



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. If you should have any questions, please contact, at Jessica.Thompson@co.chelan.wa.us or 509-667-6231.

October 18, 2023 at 1:00 PM

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Planner II Celeste Barry, STR Manager Kristen Ryles, Permit Clerk Jessica Thompson, Chelan County Attorney Marcus Foster, Torrey Herrington

Public/Agencies: Megan Fouty, Jay Eyestone, Rozy, Walt Conley, Ed Womack, JS-just listening, Theresa Stone, Mike Lutes AaronF, Complete Design Inc., Jo, Viewing, Dakota Nelson, Dmour David Donovick, David Donovick

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. Mr. Kottkamp disclosed that he has known the Womacks for 20 years and has a friendly relationship, but nothing more; he asks if anyone objects. No one objected, and the hearing moved forward.

II. PUBLIC HEARINGS

Plat 23-272 Adventure Farms- An application was submitted by Ed Womack of Adventure Farms, LLC (owner) to subdivide an existing parcel of land approximately 3.19 acres in size located in the Rural Village (RV) zoning district into six (6) lots. All proposed lots would be greater than 20,000 sq. ft.; exceeding the minimum lot size of 12,000 sq. ft. Lots would be accessed via a new road into the subdivision off of Strutzel Rd. Potable water for all lots would be provided by the Chelan County PUD, and sanitation for all properties would consist of private septic systems on each lot.

Mr. Kottkamp discussed the application details and entered the staff report, application materials, site plans, public comments, and the entire planning staff file into record.

Chelan County Planner II Celeste Barry presents the application; the proposed project meets the Chelan County code criteria for approval.

Sworn in to testify was John Torrence, the agent for the applicant and owner. Mr. Torrence requested that the comment from the Health Department verbiage be interpreted as optional due to other avenues for the solution. Mr. Torrence then states that the staff report was thorough and has no changes or requests to the report.

Celeste agrees with communicating with the Health District on what other avenues would suffice in order to fulfill the conditions from the Health District.

Mr. Womack agrees with his agent and has no further comments.

No comment from the public.

With nothing further from the public, agent, or staff. Mr. Kottkamp will leave the record open until 5:00 P.M. and will have a written decision within 10 working days.

AA 23-337 Lutes - Previous owner had applied for an Existing Nonconforming STR permit but sold the property before permit was finalized. That Provisional Permit was revoked as the Provisional permits were none transferable. Appellant then applied in 2022 for a new STR permit and was denied for multiple reasons. Appellant then applied again in 2023 for a new STR permit and was again denied as discrepancies/violations had not been resolved.

Mr. Kottkamp discussed the application details and entered the staff report, application materials, site plans, public comments, and the entire staff report file into record. He advised that he was told Mr. Lutes would be unable to make the hearing but in fact was present and ready to proceed.

Chelan County Attorney Marcus Foster presents the application; and affirms the denial of the STR permit.

Sworn in to testify was Mike Lutes, the applicant and owner of the property. Mr. Lutes pleads his case that before he and his wife purchased the house, they did their due diligence on whether they would be able to obtain a STR permit in order to help supplement their monthly mortgage payment. He spoke with Chelan County Community Development employees and their mortgage officer to obtain an idea of what it was going to take in order to obtain the STR permit.

Mr. Lutes states the items in the staff report provided by Chelan County are “not correct,” and Chelan County Community Development provided steps and changes for them to take, and after completing those steps and changes, there were additional steps added that they were not aware of. He claims the septic system was then made an issue by the health district.

Mr. Lutes claims he made multiple attempts to provide payment for his permits but could never get ahold of a CCCD employee to pick them up or pay for them.

Sworn in to testify was Megan Fouty-Lutes, the applicant and owner of the property. Mrs. Lutes claims they did not qualify “traditionally” for the mortgage on this property, and the bank would not have lent them the money without assurances of future renting. She communicated with the previous owners in order to transfer the provisional certificate, which, in turn, ended up not working.

