



CHELAN COUNTY HEARING EXAMINER

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

July 17, 2019, 1:00 pm

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Director – Dave Kuhl, Planning Manager – Kirsten Larsen, Planner – Jamie Strother, Permit Clerk - Wendy Lane, Public Works Development Review Manager – Andrew Brunner

Public/Agencies: Quintin Batjer, Philip G. Keeley, Dan Beardslee, Sandra Phenning, Gary Phenning, Marty Fallon, Bob Fallon, Jim Craig, Chris Clark, Barbara Rossing, Lauren Johnson, Bruce Williams, Loren Stocker, Cheyenne Stocker, Krystal Frost, Julie Norton, Gro Buer, Brian Bohman, Mara Bohman

AGENDA:

I. CALL TO ORDER

[1:00:05 PM](#) 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 2018-172: The Development Agreement for a Short Plat for Lee Martin to defer frontage improvements on School Street in accordance with the approved Conditions of Approval dated December 5, 2018. **Presented by Public Works**

[1:04:39 PM](#) 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 Manager, Andrew Brunner, explained the application. Staff recommends approval.

[1:06:19 PM](#) Mr. Kottkamp asked if resolution had gone before the commissioners. Andrew Brunner answer no that approval was needed by the Hearing Examiner before it went to the commissioners.

[1:06:56 PM](#) With no members of the public present, Mr. Kottkamp closed the public portion of the record on the matter.

CUP 2019-007: An application for a Conditional Use Permit to operate junkyard/impound lot. The impound lot is completely enclosed with a 6' fence with 3 strands of barbed wire making the total height 8' tall. Currently the property has an approximately 10,000 square foot storage building and a 1,600 square foot pole building. The subject property is 1.74 acres within the Rural Industrial (RI) zoning district. Primary access is from Beebe Bridge Road, potable water is provided by an on-site well, septic was approved by the Chelan-Douglas Health District. Project location: 105 Beebe Bridge Road, Chelan Falls, WA 98821; and identified by Assessor's Parcel No.: 27-23-20-523-170. **Planner: Jamie Strother**

[1:07:04 PM](#) 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.

[1:09:04 PM](#) Loren Stocker was sworn in to testify on behalf of the applicant. He agrees with the staff-report and finds the conditions of approval acceptable.

Mr. Kottkamp asked if the business would deal with hazardous waste. Mr. Stocker answered no.

[1:11:55 PM](#) With no members of the public present, Mr. Kottkamp closed the public portion of the record on the matter.

PD 2016-354 & PLAT 2016-355: An application for a twelve (12) Lot Planned Development and residential subdivision has been submitted by Dan Beardslee (agent) for Larry Tonge (owner). The subject property is 16.08 acres in size and the twelve proposed residential lots range in size from 0.78 acres to 1.10 acres. The remainder of the parcel, 5 acres, will be preserved as common open space. The subject parcels are within the Rural Residential/Resource 2.5 (RR2.5) zoning district. Potable water would be supplied by a Group B system and on-site septic systems would be utilized for sewage disposal. The parcels are located adjacent to a regulated wetland and a Wetland Assessment was submitted with the application. No other critical areas were identified. The subject property is located at NNA Fish Hatchery Road, Leavenworth, WA; also identified as Assessor's Parcel Numbers:, 24-17-23-510-520, 24-1723-510-530, 24-17-23-510-540 and 24-17-23-510-550. **Planner: Jamie Strother**

[1:12:10 PM](#) 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. Additional public comments were entered into the record by Ms. Strother. Mr. Kottkamp went through the collection and identified each email by name and date.

[1:16:40 PM](#) Planner Jamie Strother explained the application. Staff recommends approval with conditions.

[1:19:34 PM](#) Mr. Kottkamp asked about date of the most recent narrative. Planner Jamie Strother told him the June 21, 2019, narrative was the most recent. Mr. Kottkamp replied that the March 25, 2019 narrative was only one he had in the record. He requested that a copy of the June 21, 2019 narrative be sent to him.

[1:20:54 PM](#) Quentin Batjer spoke on behalf of the applicant. He was not submitting new evidence, so he was not sworn in. He wanted to address some of the misconceptions stated in the public comments with regard to the application.

