



## 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](mailto:Jessica.Thompson@co.chelan.wa.us) or 509-667-6231.

November 1, 2023 at 9:00 AM

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: STR Manager Kristen Ryles, Permit Clerk Jessica Thompson, Chelan County Attorney Marcus Foster, Planner II Alex White, Senior Planner Jamie Strother, Director Deanna Walter

Public/Agencies: Clay Gatens, Cindy, Complete Design, Amire, [Lapatra@comcast.net](mailto:Lapatra@comcast.net), Anne Hessburg, Jim Stone, Pam, Pattysipad, Chris Hanson, Stansiphone, Lymanboyd, Dawn & Judy Phelps

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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

**Plat 23-357 Villa Real North-** An application was submitted to subdivide approximately 5.00 acres into 13 lots for residential use. The smallest lot is proposed at approximately 12,632.40 sq.ft. (0.29 acre) in size and the largest lot is proposed at approximately 15,246 sq.ft. (0.35 acre) in size. The subject property is located in the Rural Village (RV) zoning district. Access is to be off of Dixie Lane onto a private internal roadway proposed with the development. Domestic water would be provided for by the Malaga Water District with sanitation proposed as individual on-site septic systems. Unassigned, Malaga, WA 98828; APN 22-21-27-310-100.

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 Alex White 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 addressed clarifications to the staff report, otherwise he provided no objections.

No comment from the public.

Staff will double check with the health district and provide clarification to Mr. Torrence before end of day.

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.

**VAR 23-294 Boyd** - Variance request for a 32-foot front yard setback reduction, to 2 feet from the Cedar Brae Road right-of-way, for the construction of a 2-story detached structure (43'2" x 46' roofline) with a 2-car garage and tram cover on the street level and an approximate 725 sf lower level ADU with 390 sf built in garage. Required front yard setback is 55 feet from centerline of Cedar Brae Rd, which equates to 34 feet from the front property line. The subject property is located within the within the Rural Waterfront (RW) zoning district. 15580 Cedar Brae Rd., Leavenworth, WA 98826; APN: 27-17-30-511-155

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

Chelan County Senior Planner Jamie Strother presents the application; the proposed project meets the Chelan County code criteria for approval.

Sworn in to testify was Anne Hessburg, the agent for the applicant and owner. Mrs. Hessburg addressed clarifications to the staff report and conditions, otherwise she provided no objections.

No comment from 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 23-405 Phelps** - A request for an Administrative Appeal was submitted to appeal the denial of a Short-Term rental (STR) permit. 1110 Wapato Lake Rd., Manson, WA 98831; APN 28-21-36-100-070

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

Sworn in to testify is Dawn Phelps, the owner of the property. Mr. Phelps asks for clarification on a specific condition of approval. Mr. Kottkamp provides clarification to Mr. Phelps.

Sworn in to testify is Judy Phelps, the owner of the property. Mrs. Phelps proceeds to explain her understanding of how the events unfolded.

Mr. Kottkamp asks if anyone would like to add to the record.

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 22--372 Stone-** The subject property is currently used as a short-term rental and was granted a non-conforming provisional permit pending full review. 9940 Saunders Rd., Peshastin, WA 98847; APN 24-18-21-220-220

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

Chelan County Attorney Marcus Foster gave a presentation on the application. Mr. Foster request this to be remanded to gather more evidence.

Attorney for the appellant Clay Gatens argues there is no substantial evidence from the county and is upheld by the LUPA that was granted by the Superior court.

Mr. Foster argues with Mr. Gatens statements and asks Mr. Kottkamp if STR manager Kirsten Ryles can be sworn in to testify.

Mrs. Ryles is sworn in by Mr. Kottkamp and explains in detail what Mr. Foster stated previously.

Mr. Kottkamp expresses confusion with the county on their timeline and reason why the Stone's were not granted a Non-conforming STR permit.

Mr. Foster provides clarification to Mr. Kottkamp.

Mr. Gatens agrees with Mr. Kottkamp's confusion and asks the county to provide reasons why the Stone's are not being granted the non-conforming STR permit.

With nothing further from the public, attorneys or staff. Mr. Kottkamp keeps the record open for Chelan county until November 8<sup>th</sup>, 2023 and until November 15<sup>th</sup>, 2023 for Mr. Gatens.

Mr. Kottkamp will leave the record open until November 15<sup>th</sup> at 5:00 P.M. and will have a written decision within 10 working days.

### III. ADJOURNMENT

Hearing Examiner Kottkamp adjourned the November 1, 2023 meeting.