of housing types and supply of housing units; and

WHEREAS, many land areas which are available for development in the Wenatchee Urban Growth Area include some form of constraints. Additionally, new innovative approaches for engineering and development design are changing every year. The City's current subdivision code does not provide the Engineer flexibility to approve alternative designs that can still meet the fundamental components of public interest and be sensitive to site constraints and innovation. Providing flexibility would be of assistance in the review of development applications to continue to work to meet community housing needs, while pursuing quality development that is consistent with the comprehensive plan and provisions for the public's health, safety and general welfare; and

WHEREAS, City staff recommends amending the City subdivision design standards to allow flexibility in the design of streets where flexibility would be beneficial to aid development yet comply with sound engineering principles; and

WHEREAS, the Wenatchee City Council hereby finds that an interim official control to amend the City subdivision design standards to allow alternative designs of streets where flexibility in design would be beneficial to the development of subdivisions provided it conforms with sound engineering principles would be in the best interest of the public health, safety and welfare; and

WHEREAS, RCW 36.70A.390 authorizes the City Council to adopt interim official controls for a period of up to six (6) months if a public hearing on the proposal is held within at least 60 days of its adoption providing for the six (6) month control period; and

WHEREAS, the City Council desires to impose a six (6) month interim official control amending the City subdivision design standards relating to streets; and

WHEREAS, in conformity with the responsibilities of the City of Wenatchee to meet public health, safety and welfare requirements and provide land use regulations pursuant to state law, and the City's authority to regulate land use activities within its corporate limits, the City intends to develop appropriate subdivision design standards relating to alternative street design standards.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE, WASHINGTON, DO ORDAIN as follows:

SECTION I
Findings

The recitals set forth above are hereby adopted as the City Council's findings in support of the interim official control imposed by this Ordinance.

SECTION II
Interim Official Control Enacted

Pursuant to Washington State law, an interim official control that amends the Wenatchee City Code (WCC) by the addition of Section 11.20.020(13) WCC to read as follows:

11.20.020(13) Alternatives.

A. These standards represent reasonable approaches based on past experience in Wenatchee and other jurisdictions. These standards indicate the appropriate practice under most conditions.

B. Engineering design is an endeavor that examines alternative solutions to real world situations and accordingly, these standards are not provided to hamper the introduction of new ideas. It is fully expected that creative engineering will continue to take place. Situations will present themselves where alternatives may be preferred to allow conformance with existing conditions, to overcome adverse topography or to allow for more affordable solutions without adversely affecting safety, maintainability or aesthetics. These standards are intended to provide predictability yet still allow for the flexibility necessary for innovation.

C. Alternatives to these standards may be proposed and evaluated as a component of a pre-application meeting process. Submittal of alternative proposals after or with a permit application submittal may result in additional time necessary to review the subject application.

D. The alternative request shall be in writing, submitted to the city engineer, and address the following points:

1. Specifically outline the reason for the alternative request.
2. Specify the chapter and section for which the alternative is requested.
3. Provide supporting evidence demonstrating that an alternative from these standards is based on sound engineering judgment that the requirements for safety, function, appearance, fire protection and maintainability are fully met and complies with the Wenatchee Urban Area Comprehensive plan and appropriate subarea plan if applicable.
4. The above information shall be used by the city engineer in evaluating requests for the use of alternatives to these standards. Alternative requests that conflict with the International Fire Code as adopted by the City of Wenatchee shall also require written concurrence from the City of Wenatchee Building and Fire Code Official.
5. Specify how the alternative proposal is equivalent to what would be achieved if the standards were followed.

SECTION III
Effective Period for Interim Official Control

The interim official control set forth in this Ordinance shall be in effect for a period of six (6) months from the date this Ordinance is passed and shall automatically expire at the conclusion of that six (6) month period unless the same is extended by the City as provided in state law or unless terminated sooner by Ordinance.

SECTION IV
Work Program

The Mayor and other responsible staff are hereby authorized to study and address issues related to determining the impacts and necessary controls on alternative design standards for streets within new subdivisions.