Mrs. Lutes made many attempts over multiple months to communicate with Chelan County employees but never received a response due to staffing shortages.

Mrs. Lutes opposes findings and fact numbers 4, 5, and 6 due to them being in contact with Chelan County CD before the dates stated on the staff report. She claims the previous owners were also in contact with Chelan County CD before the dates stated on the staff report and would not have been able to close on the property. She disagrees with F&F number 8 due to the information received from CCCD that they would not be able to transfer the provisional now that the property owners have changed. She tried to remedy this by quit claiming the previous owners back on the property title. Mrs. Lutes agrees with F&F number 10 that they did attempt to obtain after-fact permits for their unpermitted buildings, but disagrees with the definition of an ADU and the after-fact permits.

Mr. Kottkamp asks appellant if they would like to add to this testimony.

Mr. and Mrs. Lutes reiterate what they said in their prior testimony.

Mr. Kottkamp asks Chelan County if they would like to add.

Chelan County Attorney Mr. Foster speaks on behalf of the county and recognizes the Lutes frustrations, and states that Chelan County has bent over backwards for the Lutes’ and the timeline, proof, and facts have been provided. It is untrue that the county has not been in communication and denied them access to pick up their after the fact permits because the CCCD office is open during normal business hours to the public.

With nothing further from the public, agent, or staff. Mr. Kottkamp closed the record and will have a written decision within 10 working days.

AA 23-345 T. Stone - Applicant had originally applied for an Existing Nonconforming Short Term Rental (STR) permit in 2021 and had operated with a Provisional Permit pending full application review. Full review of application revealed the structure being rented was not permitted as habitable space and final permit denied. Applicant then applied for a new STR permit and has been denied due to insufficient parcel size per CCC 11.88.290.

Mr. Kottkamp discussed the application details and entered the staff report, application materials, site plans, public comments, and the entire staff report file into record.

Chelan County Attorney Marcus Foster presents the application; and affirms the property does not have the correct zoning or lot size per the Chelan County Code. He further explains that the permitted garage on the property was illegally turned into an ADU.

Sworn in to testify was Dakota Nelson, the attorney for the appellant. Ms. Nelson states the appellant purchased the home in 2018 with the intention of turning it into an STR and did so. When the new STR code was put into effect in 2021, the appellant timely applied for a STR permit and received a provisional permit in January of 2022. Summer of 2022 they were notified they did not have to properly permit for the ADU in which they received a denial letter for their STR application. July 2022 the appellant contacted Mrs. Ryles to work out the items needed in order to obtain the certificate of occupancy for their ADU. The appellant interpreted the email as she would be able to reapply for the STR permit using the same documentation with updated dates to apply for their non-conforming STR permit. The appellant proceeds with obtaining a COO for their ADU and successfully does so, which cost her around 30,000 dollars. The appellant then applies for their STR permit which was denied due to their lot size being too big. Ms. Nelson argues that the appellants were under the impression that if they used the same documentation they would be able to obtain a non-conforming STR permit, which, would then exclude their lot size as a requirement.

Mrs. Stone is sworn in by Mr. Kottkamp as the owner of the property. Mrs. Stone reiterates what Ms. Nelson said in her testimony.

Mr. Kottkamp asks Chelan County if they would like to add.

Chelan County Attorney Mr. Foster speaks on behalf of the county and points out in order to apply for an STR permit the applicant signs a waiver stating they have done their due diligence with educating themselves with STR County Code. When the appellant responded to the original email from Mrs. Ryles was in 2022 and the final deadline for Non-conforming STR permits ended on December 31, 2022. The appellant did not apply for the STR permit within the deadline timeframe.

Mrs. Nelson disagrees with what Mr. Foster stated and reiterates her prior testimony. Mrs. Stone does the same.

Mr. Kottkamp asks if anyone would like to add to their testimony.

With nothing further from the public, attorney, or staff. Mr. Kottkamp closed the hearing and will have a written decision within 10 working days.

III. ADJOURNMENT

Hearing Examiner Kottkamp adjourned the October 18, 2023 meeting.