



CHELAN COUNTY HEARING EXAMINER

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

March 6, 2019, 9:00 am

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Planner – Emily Morgan, Planner – Jamie Strother, Assistant Planner – Scott Kugel, Permit Clerk – Sherry Meadows, Permit Clerk – Lisa Ogle, Permit Clerk - Wendy Lane

Public/Agencies: Claire Fryhover, Lloyd Fryhover, Steve Vaughn, John D. Black, Ryan Walker, Terry Burnham

AGENDA:

I. CALL TO ORDER

[9:00:05 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

CUP 2018-460: An application for a Conditional Use Permit has been requested by the Chelan County PUD for the installation of new 35,200 gallon water reservoir with 6 foot security fencing and to improve the existing access road. The application proposes to replace four (4) small water tanks that were placed prior to Chelan County PUD taking ownership. The smaller tanks are located on the adjacent parcel to the west which is under private ownership. The application proposes to relocate a portion of the existing access road; mitigation is proposed by replanting the abandoned portion of the road with native plants. The property is located at NNA Mathews Rd., Wenatchee, WA and is identified as Assessor's Parcel number: 21-20-03-340-055. The parcel is zoned Rural Residential/Recreational 5 (RR5). The parcel is located within a potential Geologic Hazard area; a geologic site assessment provided with application. Pursuant to WAC 197-11-800, this proposal is not SEPA exempt; a Determination of Non-Significance was issued by Chelan County PUD as lead agency on May 17, 2018. **Planner: Emily Morgan**

[9:04:20 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 file into the record. Planner Emily Morgan explained the application. Staff recommends approval.

[9:06:20 AM](#) Steve Vaughn was sworn in, as an agent, to testify on behalf of the applicant. He agreed with the staff-report and had one response to the Conditions of Approval with regard to the Colville Tribe comment. The comment stated that they would like a qualified archaeologist to be on site to monitor the ground disturbing activity. Mr. Vaughn has a Memo from Archaeological Investments Northwest, Inc., dated March 5, 2019, stating that no archaeological resources have been recorded in the project area, thus removing the need for a qualified archaeologist to be on site during construction. The Memo was entered into the record and marked as Exhibit 1. He had no objections to the Conditions of Approval.

[9:09:28 AM](#) John Black was sworn in to testify. He wants the old Chelan County PUD tanks, that are scheduled to be removed for this project, to be reverted to irrigation purposes.

[9:10:36 AM](#) Planner Emily Morgan clarified that the Condition of Approval that Steve Vaughn was referring to was Condition #3 in the staff-report.

[9:10:58 AM](#) Mr. Kottkamp closed the public portion of the record on the matter.

SDP 2018-426: Application for a shoreline substantial development permit was submitted by Grette Associates, LLC (agent), on behalf of David & Kristian Hamilton (owners) on December 3, 2018 and deemed complete on December 13, 2018; for construction of a 450 sq ft single-use fixed-pile pier with grated metal decking. The T-shaped pier will be anchored to a 4 ft x 4 ft x 5 ft concrete abutment and extend 68 feet perpendicular from the OHWM, to a water depth of 5.8 ft. The main section of the pier will be 8 ft x 60 ft and the T section will be 8 ft x 18.5 ft. The project also includes construction of a 20-foot wide access corridor through the existing shoreline vegetation, in compliance with Chelan County Code Section 11.78.020(8), to allow upland access to the proposed pier. The subject property is located at 14164 Idlewild Rd, Leavenworth, WA, within the Rural Village (RV) zoning district and the 'conservancy' shoreline environment for Fish Lake, a shoreline of the state; further identified by Assessor's Parcel No.: 27-17-22-624-085. The application includes a JARPA and SEPA Checklist. Other permits required include a residential building permit and WDFW HPA. **Planner: Emily Morgan**

[9:11:06 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

[9:13:10 AM](#) Ryan Walker was sworn in, as an agent, to testify on behalf of the applicant. He reviewed staff-report and would like a minor change to Condition #6. He feels that a representative on the Colville Tribe does not need to be on the construction site due to the fact that there was not going to be any ground removal, just the removal of vegetation. He also stated that there will not have any heavy equipment on the job site. He did agree with Condition 6.1 on having an Inadvertent Discover Plan onsite. He agrees will all other conditions of approval in the staff-report.

