



AGENDA

Wednesday – April 14, 2021 – 5:30 PM

Douglas County Public Services Building Hearing Room
140 19th Street NW, East Wenatchee, WA

NOTICE, in consideration of the current COVID-19 pandemic the meeting is closed to in person attendance. The meeting will be held via Zoom teleconference, attend by phone at 1-253-215-8782, Meeting ID: 923 0115 7183, Password: 196072 or online at: <https://zoom.us/j/92301157183?pwd=UnNWRFGwOG00eXhTQ2Mzd0dCdkFXUT09>

I. CALL MEETING TO ORDER – Roll Call of Planning Commissioners

II. ADMINISTRATIVE PROCEDURES

- a) Review minutes of the March 10, 2021 Planning Commission meeting.

III. CITIZEN COMMENT

The planning commission will allocate 15 minutes for citizen comments regarding items not related to the current agenda.

IV. OLD BUSINESS - NONE

V. NEW BUSINESS

- a) A workshop for the planning commission to receive public comment on proposed amendments to the Douglas County Shoreline Master Program for the required periodic review.

- b) A public hearing to consider amendments to DCC Title 12 Road Standards amending the Primitive Roads – Unopened Rights-of-Way section.

VI. Adjourn



**DOUGLAS COUNTY
TRANSPORTATION & LAND SERVICES**

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Douglas County Planning Commission

ACTION MINUTES

Wednesday, March 10, 2021

Meeting held via Zoom online meeting platform

I. CALL MEETING TO ORDER

The meeting was called to order by Vice Chair Michael Machado at 5:32 P.M.

Douglas County Planning Commission Members Present:

Tanya Davis, Michael Machado, Robert Knowles, Dan Beardslee, Molly Linville and David Dufenhorst

Douglas County Staff Present:

Curtis Lillquist, Principal Planner

East Wenatchee Staff Present:

Lori Barnett, Community Development Director

II. ADMINISTRATIVE PROCEDURES

- a) Review minutes from the January 13, 2021 Planning Commission meeting.

Commissioner Molly Linville made a motion to approve the minutes.
Commissioner Tanya Davis seconded the motion. The motion passed unanimously.

- b) Review minutes from the January 20, 2021 Planning Commission meeting.

Commissioner David Duffenhorst made a motion to approve the minutes.
Commissioner Robert Knowles seconded the motion. The motion passed unanimously.

III. CITIZEN COMMENT

Alan Jorgensen, 1240 Rd 5 NE, Coulee City

Concerned about light pollution. New towers going in with lighting. Wants the County to amend regulations to lower the towers or to require new technology that will turn the lights on only when aircraft are near.

IV. OLD BUSINESS - None

V. NEW BUSINESS

- a) A planning commission workshop to review proposed amendments to the Douglas County Shoreline Master Program for the required periodic review.

Principal Planner Lillquist and the consultant team from Anchor QEA gave a presentation reviewing the proposed changes to the shoreline master program resulting from the required periodic review.

- b) A planning commission workshop to review proposed annual amendments to the Greater East Wenatchee Area Comprehensive Plan

Community Development Director Barnett gave a presentation reviewing the proposed changes to the Greater East Wenatchee Area Comprehensive Plan which are currently in process of being adopted by the City of East Wenatchee.

VI. ADJOURNMENT

The meeting adjourned at 6:19 P.M.



DOUGLAS COUNTY
Transportation & Land Services
STATE OF WASHINGTON

MEMORANDUM

TO: Douglas County Planning Commission

FROM: Transportation & Land Services Staff

DATE: April 2, 2021

SUBJECT: SMP Public Workshop

The purpose of the Shoreline Master Program public workshop is for the planning commission to receive comment from members of the public and/or agency representatives.

**STAFF REPORT
PRIMITIVE ROAD STANDARDS AMENDMENTS**

TO: Douglas County Planning Commission
FROM: Douglas County Transportation Staff
RE: Primitive Roads Standards Amendments
DATE: April 1, 2021

I. REQUESTED ACTION

The request is for amending Chapter 12.58 of the Douglas County Code with a new subsection DCC 12.58.030 that adds exemptions to the requirements for *Primitive Roads – Unopened County Right-of-Way*. The proposed subsection would allow for the construction of structures, such as single-family residences, single-family accessory buildings, agricultural operational buildings, essential public facilities, developed open space, passive recreation facilities, and utilities, which are accessed by *Primitive Roads* with AADTs under 160, without having to improve the roadway to minimum design standards.

The amended language is shown in the attached Exhibit A.

II. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Nonsignificance on December 31, 2020 in accordance with WAC 197-11-340(2).

