

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

|                              |   |                           |
|------------------------------|---|---------------------------|
| <b>IN THE MATTER OF</b>      | ) | <b>FINDINGS OF FACT,</b>  |
|                              | ) | <b>CONCLUSIONS OF LAW</b> |
| ZC 23-081                    | ) | <b>AND DECISION</b>       |
| Tony & Kelly Medina of       | ) |                           |
| Medina Vacation Rentals, LLC | ) |                           |

THIS MATTER came before the Chelan County Hearing Examiner in the matter on April 19, 2023, regarding a Zoning Map Amendment.

**I. FINDINGS OF FACT**

1. On December 14, 2021, the Board of Chelan County Commissioners approved, by Resolution 2021-149, the Comprehensive Plan Map amendment, changing approximately .23 acres from Urban Residential-3 (UR3) Downtown Commercial (CD). The proposed zoning map amendment will establish the corresponding zoning districts on the subject properties, consistent with the Comprehensive Plan Map.
2. The project location is 324 Wapato Way, Manson, WA 9883. Assessor's parcel number 28-21-35-696-259, legal description: Lot 1 SP 2008-034, .23 acres.
3. The owner is Medina Vacation Rentals, LLC (Tony & Kelly Medina).
4. The agent is Kelly Medina.
5. The subject property is located within the Manson Urban Growth Area (UGA).
6. The current zoning is Urban Residential-3 (UR3).
7. The proposed zoning designation is Downtown Commercial (CD).
8. The subject is approximately .23 acres in size.
9. The subject site contains erosive soils.
10. Pursuant to WAC 197-11-800(6)(C)(i), the proposed action is exempt from SEPA review.
11. The application was submitted on February 21, 2023 and the Determination of Completion was issued on March 16, 2023.
12. The Notice of Application and Public Hearing was provided on April 4, 2023.

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 Amendment (CPA 21-070) approved through Resolution 2021-149.
    - 13.2.2 The proposed zoning map amendment serves to encourage economic development by supporting growth in the Manson area and by providing more housing and recreation options. 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 zone change would support the following Comprehensive Plan Policies:
    - 13.3.2 Downtown Commercial (CD): The downtown commercial district is intended for areas suited for retail, commercial, mixed small-scale uses with housing ideally on upper stories, and an active street environment with pedestrian amenities. Alternative parking options and parking behind or to the side of structures should be developed to facilitate new development and redevelopment of lands within this designation.
    - 13.3.3 County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.
    - 13.3.4 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. 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.
    - 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 2021-149) 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. Comments were received from the following agencies:
  - 14.1 Chelan-Douglas Health District, April 6, 2021: No objections to the proposed.
  - 14.2 Chelan County Building Official, March 18, 2021: No concerns regarding the proposed.
  - 14.3 Confederated Tribes of the Colville Reservation, March 18, 2021: No comment.
  - 14.4 Fire District No. 5, April 18, 2023.
- 15. No public comments were received.
- 16. An open record public hearing after legal notice was held on April 19, 2023 via Zoom video conference.
- 17. The Hearing Examiner admitted the entire Planning Department's file into the record.
- 18. The Applicant's agent, Kelly Medina, testified that she was the agent of the property owner and applicant and that they agreed with all representations set forth within the staff report.
- 19. No member of the public testified at the hearing.
- 20. 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 zoning code and official map guide and regulate the physical development of unincorporated Chelan County, and implement the goals, policies and land use designations of the Chelan County Comprehensive Plan (CCC Sections 11.02.020 and 11.06.010). The proposed zoning map amendment implements the changes adopted by Resolution 2021-149 to the Chelan County Comprehensive Plan. The proposed zoning map amendment meets the evaluation criteria listed under CCC Section 14.13.
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 23-081 is hereby **APPROVED**.

Dated this 21 day of April, 2023.

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.