

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

RECEIVED

FINDINGS OF FACT,

)

CONCLUSIONS

ZC 19-002

MAY 03 2019

AND DECISION

WAPATO HERITAGE, LLC

CHELAN COUNTY

COMMUNITY DEVELOPMENT

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 Urban Residential 1 (UR1) to Urban Residential 3 (UR3).

**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 12.56 acres from Urban Residential 1 (UR1) to Urban Residential 3 (UR3) within the Manson Urban Growth Area.
2. The property is located at 408 Madeline Road, Manson.
3. The parcel numbers for the property are 28-21-36-681-048 and 28-21-36-681-049.
4. The applicant is Gary Bates, Selland Construction.
5. The owner is Wapato Heritage, LLC.
6. The current zoning designation is Urban Residential 1 (UR1).
7. The proposed zoning designation is Urban Residential 3 (UR3).
8. The lot size is approximately 12.56 acres.
9. The site contains erosive soils.
10. The property is located within the Manson Urban Growth Area.
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 2018-077) 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 Chelan County Comprehensive Plan addresses development in the Urban Growth Areas with the following policy statements:
    - 14.1.1 Policy LU 1.4: Except as provided for by the Rural Element, new residential development which requires urban services and facilities must be located within urban growth areas or LAMIRDs.
    - 14.1.2 Policy LU 1.5: Encourage infill of vacant and underdeveloped land in existing residential areas within urban growth areas and rural communities, such as LAMIRDs.
  - 14.2 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 contains erosive soils, a critical area for geological hazards lands, regulated by Chelan County Code Chapter 11.86, Geologically Hazardous 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. The Chelan County Fire District provide comments on April 16, 2019 stating that alternate fire flow provisions are not necessary at this time.
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 Gary Bates. Mr. Bates testified that he was an agent authorized to appear and speak on behalf of the applicant. Mr. Bates indicated that the applicant concurred with the staff report findings and conclusions.
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 2<sup>nd</sup> day of May, 2019.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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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.