



DOUGLAS COUNTY

TRANSPORTATION & LAND SERVICES

140 19TH STREET NW, SUITE A • EAST WENATCHEE, WA 98802

PHONE: 509/884-7173 • FAX: 509/886-3954

WWW.DOUGLASCOUNTYWA.NET

DOUGLAS COUNTY PLANNING COMMISSION AGENDA

WEDNESDAY – February 12th, 2025 – 5:30 PM

DOUGLAS COUNTY PUBLIC SERVICES BUILDING – 140 19TH ST NW, EAST WENATCHEE, WA 98802

Remote access accommodations can be made upon request

I. CALL MEETING TO ORDER

II. ADMINISTRATIVE PROCEDURES

- a) Review minutes from the January 8th, 2025 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) Planning Commission Bylaw update.
- b) Discussion regarding the 2026 Periodic Comprehensive Plan update.
- c) Public hearing on proposed amendments to DCC 17.04.020 – *Subdivision Applicability*.
The amendment will remove language that prohibits exempt segregations on lands that are covered by water.

VI. ADJOURN



DOUGLAS COUNTY

Transportation & Land Services

DOUGLAS COUNTY PLANNING COMMISSION SUMMARY MINUTES WEDNESDAY, JANUARY 8, 2025

Members Present: Ray Dobbs, Tanya Davis, Dan Beardslee, Brandon Littrel, Betsy Irmer, Michelle Taylor

Members Absent: Tami Jo Nerby

Staff Present: Swati Rastogi, Principal Planner, Tanner Ackley, Principal Planner, Tiffany Prazer, Associate Planner Kazi Haque, Land Services Director, Shari Tincher, Permit Coordinator, Tiana Rowland, Records and Risk Manager

CALL MEETING TO ORDER:

Brandon Littrel, Chair, called meeting to order at 5:30pm

II. ADMINISTRATIVE PROCEDURES: Review minutes from the December 4, 2024 meeting. Member Tanya Davis motion to approved minutes, Member Ray Dobbs seconded, unanimously approved.

III. CITIZEN COMMENT: None

IV. OLD BUSINESS: None

V. NEW BUSINESS:

(a.) Tiana Rowland, Risk Management attended the meeting. Mrs. Rowland presented an overview of use of the County email system as it pertains to the Open Public meetings Act and Public Records Act.

- Planning Commission member provided introductions
- Some members expressed opposition to using the County email system.
- More discussion to follow at later dates
- Reference materials are available

(b.) Comp Plan Update: Douglas County received a grant for \$350,000, split up into 2 years from Department of Commerce to help with costs of updating current plan. Consultants are actively working on revisions and costs may exceed the grant amount. The Planning Commission will play a bigger part in the groundwork, reviews and decisions as the Comp Plan is updated.

- De-designation of Agricultural lands -Tanner Ackley provided a brief overview of the De-designation process.
- Land Capacity Analysis (LCA) Swati Rastogi provided a brief overview of the LCA status.
- Regional Council meeting on January 27, 2025, Planning Commission members are invited to attend.

(c.) Public Hearing on Amendment to DCC 18.58.040 & DCC 16.60.040, Short Term mineral extraction

Hearing called to order @ 7:07pm by Brandon Littrell, Chair.

- Tanner Ackley, Principal Planner provided staff report details and background of the proposal. Determination on Non-significance (DNS) was issued on December 19, 2024. No public comments received. Department of Natural Resources provided recommendations to update definition. Staff recommends approval
 - Discussion of when initial time frame to begin, applicant to let County know when all additional approvals are received and mining operations initiate.
- Public Comment-None
- Member Michelle Taylor motion to approve amendment to DCC 18.58.040 & DCC 16.60.040 based on Finding of Fact provided in staff report. Discussion to create policy for internal notice for notification to applicant. Ray Dobbs, second. Unanimously approved.

Hearing closed 7:20pm

Meeting adjourned 7:25pm

**1st Amendment to 2013
Rules of Procedure (By-Laws) of the Douglas County Planning Commission,
Douglas County, Washington**

2013

Adopted by the Douglas County Board of County Commissioners on [DATE] 2024 [Res/Ord no.]

Adopted by the Douglas County Planning Commission on [DATE] February 13, 2013

Amended: [DATE]

We, the members of the Douglas County Planning Commission, authorized by Chapter 36.70 RCW and duly appointed by the Douglas County Board of Commissioners, do hereby adopt, publish, and declare these Rules of Procedure (By-Laws) of the Douglas County Planning Commission referred to herein as “By-Laws”, amended to read as follows:

ARTICLE I. ORGANIZATION

A. Name and Mailing Address

The official name shall be the “Douglas County Planning Commission,” herein referred to as “Planning Commission.”

The official mailing address of the Planning Commission shall be the same as the mailing address for the Douglas County Department of Transportation and Land Services.

B. Duties and Powers

The Planning Commission shall have the responsibility to carry out duties as outlined in RCW Chapter 36.70, Douglas County Code Chapter 2.12, and as may otherwise be established in code or by the Douglas County Board of Commissioners.

ARTICLE II. MEETINGS AND QUORUM

A. Regular meetings of the Planning Commission shall be held at 5:30 PM in the Douglas County Public Services Building, 140 19th Street NW, East Wenatchee, Washington, or such other place as the Chair shall designate, on the second Wednesday of the month. A meeting may be canceled if there are no matters for the Planning Commission to consider.

B. Special meetings of the Planning Commission may be held upon the call of the Chair, Vice-Chair, Executive Secretary, or at the request of a majority of the members of the Planning Commission. Five (5) days of written notice of any meetings shall be given to each member of the Planning Commission, and at least 24-hours notice of the meeting shall be given to the public and media representatives ~~on the record of the Planning Commission as having requested specific notification as allowed or required by law, ordinance, or these By-Laws.~~ Special meetings shall be noticed and held in accordance with RWC 42.30.080. The manner of the call shall be recorded in the minutes of the special meeting. Discussion, action, and the making of final decisions during special meetings shall be limited to those announced and noticed items.

C. Quorum.

A quorum necessary for the transaction of business shall consist of at least four (4) members

of the Commission except as specifically provided otherwise by statute, ordinance, or these rules of procedure. The business of the Commission shall be transacted by the majority vote of the quorum.