SECTION V
Public Hearing

A public hearing on the interim official controls imposed herein was held on November 2, 2017, at 5:15 p.m., upon notice, in order to take testimony and to consider adopting further findings.

SECTION VI
Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other person or situation.

SECTION VII
Effective Date

This Ordinance shall take effect thirty (30) days after approval and publication as provided for by law.

PASSED BY THE CITY COUNCIL OF THE CITY WENATCHEE,

at a regular meeting thereof, this 2 day of November, 2017.

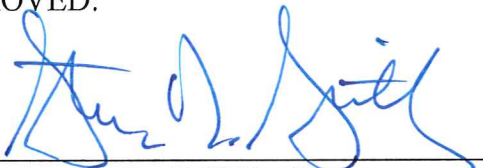
CITY OF WENATCHEE,
a Municipal Corporation

By: 
FRANK KUNTZ, Mayor

ATTEST:

By: 
TAMMY L. STANGER, City Clerk

APPROVED:

By: 
STEVE D. SMITH, City Attorney

TO: City of Wenatchee Planning Commission
FROM: City of Wenatchee Community Development Staff
BDATE: February 14, 2018
RE: Staff Report - Limited Code Amendments

I. REQUESTED ACTIONS

Adoption of amendments to the Wenatchee City Code (WCC) attached as Exhibit A. Requested actions include:

- A. Amendments to Wenatchee City Code (WCC) Chapter 10.08 Definitions, 10.10 Definitions and 10.48 General Regulations related to artisan/makers spaces
- B. Amendments to WCC Chapter 10.48.180 Fences in the general regulations section related to commercial fence standards.
- C. Amendments for WCC Chapter 10.10 District Use Chart related to storage uses in the North Wenatchee Business District.
- D. WCC Chapter 12.04.030 Flexible Thresholds for categorical exemptions

II. ENVIRONMENTAL REVIEW

The City of Wenatchee has determined the proposed amendments to the Wenatchee City Code will not have probable significant adverse impacts on the environment. The City of Wenatchee has issued a determination of non-significance (DNS). Notice of the environmental determination for the proposed amendments to the Wenatchee City Code was made on February 7, 2018, with comments due by February 21, 2018.

III. PUBLIC PROCESS

- The Planning Commission conducted workshops on the proposed revisions between September and November of 2017 and in January 2018.
- The amendments and environmental documents have been posted on the City of Wenatchee website during the public comment and environmental review periods.
- Notice of the proposed amendments to the Wenatchee City Code was made on February 7, 2018 with comments due by February 21, 2018.
- Concurrent with the notices provided for the proposed amendments, copies of the environmental documents were sent to the Department of Ecology SEPA Register; and the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the City of Wenatchee Urban Area Comprehensive Plan and City of Wenatchee Zoning Code and initiation of the 60 day review and comment period. Additional notice was provided to local and regional agencies for the 60 day review and comment period/environmental determinations.
- On February 21, 2018, the City of Wenatchee Planning Commission conducted an advertised public hearing on the proposed amendments.

IV. AGENCY AND PUBLIC COMMENTS:

At the writing of the staff report, no comments were received in response to this proposal.

V. PROJECT ANALYSIS

An analysis, summary and recommendations for the three categories, A-C, of code amendments are provided below. Please refer to Exhibit I for the complete text of each proposed amendment. Suggested findings of fact and conclusions of law are included at the end of the staff report applicable to the proposals.

A. Amendments to Wenatchee City Code (WCC) Chapter 10.08 Definitions, 10.10 Definitions and 10.48 General Regulations related to artisan/makers spaces

Industrial uses are regulated throughout the city in a variety of commercial districts, industrial overlays, and the industrial district. Outside the industrial district, many industrial uses are processed as permitted, conditional or accessory uses.

The proposed revisions would remove from the light industry definition the vehicular transportation type uses such as taxi fleets and public transit fleets as well as the rental of portable toilets and heavy equipment. A separate land use category is established for these uses and authorized in a similarly as the light industry uses in the use chart. These uses do not meet the definition of a light industry as there is not processing or manufacturing aspect. They are however appropriate uses in the industrial district and via a conditional use in other areas of the city.

