



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 with COVID-19. Additional instruction on how to attend this hearing remotely will be posted on the website of Community Development.

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

November 15, 2023, at 1:00 PM

Chelan County Hearing Examiner: Andrew Kottkamp

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

Public/Agencies: Paul Coppock, Cindy, TConger, js-just listening, Conner Spani, Sarah's Iphone, Joe Panesko, Rob, TH, Dave Dormier, WDFD Carmen Andonaegui, Ken Muir, Anthony Viggiano JB, PMV

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. Instructions were given to attendees on how the hearing is conducted and how to participate, testify, and appeal a decision.

II. PUBLIC HEARINGS

CUP 23-322 Manson Fire Station – An application was submitted for a Conditional Use Permit for phased additions to existing Fire Station 52 in Manson, WA. The applicant is proposing to add a live fire training facility, sleeping units, training classrooms, multi-purpose rooms, exercise rooms, additional vehicle bays, and a helipad. Landscaping, parking, and stormwater would be included. The lot is fairly flat, and there are no known environmentally sensitive areas onsite. The subject property is located within the Rural Residential/Resource 5-acre Lots (RR5) zone. Access would be off of Wapato Lake Rd., 2010 Wapato Lake Rd., Manson, WA, assessor's parcel no. 28-21-25-420-025.

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 Paul Coppock, the agent for the applicant and owner. Mr. Coppock had no disagreements with the staff report or conditions provided by the county. Mr. Coppock requests that this project be extended for 16 years because the fire department plans on being a permanent building in the community.

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 23-418 Conger - APPEAL OF DENIAL TO TRANSFER STR PERMIT. 22709 Saddle St., Leavenworth, WA 98826; and identified by Assessor's Parcel No.: 26-17-24-791-610

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 denial of the STR permit.

Mr. Kottkamp admits all exhibits to the record.

Attorney Conner Spani speaks on behalf of the appellant, Ms. Conger. Mr. Spani makes the argument regarding how difficult the Chelan County STR Code is to understand. Mrs. Conger did not know of and had no reason to know of the code 11.88.290, and even if she had, the code is grammatically incorrect and difficult to understand even with a trained eye. The subject property has been used as a STR for years, and there is no reason that Chelan County would stop the progression of that.

Sworn in to testify was Mrs. Conger, the applicant and owner of the property. Mr. Spani proceeds to question Mrs. Conger throughout her testimony. Mrs. Conger proceeded to explain that she messed up and did not have possession of the property until the beginning of September. She called the county in August, two weeks before she took possession of the property, to apply for the transfer of the STR permit. Mr. Spani points out that the previous owners were utilizing the STR permit up until the transfer of title. Mrs. Conger claims that when she spoke with Chelan County STR employees, she was told she was two weeks late for the deadline to apply and the only way to fix her problem was to "sue" the previous owners.

Attorney Marcus Foster speaks on behalf of Chelan County Community Development. Mr. Foster explains that Mrs. Conger's argument is not an equitable argument, and the county is duty-bound to apply the law equally to everyone. Mr. Foster asked the hearing examiner if he would be willing to hear testimony from STR Manager Mrs. Ryles.

Mr. Kottkamp explains that testimony that is not factual towards the appeal is not helpful to making a decision.

Mr. Kottkamp gives Mr. Spani the opportunity to speak again. Mr. Spani proceeds to reiterate the points made in his prior statement.

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

CUP 23-254 Ravenwing Ranch - An application for a Conditional Use Permit has been requested for a short-term mineral extraction site. The talus slope from which the rock would be taken and crushed is within an open space tract of the Ravenwing Ranch Phase 1 plat. This gravel will be used by Columbia River Ranch LLC (also known as Ravenwing Ranch) to do maintenance on the existing road that goes to their Group A water tank and permitted SFR lot parcels 212217625010, 212217625020, 212217625030, and 212217625040. In addition, per an agreement with the WDNR, Ravenwing Ranch, must maintain access for the government to reach their properties west and south of Ravenwing, and the Bonneville power line that encumber the Ravenwing Columbia River Ranch Properties. These parcels are 212207000010, 212218000010, 212218140000, and 212217600245, and the crushed gravel would be added in places on DNR road numbers 71540, 1922107, 334426, 364780, 2159009, 456563, 825723, 698135, 85734, 230171, and 240553. There are minor roads that will be maintained, not I.D. by DNR, that exist of access to all the public utilities that run through this land. Lastly, gravel driveways would be created in parcels 212217600010, 212217600020, 212217600030, 212217600040, 212217600050, 212217600060, 212217600070, 212217600210, 212217600200, 212217600150, 212217600130, 212217600120, 212217600110, 212217600100, 212217600090, 212217600080, 212217650010, 212217650020, 212217650030, 212217650040, 212217650050, 212217650060, 212217650070, 212217650080, 212217650090, 212217650100, 212217650110, 212217650120, 212217650130, 212217650140, 212217650150, 212217650160, 212216330000, all of which are platted lots within Ravenwing Ranch. The subject property where the short-term mineral extraction is occurring is located within the Rural Residential/Resource 5 (RR5). Access to this property would be off of Colokum Road. Unassigned, Malaga, WA and is identified by Assessor's Parcel number: 21-22-17-600-250.

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 withdraws his original argument, and explains his reasons.

Mr. Kottkamp requested the state provid an explanation on this matter.

State Attorney Joe Panesko explains how the conditional use permit should not be granted in its present form, and if the present permit is granted, they would proceed with filing a LUPA petition with the superior court and are confident that their argument would be upheld.

Sworn in to testify was Dave Dormier, the engineer for the project and representative for the applicant. Mr. Dormier confirms that the letter that was sent to the hearing examiner was his.

Mr. Kottkamp asked the state and county attorneys if they were okay with a request for reconsideration being issued by December 1st. Mr. Penesko and Mr. Foster have no objections.

Mr. Dormier will check with the applicant and will let Mr. Kottkamp know if they have objections to the December 1st date.

Mr. Kottkamp states that he will have his decision ready by December 1, 2023.

Mr. Kottkamp asks if anyone has any questions.

Mr. Panesko speaks on the nine-page documents submitted by Erlandsen on behalf of Ravenwing Ranch on Monday, 13th, 2023. Which was withdrawn by on Erlandsen Wednesday, 15th, 2023. He proceeds to explain that this document was attempted to be filed and provides a legal argument coming from an engineering office and not a law firm. He also states with grave concern that within those nine pages, two of them (pgs. 3 and 4) provide a legal briefing that list three reported cases that quote and specifically name state supreme court justices. He explains that, in fact, those cases don't even exist, and the fourth case listed was litigated by himself and is a fabrication.

Mr. Panesko explains that if this document had been submitted by an attorney, that attorney would be subject to sanctions as possible, barring discipline.

Mr. Dormier explains that this was his error and apologizes for his mistakes.

Mr. Foster agrees with Mr. Panesko's points.

With nothing further from the public, attorney, or staff. Mr. Kottkamp closed the hearing and will have a written decision by December 1st, 2023.

III. ADJOURNMENT

Hearing Examiner Kottkamp adjourned the November 15, 2023, meeting.