



CHELAN COUNTY HEARING EXAMINER

Chelan County Administration Building, Room 1,
400 Douglas Street, Wenatchee, WA 98801

August 7, 2019, 9:00 am

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Planning Manager – Kirsten Larsen, Planner – Emily Morgan, Planner – Jamie Strother, Permit Clerk - Wendy Lane, Public Works Development Review Tech – Cindy Grubb

Public/Agencies: Bruce Clausen, Sandra Clausen, Keith Searles, Anne Hessburg, Kris Sather

AGENDA:

I. CALL TO ORDER

[9:00:08 AM](#) Hearing Examiner Kottkamp called the Hearing to order. 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

SP 2018-244: The Development Agreement for a Short Plat for Bruce and Sandra Clausen to defer frontage improvements on Green Avenue in accordance with the approved Conditions of Approval dated January 28, 2019. **Presented by Public Works**

[9:03:48 AM](#) 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. Public Works Development Review Tech Cindy Grubb explained the development agreement. Staff recommends approval.

[9:05:26 AM](#) Sandra Clausen was sworn in to testify. She identified herself as the property owner. She doesn't have any problems with the Development Agreement.

[9:06:18 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

CUP 2019-003: An application for a Conditional Use Permit has been requested for a Guest Inn. The guest inn includes 5 bedrooms and each room will have a private bathroom, the guest inn will also include a swimming pool, hot tube, fire pit and landscaped yard. The subject property is located within the Commercial Agricultural (AC) zoning district. Primary access is from Swartout Road, domestic water and sewer will be supplied by Lake Chelan Reclamation District. Project Location is 244 Swartout Road, Manson, WA; and identified by Assessor's Parcel No.: 28-22-32-680-265. **Planner: Jamie Strother**

[9:06:29 AM](#) Mr. Kottkamp explained this was a continued application. Application details, staff-report, attachments to the staff-report, application materials, site plans, and entire planning staff files were already entered into the record. Planner Jamie Strother explained the application. She

stated that the Variance and the Administrative Modification were removed from the application due to an Ag Waiver. Staff recommends approval with conditions.

[9:08:47 AM](#) Mr. Kottkamp asked about the Variance for the pool, and if it was withdrawn. Planner Jamie Strother answered yes. With the Ag Waiver, the Variance was not needed.

[9:10:23 AM](#) Keith Searles was sworn in to testify. He explained that he obtained the Ag Waivers required to remove the need for the Variance and Administrative Modification.

[9:12:08 AM](#) Mr. Kottkamp asked Keith Searles if he agrees with the conditions of approval and Mr. Searles stated that he did.

[9:12:44 AM](#) Kris Sather was sworn in to testify on behalf of the public. She owns the property behind that of the applicant. She stated that she did not sign a waiver for a spray setback concerning the applicant's property.

[9:14:21 AM](#) Mr. Kottkamp asked about the Ag setbacks and how they were measured. Planner Jamie Strother answered his questions with the assistance of Planning Manager Kirsten Larsen.

[9:18:26 AM](#) Mr. Kottkamp stated that Ag Waivers only apply to dwelling units and there might be some conflict due to this application being a guest inn . He stated he needs to clarify what the code language states specifically and he is not clear on the matter.

[9:20:34 AM](#) Mr. Kottkamp closed the public portion of the record on the matter.

SDP 2019-003/SCUP 2019-003/SV 2019-003/ RIPV 2019-004: Application for a shoreline substantial development permit, a shoreline conditional use permits, a shoreline variance and a riparian variance for the installation of a 180 square foot pier, 2 mooring buoys, the installation of a 14 foot x 30 foot bathhouse, the installation of a new 4 foot wide x 26 foot long stairway providing access to the proposed bathhouse and pier and the installation of a foot trail between the proposed bathhouse and the future home site. The new pier will be anchored to a new concrete abutment and would extend approximately 30 feet perpendicular from the OHWM of Lake Chelan. The mooring buoys would be located approximately 54 feet from the OHWM. The proposed bathhouse will be installed above the 25 foot riparian and shoreline setback from Lake Chelan. The proposed stairway will provide access between the bathhouse and the pier. The proposed foot trail will provide safe passage between the future home site and the bathhouse. The subject property is located within Rural Waterfront (RW) zoning district and the 'rural' shoreline environment designation for Lake Chelan, a shoreline of statewide significance. Project Location: 2525 Lakeshore Dr Manson, WA 98831; and identified by Assessor's Parcel No.: 28-21-27-609-006. **Planner: Jamie Strother**

[9:20:49 AM](#) 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 Jamie Strother explained the application. Staff recommends approval as conditioned.

[9:23:07 AM](#) Anne Hessburg was sworn in, as an agent, to testify on behalf of the applicant. She agrees with the staff-report and finds the conditions of approval acceptable.