In an effort to encourage craftsman/artisanal industries to locate in the central business district and Historic Entertainment Overlay (HEO), a new land use category and definition are proposed. These industrial uses are characterized by smaller scale operations, usually hand crafted, and not as intrusive as full scale industrial uses. City staff have spoken with several artisans that would like to site their business downtown, however, the HEO does not allow for the industrial uses. The proposed revision would create a smaller scale option in the CBD and HEO and other districts in the City. Goal 7 and Policy 3 of the Land Use Chapter of the comprehensive plan encourages providing opportunities for light manufacturing and flexible space for industrial uses in commercial district. The purpose of the artisan spaces are to create this smaller scale and more limited industrial uses.

Staff recommends **Approval** of the proposed amendments based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

B. Amendments to WCC Chapter 10.48.180 Fences in the general regulations section related to commercial fence standards.

Toward the end of 2017, the Planning Commission expressed concern regarding site obscuring fencing along the right of way on North Wenatchee Avenue. The Planning Commission asked staff to draft some potential code revisions that would limit, soften the affect or discourage site obscuring fences along the street frontage. The purpose of the proposed revisions is to blend commercial fencing in better with the surrounding commercial uses and not allow the fencing to become the prominent feature on the property.

Through a series of workshops in October 2017 and January 2018, the Planning Commission and staff have drafted revisions to the commercial fence standards that would accomplish the following:

- Limit the visual impact of long continuous fencing fronting the public right of way by including architectural features such as masonry or brick columns to provide visual relief and definition to fencing;
- Limit the use of high intensity or bright colors; and
- Limit the use of barbed wire or razor on fences directly fronting the public right of way.

Staff recommends **Approval** of the proposed amendments to WCC 10.48.180 Fences in the general regulations section based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

C. Amendments for WCC Chapter 10.10 District Use Chart related to storage uses in the North Wenatchee Business District.

At the September 14, 2017 meeting of the City Council, Ordinance 2017-20 was signed with the purpose of initiating a six (6) month moratorium on accepting applications for the establishment, siting, locating, or permitting, of new outdoor sales or rentals, or new uses involving storage of merchandise, inventory or equipment in the North Wenatchee Business District located in the Olds Station area.

The purpose of the moratorium was to give the Community Development Department an opportunity to further study the Wenatchee Urban Area Comprehensive Plan and the Sunnyslope Subarea Plan to ensure that uses with significant outdoor storage of materials, supplies, or merchandise are consistent with the adopted comprehensive and subarea plans.

The City of Wenatchee adopted the Sunnyslope Subarea Plan as a component of the Wenatchee Urban Area Comprehensive Plan on October 12, 2007 by Ordinance No. 2007-37. This subarea plan identifies the Olds Station area as a Zone of Change where land uses will eventually evolve to provide a mixture of housing densities and new local services.

Land uses that include outdoor sales or storage of merchandise or equipment may not be consistent with the envisioned mixture of residential and office uses in the Olds Station area identified as a Zone of Change.

Uses affected by the moratorium, as identified in Section 10.10 District Use Chart, included:

- Boat sales and rentals;
- Building materials, garden and farm supplies
- Equipment rental services, commercial
- Boating storage facilities
- Industry, Light
- Mini-storage
- Warehousing and storage

The Planning Commission discussed the moratorium and the appropriateness of the storage uses at the November 2017 and January 2018 meetings. The Planning Commission discussed the various uses included in the moratorium and whether or not they were appropriate in the district in general or only in specific locations. The City of Wenatchee is working on identifying and protecting the visual integrity of these gateway routes into the city as part of the implementation of the comprehensive plan. The Economic Development Chapter of the Comprehensive Plan discusses the need for a commercial transition, a need to improve aesthetics of the arterial street system, and creating a more favorable business district and gateway to the city. The Planning Commission discussed the uses with outdoor storage components to determine if they were appropriate adjacent to these gateway routes such as State Route 2 and Easy Street. The recommended changes are in Exhibit A.