Should there not be a quorum of the Planning Commission at any regular or special meeting, the members present shall adjourn to the next regular meeting, or to the next special meeting if called as provided for in these rules. In the event where no members are present, the Executive Secretary shall adjourn to the next regular meeting or to the next special meeting if called as provided for in these rules.

If a quorum is lost during a meeting, no business may be transacted by the Planning Commission until a quorum is reestablished. The prohibition against transacting business in the absence of a quorum cannot be waived, even by a majority vote of the Planning Commission. The Planning Commission can receive reports or petitions whenever a quorum is not present.

D. The sessions of the Planning Commission shall be open to the public and shall proceed in accordance with the provisions of the Open Public Meetings Act (OPMA) of 1971, RCW 42.30.010 as amended.

E. Executive Sessions

The Chair, or presiding officer, may call for an executive session of the Commission during a meeting pursuant to the Open Public Meetings Act, Chapter XXX RCW. The Chair shall announce the reason for the executive session and the time at which the open session will resume. The Chair shall determine if, in addition to the Planning Commission members, there are individuals whose presence or participation is necessary for the purpose of the executive session, such as legal counsel. All other individuals present at the meeting, whether present in-person, telephonically, or virtually are required to exit the meeting prior to the start of the executive session. The duration of an executive session may be extended, provided the extension and the updated time of when the open session will reconvene is provided to the individuals that have been excused from the meeting room.

Discussion during the executive session shall be strictly limited to the reason the executive session was called for. In the event that there are multiple different items requiring an executive session, each item shall be called in individual sessions and shall not be combined into a single executive session.

The Planning Commission shall not take any action or render any final decision during an executive session. Any acts or decisions purported to have been made outside of the open session shall be void ab initio and have no effect.

Upon returning to the open session the Chair shall confirm for the record that no final decisions or action was taken by the Planning Commission during executive session.

F. Meeting procedure and conduct shall be governed by these By-Laws and, Robert's Rules of Order except where it conflicts with the applicable Douglas County Code, or other governing law.

~~G. Special and Emergency Meetings~~

~~The notice requirements of this section may be dispensed with in the event a special meeting is called to deal with an emergency pursuant to RCW 42.30.080.~~

ARTICLE III. OFFICERS, ELECTIONS AND TERMS

- A. The officers of the Planning Commission shall be a Chair, Vice-Chair, and Executive Secretary. **The officers, except the Executive Secretary,** shall be regularly appointed members of the Planning Commission.

Chair.

- B. ~~CHAIR.~~ The Chair shall preside over the meetings of the Planning Commission and exercise all the powers usually incident of the office, retaining the full privileges of a Planning Commissioner. The ~~Chairman~~ shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meetings. The Chair shall make final determinations on all points of order and procedural challenges.

The Chair shall appoint any **committee** found necessary to investigate any matters before the Planning Commission.

Vice Chair.

- C. ~~VICE CHAIR.~~ The Vice-Chair shall, in the absence of the Chair, perform all the duties incumbent upon the Chair.

- D. In the absence of the Chair and Vice Chair, the members present may elect for the meeting an acting Chair who shall have full powers of the Chair during the absence of the Chair and the Vice-Chair.

Executive Secretary.

- E. ~~EXECUTIVE SECRETARY.~~ The Douglas County Director of Land Services or his/her designee shall serve, ex officio without vote, as the Executive Secretary.

The **Executive Secretary** shall keep a record of all meetings of the Planning Commission and, when requested to do so, its committees. These records, together with the seal, shall remain the property of the Planning Commission and be retained at the office of the Douglas County Department of Transportation and Land Services.

Election of Officers.

- F. The Officers, with the exception of the Executive Secretary, shall be elected prior to July 1 of each calendar year and shall assume office on July 1 of each calendar year. The officers shall serve for a period of one year.

- G. Removal of Officer. Any officer may be removed at any time by vote of the majority of the Planning Commission. Removal of the Officer does not constitute a removal from the position of Planning Commissioner.

- H. Officer Vacancies. The vacancy of an elected office caused by resignation or removal shall, by majority vote within thirty (30) days of the vacancy be filled for the remainder of the term.

- I. Attendance. Planning Commission members shall attend all regular and special meetings. If a member is unable to attend a meeting due to unavoidable conflict or illness, he or she shall notify the Executive Secretary as soon as possible prior to the meeting. In the event of a member incurring three unexcused absences in any twelve-month period, the member's record shall be forwarded by the Executive Secretary to the Board of County Commissioners

for consideration.

ARTICLE IV. Order of Business.

Must there be a parliamentarian? Does the PC decide if they want the PA's office or appointment, or the BCC? Could a PC member be elected by majority like the other offices?

A. Call to Order.

The ~~Chairman~~, or presiding officer in the Chair's absence, shall call the Planning Commission to order precisely at the hour set for the meeting. In the absence of both the ~~Chairman~~ and ~~Vice Chairman~~, the Executive Secretary ~~of the Commission~~ shall call the commission to order, and an acting ~~Chairman~~ shall be elected as provided for by these By-Laws. Upon arrival of the ~~Chairman~~ or the ~~Vice Chairman~~, the ~~Vice Chairman~~ or the acting ~~Chairman~~ shall immediately relinquish the chair upon the conclusion of the business immediately before the commission. **The Douglas County Prosecuting Attorney, or his or her delegatee may serve as a parliamentarian, or a parliamentarian may be appointed by the Board of County Commissioners to be present at all regular meetings.**

B. Pledge.

The ~~Chairman~~ or presiding official shall lead the pledge of allegiance.

C. Roll Call.

Before proceeding with the business of the commission, the Executive Secretary ~~of the Commission~~ shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present; the members shall adjourn as provided for in Article II(C) above.

