



CHELAN COUNTY HEARING EXAMINER

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

May 1, 2019, 9:00 pm

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Planning Manager – Kirsten Larsen, Planner – Emily Morgan, Assistant Planner – Scott Kugel, Assistant Planner – Alex White, Permit Clerk - Wendy Lane

Public/Agencies: Steven Teeny, Steve Hanson, Rick Defoer, Dan Beardslee, Charles Steinberg, Michelle Green, Nicholas Snyder, Brae Runnels, Todd Davidson, Gary Bates

AGENDA:

I. CALL TO ORDER

[9:00:02 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 2019-001: An application for a Conditional Use Permit has been requested by the Chelan County PUD for the installation of an approx. 250,000 gallon domestic water reservoir to support Rock Island Dam maintenance facilities, including fire protection; the existing reservoir is not large enough to meet fire flow requirements for future development. The proposed 32 ft. diameter x 55 ft. tall reservoir will have a drain and overfill pond as well as new 6 ft. security chain-link fencing; the fence will be placed to allow at least 15 ft. clearance around the new reservoir. Waterlines to service the proposed reservoir have previously been installed. The existing reservoir and waterline are to be decommissioned and abandoned upon completion of the proposed project. The property is located at 1476 Rock Island Dam Rd, Malaga, WA and is identified as Assessor's Parcel number: 21-22-20-000-050. The parcel is zoned Rural Industrial (RI). The parcel is located within an identified potential Geologic Hazard area. 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 April 26, 2018. **Planner: Emily Morgan**

[9:03:42 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.

[9:05:53 AM](#) Ryan Peterson was sworn in, as an agent, to testify on behalf of the applicant. He agrees with the staff-report. Mr. Kottkamp asked about the conditions of approval. Mr. Peterson had no objections.

[9:08:04 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

AA 2019-001: An application for and Administrative Appeal was submitted to appeal the denial of Certificate of Exemption, CoE 2018-435. The Certificate of Exemption was submitted under the historic division criteria of CCC 12.14.050(6) to memorialize Lot 12 of the Plat of Dover, a plat approved in 1909 but never recorded. The Certificate of Exemption was denied by the Director of Community Development as the lot is not in compliance with Chelan County subdivision resolution and is not exempt from land division requirements. The appeal was submitted on the basis that (1) the cited Attorney General Opinions, AGLO 1974 No. 7 and AGO 1996 No. 5 fails to account for AGO 1998 No.4, therefore resulting in an incomplete Department analysis and (2) that the determination that the lot is not a legal lot of record per CCC 14.98.1090 was erroneous. Project Location: NNA Stayman Flats Rd., Chelan, WA; and identified by Assessor's Parcel No.: 26-22-09-240-105. **Planner: Emily Morgan**

[9:08:22 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 that it is the Hearing Examiner that confirms or denies the application.

[9:10:36 AM](#) Michelle Green was sworn in, as an agent, to testify on behalf of the applicant. The Applicant, owner of Green Trail, LLC, introduced himself to Mr. Kottkamp and staff members. Michelle Green stated that this application hinges on a 1909 statute. She submitted documents which included a Timeline, with additional material, and the Affidavit of Posting the Notice of Application marked as Exhibits 1 and 2 respectively.

[9:13:22 AM](#) Michelle Green stated that the key issue is that the plat was never recorded. In 1909, recording property was not required until the property sold. The applicant's position is that the recording was never required until now; due to the fact the property was sold. She also pointed out that roads would not have been dedicated if the plat was not to be in existence.

[9:16:04 AM](#) Mr. Kottkamp asked if the roads included the Plat of Dover. Ms. Green confirmed that it did.

[9:16:30 AM](#) Michelle Green further explained, in the Timeline, that the plat was validated, in spite of the non-recording of the plat.

[9:18:35 AM](#) Mr. Kottkamp asked if there was a case to reference the statement Ms. Green made concerning validation, she answered no.

[9:19:19 AM](#) Michelle Green also stated that Attorney General opinions are reflected throughout her Timeline validating unrecorded plats. She also told of discretion used by commissioners to recognize plats such as the Plat of Dover.

[9:21:00 AM](#) Mr. Kottkamp asked why the plat hasn't been recorded. Michelle Green stated she did not know. She stated that the Applicant obtained the property in its current state. She could not find a reason why it wasn't recorded previously. She stated that perhaps because it was not required.

[9:21:59 AM](#) Mr. Kottkamp asked if the other lots have been sold by the estate. Ms. Green's answer was no.

[9:23:25 AM](#) Mr. Kottkamp asked if the roads were vacated, would that eliminate the plat. Michelle Green explained that some roads were reserved, for the plat, but there are not named on documentation. She explained that Stayman Flats Road goes through the property.

[9:27:07 AM](#) Mr. Kottkamp asked about the vacated ally way. Michelle Green stated that the Deed is attached to the staff-report. The Deed does not reference alley, just describes the area in general.

[9:28:10 AM](#) Mr. Kottkamp doesn't know what the legal description is of the area. Ms. Green stated that is was part of a much larger area and the Certificate of Exemption would recognize the plat itself.

[9:29:53 AM](#) Planner Emily Morgan wanted to make a point of clarification about the map that showed vacated roads. She speculates that right of way is actually the railroad. Ms. Green agreed that is was the railroad.

