

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

ZC 22-140

Henderson Highlands, Inc.

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION**

THIS MATTER came before the Chelan County Hearing Examiner in the matter on September 21, 2022, regarding a Zoning Map Amendment.

I. FINDINGS OF FACT

1. On December 14, 2021, the Board of Chelan County Commissioners approved, by Resolution 2021-150, the Comprehensive Plan Map amendment, changing approximately 124.4 acres to Rural Residential/Resource (RR5). 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, Chelan, WA 98816.
3. The parcel number and legal description for the property is: Assessor's Parcel No.: 28-22-34-440-050, NNA, Chelan, WA 98816, Lot D CE # 2008-002, 124.4 Acres.
4. The owner is Henderson Highlands INC, c/o Gail Ward, 83239 E Reata Rd., Kennewick, WA 99338. The agent is Dave Dormier, Erlandsen & Associates.
5. The subject property is not located within an Urban Growth Area (UGA)
6. The current zoning is Rural Residential/Resource 10 (RR10) and Rural Residential/Resource 20 (RR20).
7. The proposed zoning designation is Rural Residential/Resource 5 (RR5).
8. The site size is approximately 124.4 acres.
9. The subject site contains erosive soils.
10. Pursuant to WAC 197-11-800(6)(C)(ii), the proposed action is exempt from SEPA review.
11. The application was submitted on March 18, 2022.
12. The Notice of Application and Public Hearing was provided on August 30, 2022.

13. 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:
 - 13.1 The amendment is necessary to resolve a public land use issue or problem.
 - 13.1.1 The proposed amendment would provide consistency between the zoning and Comprehensive Plan maps.
 - 13.1.2 The Hearing Examiner finds that the proposed zoning map amendment will provide consistency between the Comprehensive Plan and zoning maps.
 - 13.2 The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.
 - 13.2.1 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. Amendments CPA 21-071 approved through Resolution 2021-150.
 - 13.2.2 The Hearing Examiner finds that the proposal is consistent with the goals of the Growth Management Act.
 - 13.3 The amendment complies with or supports Comprehensive Plan goals and policies and/or county-wide planning policies.
 - 13.3.1 The proposed amendment would support Policy RE 2.6, by allowing for a variety of rural densities and uses to accommodate growth consistent with rural character. It would also support Policy H 2.1 by promoting a diversity of housing unit types and densities. County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.
 - 13.3.3 The Hearing Examiner finds that the proposal is consistent with the County Comprehensive Plan goals and policies and the County-Wide Planning Policies.
 - 13.4 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.
 - 13.4.1 The site is not designated as resource lands of long-term commercial significance. The subject site is comprised of one parcel that is currently in Rural Residential/Resource 10 (RR10). The site is currently used for a single-family residence, accessory structures, and pasture. Physical characteristics include flat ground, in an area shown to have erosive soils, possible ground contamination from historic orchard use, and a ditch running parallel with the south property line. Critical area review will be conducted at the time of site-specific land use applications.
 - 13.4.2 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.
 - 13.5 The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.
 - 13.5.1 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.

- 13.5.2 The Hearing Examiner finds that the proposal will provide consistency between the adopted Chelan County Comprehensive Plan (see Resolution 2021-150) and the zoning code. The proposed zoning map amendment meets the evaluation criteria listed under Chelan County Code Title 14, Section 14.13.040.

14. The Confederated Tribes of the Colville Reservation submitted comments on August 30, 2022 stating comments withheld. No public comments were received.
15. An open record public hearing after legal notice was held on September 21, 2022 via Zoom video conference.
16. The Applicant's agent, Dave Dormier, appeared but did not testify.
17. 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. 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.
6. The proposal will provide consistency between the adopted Chelan County Comprehensive Plan (see Resolution 2021-150) and the zoning code. The proposed zoning map amendment meets the evaluation criteria listed under Chelan County Code Title 14, Section 14.13.040.
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 of Fact and Conclusions of Law, ZC 22-140 is hereby **APPROVED.**

Dated this 23 day of September, 2022.

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.