

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

ZC 19-003

WATER WORKS PROPERTIES

RECEIVED

MAY 03 2019

CHELAN COUNTY

COMMUNITY DEVELOPMENT

FINDINGS OF FACT,

CONCLUSIONS

AND DECISION

THIS MATTER came before the Chelan County Department of Community Development Hearing Examiner in the matter of Zone Code Amendment 19-003 sponsored by Chelan County. This matter, an application submitted by Water Works Properties for a zoning map amendment changing the zoning district from Rural/Residential Resource 5 (RR5) to Rural Waterfront (RW).

**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 13.65 acres from Rural Residential/Resource 5 (RR5) to Rural Waterfront (RW).
2. The property is located at NNA US 97A, Chelan.
3. The parcel numbers for the property are 26-21-29-130-150, 26-21-20-310-050, and 26-21-29-110-000.
4. The applicant is Dan Beardslee.
5. The owner is Water Works Properties.
6. The current zoning designation is Rural Residential/Resource 5 (RR5).
7. The proposed zoning designation is Rural Waterfront (RW).
8. The lot size is approximately 13.65 acres.
9. This site is within a FEMA designated flood zone, contains habitat area for Mule deer, streams, riparian buffer associated with the Columbia River. The property is located on a portion of the Columbia River known as Lake Entiat, which is a controlled reservoir.
10. The Shoreline Master Program Designation is Rural and Natural
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 2017-069) approved through Resolution 2019-31.
  - 13.2 The proposed amendment supports rural industrial and residential opportunities. Staff 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 Waterfront to develop additional residential lots. The comprehensive plan has the following land use goal and policy related for residential development:
    - 14.1.1 Goal LU 1: Residential designations shall provide for an adequate supply of land to accommodate the housing needs and strategies outlined by the comprehensive plan. Implementation regulations shall provide for a variety of residential opportunities to serve a full range of income levels.
    - 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. Rationale: Many parcels of land are available within existing residential developments that can accommodate further development. Infill within these areas will allow public facilities and services to be provided in a more efficient manner.
  - 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 is within a FEMA designated flood zone, regulated by Chelan County Code Chapter 11.84 Frequently Flooded Areas Overlay District. However, the property is on Lake Entiat, which is a controlled reservoir on the Columbia River.
  - 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 Staff 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 Marshal provide comments on April 15, 2019 stating that alternate fire flow provisions are necessary for any future buildings requiring building permits.
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 7, 2019.
21. A Determination of Completeness was issued on April 1, 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 Dan Beardslee. Mr. Beardslee testified that he was an agent authorized to appear and speak on behalf of the applicant. Mr. Beardslee indicated that the applicant concurred with the staff report findings and conclusions except those statements that the property was located within a flood zone. He stated that the property is in a controlled reservoir, that being Lake Entiat on the Columbia River.
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, Water Works Properties 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



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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.