D. Call to the Public.

At this time the commission shall, as it deems necessary, consider all business not specifically provided for herein. Requests, petitions, communications, comments or suggestions from citizens present shall be heard. All speakers must fill out a form and submit a written "Request to Speak" to the Executive Secretary of the Commission in advance of this item, or the ~~Chairman~~ may waive this requirement only if there is ~~substantial~~ reason to believe the written request is not needed. All such remarks shall be addressed to the commission as a whole and not to any individual member thereof. Such remarks shall be limited to (3) three minutes unless additional time is granted by the ~~Chairman~~. **Where a group or organization wishes to present comments or discussion, one person from the group shall be designated to present said comments or discussion.** No person other than the individual speaking shall enter into the discussion without the permission of the ~~Chairman~~.

E. Minutes.

The Executive Secretary ~~of the Commission~~ shall present the minutes of the preceding commission meeting which shall be approved if correct. Any error noted shall be corrected and ~~initiated~~ ^{initialed} by the Executive Secretary.

F. Agenda and Public Hearings.

The Planning Commission shall conduct all public hearings as required by law. Interested Public hearings required by the Douglas County Code, state statute or federal regulations shall be conducted by the commission, and all interested parties shall be given the opportunity

to speak. The Planning Commission shall consider any business not heretofore considered including, but not limited to, rezoning requests, text amendments, comprehensive plan amendments, etc. No member of the public shall be permitted to speak on these matters unless invited to do so by the commission after first filing a written request to speak with the Executive Secretary.

G. Report from Commission and/or Staff.

Planning Commissioners

The ~~commissioners~~ or members of the staff may present information pertinent to items under consideration or information related to the operation of the county, or as otherwise requested by members of the Planning Commission.

Insert continuation of hearing or meeting procedure, if desired.

H. Adjournment.

Planning Commission

The ~~commission~~ may, by a majority vote of those present, adjourn at the conclusion of business. A motion to adjourn shall always be in order and decided without debate.

ARTICLE V. VOTING

- A. Each regularly appointed member, including the Chair, shall be entitled to one vote on any matter that may come before the Planning Commission. Except on administrative or procedural matters, the record of the Planning Commission shall show the individual vote of each member.
- B. The approval of a comprehensive plan, or any amendment, extension, or addition thereto; or the recommendation to the Board of Commissioners of any official control or amendments thereto, shall require the affirmative vote of not less than a majority of the total membership of the Planning Commission. Passage of other matters upon which the Planning Commission is authorized to act shall require the majority vote of the Planning Commissioners present in session at the time.
- C. Failure of a motion to approve any matter upon which the Planning Commission is authorized to act shall be deemed a denial. Failure of a motion to deny any matter upon which the Planning Commission is authorized to act shall not constitute approval.
- D. If there is a desire of any Planning Commission member to abstain from voting because of a potential conflict of interest, this view should be expressed as soon as the potential conflict becomes apparent and before any discussion is held on that business before the Planning Commission. The member shall then step down and leave the room. Under no circumstances shall the member take part in either the discussions or deliberations of the Planning Commission on the matter.
- E. The Planning Commission shall include findings of fact supporting any action upon which it is authorized to act. A clear description of conditions necessary to carry out the spirit and intent of any comprehensive plan or official control shall be included in the action. The Executive Secretary shall submit to the Board of Commissioners, in writing, the recommendation of the Planning Commission not later than fourteen (14) calendar days following action by the Planning Commission. The transmittal to the Board of Commissioners shall include the motion and findings of fact considered by the Planning Commission.

ARTICLE V. COMMITTEES

Legal Counsel.

The Douglas County Prosecuting Attorney, ~~or his or her designated representative~~, is the sole legal advisor for the Planning Commission. The Planning Commission shall request legal advice ~~before the disposition of any~~ question of law or matter^s requiring legal interpretation or advice. ~~on~~ ^s ~~At the sole discretion of the Prosecuting Attorney, legal counsel may include deputy prosecutors, or independent counsel.~~

ARTICLE VI. AMENDMENTS

The Planning Commission may amend these By-laws and Rules of Procedure by a majority vote of the total membership at any regular or special meeting and after receiving approval from the Board of County Commissioners. A copy of the proposed amendments must be transmitted in writing by the Executive Secretary to each member of the Planning Commission at least fourteen (14) calendar days in advance of the meeting at which action is scheduled.

Dated this _____ day of _____ 2024.

Michelle Taylor, Planning Commission Chair Date

Dan Beardslee, Planning Commission Vice Chair Date

Tami Jo Nerby, Planning Commission Member Date

Tanya Davis, Planning Commission Member Date

Brandon Littrel, Planning Commission Member Date

Raymond Dobbs, Planning Commission Member Date

Betsy A. Irmer, Planning Commission Member Date

Executive Secretary, or Designee
Kazi Haque, AICP
Land Services Director



Amendment to DCC 17.04.020 – Subdivision Applicability Removal of Lands Covered by Water Prohibition Staff Report

TO: Douglas County Planning Commission
FROM: Douglas County Land Services Staff
RE: Public Hearing – Amendment to DCC 17.04.020 – Subdivision Applicability. The amendment will remove language that prohibits exempt segregations on lands that are covered by water.
DATE: February 12, 2025

I. PROPOSED ACTION:

This is a request to amend Douglas County Code (DCC), DCC 17.04.020 – *Subdivision Applicability*. This amendment relates to exempt segregations, a process that allows property owners to divide land without processing a subdivision. Current DCC prohibits exempt segregations on “lands covered by water” as defined by WAC 197-11-756. “Lands covered by water” means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, and wetlands. The proposed amendment would remove this prohibition from DCC 17.04.020.

Should the amendment be approved, the following section of code will be eliminated:

DCC 17.04.020(B)(3)(f): No lots created are identified as lands covered by water consistent with the categorical exemptions listed in WAC 197-11-8006 (6) (d) as adopted by DCC 19.04.125.

The Planning Commission is requested to review, consider, and make a recommendation to the Board of County Commissioners to approve, approve in part, or deny the adoption of the proposed amendment.

II. ENVIRONMENTAL REVIEW:

An environmental review was completed. On October 10th, 2024, Douglas County issued a Determination of Non-Significance (DNS) pursuant to WAC 197-11-340 (2), for the proposed amendment.