[9:15:03 AM](#) Mr. Kottkamp asked why they would oppose Condition #6 if there was not an expense associated with it. Ryan Walker stated that it does have a cost of \$2000 – \$2500 to have a representative on site to monitor the construction.

[9:16:45 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

SDP 2018-398/SCUP 2018-399/SCUP 2018-400: Application for a shoreline substantial development permit and shoreline conditional use permits was submitted by Grette Associates, LLC (agent), on behalf of Clifford Webster (owner) on November 19, 2018 and deemed complete on December 4, 2018; for the removal of two existing anchoring chains on an existing dock and installation of five (5) 8-inch piles; installation of a new 10 ft x 12.5 ft boatlift; and placement of a new 24-inch diameter mooring buoy. The size of the existing dock will not change, and the gangway will continue to be removed during high water. The boatlift will be installed on the downlake side of the existing dock, approximately 47 feet waterward of the OHWM at a water depth of approx. 5-8 feet. The buoy will be located approximately 110 feet waterward of the OHWM at a water depth of 18 feet. The subject property is located at 16050 Cedar Brae Rd, Leavenworth, WA 98826, within the Rural Waterfront (RW) zoning district and the 'conservancy' shoreline environment

designation for Lake Wenatchee, a shoreline of statewide significance; further identified by Assessor's Parcel No.: 271730511245. The application includes a JARPA and SEPA Checklist. Other permits required include a residential building permit and WDFW HPA. **Planner: Emily Morgan**

[9:16:49 AM](#) Mr. Kottkamp issued a Continuance on this application, based on an email dated February 22, 2019, asking for such. The application will be continued to the March 20, 2019, Hearing Examiner's Meeting, at 1:00 pm.

SDP 2018-370/SCUP 2018-371/SCUP 218-372: Application for a shoreline substantial development permit and shoreline conditional use permits, were submitted by Grette Associates, LLC (agent) on behalf of William Hayward (owner); for repair and maintenance of an existing 316 square foot pier and installation of a 125 square foot boatlift and one 24-inch diameter buoy on Lake Chelan. The pier maintenance includes replacement of wood decking with composite decking, replacement of existing batter boards and the installation of structural cross bracing to increase pier rigidity; the pier footprint will remain the same. The boatlift will be installed on the landward side of the existing pier, approximately 12 feet from the OHWM at a water depth of approximately 10 feet. The proposed buoy will be located approximately 40 feet from OHWM on state-owned aquatic lands. The subject property is located at 21734 S Lakeshore Rd, Chelan, WA 98816, within the Rural Waterfront (RW) zoning district and the 'rural' shoreline environment designation for Lake Chelan, a shoreline of statewide significance; further identified by Assessor's Parcel No: 292024820035. **Planner: Jamie Strother**

[9:17:26 AM](#) Mr. Kottkamp issued a Continuance on this application, based on an email dated February 22, 2019, asking for such. The application will be continued to the March 20, 2019, Hearing Examiner's Meeting, at 1:00 pm.

SDP 2018-388/SCUP 2018-389/SCUP 2018-390: Application for a shoreline substantial development permit and shoreline conditional use permits was submitted by Grette Associates, LLC (agent), on behalf of Lee and Stacy Sandquist (owners) on November 13, 2018 and deemed complete on December 4, 2018; for installation of a new 10 ft x 12.5 ft boatlift and one 24-inch diameter mooring buoy on Lake Chelan. The boatlift will be installed on the downlake side of the existing pier, approximately 24 feet waterward of the OHWM at a water depth of approximately 8-10 feet. The buoy will be located approximately 55 feet from the OHWM at a water depth of 18 feet. The subject property is located at 15884 S Lakeshore Rd, Chelan, within the Rural Waterfront (RW) zoning district and the 'rural' shoreline environment designation for Lake Chelan, a shoreline of statewide significance; further identified by Assessor's Parcel No.: 282104310100. The application includes a JARPA and SEPA Checklist. Additional permits required include a residential building permit, USACE Section 10, WDFW HPA and CCPUD License. **Planner: Jamie Strother**

[9:17:48 AM](#) Mr. Kottkamp issued a Continuance on this application, based on an email dated February 22, 2019, asking for such. The application will be continued to the March 20, 2019, Hearing Examiner's Meeting, at 1:00 pm.

