



## CHELAN COUNTY HEARING EXAMINER

Chelan County Administration Building, Room 1

**This public hearing will be in a videoconferencing format due to the ongoing precautions associated COVID-19. Additional instruction to attend this hearing remotely will be posted on the website of Community Development.**

**August 12, 2020, 9:00 am**

**Chelan County Hearing Examiner:** Andrew Kottkamp

**Chelan County Staff:** Planner – Emily Morgan, Planner – Jamie Strother, Planner – Alex White, Permit Clerk – Wendy Lane

**Public/Agencies:** Jan Gambotz, Julie Norton, Angiewvc, buib, Camila Borges, David Russell, Wayne Gambotz, Carrie Jones, Denise Hanly, Elizabeth Steele, Evan Westcott, Jay Kirkse, Breanne, Chuck Warren, John Dawson, Karl, mmcush, Nate Hough-Snee, Bill Beed, Dorothy Johnson, Rod Grams

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### **AGENDA:**

#### **I. CALL TO ORDER**

Hearing Examiner Kottkamp called the Hearing to order at 9:00 am. 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 19-011:** An application for a Conditional Use Permit has been submitted by Bruce and Toya Smith (owners) for a Small-Scale Recreational or Tourist use by utilizing their existing residence as a vacation rental by owner and also for a Places of Public and Private Assembly use to utilize their existing home and landscaped property as a wedding venue as well. Access to the subject property is off of Halvorson Canyon Rd., domestic water is provided by an existing shared-well and would also utilize the existing on-site septic system. The parcel is zoned Rural Residential/resource 5 (RR5). Project Location: 2006 Halvorson Canyon Rd., Wenatchee, WA 98801; and identified by Assessor's Parcel No.: 21-20-05-120-050. **Planner – Alex White**

Mr. Kottkamp continued this application until the September 12, 2020, 9:00 am, Hearing Examiner Meeting.

**CUP 20-008:** An application for a Conditional Use Permit for the addition of 13 RV sites and continued operation as a minor RV park. Historically, the property has been operated as a Mobile Home Park and

as a Recreational Vehicle/Campground operation. The subject property is 2.38 acres within the Rural Residential/Resource 5 (RR5) zoning district. Primary access is from Self's Motel Road, potable water is provided by an on-site well, septic was approved by the Chelan-Douglas Health District. Project Location: 3601 Self's Motel Rd., Cashmere, WA 98815; and identified by Assessor's Parcel No.: 23-19-11-220-400.

**Planner – RJ Lott**

Mr. Kottkamp continued this application until the September 12, 2020, 9:00 am, Hearing Examiner Meeting.

**WV 20-001:** An application for a Wetland Variance was submitted by Grette Associates, LLC (agent) on behalf of the R&B Investments, LLC (owner) to reduce the associated wetland buffer for the construction of a garage, septic system, and driveway. The application was submitted June 10, 2020 and deemed complete to process on July 2, 2020. The subject property contains a Category II wetland that holds a protective buffer of 100 ft. The application proposes to reduce the Category II wetland buffer from 100 ft. to 15 ft. for the proposed residential development; the proposed garage is to have a building footprint of approximately 2,600 sq. ft. As part of the proposed project, the applicant proposes the installation of roughly 6,040 sq. ft. of native mitigation plantings within and adjacent to the wetland; the plantings would enhance the subject area with a more diverse habitat. The subject property is located within the Rural Residential/Resource 2.5 (RR2.5) zoning district. The subject property is identified by Assessor's Parcel No.: 27-18-32-572-010 and is located at NNA Wending Lane, Leavenworth, WA 98826.

**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 recommended approval as conditioned.

Mr. Kottkamp asked Ms. Morgan if the garage was to be a dwelling unit. Ms. Morgan answered that it was not.

Ryan Walker was sworn, on behalf of the applicant, to testify. He stated that the property was unbuildable without the variance. He agrees with the staff-report and the conditions of approval.

Mr. Kottkamp asked if the unit would be a garage only and not a dwelling unit. Mr. Walker stated that perhaps in the future a dwelling unit would be built, but not at this time.

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

**P 19-008:** An application to cluster subdivide approximately 15.81 acres into 6 residential lots with an open space tract was submitted by Northwest Geodimensions (agent) on behalf of Eagle Creek Shelter, LLC (owner) on October 14, 2019 and deemed complete on November 19, 2019. The smallest lot is proposed at approximately 0.65 acres and the largest lot is proposed at approximately 0.90 acres; the dedicated common area open space tract for recreational use by the homeowner's association is approximately 11.08 acres. The subject property is located in the Rural Residential/Resource 5 (RR5) zoning district. Access is to be off of Eagle Creek Road onto a private internal roadway proposed with development. Domestic water is proposed via a group b water system and a private use well with sanitation proposed as individual on-site septic systems. The subject property is located at 10261 Eagle

Creek Rd., Leavenworth, WA also identified by Assessor's Parcel Number 25-18-28-200-100. The subject property is located in a potential geological hazard area and has an identified Category II wetland with associated buffer adjacent to Eagle Creek, an F-type stream; present on site; a geologic site assessment and a wetland determination report were submitted with application. Pursuant to WAC 197-11-800(6), this proposal is not SEPA exempt; a SEPA checklist was provided 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 recommended approval as conditioned.