III. PUBLIC PROCESS

- (a) 10-9-2024: Proposed changes were presented to the Planning Commission during a public workshop.
- (b) 10-10-2024: Douglas County issued a Determination of Non-significance for the proposed amendment.
- (c) 10-10-2024: Proposed amendment notice was sent to the Washington State Department of Commerce, initiating a 60-day comment period.
- (d) 1-30-2025: A legal notice was published in the Wenatchee World and Empire Press Newspapers advertising the 2-12-2025 Planning Commission public hearing.
- (e) 2-12-2025: Douglas County Planning Commission public hearing.

IV. AGENCY AND PUBLIC COMMENTS:

Douglas County initiated a 60-day review period on October 10, 2024. As of the date of this staff report, no public comments have been received. Multiple agency comments have been received. A summary of the comments is located below:

Washington State Department of Ecology (DOE):

- Concerns regarding impacts to wetlands.
- Concerns regarding hardships for future property owners should a lot be encumbered by wetlands.
- Concerns that development review will not occur until building permit submittal.

Washington State Department of Commerce:

- Concerns that the removal of this prohibition will be inconsistent with the critical area protections outlined in the Growth Management Act.
- Concerns that lots will be created in environmentally sensitive areas such as wetlands.
- States that the amendment conflicts with the Douglas County Regional Policy Plan and Douglas County Comprehensive Plan
- Concerns that future lots may be unbuildable or may lack adequate infrastructure.

Washington State Department of Fish and Wildlife:

- Concerns that the amendment would conflict with the requirements of Douglas County's Critical Areas Ordinance (CAO).
- Concerns that the proposal fails to meet applicable Best Available Science (BAS) standards.
- Concerns that the proposal would shift the burden of meeting the requirements of Douglas County's CAO to individual landowners.

A copy of all agency comments is attached to this staff report.

V. PROJECT ANALYSIS:

The following goals and policies out of the Douglas County Comprehensive Plan/ RCW 58.17.040 are applicable to/ support the proposed amendment:

Douglas County Countywide Plan

Rural Lands:

Policy R-5. Encourage a diverse choice of housing types for all economic levels.

Rural Development:

Policy RD-5. The costs associated with implementing a rural development and providing the necessary utilities, facilities and/or services will be borne by the developer.

RCW 58.17.040:

RCW 58.17.040 does not contain a prohibition of exempt segregations on lands that are covered by water. The removal of the lands covered by water prohibition from DCC will still allow DCC to be consistent with RCW 58.17.040

VI. STAFF RECOMMENDATION/ DRAFT MOTION:

Douglas County Land Services staff recommend approval of the proposed code amendment. The following is a draft motion that may be utilized by the Planning Commission if the amendment is approved:

“I move to recommend approval of the amendment to Douglas County Code 17.04.020 – *Subdivision Applicability* based upon the findings of fact and conclusions of law contained in this staff report.”

VII. FINDINGS AND CONCLUSIONS:

Suggested Findings:

1. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
2. The Douglas County Board of Commissioners is authorized to adopt amendments to the Douglas County Code.
3. Chapter 14.32 in the Douglas County Code outlines the standards and process for amending development regulations to ensure compliance with the GMA.
4. Douglas County initiated a 60-day review on October 10, 2024.
5. The notice of public hearing was published in the Wenatchee World and Empire Press on January 30, 2025.
6. Douglas County issued a Determination of Non-significance, in accordance with WAC 1 WAC 197-11-340 (2), on October 10, 2024.
7. The Douglas County Planning Commission held a public hearing for the proposed amendment on February 12, 2025.

Suggested Conclusions:

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 Douglas County Comprehensive Plan.

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4. The proposed amendments are consistent with the requirements of the Revised Code of Washington, and the Washington Administrative Code.



State of Washington

DEPARTMENT OF FISH AND WILDLIFE REGION TWO

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

December 9, 2024

Douglas County Planning Department
Attention: Kazi Haque – Land Services Director
140 19th Street NW, Suite A
East Wenatchee, WA 98802

**SUBJECT: PLANVIEW SUBMITTAL 2024-S-7607; PROPOSED AMENDMENT TO DCC
17.04.020 – SUBDIVISION APPLICABILITY**

Dear Mr. Haque,

On Oct. 10, 2024, the Washington Department of Fish and Wildlife (WDFW) received from the Washington State Department of Commerce a Notice of Intent to Adopt the proposed amendment referenced above, and that the comment period had commenced. WDFW's interest in this proposal is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (RCW 77.04.012). WDFW Habitat Program staff review proposed changes to local jurisdictions' land use plans to advise of potential fish and wildlife issues and impacts. In keeping with our role as a technical advisor, we offer the following comments and recommendations.

Upon review of the submittal, it appears that the proposed amendment consists of the deletion of Douglas County Code (DCC) section 17.04.020(B)(3)(f), which is a prohibition against the application of the exemption outlined in DCC 17.04.020(B)(3) toward lands covered by water. As written, the proposed amendment would expand the existing exemption policy for subdivisions that result in lots as small as five acres from conforming with other codes, plans, and policies of the DCC as outlined in DCC 17.04.050. This includes the Critical Areas Ordinance (CAO, DCC 19.18). It would permit additional five-acre exempt segregations that would not benefit from protections provided by your CAO for Fish and Wildlife Habitat Conservations Areas (FWHCAs). The county CAO requires Habitat Boundary Surveys (DCC 19.18C.035) and Fish/Wildlife Habitat Management and Mitigation Plans (DCC 19.18C.037) to meet the Growth Management Act's requirement to protect and maintain no net loss of the ecological functions and values of FWHCAs.

Our chief concern is that this proposal fails to meet applicable Best Available Science (BAS) standards. Allowing subdivision of lots to a five-acre minimum without the benefit of review for consistency with local and state law potentially contributes to fragmentation of important FWHCAs. Fragmentation of FWHCAs negatively impacts ecological functions and values of priority habitats and the species they support (attached, Priority Habitats and Species ([PHS](#)) [List and Distribution by County](#)). Negative impacts to PHS are required to be avoided, minimized, and mitigated consistent with DCC 19.18C.037. Exempting environmental review of subdivided lots down to 5 acres will

place the burden of meeting the requirements of Douglas County's CAO on individual landowners. At the 5-acre lot scale, impacts from development can be more difficult to avoid and mitigation will be more challenging.