[1:21:45 PM](#) First, Mr. Batjer wanted to thank the county for through review of the application. He felt that the applicant has taken great pains to work with the county for approval. He also stated that the public benefit of the application was a critical component. The code doesn't define what a benefit is, only that the applicant needs to provide one.

[1:23:18 PM](#) Mr. Kottkamp asked about the relationship of the planned development and public benefit. Some sort of standard needs to be made to measure actual benefit to the public.

[1:24:42 PM](#) Quentin Batjer stated that the benefit was open space, which was an asset to the area. He pointed out that several public comments were critical of the trail system, located in the open space area, because of the nearby Fish Hatchery trail system. He would like trail system to be evaluated on its own merits.

[1:26:40 PM](#) Mr. Batjer rebuked the Fish Hatchery comments that the two trail systems will be combined. He stated that the Enchantment Meadows trail system would stand alone. He also stated that the trail is .56 miles and the HOA would own and maintain the trail. He also stated that these trails would be open even when the Fish Hatchery trails were not.

[1:28:32 PM](#) Mr. Batjer also acknowledged the concerns about nightly vacation rentals. He stated that they would be restricted from the development.

[1:29:49 PM](#) Mr. Batjer also address the timeline of this application. He explained that the Fish Hatchery timeline was different from the applicants, which is why the application has been a long drawn out in the process.

[1:30:19 PM](#) Quentin Batjer requested the application be approved.

[1:30:36 PM](#) Mr. Kottkamp asked about the proposed parking area, that is one of the conditions of approval, in the staff-report. Mr. Batjer replied that the public parking was for those who would use the trail area. Mr. Kottkamp asked about how many stalls were to be created, Mr. Batjer answered five.

[1:31:50 PM](#) Jim Craig was sworn in to testify as a member of the public. He is speaking as an official for the Leavenworth Fish Hatchery Complex. He stated that the Fish Hatchery already provides a public benefit. He listed all of the different activities that the Fish Hatchery provides. He is concerned about the development of the neighboring property. He feels it is an overstatement on the public benefit, that this development might offer. He is urging the Hearing Examiner not to approve the density of this development. He also stated his concerns about the road usage with regard to access. He has additional concerns about working with the land owners and sharing water with properties. Mr. Craig stated that the Fish Hatchery needs to protect existing ground water supply to meet future environmental regulations. He feels it is threatened by the expansion of this property would put water supply in jeopardy.

[1:38:10 PM](#) Julie Norton was sworn in to testify. She submitted a July 17, 2019 letter, consisting of 7 pages with exhibits A-D. It was marked as Exhibit 1, for the record. She represents a few of the neighboring property owners. They are identified in the letter she submitted.

[1:40:37 PM](#) Ms. Norton feels this application should be denied because the applicant did not follow directions of the county planning staff. More information was requested, from the applicant, with a deadline and the applicant missed it. She referred to it as a technical procedural development. She stated that the applicant stalled the process to the point that no one knew what was going on. She stated that the public had to scramble, at the last minute, to respond to the notice of hearing on the matter. Ms. Norton stated that the applicant did not comply with the county code in meeting the burden of proof with regard to the public benefit. The trail system is a weak proposal and not considered a benefit to the public. She proclaimed that the attorney for the applicant stated, in a letter, that the trail was not a public benefit, but then again resubmitted it as a public benefit later on in the process.

[1:45:15 PM](#) Julie Norton stated that providing housing is not a public benefit. She also stated that it wasn't even affordable housing. She also pointed out that it was not benefiting the area with regard to density; the development would be completely inconsistent with the neighboring properties

[1:47:11 PM](#) Ms. Norton also spoke of the gravel pit and the Fish Hatchery that were adjacent to the property in question. In the summer, the gravel pit may be used as base camp during fire season and this would be inconsistent with residential living. She also pointed out that the increased level of traffic in the area would also add to the inconsistency.

[1:49:17 PM](#) Julie Norton stated that if the Hearing Examiner grants the application, a devised plan of conditions of approval be proposed. A document titled "Conditions of Development," was submitted and marked as Exhibit 2.

