

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

RECEIVED

FINDINGS OF FACT,

ZC 19-001

MAY 03 2019

CONCLUSIONS

RST PARTNERSHIP

CHELAN COUNTY
COMMUNITY DEVELOPMENT

AND DECISION

THIS MATTER came before the Chelan County Department of Community Development Hearing Examiner in the matter of Zone Code Amendment 19-001 sponsored by Chelan County. This matter, an application submitted by Chelan County for a zoning map amendment changing the zoning district from Rural Village (RV) to Rural Industrial (RI) on a portion of the property.

FINDINGS OF FACT

1. On February 26, 2019, the Board of Chelan County Commissioners approved, by Resolution 2019-31, regarding the proposed Comprehensive Plan Map amendment requesting a change of application for approximately 3.53 acres from Rural Village (RV) to Rural Industrial (RI) and Rural Village on a portion of the subject property.
2. The property is located at 3110 Main Street, Monitor.
3. The parcel number for the property is 23-19-14-488-015.
4. The applicant is Charles R. Steinberg, Steinberg Law Firm, PS.
5. The owner is RST Partnership.
6. The current zoning designation is Rural Village (RV).
7. The proposed zoning designation is Rural Industrial (RI) on a portion of the property.
8. The lot size is approximately 3.53 acres.
9. This site is within a flood zone, contains habitat area for Mule deer, riparian buffer associated with the Wenatchee River.
10. The Shoreline Master Program designation is Rural.
11. Pursuant to WAC 197-11-800(6)(C)(iii), the proposed action is exempt from SEPA review.
12. The project is consistent with Code Criteria 14.13.040 (1) in the following respects:
 - 12.1 The proposed amendment would provide consistency between the zoning and Comprehensive Plan maps.
 - 12.2 The Hearing Examiner finds that the proposed zoning map amendment will provide consistency between the Comprehensive Plan and zoning maps.
13. The project is consistent with Code Criteria 14.13.040 (2) in the following respects:

- 13.1 The requested map amendment is consistent with Comprehensive Plan Map Amendments (CPA 2018-049) approved through Resolution 2019-31.
- 13.2 The proposed amendment supports rural industrial and residential opportunities. The Hearing Examiner finds that the proposal is consistent with the goals of the Growth Management Act.
14. The project is consistent with Code Criteria 14.13.040 (3) in the following respects:
 - 14.1 The applicant is proposing Rural Industrial for the portion of the subject property that would encompass the existing warehouse. The locational guidelines for Rural Industrial in the comprehensive plan include existing land uses stating, “that industrial development currently exists or the area may have been utilized in the past for an industrial use.” The existing warehouse was originally developed for fruit.
 - 14.2. The comprehensive plan contains the following goals and policies related to Rural Industrial:
 - 14.2.1 GOAL LU 9: Direct future industrial development to designated industrial areas in Urban Growth Areas and LAMIRDs and to existing rural industrial areas, consistent with the Growth Management Act.
 - 14.2.2 Policy LU 9.4: Provide necessary public facilities and services for development, infill and redevelopment of existing industrial or mixed use sites outside of urban growth areas, where such services can be provided in a manner that does not promote sprawl, consistent with the Growth Management Act.
 - 14.2.3 Policy LU 9.5: Promote revitalization of existing developed industrial areas suitable for continued use.
 - 14.3 The Hearing Examiner finds that the proposal is consistent with the County Comprehensive Plan goals and policies and the County-Wide Planning Policies.
15. The project is consistent with Code Criteria 14.13.040 (4) in the following respects:
 - 15.1 The site is not classified as lands of “long term significance.”
 - 15.2 The site is within a flood zone, regulated by Chelan County Code Chapter 11.84 Frequently Flooded Areas Overlay District; and contains riparian area associated with the Wenatchee River and Class II Habitat area, regulated by Chelan County Code Chapter 11.78, Fish and Wildlife Habitat Conservation Areas Overlay District.
 - 15.3 Critical area review will be conducted at the time of site-specific land use applications.
 - 15.4 The Hearing Examiner finds that the proposal does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas.
16. The project is consistent with Code Criteria 14.13.040 (5) in the following respects:
 - 16.1 The State Growth Management Act finds that sound land use planning includes consistency between the Zoning Code and the Comprehensive Plan.
 - 16.2 The Hearing Examiner finds that the proposal will provide consistency between the adopted, (see Resolution 2019-31), Chelan County Comprehensive Plan and the Zoning codes. The proposed zoning map amendment meets the evaluation criteria listed under Chelan County Code Title 14, Section 14.13.040.
17. No agency comments were received.

18. No public comments were received.
19. The zoning code and zoning map are intended to implement the goals, policies and land use designations of the Chelan County Comprehensive Plan (11.06.010 CCC). The proposed zoning map amendment implements the changes adopted by Resolution 2019-31 to the Chelan County Comprehensive Plan. The proposed zoning map amendment meets the evaluation criteria listed under Chelan County Code Title 14, Section 14.13.
20. The application was submitted on March 04, 2019.
21. A Determination of Completeness was issued on April 01, 2019.
22. Notice of application was provided on April 04, 2019.
23. An open record public hearing after legal notice was held on May 1, 2019.
24. The entire planning staff file of record was admitted into the record at this hearing.
25. Appearing and testifying on behalf of the applicant was Charles Steinberg. Mr. Steinberg testified that he was an agent authorized to appear and speak on behalf of the applicant. Mr. Steinberg indicated that the applicant concurred with the staff report findings and conclusions.
26. Admitted into the record as Exhibit 1 was a "No Comment" letter from the City of Entiat.
26. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. The Zoning Map Amendment is consistent with the Comprehensive Plan Amendment (Resolution 2019-31).
3. The requirements of the Revised Code of Washington, the State Environmental Policy Act and WAC 197-11 have been satisfied.
4. The adoption of this Zoning Map Amendment is in the best interest of the public and furthers the health, safety and welfare of the citizens of Chelan County.
5. This Zoning Map Amendment is consistent with and supports the Chelan County Comprehensive Plan goals and policies.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

DECISION

Based upon the above Findings and Fact and Conclusions of Law, ZC 19-003, RST Partnership, is hereby **APPROVED**. The Decision is final unless appealed in writing consistent with the adopted appeal procedures.

Approved this 2nd day of May, 2019.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as three "days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available "or if this section does not apply, then pursuant to RCW 36.70C.040(3)(c)... the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.

Requests for Reconsideration and to re-open the hearing must be timely filed and are governed by Chelan County Code 1.61.130 and 1.61.070 and Chelan County Hearing Examiner Rules of Procedure 1.24.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.