SDP 2018-263 and SCUP 2018-264, -265 and -266 : Proposed Project Description: An application for a Shoreline Substantial Development Permit and three Shoreline Conditional Use Permits to remove an existing pier, construct a new pier, replace existing shoreline stabilization, and place a boatlift, buoy and swimfloat. The subject property is within the within the Rural Waterfront (RW) zoning district and the 'rural' shoreline environmental designation. Project Location: 1284 S Lakeshore Rd, Chelan, WA 98816; and identified by Assessor's Parcel No.: 27-22-08-705-136. **Planner: Jamie Strother**

[9:18:12 AM](#) Mr. Kottkamp issued a Continuance on this application, based on an email dated February 22, 2019, asking for such. The application will be continued to the March 20, 2019, Hearing Examiner's Meeting, at 1:00 pm.

VAR 2018-333/RIPV 2018-334/SV 2018-335: An application for a Front Yard Variance, Riparian Variance and a Shoreline Variance; to reduce the front yard setback to two (2) feet from the front lot line, to reduce the riparian setback to sixteen feet five inches (16'5") from the ordinary high water mark (OHWM) and to reduce the common line setback to sixteen feet five inches (16'5"). The subject property is within the Rural Waterfront (RW) zoning district and the rural shoreline environment designation for Lake Chelan, a shoreline of statewide significance. Project Location: 1284 South Lakeshore Road, Chelan, WA 98816; and identified by Assessor's Parcel No.: 27-22-08-705-136. **Planner: Jamie Strother**

[9:19:07 AM](#) Mr. Kottkamp issued a Continuance on this application, based on an email dated February 22, 2019, asking for such. The application will be continued to the March 20, 2019, Hearing Examiner's Meeting, at 1:00 pm.

[9:20:35 AM](#) Due to the fact there was a member of the public here today that could not attend the Hearing Examiner's Meeting on March 20, 2019, Mr. Kottkamp opened the record 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 preferred to present her portion of the file at the March 20, 2019, Hearing Examiner's Meeting.

[9:21:51 AM](#) Terry Burnham was sworn in to testify. He stated that he was a full time resident of Chelan for the past 33 years, 11 of them being on his current property. Mr. Burnham is concerned about the variances requested by Kathryn Gilliland and how they will impact the view and value of his property. He submitted written comments about his concerns if the variances are approved and disagrees with the statement in the staff-report that his view will not be impacted if the variances are approved. He feels that his comments were disregarded when approval was considered for the application. He believes that the lot was created due to construction on behalf of the other properties owned by her family members, in the area, and it should not be built upon. Terry Burnham does not want Kathryn Gilliland's house to be moved closer to the lake. He has no problem with the front yard variance and stated Kathryn Gilliland could still build a home on the property without being closer to the lake. Mr. Burnham also stated that a variance should not be an entitlement. He reiterated that granting a variance, any closer to the water, will impact his view.

[9:29:42 AM](#) Mr. Kottkamp took his written comments and submitted them into the record marked as Exhibit 1.

[9:30:24 AM](#) Mr. Kottkamp stated he had reviewed the file and he does not have a site plan on where the house would be on the property. He has information on where the setbacks would be, but not the actual location of the house.

[9:31:01 AM](#) Terry Burnham stated that when he submitted his initial comments, he had information on where the house would be placed on the property based on information submitted by Grette Associates, LLC.

[9:32:38 AM](#) Mr. Kottkamp continued the application the Hearing Examiner's Meeting on March 20, 2019, where staff will give a full report, at that time.

[9:33:25 AM](#) Planner Jamie Strother stated that the application had no site plans but stated that the house will be placed where the current storage shed is located.

[9:33:54 AM](#) Mr. Kottkamp closed the public portion of the record on the matter.

III. AJOURNMENT

[9:34:06 AM](#) Hearing Examiner Kottkamp adjourned the March 6, 2019, meeting.