

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

ZC 23-242

T8 Development

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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 August 2, 2023, regarding a Zoning Map Amendment.

I. FINDINGS OF FACT

1. On December 14, 2021, the Board of Chelan County Commissioners approved, by Resolution 2021-151, the Comprehensive Plan Map amendment, changing approximately 4.0 acres from Rural Residential/Resource 5 (RR5) to Rural Village (RV). This 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 19088 Beaver Valley Rd., Leavenworth, WA 98826.
3. The parcel number and legal description for the property is: 91 Ledford Lane, Cashmere, WA 98815, Parcel Number: 23-19-04-340-250, Legal Description: Lot A of BLA 2021-145.
4. The owner is T8 Development LLC Etal. The agent is Matt Tait.
5. The subject property is not located within an Urban Growth Area (UGA)
6. The current zoning is zoned both RR5 and RV. The portion of the properties zoned RR5 is approximately 4 acres in size.
7. The proposed zoning designation is RV.
8. The subject properties are a combined 6.19 acres in size.
9. The subject properties contain erosive soils (geohazard area).
10. A SEPA Checklist was received and reviewed with related file, CPA 2021-078. A determination of non-significance (DNS) for CPA 2021-078 was issued on September 16, 2021 pursuant to WAC 197-800-11 and was adopted for this proposed Zone Change application.
11. The application was submitted on May 26, 2023 and the Determination of Completion was issued on June 23, 2023.
12. The Notice of Application and Public Hearing was provided on July 22, 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 requested map amendment is consistent with Comprehensive Plan Map Amendment (CPA 2021-078) approved through Resolution 2021-151.
 - 13.2.2 The proposed zoning map amendment serves to encourage economic development by supporting growth in the Cashmere 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. County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions. The proposed zone change would support the following Comprehensive Plan Policies:
 - 13.3.1 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.
 - 13.3.2 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.
 - 13.3.3 Policy RE 2.7 – Protect local environmental and visual resources in hillside areas by encouraging development to locate on existing benches and terraces and by applying appropriate development standards and performance criteria.
 - 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 subject properties are not designated as a resource land of long-term commercial significance. Physical characteristics of the subject properties include a gentle slope upward to the north and both properties are mostly vegetated with trees. 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 2021-151) 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. No comments were received from any agencies.

15. Public comments were received from the following:

Name / Association	Response Date	Nature of Comment
Aaron Noble	July 5, 2023	Worried about future growth of the area.
Gene Woodin / Blue Star Growers, Inc.	July 10, 2023	Concerned about the agricultural integrity of the area and how the rezone would affect business.
Jolene Gayle	July 4, 2023	Concerned about potential development encroaching on her property.
Greg and Randi Harnden	July 3, 2023 and July 7, 2023	Rezone will adversely affect the surrounding lands and designated resources used for farming. Feels Rank Road is substandard for additional traffic.
Sara Pipkin	July 4, 2023	Potential impacts on the Cashmere community and also impacts on the nearby agricultural operations.
Daryl and Lorna Harnden	July 10, 2023	Concerns about impacts on the nearby agricultural operations resulting from the potential future development of the subject property. Lots of other property inside Cashmere that can be developed instead.
Howard and Kay Bumgarner	July 2, 2023	Rank Road is not wide enough for additional traffic and needs to be improved and brought up to current road standards.

16. An open record public hearing after legal notice was held on August 2, 2023 via Zoom video conference.

17. At this hearing, the Hearing Examiner admitted the following exhibits into the record:
 - 17.1 Ex. A Resolution 2021-151 approved December 14, 2021;
 - 17.2 Ex. B Planning Staff File of Record;
 - 17.3 Ex. C Staff Report.
18. Appearing and testifying on behalf of the Applicant was Matt Tait. Mr. Tait indicated that he was authorized to appear and speak on behalf of the Applicant and property owner. Mr. Tait indicated that his company bought the property in 2021 and that there is split zoning on the properties, with some being zoned RR5 and the rest zoned RV. They filed for a Comprehensive Plan amendment to change the RR5 Comprehensive Plan designation to RV. That was accomplished by the Chelan County Board of Commissioners in the passing of Resolution 2021-151. The purpose of this rezone application is to make the zoning on the property consistent with the Comprehensive Plan map.
19. Appearing and testifying from the public was Scott Weymeyer. Mr. Weymeyer indicates that the access road is no more than a lane and half wide and is steep at parts with a hump that makes it difficult to negotiate in the winter. He feels that the RV zoning will allow lots that are too small to be consistent with other development in the area.
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

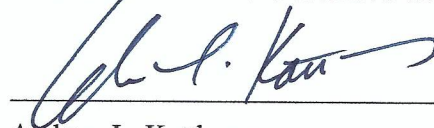
1. The Hearing Examiner has authority to render this Decision.
2. The zoning code and official map guide and regulate the physical development of unincorporated Chelan County, and implement the goals, policies and land use designations of the Chelan County Comprehensive Plan (CCC Sections 11.02.020 and 11.06.010). The proposed zoning map amendment implements the changes adopted by Resolution 2021-151 to the Chelan County Comprehensive Plan. The proposed zoning map amendment meets the evaluation criteria listed under CCC Section 14.13.
3. 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 23-242 is hereby **APPROVED**.

Dated this 3 day of August 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.