



CHELAN COUNTY HEARING EXAMINER

Chelan County Administration Building, Room 1,
400 Douglas Street, Wenatchee, WA 98801

March 18, 2020, 1:00 pm

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Interim Director – Deanna Walter, Planning Manager – RJ Lott, Planning Manager – Kirsten Larsen, Planner II – Emily Morgan, Planner – Alex White, Permit Clerk – Wendy Lane

Public/Agencies: Jill Christensen, Kene Christensen, Alan Sanders, Liz Sanders

AGENDA:

I. CALL TO ORDER

Hearing Examiner Kottkamp called the Hearing to order at 1:00 pm. No objections were given to Mr. Kottkamp running today's hearing. Instruction was given to attendees on how the hearing is conducted and how to participate, testify, and appeal a decision.

II. PUBLIC HEARINGS

CUP 2019-015: An application for a Conditional Use Permit has been submitted by Kene & Jillaine Christensen (owners) for a RV Park and agri-tourism U-pick operation. The proposed RV Park is to have 11 graveled RV sites with a 20 ft. interior roadway system. The sites will be serviced with potable water, power, and wastewater hookups; two (2) on-site septic systems and domestic water provided by a Group A water system is proposed with development. The application also proposes to have a public bathhouse for use by park visitors. In addition to the RV Park, a U-pick fruit operation is to occur on the subject property; said use is permitted outright in the zoning district and does not require review under Chelan County Zoning Code. The property is located at 644 Union Valley Rd, Chelan, WA and is identified as Assessor's Parcel number(s): 27-22-01-100-000 & 27-22-01-200-050. The subject property is zoned Rural Residential/Resource 10 (RR10) and is located within a potential Geologic Hazardous area; a geologic site assessment was provided with application. Pursuant to WAC 197-11-800, this proposal is not SEPA exempt; a SEPA Checklist was submitted with application. **Planner: Emily Morgan**

Mr. Kottkamp discussed the application details, and entered the staff-report, attachments to the staff-report, application materials, site plans, and entire planning staff files into the record. Planner Emily Morgan explained the application. She also stated that a conditional of approval was added with regard to the water system. Staff recommends approval with conditions.

Kene Christensen was sworn in to testify as the applicant. He gave information on the water system for the property as well as other features of the project. He agrees with the conditions of approval

Jilliane Christensen was sworn in to testify as the applicant. She addressed an agency comment listed in Condition 11 with regard to an archeological assessment once the project starts. She stated that the project did not require digging, just regrading. She felt the requirement was unnecessary. Planner Emily Morgan stated that if the applicant issued a letter of intent on the matter, the conditional may be waived.

Ms. Christensen also asked about a required fence. Ms. Morgan gave instructions on how to handle the matter.

Kene Christensen stated that he agreed with the conditions of approval for the project.

With no members of the public present, Mr. Kottkamp closed the public portion of the record on the matter.

CUP 2019-014: An application for a Conditional Use Permit has been submitted by Alan and Liz Sanders (owners) for the construction of a 42-ft. by 80-ft. garage with a connected 1,000 sq. ft. dwelling unit. Once this structure is built, the applicants intend to reside in the dwelling unit while a 3,000 sq. ft. single-family residence is built on the property. After construction of the residence is completed, the dwelling unit attached to the garage will be converted into an accessory dwelling unit. The parcel is zoned R-1 (Single-Family Residential District) within the City of Chelan Urban Growth Area. The parcel is located within an identified potential Geologic Hazard area. Project Location: 21 Miller Road, Chelan, WA 98816; and identified by Assessor's Parcel No.: 27-23-19-120-250. **Planner: Alex White**

Mr. Kottkamp discussed the application details, and entered the staff-report, attachments to the staff-report, application materials, site plans, and entire planning staff files into the record. Planner Alex White explained the application. Staff recommends approval with conditions.

Alan Sanders was sworn in to testify as the applicant. He questioned the archeological study for the project. Planner Alex White answered his questions and gave direction on how to handle the matter moving forward. Mr. Sanders does not have any objections of the conditions of approval stated in the staff-report.

With no members of the public present, Mr. Kottkamp closed the public portion of the record on the matter.

RIPV 2018-383: An application for a Riparian Variance submitted by Aaron and Rachel Hansen (owners), to reduce the buffer from 150 feet to approximately 86 feet to the ordinary high water mark (OHWM) of Eagle Creek, a fish-bearing (Type F) stream, for expansion of an existing single family residence. The addition will include a two-story great room and wrap-around porch on the west side of the existing 1,430 square foot home. The subject property is located at 11515 Eagle Creek Dr, Leavenworth, WA, within the within the Rural Residential/Resource 2.5 (RR2.5) zoning district; further identified by Assessor's Parcel Number: 25-18-31-120-100. **Planner: Kirsten Larsen**

Mr. Kottkamp discussed the application details, and entered the staff-report, attachments to the staff-report, application materials, site plans, and entire planning staff files into the record. The application was originally denied by the Hearing Examiner; it was then heard in Superior Court, by Judge Allen, and was remanded back to the Hearing Examiner. Planning Manager Kirsten Larsen explained the application. Staff recommends approval with conditions.

Aaron Hansen was sworn to testify as the applicant. He understands there are a handful of matters in this project that are still open. He wanted information on how to resolve those matters to get the application approved. Mr. Kottkamp informed Mr. Hansen that it was his burden on why he should be granted a variance. Mr. Kottkamp explained how he came to his conclusion at the first hearing.

Mr. Hansen explained his understanding on how the county code read on the matter. He feels that he is not being allowed to have full property rights on his parcel. He explained that his rights should be equal to that of his neighbors.

Aaron Hansen checked to see if Mr. Kottkamp received setback information that he sent in an email to the county. Planning Manager Kirsten Larsen stated that this information was not sent to the Hearing Examiner and she would see that he got it before the record was closed.

Mr. Hansen also stated that he provided additional information to Kirsten Larsen to prove why the variance was needed. He also stated that there was error in the setback listed in the Notice of Hearing. He did not want the matter continued; he just wanted to point out the error to the Hearing Examiner.

Matt Hitchcock wanted to speak on two points – setback and non-conforming use of the house. He stated why the Hansens should be allowed the variance for their property. He also cited a court case on the non-conforming use of the property. Mr. Hitchcock state five points on why the variance should be granted from a legal standpoint.

Mr. Kottkamp asked Mr. Hitchcock about equitable relief. Matt Hitchcock was unable to answer the question at this time.

Mr. Kottkamp will the keep the record open until 5:00 pm, today, in order for Planning Manager Kirsten Larsen to submit additional information turned by the Hansens. He also extended the same deadline to Matt Hitchcock to submit additional information on equitable relief.

With no members of the public present, Mr. Kottkamp closed the public portion of the record on the matter.

III. ADJOURNMENT

Hearing Examiner Kottkamp adjourned the March 18, 2020, meeting.