

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
ZC 24-286)	DECISION AND
Spohn)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on November 6, 2024, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. An application for a Comprehensive Plan Map Amendment was submitted to change the land use designation for the subject property from Rural Residential/Resource 2.5 (RR2.5) to Rural Waterfront (RW). The proposed zoning map amendments implement the changes adopted by Resolution 2023-25 to the Chelan County Comprehensive Plan.
2. The proposed zoning map amendment would establish the corresponding zoning districts on the subject properties, consistent with the Comprehensive Plan Map.
3. GENERAL INFORMATION ZC 23-505
 - 3.1. Project Location: 4720 Wapato Lake Rd, Manson, WA 98831
 - 3.2. Parcel Number, Size, and Legal Description: Assessor's Parcel Number: 28-21-23-613-211; 3.73 acres
 - 3.3. Legal Description: Lot 2 of SP 3330
 - 3.4. Owner: Kenneth and Cheryl Spohn
 - 3.5. Urban Growth Area: The subject property is not located within an Urban Growth Area.
 - 3.6. Current Zoning: Rural Residential/Resource 2.5 (RR2.5)
 - 3.7. Proposed Zoning: Rural Waterfront (RW)
 - 3.8. Site Size: Approximately 3.73 acres.
 - 3.9. Critical Areas: The subject property is on the shore of Lake Wapato and holds a shoreline designation of 'Rural'. In addition, the subject property is identified as having possible erosion hazard.
4. STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)
 - 4.1. A SEPA Checklist was received and reviewed with related file, CPA 22-089. A determination of non-significance (DNS) was issued on October 12, 2022 pursuant to WAC 197-800-11 and was adopted for this proposed Zone Change application.
5. APPLICATION AND PUBLIC HEARING NOTICE COMPLIANCE
 - 5.1. Application Submitted: July 17, 2024
 - 5.2. Notice of Application: August 8, 2024

- 5.3. Notice of Public Hearing: October 26, 2024
- 5.4. Public Hearing: November 6, 2024
6. Property specific zoning map amendments fall under the Hearing Examiners duties and powers per Chelan County Code Section 1.61.080(a)(4). The Hearing Examiner issues a decision within 10 working days from the close of the hearing. This decision has a 21-day appeal period.
7. 14.13.040 Evaluation criteria.
- 7.1. The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:
- 7.1.1. The amendment is necessary to resolve a public land use issue or problem.
- 7.1.1.1. FACT: The proposed amendment would provide consistency between the zoning and Comprehensive Plan maps.
- 7.1.1.2. CONCLUSION: The Hearing Examiner finds that the proposed zoning map amendment would provide consistency between the Comprehensive Plan and zoning maps.
- 7.1.2. The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.
- 7.1.2.1. FACT: 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 land use change to Rural Waterfront encourages more housing in an area that already is designated mainly for Rural Waterfront.
- 7.1.2.2. CONCLUSION: The proposed land use change is consistent with the CMA goals and with County-wide Planning Policies. With changing the zoning, it would allow the parcel to be consistent with the surrounding properties, and encourage housing in an area that already has a higher density of housing.
- 7.1.3. The amendment complies with or supports Comprehensive Plan goals and policies and/or county-wide planning policies.
- 7.1.3.1. FACT: 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:
- 7.1.3.1.1. Policy LU 1.7 – Consistent with the Growth Management Act, ensure provision of necessary public facilities and public services for the development, infill and redevelopment of existing residential and mixed-use centers outside urban growth areas, such as LAMIRDS or rural communities. Such services should not be extended in a manner that promotes low density sprawl in rural areas.
- 7.1.3.1.2. 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.

- 7.1.3.1.3. Policy RE 3.2 – Permit development of rural areas adjacent to urban growth areas at densities that will allow for orderly extension of urban utilities and services as urban growth areas expand in the future.
- 7.1.3.1.4. 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.
- 7.1.3.1.5. Policy H 2.3 – Where appropriate, provide for higher density residential housing developments within existing residential communities and urban growth areas, where adequate infrastructure and services can be provided.
- 7.1.3.2. CONCLUSION: The proposed change would not alter the rural residential nature of the area. Rural-level infrastructure is in place with the Lake Chelan Reclamation District who provides public water and Chelan-Douglas Health District which provides permits for septic systems. The type and amount of necessary permits would be determined at time of a development proposal. Approving the proposed amendment is consistent with and supports the goals and policies of the Chelan County Comprehensive Plan.
- 7.1.4. 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.
 - 7.1.4.1. FACT: The subject property would be developed into four lots, each with a dwelling unit.
 - 7.1.4.2. CONCLUSION: The proposed amendment does not appear to adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
- 7.1.5. The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.
 - 7.1.5.1. FACT: The proposed amendment would accommodate the general public by adding additional single-family home dwelling units in the rural area of the county.
 - 7.1.5.1.1. The proposed amendment is not anticipated to impact the general public negatively in regard to public health, safety, or welfare.
 - 7.1.5.2. CONCLUSION: The Hearing Examiner finds that the proposal would provide consistency between the adopted Chelan County Comprehensive Plan Map Amendment (see Resolution 2023-25) and the zoning code. The proposed zoning map amendment meets the evaluation criteria listed under Chelan County Code Title 14, Section 14.13.040.
- 8. No agency comments were received
- 9. No public comments were received.
- 10. 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 2023-25 to the Chelan County Comprehensive Plan. The proposed zoning map amendment meets the evaluation criteria listed under CCC Section 14.13.
- 11. An open record public hearing was held, after legal notice, on November 6, 2024.

12. Appearing and testifying on behalf of the applicant was Ed Spohn. Mr. Spohn stated he agreed with the staff report and that the rezone would allow him to subdivide the property for family members.
13. No member of the public testified at the hearing.
14. The following exhibits were admitted into the record:
 - 14.1. Ex. A ZC 24-286 File of Record
 - 14.2. Ex. B Staff Report
 - 14.3. Ex. C Remainder of Planning Staff File
15. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
16. 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 been granted the authority to render this decision.
2. As conditioned, this application is consistent with the Chelan County Code and Chelan County Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner **APPROVES** ZC 24-286.

Dated this 15 day of November, 2024

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 “(t)hree 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.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

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.