In order to utilize these lands, landowners will be required to pursue variances as described in DCC 18.84, resulting in the normalization of the variance process and unmitigated impacts to critical areas. Our recommendations regarding the use of exemptions are outlined on Page 79 of our publication, "[Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas](#)," which states that "if granting variances is the normal way of doing business, a likely result may be cumulative impacts of inadequate buffers, severed wildlife corridors, and patches of habitat too small to maintain sensitive wildlife." In order to mitigate, we recommend the exemption or variance criteria to be specific and that requirements and conditions should have a relationship, or nexus, to the expected impacts of the development, as outlined on Page 79 of the aforementioned document.

Previously, we submitted a comment letter dated November 10, 2022, in response to a similar update to DCC 17.04.020(B)(3) under Planview Submittal 2022-S-4315, which lowered the size threshold for the subdivision exemption from twenty acres to five. At the time, our concerns spoke to the lack of analysis pertaining to a comprehensive change to county policy. As this proposal expands that policy, we want to reiterate our previous concerns and recommend that the county maintain critical areas review process for all small-lot subdivisions.

We would like to thank you for the opportunity to review and provide comments on the proposed Douglas County Development Code amendments. If you have any questions or would like to schedule time with WDFW staff to discuss our comments, I can be reached by email at carmen.andonaegui@dfw.wa.gov or at (509) 431-0339.

Sincerely,

Carmen Andonaegui
WDFW Region 2 Habitat Program Manager

cc: Kara Whittaker, WDFW Land Use Conservation & Policy Section Manager
Cole Webster, WDFW Land Use Conservation & Policy Planner
Nate Schmidt, WDFW Habitat Biologist
Paul Christianson, WDFW Region 2 Land Use Lead
Jo Anne Webster, Senior Planner, Washington Department of Commerce
Emily Atkins, Critical Areas Ordinance Coordinator, Washington Department of Ecology



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

December 9, 2024

Mr. Tanner Ackley
Principal Planner Douglas County Land Services
140 19th Street NW, Suite A
East Wenatchee, Washington 98802

Sent Via Electronic Mail

Re: Proposed Changes to Douglas County's 60-day Notice of Intent to Adopt Amendment--
2024-S-7607

Dear Mr. Ackley:

Thank you for the opportunity to comment on the proposed changes to Douglas County's code DCC 17.040.020. The amendment will remove language that prohibits exempt segregations on lands that are covered by water. We appreciate your coordination with our agency as you work to achieve the community's vision consistent with the goals and requirements of the Growth Management Act (GMA). We encourage you and your community to consider the following as you present these amendments to your appointed and elected officials.

The Washington State Department of Commerce has the following concerns:

The Growth Management Act (GMA), RCW 36.70A, requires all cities and counties to adopt development regulations that protect critical areas, which include wetlands and fish and wildlife habitat conservation areas, or other designated critical lands that are covered by water. Critical areas regulations help to preserve the natural environment, maintain fish and wildlife habitat, and protect drinking water. It can be costly, or even impossible, to replace critical area functions and values once they are lost.

In addition, RCW 36.70A.172 states that in designating and protecting critical areas, counties and cities shall include the best available science in developing policies and development regulations to protect the function and values of critical areas.

The Douglas County exemption process bypasses any state agency or local review of critical areas and disregards GMA critical areas protection requirements. Because this amendment

eliminates the language pertaining to the protection of critical areas in lands covered by water, lots can be created in environmentally sensitive areas or unbuildable areas, including lands designated as wetlands or fish and wildlife habitat areas. Given that planning staff has no review of these exemptions, it is apparent that the requirement to include the best available science when proposing this amendment was not considered. Thus, there is no guarantee that the land divisions will be consistent with critical areas regulations and the protection of critical areas in lands covered by water.

This amendment also conflicts with the Douglas County Regional Policy Plan, 2009, Section I, Policies on Critical Areas and Shorelines, excerpt below:

I. POLICIES ON CRITICAL AREAS AND SHORELINES

“The Douglas County region contains many environmental sensitive areas. Land use activities can have serious impacts upon these types of areas. The preservation of basic resources, such as groundwater, wildlife habitat, shorelines, and other sensitive areas, is vital. Although all jurisdictions have critical areas, most are within the unincorporated areas of Douglas County. Critical areas include wetlands, fish and wildlife habitat, geological hazards, aquifer recharge areas and frequently flooded areas. Shorelines include those areas designated as Shorelines of the State (see RCW 90.58). These regional policies are for guidance in developing comprehensive plans and local policies for all of types of land.

POLICY I-1: All jurisdictions will protect and enhance the natural systems through comprehensive plans and policies, **and develop regulations that reflect natural constraints and protect sensitive features.** [Commerce bolded]. “Land use and development will be regulated in a manner that respects fish and wildlife habitat in conjunction with natural features and functions, including air and water quality. Natural resources and the built environment shall be managed to protect, improve and sustain environmental quality while minimizing public and private costs.”

In addition, exempt subdivisions provide no assurance to the buyer of the lot that it is a buildable lot or has adequate infrastructure or potential for infrastructure improvements. Lots may be created in areas where wetlands or fish and wildlife habitat areas severely encumber the site. These lots, once created, can be sold as building sites. Planning review would not occur until a building permit application is submitted, at which time the buyer could potentially request a variance or a reasonable use exception allowing for development on the critical area with no required mitigation measures to reduce the impacts to the critical areas.

Under the Growth Management Act, Douglas County, regardless of the exemption process, is still responsible for protecting critical areas and for the health, safety, and general welfare of the community at large, as conveyed through local regulations and state laws. The lack of a review process for lands covered by water represents poor planning practices which could lead to long-term negative impacts to the County and conflicts with the goals of the GMA.

Department of Commerce: Submittal ID 2024-S-7607

The Washington State Department of Commerce advises that this amendment be denied.

Thank you for the opportunity to comment on this proposed amendment.