Michelle Taylor was sworn in, as an agent on behalf of the applicant, to testify. She has reviewed the staff-report and the conditions of approval and has no objections.

Mr. Kottkamp asked Ms. Taylor if she has read the public comments on the application. She verified that she had and believes this project complies with all aspects required by the county to go forward.

Mr. Kottkamp asked about the clustering this project is proposing and whether it was in compliance with county code. Ms. Taylor addressed his concerns.

Mr. Kottkamp then asked Ms. Taylor questions about the water source for the project. She answered his questions. He then asked about the monitoring of the water use, Ms. Taylor again addressed his concerns.

Michelle Taylor again addressed the questions on clustering and further again explained how she feels that the application is in compliance with county code.

Julie Norton was sworn in to testify on behalf a group of public commenters. She wanted to submit a letter, dated August 12, 2020, to the Hearing Examiner.

Ms. Norton covered bullet points in the letter. She started on why the application should be denied. She continued with agency comments and then with concerns about adequate water supply. Next was an extensive revision of the site plan without a new notice or determination of completion. She raised Ecology's concerns of the wetland and questioned the Grette wetland report. Ms. Norton stated that the application was not consistent with county zoning or the comprehensive plan nor was it consistent with the development in the area. She concluded with concerns with the public interest with regard to the project and stated that she believes that to be inconsistent.

Julie Norton proposed additional conditions of approval should the application be approved by the Hearing Examiner.

Mr. Kottkamp admitted the letter into the record and marked it as Exhibit 1. He directed the letter to be distributed to staff as well.

Nate Hough-Snee requested to testify after Ms. Norton to follow up on a few of the points she brought up. He was sworn in to testify on behalf of a group of public commenters who are represented by Julie

Norton. He illustrated reasons on why he felt the information in the Grette wetland report was incorrect.

Mr. Kottkamp went down the list of participants to see if anyone wanted to speak with regard to the application. Most declined. Wayne Gombotz raised his concerns about the rural character of the road and the impact the development as well as concerns about the aquifer.

Mr. Kottkamp allowed Michelle Taylor a chance to give a rebuttal to testimony given. She countered the concerns about the water supply. She stated that it was difficult to cover all of Ms. Norton's points without actually seeing the letter provided. Mr. Kottkamp assured her that she would get a copy of the letter and he would keep the record open so she can cover all of the points in disagreement.

Jay Dirkse was sworn in to testify, on behalf of the applicant. He defended the information contained in the Grette wetland report. He explained the methods and approach used in compiling the information. He believes the report to be accurate.

Mr. Kottkamp asked if Jay Dirkse returned to the site in the spring after the report was compiled. Mr. Dirkse stated he did not because of COVID, however he still feels that the information contained in the report is accurate.

Evan Westcott was sworn to testify as the applicant. He commented on the water and well issues. He states that they will comply with the conditions of the approval and county code. He disputed that there is a shortage of water in the area. He also addressed setbacks for the project. He desires to be a good neighbor and a sensible developer and illustrated those points. Lastly, he addressed nightly rental concerns and his intent to development the lots into single family residences.

Mr. Kottkamp gave Michelle Taylor an opportunity to comment on testimony given. She asked if she could have time to review the letter submitted by Julie Norton and the group that she represents.

Mr. Kottkamp stated that he would keep the record open for the sole purpose of allowing the applicant to respond to Ms. Norton's letter. He will keep it open until August 19<sup>th</sup>. Then at that point, at 5:00 pm, he will close the record.

Michelle Taylor asked if the record was going to also be left open for the applicant to respond to a public comment received on the day of the hearing. Mr. Kottkamp agreed that they can respond to that comment with time same time frame.

Emily Morgan asked to be given the opportunity clarify concerns brought up during the meeting. She explained the checkboard clustering and how it was allowed in the county code. She also addressed residential density and the concerns with regard to water availability. She concluded why the application did not need to be re-noticed due to changes in the application.

Mr. Kottkamp asked Ms. Taylor if she had additional comments, she did not.

Mr. Kottkamp reminded Julie Morton that there is a short period of time where a party can request a re-opening of a hearing if something new comes up that wasn't a response to the information she provided.

**III. ADJOURNMENT**

Hearing Examiner Kottkamp adjourned the August 12, 2020, meeting.