**CHELAN COUNTY**

 **DEPARTMENT Of COMMUNITY DEVELOPMENT**

**City of Leavenworth Urban Growth Area Amendment**

**Staff Report**

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| **TO:** **FROM:** **HEARING DATE:** **FILE NUMBER:**  | Chelan County Board of County Commissioners Chelan County Community Development January 30, 2024ZTA 22-419 |

# RECOMMENDED MOTION

# These proposals are recommended for adoption. Adoption of the proposed amendments aligns with countywide planning policies, county planning policies, and the 1997 interlocal planning MOU and RCW 36.70A.100. Land use changes are not in conflict with Chelan County planning policies and proper public notice procedures have been followed.

1. Move to recommend the adoption of Ordinance 1651, amending the City of Leavenworth Municipal Code regarding re-designating all RL10 and RL12 zoned properties within the Urban Growth Area to RL8. This recommendation for adoption is pursuant to the GMHB Case # (insert case #), decided upon (insert date), 2023

# GENERAL INFORMATION

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| **Applicant**  | City of Leavenworth  |
| **Planning Commission Hearing**  | October 26, 2022 |
| **60-day State agency review** | Initiated: August 2022  |
| **SEPA Determination**  | October 12, 2022 |
| **Board of County Commissioner Hearing** | February 28, 2023 |
| **Growth Management Hearing Board Hearing Order** | October 3, 2023 |
| **Board of County Commissioner Notice of Hearing Published** | February 1, 2024 |
| **Board of County Commissioner Hearing** | February 13, 2024 |

# PROJECT DESCRIPTION – ZTA 2022-419

**Proposal:** The City of Leavenworth has submitted Ordinance 1651, which includes changes to the Leavenworth Municipal Code concerning re-designation of all RL10 and RL12 zoned properties to RL8, which impact the Urban Growth Area (UGA).

**Review Criteria**

These regulations are evaluated in accordance with Chelan County Code Section 14.13.040 Development Regulation Amendment evaluation criteria and Chelan County Code Section 14.14.047 Amendment review criteria for comprehensive plan and zoning text changes. These criteria determine the process for approval, modification, or denial of regulation amendment applications and text amendments to county-adopted city comprehensive plans.

1. **The amendment is necessary to resolve a public land use issue or problem.**

**Finding**: In the 1997 interlocal planning MOU, Chelan County established policies with the City of Leavenworth

regarding land use regulations within its Urban Growth Area (UGA). Chelan County agreed to adopt the

city’s “land use regulations, development standards and land use designations for the city’s UGA.” The County also agreed to implement the city’s “street, street lighting, curb, gutter and sidewalk design standards” within the UGA.

GMA requires comprehensive planning for counties and cities designated under its jurisdiction. RCW

36.70A.100 details that each city’s comprehensive plan must be coordinated and consistent with “other

counties or cities with which the county or city has, in part, common border or related regional issues”.

Chelan County has not previously adopted this Ordinance 1651 for the re-designation of all RL10 and RL12 zoning to RL8 zoning. The decision to not adopt Ordinance 1651 was appealed to the Growth Management Hearings Board (GMHB). The GMHB issued a decision on October 3, 2023 finding the decision not to adopt Ordinance 1651 was inconsistent with the Growth Management Act. Adoption of this ordinance will bring the County

into alignment with the agreement outlined in the 1997 MOU, relevant state planning policies, and the GMHB decision.

1. **The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.**

**Finding**: The GMA planning goals include but are not limited to the following:

1. Urban growth. Encourage development in urban areas where adequate public facilities and

services exist or can be provided in an efficient manner.

1. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low density

development.

1. Housing. Encourage the availability of affordable housing to all economic segments of the

population of this state, promote a variety of residential densities and housing types, and encourage

preservation of existing housing stock.

1. Permits. Applications for both state and local government permits should be processed in a

timely and fair manner to ensure predictability.

1. Environment. Protect the environment and enhance the state's high quality of life, including air

and water quality, and the availability of water.

The adoption of the city’s comprehensive plan amendments and land use regulations within the UGA is

consistent with the first two GMA goals, to encourage development in urban areas and to reduce sprawl.

1. **The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies, or how amendment of the comprehensive plans’ goals or policies is supported by changing conditions or state or federal mandates.**

**Finding:** The City of Leavenworth has reviewed and found Ordinance 1651 consistent with the City’s

Comprehensive Plan goals and policies. The County-wide Planning Policies support the use of the City

regulations within the UGAs and adoption of city comprehensive plan amendments.

1. **The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.**

**Finding:** The proposed amendments do not change resource lands or critical area regulations which

would be reviewed based on the site-specific development at the time of future permit.

1. **The amendment is based on sound land use planning practices and would further the general public health, safety and welfare. The comprehensive plan amendment would serve the interests of not only the applicant, but the public as a whole, including health, safety, or welfare.**

**Finding:** The proposed amendments are the result of appropriate planning processes to reflect the City’s desire for development.

# CONCLUSIONS OF LAW

1. The amendments to the Chelan County development regulations are consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendments are necessary to address a public land use issue or problem.
3. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
4. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
5. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
6. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11 SEPA Rules have been satisfied.
7. The amendment is consistent with the GMHB decision of October 3, 2023.
8. The adoption of these amendments is in the best interest of the public and furthers the health, safety, and welfare of the citizens of Chelan County.

# ATTACHMENTS

1. Staff report to the Chelan County Planning Commission
2. Ordinance 1651, City of Leavenworth
3. Agency and Public Comments (none at time of staff report issuance)
4. Growth Management Hearing Board Decision dated October 3, 2023