Sincerely,

Jo Anne Wright

Jo Anne Wright

Senior Planner

Growth Management Services

cc: David Andersen, AICP, Managing Director, Growth Management Services
Valerie Smith, AICP, Deputy Managing Director, Growth Management Services
Benjamin Serr, AICP, Eastern Region Manager, Growth Management Services
Carol Holman, MUP, Western Region Manager, Growth Management Services
Kazi Haque, Director of Land Services, Douglas County Transportation and Land Services
Emily Atkins, Critical Areas Ordinance Coordinator, Washington State Department of Ecology
Paul Christianson, Land Use Lead, Region 2, Washington State Department of Fish and Wildlife



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

December 09, 2024

Tanner Ackley, Principal Planner
Douglas County Land Services
Douglas County
140 19th St. NW Suite A
East Wenatchee, WA 98802

Subject: Comments on Douglas County's DCC 17.04.020 Amendment Draft

Dear Tanner Ackley:

Thank you for the opportunity to comment on Douglas County's proposed amendment (Submittal ID 2024-S-7607) to D.C.C. 17.04.020 that was submitted to PlanView for 60-day review on 10/10/2024. As an agency with purview of critical areas, we review codes submitted to PlanView that may have impact on the no net loss goals of the Growth Management Act. In the submitted amendment Douglas County is proposing the removal of the following from variance language:

“f. No lots created are identified as lands covered by water consistent with the categorical exemptions listed in WAC 197-11-8006 (6) (d) as adopted by D.C.C. 19.04.125.”

We are concerned that the removal of D.C.C. 17.04.020(B)(3)(f) may have some impact on the County's critical areas such as wetlands. The language in D.C.C. 17.04.020 states “division is at least five acres or one-one hundred and twenty-eight of a section in size” and then lists conditions in which a “certificate of exemption” cannot be obtained. We would agree with the current code that allowing division of lands covered by water would not be ideal.

The language that is proposed to be removed from the current code provides an additional level of protection for “lands covered by water” which could include critical areas such as wetlands. The amendment removing it would allow the division of lands covered by water and could create situations in which wetlands are fragmented (critical area review doesn't appear to be required until building permits are submitted) and create undevelopable conditions or hardships for the landowner. Even if these exemptions were mitigated it is not ideal to allow degradation of established wetlands and wetland functions that could be avoided.

We support the use of variances and reasonable use for wetlands in our [Wetland Guidance for Critical Areas Ordinance \(CAO\) Updates: Western and Eastern Washington](#) (Ecology Publication #22-06-014), but we do recommend local government to include language that does not allow subdivision of “land that is wholly within a wetland and/or wetland buffer”. This language doesn't appear to be present in Douglas County's code. In approving variances and reasonable use, we recommend the criteria that the inability to derive reasonable economic use of a parcel is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition. After review of D.C.C. 18.84.020 on evaluation criteria for granting variances there is some language in regard to hardship not being the “actions of the applicant or owner” but it is unclear if the exempt segregations in D.C.C. 17.04.020 fall under this criterion.

Tanner Ackley
December 9th, 2024
Page 2

By removing condition f in D.C.C. 17.04.020(B)(3), we are concerned that this could create more situations in which established wetlands, if allowed to be subdivided without review, can be impacted by development through reasonable use or variances. We would recommend that the county keep condition f in order to better protect potential wetlands and other critical areas that may be present on lands covered by water.

If you have any questions or would like to discuss our comments, I can be reached at (360) 628-6680 or emily.atkins@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Atkins", written in a cursive style.

Emily Atkins
Critical Area Ordinance Coordinator

Enclosures

cc:

Lauren Driscoll, Washington Department of Ecology
Heather Durkee, Washington Department of Ecology
Jo Anne Wright, Washington Department of Commerce
Paul Christianson, Washington Department of Fish and Wildlife
Kara Whittaker, Washington Department of Fish and Wildlife



Proposed amendments are displayed in red text.

Douglas County Code, Title 17 Subdivisions

17.04.020 Applicability.

- A. The provisions of this title shall apply to the division of land for the purpose of sale, lease or transfer into two or more lots, parcels or tracts in unincorporated Douglas County.

- B. The provisions of this title shall not apply to:
 - 1. Any cemetery or burial plot while used for that purpose;
 - 2. Any division of land by testamentary provisions or the laws of descent;
 - 3. Any division of land that does not dedicate land to public use and for which the smallest lot, parcel or tract created by such division is at least five acres or one-one hundred and twenty-eight of a section in size; provided, that:
 - a. A certificate of exemption shall be obtained from the Planning Department. Any person considering themselves exempt from the requirements of this chapter shall apply for a certificate of exemption, which requires a review for conformance with subsection a, b, c, d and e that follows. If the following conditions are not met a certificate will not be issued and a short or long subdivision application will be required.
 - b. Conveyance instruments for lots, parcels or tracts shall contain notes that disclose that the lots created have not been reviewed by the county for water availability, presence of critical areas, or other requirements that must be met before a building permit is issued.
 - c. For purposes of computing the size of any lot under this subsection which borders on a public street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the public street or road and the side lot lines of the lot running perpendicular to such centerline; and
 - d. Persons proposing such divisions shall submit to the county assessor an affidavit declaring that documents have been recorded with the county auditor that establish easements for access and utilities to each lot, tract or parcel proposed to be created and reference all such easements attesting to;

- e. All lots created must comply with Title 18 Zoning.
- ~~f. No lots created are identified as lands covered by water consistent with the categorical exemptions listed in WAC 197-11-8006 (6) (d) as adopted by DCC 19.04.125.~~
- f. The party who divides or develops the parcels shall disclose to the potential buyer of the divided land, that the divided parcels have not gone through the Douglas County review process for permitting or entitlement and the parcels may be subject to improvement requirements not disclosed with this sale of the property.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of the checklist:

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

Instructions for applicants:

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

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

Instructions for Lead Agencies:

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

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable: [5 Acre Exempt Segregation – Removal of "lands covered by water" prohibition](#)
2. Name of applicant: [Douglas County Planning](#)
3. Address and phone number of applicant and contact person:
[Tanner Ackley, Principal Planner](#) 509-884-7173 tackley@co.douglas.wa.us