Staff recommends **Approval** of the proposed amendments to the District use chart in WCC 10.10 for storage uses in the North Wenatchee Business District, based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

D. WCC Chapter 12.04.030 Flexible thresholds for categorical exemptions

The State Environmental Policy Act (SEPA) authorizes local governments to set flexible thresholds for projects that are exempt from SEPA review. The city completed this process in 2011 and identified development levels for minor new construction that should be exempt from SEPA review. After the city completed its process and amended

the code, the State changed the categorical exemption text in WAC 197-11-800 in 2014. This change resulted in several incorrect references in the city code.

In order to clarify the intent of the city and the ensure that references remain correct, city planning staff has drafted revisions included in Exhibit A.

Staff recommends **Approval** of the proposed amendments to the SEPA categorical exemptions in WCC 12.04.030, based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

SUGGESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Suggested Findings of Fact:

1. The City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions.
2. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. 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.
3. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
4. The Planning Commission conducted workshops on the proposed revisions between September and November of 2017 and in January 2018.
5. The City of Wenatchee issued a determination of nonsignificance on February 7, 2018 and provided copies of the environmental documents to the Department of Ecology SEPA Register for the amendments on February 7, 2018.
6. Notice of the public 60 day review and comment period, and public hearing dates were published in the Wenatchee World on February 7, 2018.
7. On February 7, 2018, the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Wenatchee City Code with a request for expedited review per RCW 36.70A.106. Additional notices were provided to local and regional agencies for the 60 day review and comment periods/environmental determinations.
8. On February 21, 2018, the City of Wenatchee 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.

9. The City of Wenatchee Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.
10. The State Environmental Policy Act (SEPA) in WAC 197-11-800 authorizes local governments to set flexible thresholds for projects that are categorically exempt from SEPA review.
11. The North Wenatchee Business District serves as a gateway to the city. The Comprehensive Plan encourages the improvement of the aesthetics of the gateway areas in order to create a more favorable business district and gateway to the city.
12. Goal 7 and Policy 3 of the Land Use Chapter of the comprehensive plan encourages providing opportunities for light manufacturing and flexible space for industrial uses in commercial district. The purpose of the artisan spaces are to create this smaller scale and more limited industrial uses.

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 City of Wenatchee Urban Area 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 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.

Exhibit A

10.08 Definitions

“Industry, light” means a site for the basic processing and manufacturing of materials or products predominately from previously prepared materials or finished products or parts. This includes processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excludes basic processing of raw materials, except for food and beverage products. ~~This also includes maintenance and service facilities for motor vehicle passenger transportation, such as for taxi fleets, public transit fleets, or school bus fleets, as well as the rental or leasing of portable toilets, heavy equipment like bulldozers, or similar services to the construction trades.~~ The intent of the light industry is to allow basic processing that would not negatively or adversely affect neighboring businesses, residences, or mixed use developments. The beverage processing is intended to include wineries, breweries, and distilleries.

“Maintenance and service facilities for motor vehicle passenger transportation” means a site for the maintenance and service of passenger transportation services, such as for taxi fleets, public transit fleets, or school bus fleets, as well as the rental or leasing of portable toilets, heavy equipment like bulldozers, or similar services to the construction trades.

“Artisanal industrial/manufacturing” means a person or company that makes a high-quality, distinctive product such as furniture, decorative arts, sculptures, clothing, jewelry, food items, or household items in small quantities, usually by hand and using traditional methods. Retail sales may or may not be a component or use.

“Equipment rental services, commercial” means a business which rents or leases equipment for personal or household use, including but not limited to power and hand tools, yard and garden equipment, or party supplies such as dishware, glassware, and folding tables and chairs. This does not include rental of furniture or appliances, classified as “furniture, home furnishings, and appliances,” nor rental or leasing of portable toilets, heavy equipment like bulldozers, or similar services to the construction trades, classified as ~~“industrial, light maintenance and service facilities for motor vehicle passenger transportation”~~ uses.

