

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
ZC 21-086)	AND DECISION
William Burgess of Moonbeam, LLC)	

THIS MATTER came before the Chelan County Hearing Examiner in the matter of a Zone Change application submitted to change approximately 38.87 acres from Rural Residential/Resource 5 (RR5) and Rural Residential/Resource 10 (RR10) to Rural Recreational/Residential (RRR).

I. FINDINGS OF FACT

1. On February 2, 2021, the Board of Chelan County Commissioners approved, by Resolution 2021-21, the Comprehensive Plan Map amendment, changing approximately 38.87 acres from Rural Residential/Resource 5 (RR5) and Rural Residential/Resource 10 (RR10) to Rural Recreational/Residential (RRR). The proposed zoning map amendment will establish the corresponding zoning districts on the subject properties, consistent with the Comprehensive Plan Map.
2. The property is located at NNA Chiwawa Loop Rd, Leavenworth, WA 98826.
3. The parcel numbers for the property are: 27-18-32-300-050, 27-18-32-330-050, and 27-18-32-330-060.
4. The owner/applicants is William Burgess dba Moonbeam Ranch, LLC, and the agent is Ryan Walker of Grette Associates, LLC.
5. The current zoning designation is Rural Residential/Resource 5 (RR5) and Rural Residential/Resource 10 (RR10).
6. The subject property is not located within an Urban Growth Area (UGA).
7. The proposed zoning designation is to Rural Recreational/Residential (RRR).
8. The subject site contains erosive soils.
9. Pursuant to WAC 197-11-800(6)(C)(ii), the proposed action is exempt from SEPA review.
10. The application was submitted on March 3, 2021.
11. A Determination of Completeness was issued on March 3, 2021.
12. The Notice of Application was provided on March 18, 2021.

13. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on March 18, 2021. The following is a list of Agencies who received notice and commented:
 - 13.1 The Confederated Tribes of the Colville Reservation submitted comments on March 18, 2021 stating no comment.
 - 13.2 Chelan County Building Official submitted comments on March 18, 2021 stating no concerns.
 - 13.3 Chelan-Douglas Health District submitted comments on April 6, 2021 stating no objections to the proposal.

14. Chelan County Code, Section 14.13.040 addresses the evaluation criteria and provides that the approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:
 - 14.1 The amendment is necessary to resolve a public land use issue or problem.
 - 14.1.1 The Hearing Examiner finds that the proposed amendment would provide consistency between the zoning and Comprehensive Plan maps.
 - 14.2 The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.
 - 14.2.1 The Growth Management Act under RCW 36.70A.020 contains planning goals that include, but are not limited to, 1) Urban Growth, 2) Reduce Sprawl, 3) Transportation, 4) Housing, and 5) Economic Development. The proposed amendment promotes a variety of residential densities and housing types. The requested map amendment is consistent with Comprehensive Plan Map Amendment (CPA 20-001) approved through Resolution 2021-21.
 - 14.2.2 The Hearing Examiner finds that the proposed zoning map amendment serves to encourage economic development by supporting new businesses and growth in the Plain and Lake Wenatchee areas and by providing more housing and recreation options. Staff finds that the proposal is consistent with the goals of the Growth Management Act.
 - 14.3 As found by the Chelan County Board of County Commissioners, (BOCC), the amendment complies with or supports Comprehensive Plan goals and policies and/or county-wide planning policies.
 - 14.3.1 The proposed zone change would support the following Comprehensive Plan Policies:
 - 14.3.1.1 Policy RE 2.6 – To achieve a variety of rural densities and uses, allow for development clustering, density transfer, design guidelines, conservation easements, and other innovative techniques to accommodate growth consistent with rural character.

- 14.3.1.2 Policy RE 3.9 – Allow the infill, development, and redevelopment of existing intensely developed rural areas where consistent with the goals and policies of the comprehensive plan, including recreational, residential, mixed-use, and shoreline developments.
 - 14.3.1.3 Policy H 2.1 – Promote a diversity of housing unit types and densities to meet the needs of all existing and future residents of the County, including both site-built and manufactured and modular homes.
 - 14.3.1.4 County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.
 - 14.3.2 The Hearing Examiner finds that the proposal is consistent with the County Comprehensive Plan goals and policies and the County-Wide Planning Policies.
- 14.4 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.
 - 14.4.1 The site is not designated as resource lands of long-term commercial significance. Physical characteristics include flat ground, slopes upward to the southeast property lines, and in an area shown to have erosive soils. An unidentified stream runs through the two southern properties. Critical area review will be conducted at the time of site-specific land use applications.
 - 14.4.2 The Hearing Examiner finds that the proposal does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated..
- 14.5 The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.
 - 14.5.1 The State Growth Management Act finds that sound land use planning includes consistency between the zoning code and the Comprehensive Plan. The proposed zone map amendment is not anticipated to impact the general public negatively in regards to public health, safety, or welfare.
 - 14.5.2 The Hearing Examiner finds that the proposal will provide consistency between the adopted Chelan County Comprehensive Plan (see Resolution 2021-21) and the zoning code. The proposed zoning map amendment meets the evaluation criteria listed under Chelan County Code Title 14, Section 14.13.040.
- 15. An open record public hearing after legal notice was held on May 5, 2021 via Zoom video conference.
- 16. Appearing and testifying on behalf of the applicant was Ryan Walker. Mr. Walker testified that he is an agent authorized to speak on behalf of the owner/applicant. Mr. Walker testified that the owner/applicant agreed with all the representations set forth within the staff report.
- 17. No member of the public testified.

18. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
19. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. The proposed zoning map amendment would provide consistency between the Chelan County Comprehensive Plan and zoning maps.
3. The proposed amendment would be consistent with goals of the Growth Management Act by providing cohesiveness with the Chelan County Comprehensive Plan.
4. The proposal appears to be consistent with the goals and policies of the County Comprehensive Plan and the County-wide Planning Policies.
5. In accordance with the approved Resolution 2021-21, the proposal would not adversely affect lands designated as a resource land of long-term significance.
6. The proposed zoning map amendment would provide consistency between the adopted Resolution 2021-14 amending the Comprehensive Plan with the Chelan County zoning designation.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based upon the above Findings and Fact and Conclusions of Law, ZC 2021-086 is hereby **APPROVED**. The Decision is final unless appealed in writing consistent with the adopted appeal procedures.

Approved this 13th day of May, 2021.

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.