140 19th Street NW, East Wenatchee, WA 98802

4. Date checklist prepared: [October 4, 2024](#)
5. Agency requesting checklist: [Douglas County Land Services Department](#)
6. Proposed timing or schedule (including phasing, if applicable): [Potential adoption of the code amendment will occur in January of 2025.](#)
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [N/A](#)
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [SEPA Checklist.](#)
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [N/A](#)
10. List any government approvals or permits that will be needed for your proposal, if known. [Douglas County Commissioners have directed staff to compile and complete all necessary materials in order to process this amendment. The Board of County Commissioners will be the approval authority.](#)
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
[Proposed amendment to DCC 17.04.020 – Subdivision Applicability. The amendment will remove language that prohibits exempt segregations on lands that are covered by water.](#)
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [The amendment would apply to parcels in unincorporated Douglas County and within urban growth areas.](#)

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: [N/A](#)

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

- b. What is the steepest slope on the site (approximate percent slope)? [N/A](#)

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

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [N/A](#)

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [N/A](#)

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [N/A](#)

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

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [N/A](#)

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [There will be no emissions created as a result of this proposal.](#)

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [No off-site sources of emissions will affect this proposal.](#)

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [N/A](#)

3. Water

- a. Surface Water:
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

[N/A](#)

 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

[N/A](#)

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. N/A

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A

2) Could waste materials enter ground or surface waters? If so, generally describe. There will be no waste materials entering ground or surface waters as a result of this proposal.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. This proposal will not alter or affect drainage patterns.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: N/A

4. Plants N/A

a. Check the types of vegetation found on the site:

____deciduous tree: alder, maple, aspen, other

____evergreen tree: fir, cedar, pine, other

- ___ shrubs
- ___ grass
- ___ pasture
- ___ crop or grain
- ___ Orchards, vineyards or other permanent crops.
- ___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ___ water plants: water lily, eelgrass, milfoil, other
- ___ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?
 No vegetation will be removed or altered as a result of this proposal.

c. List threatened and endangered species known to be on or near the site.
 N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
 N/A

e. List all noxious weeds and invasive species known to be on or near the site.
 N/A

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. N/A

Examples include:

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

b. List any threatened and endangered species known to be on or near the site.
 N/A

c. Is the site part of a migration route? If so, explain.
 N/A

d. Proposed measures to preserve or enhance wildlife, if any:
 N/A

e. List any invasive animal species known to be on or near the site.
 N/A

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [N/A](#)
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [N/A](#)
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [N/A](#)

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [There are no environmental health hazards created as a result of this proposal.](#)

- 1) Describe any known or possible contamination at the site from present or past uses.

[N/A](#)

Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [N/A](#)

Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [N/A](#)

Describe special emergency services that might be required. [N/A](#)

- 2) Proposed measures to reduce or control environmental health hazards, if any

[N/A](#)

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [N/A](#)

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [N/A](#)

- 3) 3) Proposed measures to reduce or control noise impacts, if any: [N/A](#)

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [N/A](#)

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

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [N/A](#)

c. Describe any structures on the site. [N/A](#)

d. Will any structures be demolished? If so, what? [N/A](#)

e. What is the current zoning classification of the site? [N/A](#)

f. What is the current comprehensive plan designation of the site? [N/A](#)

g. If applicable, what is the current shoreline master program designation of the site? [N/A](#)

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

i. Approximately how many people would reside or work in the completed project? [N/A](#)

j. Approximately how many people would the completed project displace? [N/A](#)

k. Proposed measures to avoid or reduce displacement impacts, if any: [N/A](#)

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [N/A](#)

4) m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [N/A](#)

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [N/A](#)

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [N/A](#)

c. Proposed measures to reduce or control housing impacts, if any: [N/A](#)

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? . N/A
- b. What views in the immediate vicinity would be altered or obstructed? . N/A

Proposed measures to reduce or control aesthetic impacts, if any N/A

11. Light and Glare [

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? N/A
- b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A
- c. What existing off-site sources of light or glare may affect your proposal? N/A
- d. Proposed measures to reduce or control light and glare impacts, if any: N/A

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? N/A
- b. Would the proposed project displace any existing recreational uses? If so, describe. N/A
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A

13. Historic and cultural preservation [

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe. N/A
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. N/A
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. N/A
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. : N/A

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [N/A](#)
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [N/A](#)
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [N/A](#)
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [N/A](#)
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [N/A](#)
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [N/A](#)
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [N/A](#)
- h. Proposed measures to reduce or control transportation impacts, if any: [N/A](#)

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [N/A](#)
- b. Proposed measures to reduce or control direct impacts on public services, if any. [N/A](#)

16. Utilities

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

C. Signature

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



Signature:

Name of signee: Tanner Ackley

Position and Agency/Organization: Principal Planner – Douglas County Land Services

Date Submitted: 10-7-2024

D. supplemental sheet for nonproject actions

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

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

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

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

N/A

Proposed measures to avoid or reduce such increases are: [No mitigation measures are necessary.](#)

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

[The purpose of the amendment is to remove a prohibition of exempt segregations on lands covered by water, so the amendment itself would not directly impact protected habitats or species, However, the overall exempt segregation process does have the potential to impact protected areas indirectly following the division process.](#)

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

[The purpose of the amendment is to remove a prohibition on exempt segregations on lands covered by water, so the amendment itself would not directly impact protected habitats, However, the overall exempt segregation process does have the potential to impact protected areas. The majority of impacts will occur following the land division, at time of building permit submittal. Should lots be created in protected habitats, the applicant for a building permit will be required to abide by the regulations outlined in DCC 19.18C – *Fish and Wildlife Habitat Conservation Areas*. DCC 19.18C requires various forms of mitigation depending on the type of development proposed. Additionally, lots may be created along the shoreline of the Columbia](#)

River. In these instances, future development of these parcels would be required to abide by the regulations outlined in the Douglas County Shoreline Master Program.

3. How would the proposal be likely to deplete energy or natural resources?
The proposed amendment would not deplete energy or natural resources.

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

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

The purpose of the amendment is to remove a prohibition on exempt segregations on lands covered by water, so the amendment itself would not directly impact environmentally sensitive areas. However, the overall exempt segregation process does have the potential to impact protected areas. The majority of impacts will occur following the land division, at time of building permit submittal. Should lots be created in environmentally sensitive areas, future development may impact environmentally sensitive areas.