10.10.020 District use chart.

Use	Commercial Districts				Mixed Use Districts			Overlay Zones					
	CBD	NWBD/ SWBD	C N	I	WMU	OMU	RM U	HE O	CSO	MRC	IO	P O	RR O
Industry, Light	C	C		P	C	C		<u>C</u>	P		P		
<u>Artisan industrial/ manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>		
<u>Maintenance and service facilities for motor vehicle passenger transportation</u>	<u>C</u>	<u>C</u>		<u>P</u>	<u>C</u>	<u>C</u>			<u>P</u>		<u>P</u>		
Building materials, garden and farm supplies		P ₇											
Equipment rental services, commercial		P C ₇											
Mini-storage		P ₈											

⁷ Storage of building materials or equipment rental supplies in the NWBD north of the Wenatchee River shall be located to the rear of buildings, fully screened from view of any public right-of-way, and not located within 200 feet from the edge of the public right-of-way.

⁸ Mini-storage and all associated uses in the NWBD north of the Wenatchee River shall be located within a completely enclosed building.

10.48.180 Fences and clear view triangle.

All fences where allowed by this title shall meet the following standards unless otherwise regulated within this code:

(2) Commercial and industrial zoning district fences shall meet the following standards:

- (a) Solid fencing or walls greater than 4 feet in height within 20 feet of street frontages or right-of-ways shall not extend more than one-third of the lineal distance of the property frontage, including corner lots;.
- (b) Fencing less than 50 percent view-obstructing are allowed up a maximum 8 feet, within 20 feet of a front property line or right of ways, provided; that for every 25 linear feet of fence or wall, architectural features, such as masonry, or brick columns shall be provided. The minimum width and depth of architectural features shall be no less than 12 inches for the full height;
- (c) Solid fencing or wall sections more than 20 feet from a front property line, shall be allowed up to a maximum height of 8 feet provided; that for every 50 linear feet of fence or wall, architectural features, such as masonry or brick columns shall be provided . The minimum width and depth of architectural features shall be no less than 12 inches for the full height;
- (d) Side and rear yard fencing is exempt from providing architectural features and are allowed up to a maximum height of 8 feet, except when abutting a residential or mixed use zone, in which case the maximum height shall be 6 feet.
- (e) The use of high intensity, primary, metallic, or fluorescent colors is prohibited on any fence surface. Colors should be neutral and similar to the exterior of the primary structure.
- (f) Chain link fencing and barbed or razor wire or similar features shall not be permitted on the front of properties within 20 feet of a public street.

(3) Industrial zoning district fences shall meet the following standards:

- (a) That a maximum height limitation of six feet be observed within any required setback area;
- (b) That a maximum height limitation of eight feet be observed when constructed outside of any required setback area.

10.48.XXX Artisanal industrial/manufacturing

All artisanal industrial/manufacturing where allowed by Chapter 10.10 WCC, District Use Chart, shall meet the following standards unless otherwise regulated within this code:

- (1) Applications shall be processed as a Type II administrative review with public notice under WCC 13.09.040.
- (2) The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the surrounding properties and not cause the dissemination of dust, smoke, glare, heat, vibration or noise in excess of the maximum environmental noise level established by WCC Chapter 6A or Chapter 173-60 WAC beyond the property line or affecting adjacent buildings.

12.04.030 Categorical exemptions and threshold determinations.

(2) Flexible Thresholds for Categorical Exemptions.

(a) The city of Wenatchee establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

(i) For residential dwelling units ~~in WAC 197-11-800(1)(b)(i)~~ up to 20 dwelling units;

(ii) For agricultural structures ~~in WAC 197-11-800~~ up to 30,000 square feet;

(iii) For office, school, commercial, recreational, service or storage buildings ~~in WAC 197-11-800(1)(b)(iii)~~ up to 12,000 square feet and up to 40 parking spaces;

(iv) For parking lots ~~in WAC 197-11-800(1)~~ up to 40 spaces;

(v) For landfills and excavations ~~in WAC 197-11-800(1)(b)(v)~~ up to 500 cubic yards.