III. PUBLIC PROCESS

- August 6, 2019 – BOCC Workshop
- September 9, 2019 – BOCC Workshop
- October 22, 2019 – BOCC Adopt Interim Controls
- December 16, 2019 – BOCC Workshop
- January 14, 2021 – Materials Sent to the Department of Commerce, beginning 60-day review.
- Notification of the availability of proposed amendments was published in the Wenatchee World and Empire Press on January 14, 2021.
- Notification of the availability of proposed amendments was emailed to the County's Interested Parties email list and a webpage was established on the County website.
- Hearing notice was published in the Wenatchee World and Empire press newspapers on April 1, 2021
- Notification of the hearing was made by emailing the planning commission agenda to the County's Interested Parties email list and a notice was posted on the Primitive Roads project page on the County website

- April 14, 2021 – Planning Commission public hearing

IV. AGENCY AND PUBLIC COMMENTS:

Douglas County initiated the state mandated 60-day review, pursuant to RCW 36.70A.106, on January 14, 2021 and concluding on March 15, 2021. As of the writing of this staff report, no agency comments have been received on the proposal. No public comments were received at the writing of this staff report.

V. PROJECT ANALYSIS

Upon review of the code amendments, the Douglas County Countywide Comprehensive Plan, Douglas County Regional Policy Plan, and other applicable codes and requirements, planning staff offers the following analysis and recommendations for the proposed amendments:

On March 12, 2019, the Douglas County Board of County Commissioners adopted Ordinance No. TLS 19-07-14B, updating the list of roads in Douglas County that are designated as “*Primitive Roads*.” The list added a number of roads not included in the previous list that was last updated in 1988.

In July of 2019, the County received an application for a building permit to construct a home accessed via a *rural, local access* road designated as a *Primitive Road*. In reviewing applications, staff noted that Chapter 12.58 of the Douglas County Code (DCC) allows development to occur only on roads that meet current county standards. In accordance with the DCC the road would have required a minimum improvement to a 28-foot wide road paved roadway.

The County Engineer (Engineer) viewed the requirement to improve a significant length of off-site *Primitive Road* to the minimum design standard as an undue restriction of the applicant’s expectations and right to use subject parcels in accordance with land use zoning codes. On October 22, 2019, the Board adopted Ordinance TLS 19-14-37C, which implemented interim official controls, per RCW 36.70.795.

The proposal amends Chapter 12.58 of the DCC with a new subsection, DCC 12.58.030, that added exemptions to the requirements for *Primitive Roads – Unopened County Right-of-Way*. The proposed subsection would allow for the construction of structures, such as single-family residences, single-family accessory buildings, agricultural operational buildings, essential public facilities, developed open space, passive recreation facilities, and utilities, which are accessed by *Primitive Roads* with AADTs under 160, without having to improve the roadway to minimum design standards. Use of the exemptions included in the interim official controls is at the discretion of the County Engineer and are contingent on accesses to the subject parcels being improved to the minimum

standards detailed in Section 503 of the International Fire Code and the applicant acknowledging in writing that the road is designated as a *Primitive Road*.

The proposed amendment language is shown in the attached Exhibit A.

VI. RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of approval to the Board of County Commissioners for the proposed amendments to the development regulations in Title 12.

Suggested motion to the Douglas County Planning Commission: I move to recommend approval of the amendments to the Douglas County Code Title 12 based on the findings of fact and conclusions as presented in the April 1, 2021 staff report.

VII. FINDINGS AND CONCLUSIONS:

Suggested Findings of Fact:

1. Douglas County has adopted a Countywide Comprehensive Plan pursuant to the Growth Management Act (GMA) and RCW Chapter 36.70A, and a series of subarea plans for each municipality in the county. These plans have been found to be consistent with each other.
2. Amendments to Title 12 of the Douglas County Code and the SEPA threshold determination and supporting documentation were sent to the Washington State Department of Commerce, pursuant to RCW 36.70A.106, on October 22, 2019.
3. RCW Chapters 36.70 and 36.70A authorize the adoption of amendments the comprehensive plan and development regulations.
4. The Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act.
5. WAC Chapter 51-54A-008 states that “The IFC shall become effective in all counties on 7/1/2016.”
6. RCW Chapter 19.27.110 states that “Each county government shall administer and enforce the IFC in unincorporated areas.”
7. RCW 36.86.020 states that “In the case of roads, the minimum width between shoulders shall be 14 feet with 8 feet of surfacing.”
8. DCC 15.08.010 adopts IFC, Appendix D, Fire Apparatus Access Road.”
9. DCC 15.24.030 states that “Fire apparatus access roads, when required, shall be constructed and maintained in accordance with Chapter 5 of the IFC.”
10. No comments have been received from agencies.
11. No comments have been received from private citizens.

12. The Planning Commission conducted an advertised public hearing on April 14, 2021. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
13. The Planning Commission has reviewed the entire record including the goals and policies of the comprehensive plan and public testimony as it relates to the proposed development regulations.

Suggested Conclusions:

1. The procedural and substantive requirements of the State Environmental Policy Act, RCW 36.70A, and DCC Title 14 have been complied with.
2. The Douglas County Countywide Comprehensive Plan and development regulations are consistent with each other.
3. The Douglas County Comprehensive Plan and development regulations are consistent with the Growth Management Act, the Regional Policy Plan, and the adopted comprehensive plans for the cities and towns of Bridgeport, East Wenatchee, Mansfield, Rock Island, and Waterville.
4. Douglas County completed a review of the development regulations as needed to satisfy the requirements of RCW 36.70A.130.

