



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.

December 15, 2021, 1:00 pm

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Planner – Alex White, Deputy Prosecutor - Marcus Foster, Permit Clerk – Wendy Lane

Public/Agencies: Julie Norton, David Bentsen, Julie Szmania, Kathy

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

WV 20-003 / VAR 20-002 / VAR 20-003: An application for a wetland variance, a front yard setback variance, and an agricultural setback variance was submitted for the construction of a single-family and detached garage on the subject parcel. The subject property is intersected by Brender Creek and an unnamed tributary, both F-typed streams, and also contains a mapped Category I slope wetland, which holds a protective buffer of 200 ft. The applicant is requesting a variance to reduce the wetland buffer from 200 ft. to a minimum width of 5 ft. in order to accommodate construction of the residence and detached garage. As part of the proposed project, the applicant included a Habitat Management & Mitigation Plan for the installation of roughly 1,932 sq. ft. of native mitigation plantings within both the buffer and wetland areas that are currently degraded due to historic human influences. The applicant is also requesting a reduction to the front yard setback from 55 ft. and a reduction of the agricultural setback from 100 ft. to 24 ft. in order to construct the proposed residence and detached garage as far from the documented Category I wetland as possible. The subject property is located within the Commercial Agricultural (AC) zoning district.

Chelan County Superior Court ordered remand of the issuance of the variances after they were issued by the Hearing Examiner and the variances were challenged under the Land Use Petition Act. The

Hearing Examiner has been directed to consider the effect of a restrictive easement on the variances, and directed to include certain agricultural warning language required by the Chelan County Code. Project Location: 7925 Brender Canyon Road, further identified by Assessor's Parcel No.: 23-18-02-440-055. **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.

Chelan County Deputy Prosecutor Marcus Foster gave the County's position on the remand.

David Bentsen, spoke on behalf of the applicant. He explained why the setback variances were needed for the property.

Mr. Kottkamp asked for clarification on the remand.

Julie Norton spoke on behalf of a neighboring property owners. She spoke on why she believed the Hearing Examiner's decision should be reversed and the application denied.

Mr. Kottkamp asked Ms. Norton about the arguments made before the Superior Court concerning the remand.

No members of the general public were present.

Planner Alex White gave additional information on the County's position concerning the application.

David Bentsen gave a rebuttal to Julie Norton statements.

III. ADJOURNMENT

Hearing Examiner Andy Kottkamp adjourned the December 15, 2021, meeting.