(b) Whenever the city establishes new levels under this section, such levels shall be filed with the Department of Ecology headquarters office, Olympia, Washington 98504 under WAC 197-11-800(1)(e).



**City of
Wenatchee**

**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

Public Services Center
1350 McKittrick Street, Suite A
Wenatchee, WA 98801

(509) 888-3200
Fax (509) 888-3201

Memorandum

To: City of Wenatchee Planning Commission
From: Community Development Staff
Date: February 14, 2018
Subject: Update to Critical Areas Ordinance – Best Available Science

The City of Wenatchee has until June 30, 2018 to update our Critical Areas Ordinance per RCW36.70A.130(7)(b) to maintain our status of making substantial progress towards compliance with our periodic update. The last update of the Critical Areas Ordinance occurred in 2009 with Ordinance 2009-11. Staff is consulting with Grette and Associates for assistance with the Fish and Wildlife Conservation Area component and with Nelson Geotechnical Associates for the Geologically Hazardous Areas component. Their work products will be discussed at the Planning Commission meeting scheduled for March 21. This update process will be focused on Fish and Wildlife Conservation Areas and Geologically Hazardous Areas.

A key component of this update is revisiting the best available science used to develop the City's Critical Areas regulations including the adopted map to ensure we are staying up to date and using the best information as described in WAC365-195-900 through 925. The responsibility for including best available science rests with the City Council but it is our responsibility to consult with scientific experts to identify scientific information and rely on their professional judgment, experience, and training in the applicable subject area (WAC 365-195-905(3)). State law is very specific about what constitutes best available science and legitimate scientific information (i.e. information from official sources, peer reviewed sources, etc.) and even specifies some examples of non-scientific sources such as anecdotal information, non-expert opinions, etc (WAC 365-195-905(4)&(5)). RCW36.70A.172 requires local governments to include the best available science in developing policies and development regulations. Also, special consideration shall be given to protection measures necessary to preserve or enhance anadromous fisheries.

In regard to the mapping of critical areas, WAC365-190-080(4) is very clear that cities and counties should rely on both maps and performance standards. Maps should be used to identify areas of concern and direct users to specific performance standards that are ultimately what counties and cities apply when making decisions on land use permits. The same subsection also states that counties and cities should clearly state that maps showing known critical areas are only for informational or illustrative purposes. (WAC365-190-080(4)(b)). It appears that the general system currently in place in WCC12.08 where the adopted map is used to trigger the need for further study by a qualified professional (to demonstrate compliance with performance standards) matches the recommendations found in WAC365-190-080(4).

The City of Wenatchee will need to address the sources of information used to develop the relevant policies and development regulations included in their Critical Areas Ordinance. The criteria listed in WAC365-195-915 is listed below:

WAC365-195-915

Criteria for including the best available science in developing policies and development regulations.

(1) To demonstrate that the best available science has been included in the development of critical areas policies and regulations, counties and cities should address each of the following on the record:

- (a) The specific policies and development regulations adopted to protect the functions and values of the critical areas at issue.
- (b) The relevant sources of best available scientific information included in the decision-making.
- (c) Any nonscientific information—including legal, social, cultural, economic, and political information—used as a basis for critical area policies and regulations that depart from recommendations derived from the best available science. A county or city departing from science-based recommendations should:
 - (i) Identify the information in the record that supports its decision to depart from science-based recommendations;
 - (ii) Explain its rationale for departing from science-based recommendations; and
 - (iii) Identify potential risks to the functions and values of the critical area or areas at issue and any additional measures chosen to limit such risks. State Environmental Policy Act (SEPA) review often provides an opportunity to establish and publish the record of this assessment.

(2) Counties and cities should include the best available science in determining whether to grant applications for administrative variances and exemptions from generally applicable provisions in policies and development regulations adopted to protect the functions and values of critical areas. Counties and cities should adopt procedures and criteria to ensure that the best available science is included in every review of an application for an administrative variance or exemption.