[9:31:32 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

ZC 19-001: A Zone Change application for approximately 3.53 acres from Rural Village (RV) to Rural Industrial (RI) on a portion of the subject property. The proposed zoning map amendment implements the changes adopted by Resolution 2019-31 to the Chelan County Comprehensive Plan. Project Location: 310 Main Street, Monitor; and identified by Assessor's Parcel No.: 23-19-14-488-015. **Planner: Kirsten Larsen**

[9:31:40 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. Planning Manager Kirsten Larsen explained the application. Staff recommends approval.

[9:33:36 AM](#) Charles Steinberg was sworn in, as an attorney, to testify on behalf of the applicant. He agrees with the Staff-Report and the recommended approval. Mr. Kottkamp asked about the business currently renting the building. Mr. Steinburg stated that the business is now in compliance after evicting a duplicate cannabis business at the same location.

[9:35:52 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

ZC 19-002: A Zone Change application for approximately 12.56 acres from Urban Residential 1 (UR1) to Urban Residential 3 (UR3) within the Manson Urban Growth Area. The proposed zoning map amendment implements the changes adopted by Resolution 2019-31 to the Chelan County Comprehensive Plan. Project Location: 408 Madeline Road, Manson; Assessor's parcel numbers: 28-21-36-681-048 and 28-21-36-681-049. **Planner: Kirsten Larsen**

[9:35:56 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. Planning Manager Kirsten Larsen explained the application. Staff recommends approval.

[9:37:31 AM](#) Gary Bates was sworn in, as an agent, to testify on behalf of the applicant. He explained the reason for the zone change was to change the housing density to allow for more affordable housing in the area.

[9:38:49 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

ZC19-003: A Zone Change application for approximately 13.65 acres from Rural Residential/Resource 5 (RR5) to Rural Waterfront (RW). The proposed zoning map amendment implements the changes adopted by Resolution 2019-31 to the Chelan County Comprehensive Plan. Project Location: 17001 US 97A, Chelan; identified by Assessor's parcel numbers: 26-21-29-110-000, 26-21-29-130-150 and 26-21-20-310-050.

Planner: Kirsten Larsen

[9:39:00 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. Planning Manager Kirsten Larsen explained the application. Staff recommends approval. She also submitted a document, from the City of Entiat, in reference to the application. It was marked as Exhibit 1.

[9:41:06 AM](#) Dan Beardslee was sworn in, as an agent, to testify on behalf of the applicant. He stated that, on page 1, in the Staff-Report, that the area was identified as being in the flood zone critical area. He disagrees. The area is adjacent to the reservoir of Lake Entiat. Also, on pages 3 and 4, in the Staff-Report, it states that the streams are within the Wenatchee River and he believes that is an error in the report. Page 3 also references the flood zone in error.

[9:44:08 AM](#) Planning Manager Kirsten Larsen stated that FEMA maps were used when making conclusions in the Staff-Report.

[9:44:22 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

SDP 2018-454: An application for a shoreline substantial development permit was submitted by Lake Chelan Trails Alliance (applicant) on behalf of Chelan County PUD (owner) on December 21, 2018 and deemed complete on January 18, 2019; for construction of native surface trails for hiking and mountain biking adjacent to the Chelan River Gorge. The proposed 2.34 miles of trail will begin along the existing Reach 1 Trail developed by the Chelan PUD around 2010. The 24-36 inch wide trails will connect the existing gravel Reach 1 Trail and paved trail from the Reach 1 Trailhead to Riverwalk Park in Chelan, to provide linked non-motorized access to downtown. Approximately 10 signs would be placed along the trail for user navigation. The subject properties are located adjacent to the Chelan River Gorge, within the Rural Residential/Resource 20 (RR20) zoning district and the 'rural' shoreline environment designation for the Chelan River, a shoreline of statewide significance; further identified as Assessor's Parcel Numbers: 27-23-19-210-050, 27-23-19-240-050; 27-23-19-300-000; 27-23-19-400-050. The application includes a JARPA and SEPA Checklist. **Planner: Scott Kugel**

[9:45:18 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 Scott Kugel explained the application. Staff recommends approval with conditions.

[9:48:24 AM](#) Guy Evans was sworn in to testify, as an agent on behalf of the owners. He wanted to clarify Condition of Approval 5, in the Staff-Report. He questioned the need to have a representative of the Colville Tribes being present, on site. He stated that they will not be doing

major excavating, in the site, so would like the condition removed. Mr. Kottkamp asked how the excavation would be handled. Mr. Evans answered that the smallest excavator will be used for the project and that hand digging would also take place. He agrees with the cultural survey and the Inadvertent Discovery Plan.

[9:50:50 AM](#) Mr. Kottkamp asked why they would not want a cultural representative on site if it was not an added expense to the project. Mr. Evans said he is concerned that such a distraction would interfere with the timeline of the project.

[9:52:01 AM](#) Mr. Kottkamp asked about other conditions listed in the Staff-Report. Mr. Evans answered that Condition 11 required a geo assessment. He would like to know why assessment is needed do to the minimal impact, to the ground, that this project would have.

[9:53:29 AM](#) Scott Kugel stated that if the Applicant would agree to the Inadvertent Discovery Plan, a Cultural Representative would not be required on the project. He also stated that the geo assessment was required due to County Code and the area involved.

[9:55:11 AM](#) Mr. Kottkamp asked if there was any guidance on how the geo needs to be completed. Planning Manager Kirsten Larsen answered that it would be for a geo site assessment not an engineered survey.

[9:56:39 AM](#) With no public present, Mr. Kottkamp closed the public portion of the record on the matter.

III. AJOURNMENT

[9:56:46 AM](#) Hearing Examiner Kottkamp adjourned the May 1, 2019, meeting.