[1:52:36 PM](#) Barbara Rossing was sworn in to testing as a member of the public. She stated that consistency of the application, of the code, needs to apply even if staff changes during the process of an application. She stated that a Missing staff-report, from the public record, was a concern. She also had concerns about missteps, in the process, by staff of the county. She stated that there was not a well agreement with the Fish Hatchery even though such an agreement was rumored to have happened. She was not happy that the trail was reinstated, as a benefit, even though staff stated that it was not a benefit in 2018. Citizens need the code applied consistently if citizens are to trust county staff. She reiterated that the gravel pit was used as a fire camp during fire season. Also, she stated that the Fish Hatchery is a benefit and does not want it to be impacted by this proposed development. She is also concerned about nightly vacation rentals being used in this development. She is asking for the denial of the application or a prohibition to be written on the plat with regard to vacation rentals and an enforcement mechanism that cannot be changed by a HOA.

[2:02:14 PM](#) Barbara Rossing submitted her written statement and it was marked as Exhibit 3.

[2:02:54 PM](#) Phil Keeley was sworn in to testify as a member of the public. He lives on the Fish Hatchery Road. He stated that this development was in his back yard. He commented that he would lose 20 feet of his property, and two large trees, if the road was widened for this project. He is concerned that traffic will impact his quality of life. He stated that while the area is not classified as a wetland, he has seen ducks in the area and had kayakers on his property.

[2:05:22 PM](#) Lauren Johnson was sworn in to testify as a member of the public. She wants application denied due to its inconsistency with the neighboring properties. She also referenced the gravel pit and flooding that occurs in the spring. She is concerned about legal issues with the containment of water and if it would be a liability for the county, in the future.

[2:08:00 PM](#) Lauren Johnson submitted a July 16, 2019 letter, from Dan Wilkinson, to replace an unsigned letter in the file.

[2:08:38 PM](#) Bruce Williams was sworn in to testify as a member of the public. He purchased his house in 2001 because he wanted to live in a rural area. He stated that he uses the trails at the Fish Hatchery on a regular basis. He also stated that the proposed trails would not be used as currently, the area is not used as an open space.

[2:12:55 PM](#) Mr. Williams feels that the neighbors have been left out of the process while county staff has been working with the applicant to push through this development. He understands that staff is probably overworked and not taking into account working together with the neighbors to come up with a plan that can be agreed by all. Mr. Williams thought that the application was dead due to the amount of time that passed on this project. He feels that the applicant waited long enough on this project for staff to change at the county. He would like the county to grant a continuance to the public, if applicant was granted one.

[2:16:23 PM](#) Bruce Williams would like the application denied, stating that the benefit to the public is poor. He would also like this to be continued to find out why staff changed their position on the application. He stated that Barbara Rossing submitted a public records request and it will not be filled until August 31, 2019, and he would like the application continued to review material provided in the request. He also brought up concerns about nightly vacation rentals.

[2:19:34 PM](#) Bruce Williams submitted his written statement and it was marked as Exhibit 4.

[2:19:58 PM](#) Quentin Batjer was sworn in to testify. He wanted too refute public testimony. He stated that deadlines were not missed in this application and he has emails to support his statement. He stated that there was no need for a continuance. He submitted a letter, from the managers at the hatchery, an unsigned and undated draft letter that stating that the proposed trail would be a benefit to the public. It was marked as Exhibit 5. Mr. Batjer also stated that a wetland review was done on the property, hired out at the applicant' expense, and the report was part of the official record. He also reiterated that short term rentals would be restricted and submitted a document, titled "Protective Covenants, marked as Exhibit 6, into the record.

[2:24:19 PM](#) Mr. Kottkamp asked Quentin Batjer about a note placed on the plat concerning vacation rentals. Mr. Batjer was worried about legal ramifications.

[2:26:19 PM](#) Mr. Kottkamp asked about accessory dwelling units. Mr. Batjer was unable to answer as he has not spoken to his client on the matter.

[2:27:54 PM](#) Mr. Kottkamp denied the request to keep the record open. He is closing the public record and will have a decision issued in the allotted number of days. He has no guarantee the information provided in the public records request would provide additional insight into the matter.

[2:29:38 PM](#) Mr. Kottkamp is concerned whether the public benefit is adequate for the change of the density, being asked for in this application.

Mr. Kottkamp closed the public portion of the record on the matter.

III. AJOURNMENT

[2:33:00 PM](#) Hearing Examiner Kottkamp adjourned the July 17, 2019, meeting.