Chapter 12.58 PRIMITIVE ROADS—UNOPENED COUNTY RIGHT- OF-WAY

Sections:

12.58.010 General.

12.58.020 Permits required.

12.58.XXX Exemptions.

12.58.010 General.

Primitive roads or unopened public road rights-of-way not developed to the minimum design standard are not considered adequate for new construction and development activities. Driveway and road standards contained in Chapter 12 shall apply for all permits requiring approval under this title except as noted in Section 12.58.030 of this title. These development activities shall require improvements to the design as detailed herein and in previous sections. Costs will be borne by the applicant proposing construction or development.

Throughout the county there are portions of primitive roads and unopened public road rights-of-way that have not been maintained, improved or officially opened and established as county roads by the county or vacated by the county. There may be individuals or corporations wishing to utilize primitive roads or unopened county right-of-way for access to private property. (Ord. TLS 09-11-49E (Exh. B) (part); Ord. TLS 04-02-30B Exh. A (part))

12.58.020 Permits required.

A permit is required to improve county right-of-way for road purposes. A right-of-way permit application, on forms provided by the county engineer, shall be approved prior to the improvement of a primitive road and/or unopened right-of-way.

A. Right-of-Way Permit.

1. A right-of-way permit shall be required for opening or improving a public right-of-way. Improvements meeting the road standards as set forth in DCC Chapter [12.52](#) shall be constructed following the approval of the application and plans by the county engineer. Roads meeting the private road standards shall not be eligible for designation as a county public road.

2. Requirements.

a. The roadway section shall meet the requirements for private roads as set forth in DCC Chapter [12.52](#) of these standards. If more than sixteen lots, parcels or tracts are to be served, the road must be designed to public road standards. If the width of the unopened right-of-way and the terrain prevent the proposed road from meeting the public road standards, the permit shall be denied.

b. If the road is to be proposed for establishment as a county road, the applicant shall pay for the purchase and installation of all signing required by the county. Subsequent to the installation and establishment as a county road, signing will be maintained by the county.

c. The county engineer shall review for approval plans of the required improvements necessary for designation as a public road. Upon completion of necessary improvements, the county engineer shall indicate approval on the permit application and make the appropriate notification to the board of county commissioners. The board of county commissioners shall conduct a public hearing and declare the road established by resolution for public purpose. Upon establishment by the board of county commissioners, they will enter the appropriate information into the official county records.

d. The permit application shall include:

i. A legal description of the lot(s), tract(s) or parcel(s) to be served by the permit.

ii. A statement regarding the purpose of access to subject lot(s), tract(s) or parcel(s).

iii. Proof of appropriate subdivision ordinance approval or, if exempt from platting, an assessor's map showing the parcels served.

iv. If there is no official road name, three choices for road name shall be submitted for approval at the time of permit application submittal.

v. Two sets of engineered roadway and drainage plans for the planned improvements as per Douglas County road standards, including a vicinity map.

B. Additional Requirements.

1. Detailed engineering and drainage plans will be required by the county engineer. Cost for the development and preparation of such plans shall be borne by the permit applicant. When required, such plans shall be prepared in accordance with the requirements of these standards.
2. The applicant shall cause the right-of-way to be surveyed by a licensed land surveyor at the applicant's expense to adequately define the limits of the unopened right-of-way. Such survey shall be recorded in accordance with the Survey Recording Act.
3. An applicant shall be required to deed additional right-of way across property under his/her authority when necessary to fulfill the minimum road right-of-way as required by these standards.
4. An applicant shall provide certification that all owners of the property abutting on each side of the unopened right-of-way have been provided written notification of the permit application. Any objections of such property owners shall be stated along with the manner in which the applicant proposes to resolve said objections.
5. Restoration sureties may be required by the county engineer in the manner provided for in DCC Section [12.50.110](#). (Ord. TLS 09-11-49E (Exh. B) (part); Ord. TLS 04-02-30B Exh. A (part))

12.58.XXX Exemptions

The following uses are permitted for property accessed by a primitive road with an AADT under 160; except where an exempted use of an unimproved primitive road, as determined by the County Engineer, would compromise the public's health, safety, and welfare:

(1) Single-family residences;

(2) Single-family accessory buildings;

(3) Agricultural operational buildings;

(4) Essential public facilities;

(5) Developed open space;

(6) 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;

(7) Utilities, including communications towers.

Single-family residences are required to be accessed by roadways with a minimum width between the shoulders of fourteen feet and a minimum width of eight feet of surfacing in accordance with RCW 36.86.020.

As a condition of any permit for the use or development of a parcel accessed by a primitive road, the applicant shall sign and record with the county auditor a notice to title waiving 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 and sixty.

As a condition of any permit for the use or development of a parcel accessed by a primitive road, the applicant shall sign an acknowledgement that the road has been designated as primitive per RCW 36.75.300.