[9:23:55 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

SDP 2019-006/SCUP 2019-006/SCUP 2019-007/ SCUP 2019-008: Application for a shoreline substantial development permit and three (3) shoreline conditional use permits for the installation of a 445 square foot "L" shaped pier, a boatlift, a mooring buoy, and 100 square foot swim float. The new pier will be attached to the existing seawall at the OHWM would measure 6 feet wide by 61 feet long on the uplake side and 63 feet long on the downlake side of the pier. The "L" section would be constructed on the downlake portion of the pier, measuring 6 feet wide x 12 feet long. The proposed boatlift would be installed on the uplake side of the pier and would be placed by hand. The boatlift would be approximately 48 feet waterward of OHWM at a water depth of approximately 6-8 feet. The new buoy would consist of a 24 inch diameter buoy connected to a 2,000 lb. cured concrete anchor by a ½ inch steel chain. The buoy would be located approximately 120 feet from the OHWM at a water depth of approximately 17 feet. The swim float would have a maximum footprint of approximately 10 feet x 10 feet. It would be installed approximately 105 feet waterward of the OHWM, within the water depth of approximately 16 feet. The subject property is located within Rural Waterfront (RW) zoning district and the 'rural' shoreline environment designation for Lake Chelan, a shoreline of statewide significance. Project Location: 12508 S Lakeshore Road, Chelan, WA 98816; and identified by Assessor's Parcel No.: 28-21-16-618-145. **Planner: Jamie Strother**

[9:24:04 AM](#) 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 Jamie Strother explained the application. Staff recommends approval with conditions.

[9:26:17 AM](#) Anne Hessburg was sworn in, as an agent, to testify on behalf of the applicant. She requests that Condition 1.2 be removed due to the fact that a natural resources permit is not required because the property is on private land and therefore not required. She also wanted Condition 4 removed because Chelan County Code has not been adopted into the Shoreline Master Program and a requirement for access is not necessary.

[9:28:59 AM](#) Planning Manager Kirsten Larsen stated that Condition 1.2 was just a statement not a required condition due to the use of the word "may." On Condition 4, it was also a courtesy condition to make the applicant aware of potential requirements with regard to the building permit.

[9:30:33 AM](#) Anne Hessburg would still like the conditions removed even if they are just a courtesy.

[9:31:04 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

SDP 2019-008/SCUP 2019-009: Applications for a shoreline substantial development permit and a shoreline conditional use permit were submitted by Grette Associates, LLC (agent) on behalf of Eric Olsen (owner) for the modification and removal of portions of an existing retaining wall, maintenance of an existing pier and personal water craft (PWC) lift, construction of stairs, and installation of a boatlift. The proposed applications are to remedy an active code violation for construction without the proper shoreline permits and building without a building permit. The existing retaining wall consists of 4 terraced walls; 3 of the 4 walls are located within the riparian buffer and common line setback and are to be removed by hand. Landscaping rockery is to be placed on the graded sloping hillside and planted with native shrubs to provide erosion control. The retaining wall blocks are to be used for the at grade upland steps leading to the driveway. The existing 8 ft. x 40 ft. (310 sq. ft.) pier was repaired and maintained by the placement of structural wood members and wood decking. The existing 125 sq. ft. boatlift was installed parallel to the existing pier on the downlake side. The existing uplake lift has been in place for decades and was in need of repairs; the footprint of the lift has remained the same. The application also proposed the installation of new stairs to provide access to the lake which are to extend approximately 15 ft. from the pier with an

approximate width of 5 ft. The proposed stairs are to rest on a 4 ft. x 5 ft. x 0.5 ft. pre-cast concrete landing; no excavation would be required. Mitigation is proposed through a native vegetation planting plan; the planting will be adjacent to the OHWM of the lake as well as on the sloping hillside for a total of 783 sq. ft. of mitigation. The subject property is located within the Urban Residential-2 (UR2) zoning district of the Manson Urban Growth Area and holds a 'rural' shoreline environment designation for Lake Chelan, a shoreline of statewide significance. The subject property is identified by Assessor's Parcel No.: 28-21-34-925-040 and is located at 60 Cobalt Lane, Manson. The application includes a JARPA and SEPA Checklist.

Planner: Emily Morgan

[9:31:15 AM](#) 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. Staff recommends approval as conditioned.

[9:33:29 AM](#) Anne Hessburg was sworn in, as an agent, to testify on behalf of the applicant. She has a comment on the staff-report with regard to "Comments of Nature" and the DAHP and Colville Tribe agencies. A note asks for a cultural representative to be present during construction, but the agencies have since changed their position per emails sent to Ms. Hessburg. She would like the note removed.

[9:36:02 AM](#) Anne Hessburg also had comment on Condition #3 in the staff-report. She wants it removed because the Chelan County Code has not been adopted into the Shoreline Master Program and therefore not required. Mr. Kottkamp asked Anne Hessburg if she had any other opposition to the conditions of approval. She answered that the other conditions were acceptable.

[9:36:52 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

PA 2019-001: An application for a Plat Amendment was submitted by Munson Engineers (agent) on behalf of Kelly Boeing and Tyler and Georgia Addington (owners) to relinquish a 150 ft. (200 ft. total) protective well easement as identified on SP 1318. The proposed easement is located on and affects Lot 3 and 4 of SP 1318; the historic well has been decommissioned, ceasing use as of 1994. The subject properties are provided domestic water via the City of Leavenworth. The subject properties are located at 8043/8011 Icicle Rd., Leavenworth, WA and identified by Assessor's parcel numbers 24-17-23-510-453/24-17-23-510-454. Pursuant to WAC 197-11-800, this proposal is SEPA exempt. **Planner: Emily Morgan**

[9:37:12 AM](#) 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. Staff recommends approval with conditions.

[9:38:50 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

III. **AJOURNMENT**

[9:38:59 AM](#) Hearing Examiner Kottkamp adjourned the August 7, 2019, meeting.