Relevant Comprehensive Plan Policies:

From the current Natural Environment Element of the Wenatchee Urban Area Comprehensive Plan:

GOAL 2: CRITICAL AREAS – Maintain critical area functions and values within the City while seeking to protect the public and personal property from the effects of natural hazards.

Policy 1: Regulate or mitigate activities in or adjacent to critical areas to avoid adverse environmental impacts.

Policy 2: Review, amend and where appropriate expand critical area designations and associated development regulations to provide for accuracy, effectiveness, and utilization of best available science.

Policy 3: Preserve and protect anadromous fish, and threatened, endangered and candidate species as identified by federal and state agencies.

Policy 4: Designate within the UGA, frequently-flooded areas in accordance with Federal Emergency Management Act (FEMA) criteria.

Policy 5: Encourage the use of clustered development and other innovative designs that aim to preserve the functions of critical areas and further public safety.

Policy 6: Seek to protect the public and personal property from the effects of landslides, seismic hazard, steep slope failures, erosion, and flooding by private and public projects incorporating best available science into project design, avoiding or mitigating for potential impacts.

Policy 7: Continue to coordinate with federal, state, and local agencies and non-profit organizations to provide for critical area protection, protection of the public safety, and ongoing educational opportunities associated with critical areas.

Policy 8: Where avoidance measures are not possible for critical area impacts, ensure that mitigation measures include appropriate performance measures to provide successful implementation of mitigation and the maintenance of functions and values of the applicable critical area consistent with best available science.

Policy 9: Promote ecosystem-based wildland fire planning and wildfire risk reduction policies for critical/environmentally sensitive areas.

Current Code: WCC12.08:

<http://www.codepublishing.com/WA/Wenatchee/#!/Wenatchee12/Wenatchee1208.html#12.08>

Current Critical Areas Map: <http://www.wenatcheewa.gov/home/showdocument?id=357>

Guidelines specific to each category:

Resource Lands – Resource lands include agricultural, forest, and mineral resources. Cities can only designate agricultural or forest resource lands if they adopt a corresponding program for the transfer of development rights (RCW 36.70A.060(4)). The City of Wenatchee does not have a program for the transfer or purchase of development rights so we will not be designating agricultural or forest lands.

Critical Areas – Include wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

- Wetlands – Defined in RCW36.70A.030(23); minimum guidelines can be found in WAC365-190-090; The National Wetlands Inventory and a landscape-scale watershed characterization shall be used as information sources for determining the approximate distribution and extent of wetlands. Field verification shall be used before or as a part of permitting activities utilizing the methodologies referenced in RCW36.70A.175.
- Critical aquifer recharge areas – minimum guidelines can be found in WAC365-190-100; Cities and counties must classify applicable aquifers and their corresponding recharge areas based on their vulnerability. A strategy must be developed to maintain quality, and if needed the quantity, of groundwater.
- Frequently flooded areas – minimum guidelines can be found in WAC365-190-110; at a minimum must include FEMA’s 100 year flood plains;
- Geologically hazardous areas - Defined in RCW36.70A.030(10); minimum guidelines can be found in WAC365-190-120; Types of hazards to be classified as a geologically hazardous area

include erosion hazard, landslide hazard, seismic hazard, and “areas subject to other geological events such as coal mine hazards and volcanic hazards including: Mass wasting, debris flows, rock falls, and differential settlement” (WAC365-190-120(3)).

- Fish and wildlife habitat conservation areas – minimum guidelines can be found in WAC365-190-130. Areas that need to be addressed and are relevant to our area include:
 - Areas where endangered, threatened, and sensitive species have a primary association;
 - Habitats and species of local importance, as determined locally;
 - Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
 - Waters of the state; Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and
 - State natural area preserves, natural resource conservation areas, and state wildlife areas.

While salmonid habitat is not specifically listed in WAC365-190-130(2) it is called out in (4)(i) of the same section as well as numerous other places where cities and counties are called to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.