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

Should land division occur in environmentally sensitive areas, all future development shall abide by the provisions of DCC title 19 – Environment. DCC title 19 addresses various environmental aspects such as geologically hazardous areas, wetlands, fish and wildlife habitat conservation, aquifer recharge areas, etc. Additionally, if the development occurs within the shoreline jurisdiction, the applicant, and all future property owners, will be required to abide by the regulations found in the Douglas County Shoreline Master Program (SMP).

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

By removing the prohibition of exempt segregations occurring on lands covered by water, there is the potential for land division to occur within the shoreline jurisdiction. All land uses within the shoreline jurisdiction will be required to comply with the applicable regulations outlined in the Douglas County SMP.

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

All shoreline uses will be required to abide by the regulations found within the Douglas County SMP.

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

The proposed amendment may allow additional opportunities for landowners to utilize the exempt segregation process. The additional opportunities to use this process may lead to the creation of more parcels, therefore leading to additional demand on the transportation system and utilities network.

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

All future building permits, on lots created through the exempt process, will be reviewed against existing standards for the transportation system and utility network. Should the transportation system or utility network not have the capacity to support the proposed development, the building permits will not be issued.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not conflict with local, state, or federal laws.



DOUGLAS COUNTY
TRANSPORTATION & LAND SERVICES

140 19TH STREET NW, SUITE A • EAST WENATCHEE, WA 98802
PHONE: 509/884-7173 • FAX: 509/886-3954
WWW.DOUGLASCOUNTYWA.NET

DETERMINATION OF NONSIGNIFICANCE
ISSUED BY
DOUGLAS COUNTY
TRANSPORTATION & LAND SERVICES

Description of proposal: Proposed amendment to DCC 17.04.020 – Subdivision Applicability. The amendment will remove language that prohibits exempt segregations on lands that are covered by water.

Lead Agency: Douglas County Transportation and Land Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS

This DNS is issued after using the optional DNS process in WAC 197-11- 355. There is no further comment period on this DNS.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by 5:00 p.m. on October 24, 2024

Responsible Official: Kazi Haque, Planning Director

Address: 140 19th Street NW, East Wenatchee, Washington 98802

Phone: 509.884.7173

Date: October 10th, 2024

Signature:

Notice of Intent to Adopt Amendment / Notice of Adoption (Cover Sheet)

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

Jurisdiction Name:	Douglas County
Amendment Type: Select Type of Amendment listed. (Select One Only)	<input type="checkbox"/> Comprehensive Plan Amendment <input checked="" type="checkbox"/> Development Regulation Amendment <input type="checkbox"/> Combined Comprehensive and Development Regulation Amendments <input type="checkbox"/> Countywide Planning Policy <input type="checkbox"/> Critical Areas Ordinance Amendment <input type="checkbox"/> Shoreline Master Program
Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	<input checked="" type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment <input type="checkbox"/> Request of Expedited Review / Notice of Intent to Adopt Amendment (Only for use with Development Regulation Amendments) <input type="checkbox"/> Supplemental Submittal for existing Notice of Intent to Adopt Amendment <input type="checkbox"/> Notice of Final Adoption of Amendment

<p>Add Association</p> <p><i>If this amendment is related to additional submittals, please let us know here. IDs are included in your acknowledgment letter.</i></p> <p><i>Example 2022-S-....</i></p>	<p>N/A</p>
<p>Description</p> <p>Enter a brief description of the amendment.</p> <p>Begin your description with Proposed or Adopted, based on the type of Amendment you are submitting.</p> <p>Examples: “Proposed comprehensive plan amendment for the GMA periodic update.” or “Adopted Ordinance 123, adoption amendment to the sign code.”</p> <p>(Maximum 400 characters)</p>	<p>Proposed amendment to DCC 17.04.020 – Subdivision Applicability. The amendment will remove language that prohibits exempt segregations on lands that are covered by water.</p>
<p>Is this action part of your 10-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>For Shoreline Master Programs (SMP): Is this action part of your 10-year periodic review required under RCW 90.58.080, a Comprehensive SMP, or a Locally Initiated amendment?</p>	<p><input type="checkbox"/> Periodic Review</p> <p><input type="checkbox"/> Comprehensive SMP</p> <p><input type="checkbox"/> Locally Initiated Amendment</p> <p><input checked="" type="checkbox"/> N/A (Not an SMP)</p>
<p>Does your submittal include changes to Urban Growth Areas</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	Planning Commission: January 2025 Board of County Commissioners: January 2025 Proposed / Date of Adoption: February 2025
Categorize your Submittal	Development Regulations
Contact Information:	
Prefix/Salutation: <i>(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))</i>	Mr.
Name:	Tanner Ackley
Title:	Principal Planner
Email:	tackley@co.douglas.wa.us
Work Phone:	509-884-7173
Cell/Mobile Phone: <i>(optional)</i>	N/A
Consultant Information: N/A	
Is this person a consultant?	<input type="checkbox"/> Yes
Consulting Firm name?	
Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	<input type="checkbox"/> Yes

REQUIRED: Attach a copy of the proposed amendment text or document(s). We do not accept a website

hyperlink requiring us to retrieve external documents. Commerce no longer accepts paper copies by mail. If you experience difficulty, please email the reviewteam@commerce.wa.gov

~~~~ **ONLINE TRACKING SYSTEM AVAILABLE** ~~~~

Log in to our PlanView system where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach the PlanView System Access Request Form.

**To set up your Commerce PlanView Account:**

Register for a [SAW](#) account and add the PlanView Service.

Please send completed [PlanView System Access Request Form](#) to [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov)

Questions? Call the review team at (360) 725-3066.

- Airport Safety Zone
- Capital Facilities
- Climate
- Comprehensive Plan
- Conservation Element
- Critical Areas Ordinance
- Design Standards/Design Review
- Development Regulations
- Economic Development
- Emergency
- Environment
- Essential Public Facilities
- Historic Preservation
- Housing
- Impact Fee
- Land Use
- Military
- Open Space
- Parks and Recreation Element
- Periodic Review (SMP)
- Periodic Update
- Port Element
- Public Participation
- Recreation
- Resource Lands
- Rural Lands
- Schools
- Shoreline Master Program
- Solar Energy Element
- Subarea Plans
- Transfer of Development Rights
- Transportation
- Urban Growth Areas
- Utilities