



## CHELAN COUNTY HEARING EXAMINER

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

**September 18, 2019, 1:00 pm**

**Chelan County Hearing Examiner:** Andrew Kottkamp

**Chelan County Staff:** Planning Manager – Kirsten Larsen, Planner – Emily Morgan, Planner – Jamie Strother, Permit Clerk – Wendy Lane

**Public/Agencies:** Van Gideon, Ron Colwell, Helen Ziebell, John Torrence, Danny Campbell, Charley Underwood, Carl Selset, Ron Hupp, Trish Forster, Lexar Homes, Sharon Stephens, Clay Gratens, Dan Powers, Dan Hutchinson, Don Mounter, Reanne Bailor, Kimberly Manhart, Margret Bryant, Corrina Gideon, Juli Wilson, Norma Meyer, Keith Van Den Broek, Paul Fowler

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### **AGENDA:**

#### **I. CALL TO ORDER**

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**

**PA 2019-004:** An application for a Plat Amendment was submitted by Ron Colwell to remove a note on the face of the Three Lakes Country Club Estates No. 3 Plat. The note to be removed states, "No building shall be located nearer than 25 ft. to front and side street line". The proposed note removal amendment will apply to all lots located within the Three Lakes Estates No. 3 subdivision; signatures of the majority of those persons having an ownership interest of lots in the subject subdivision were provided with application. The subject subdivision is located off of Bermuda St. /Fleming St. /Monterey Dr. /Conarty Rd. /Sands St. /Riviera Blvd. in Malaga, WA and is zoned Rural Recreational/Residential (RRR). Pursuant to WAC 197-11-800, this proposal is SEPA exempt. **Planner – Emily Morgan**

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.

Mr. Kottkamp asked about an existing covenant in the matter. Planner Emily Morgan answered that the HOA was in agreement with the application.

Ron Colwell was sworn in to testify. He has been trying to obtain a permit to build a garage for the past year. He obtained a variance for the property; however he was not able to use it unless this plat amendment is approved. Mr. Kottkamp asked about the number of signatures Mr. Colwell was able to obtain. Mr. Colwell answered that he was not able to get all of the property owners to sign due to the fact he could not locate them all.

Ms. Morgan asked for a continuance to allow the HOA to amend the covenant so that it would not be a requirement for all the property owners to sign off on the plat amendment.

Mr. Kottkamp asked Ron Colwell if he would like to continue the hearing. Mr. Colwell answered that he would.

Mr. Kottkamp continued the hearing to November 20, 2019 at 1:00 pm.

**P 2019-001:** An application to subdivide approximately 18.7 acres into 94 residential lots with a stormwater tract was submitted by Northwest Geodimensions (agent) on behalf of D&T Campbell Investments, LLC (owner) on January 15, 2019 and deemed complete on March 11, 2019. The smallest lot size is approximately 6,000 sq. ft. with the largest lot size of approximately 11,158 sq. ft.; the average lot size is approximately 6,461 sq. ft. The subject property is located in the Residential High (RH) / Residential Moderate (RM) zoning districts within the Wenatchee Urban Growth Area. Access is off of Easy Street onto a proposed internal road system. Domestic water is to be supplied by Chelan County PUD and sanitation will be by an expansion of the City of Wenatchee sewer system. The subject property is located in a potential Geologic Hazard area; a geologic site assessment was provided with application. The subject property is located at NNA Easy St., Wenatchee, WA also identified as Assessor's Parcel Numbers 23-20-20-130-050/-100/-150. Pursuant to WAC 197-11-800(6), this proposal is not SEPA exempt. **Planner - Emily Morgan**

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.

John Torrence was sworn in, as an agent, to testify on behalf of the applicant. He agrees with the staff-report and its conditions of approval. He also wanted to submit a Traffic Study dated September 17, 2019. It was marked Exhibit 1.

Mr. Kottkamp asked about the City of Wenatchee comments and the recommendations and noticed those comments were not in the conditions of approval. John Torrence had no objections to those recommendations being included in the conditions of approval. Mr. Kottkamp asked about the 5 phases of the proposal and the timeline. Mr. Torrence answered that they would like to start right away on phase 1 and the next phases would follow as soon as possible.

Ron Hupp was sworn in to testify. He is concerned about Sun Valley Drive and how it will be affected by this project. He is also concerned about the housing density of the area. Mr. Hupp feels it would have a negative impact his property values. He is also concerned about the impact on Sunnyslope Elementary School.

Kevin Carney was sworn in to testify. He owns the orchard adjacent to the project. He would like to know if his public comment was considered in the process. Planner Emily Morgan verified that his comments were received and taken into consideration.

Dan Powers was sworn in to testify. He has two concerns, one is the height of the homes to be built and how the property is currently being maintained. He stated that the area has a weed problem and appears to be a fire hazard.

Mr. Kottkamp asked Mr. Torrence back to answer questions about Mr. Carney's testimony with regard to the neighboring orchards and proposed lots 1-11. He wanted to know if those lots had

enough building space, with the proper setbacks, from the orchard. Mr. Torrence believed that they did but he would have to check for confirmation.

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

**PA 2019-003:** An application for a Plat Amendment to remove a statement only intended for Lot 12 of Sleepy Hollow Estates stating "this easterly portion of lot 12 is not a buildable site and shall not be separately from the westerly portion of lot 12." The subject property is within the Rural Residential/Recreation 5 (RR 5) zoning district. Primary access is from Sleep Hollow Heights, a 60' county right-of-way. Project Location: 2030 Sleepy Hollow Heights, Wenatchee WA; Parcel No: 23-20-19-830-120. **Planner - Jamie Strother**

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.

Keith Van Den Broek was sworn in to testify. Purchased the property one year ago and this note keeps him from building on twenty-five percent of his land. He is unable to conclude the reason why the note was put on the plat. Mr. Van Den Broek would like to build on the property it, in the future, so he is taking the steps needed to remove the note. Mr. Kottkamp asked if he had any evidence that this portion of the lot is buildable. Keith Van Den Broek answered that the people he spoke to believe the land to be buildable.

Mr. Kottkamp asked for the original plat file number. Planner Jamie Strother did not have it on hand but knows the plat was signed in 1991.

Paul Fowler was sworn in to testify. His lot will be impacted by this amendment. He feels it will infringe on his privacy. Mr. Fowler believes that it was forethought, on neighbor impact, when the note was placed on the plat.

Mr. Kottkamp stated he will keep the record open until September 25, 2019, at 5:00 pm in order to obtain additional evidence to understand why this was a plat note placed in the beginning.

Keith Van Den Broek asked what information Mr. Kottkamp was looking for. Mr. Kottkamp answered that he needs correct information in order to render a decision.

**PA 2019-002/SP 2019-006:** An application for a Plat Amendment and a two (2) lot short plat was submitted. The plat amendment is to remove note #5 on St. Brendan Place Phase 1 reading "No further subdivision of lots is allowed with the exception of lot 15 & 16. The subject properties are within the Rural Recreational/Residential (RRR) zoning district. Primary access is from Hummingbird Hill Lane, a private road. Project Location: 14 Hummingbird Hill Lane, Malaga, WA; Parcel No: 22-21-29-830-080. **Planner - Jamie Strother**

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 cannot recommend approval or denial with the removed of a signature.

Mr. Kottkamp asked if there was a covenant that would interfere with this plat amendment. Planner Jamie Strother answered yes.

Corrina Gideon was sworn in to testify. She stated that they are building a home on one portion of the property. She would like to subdivide so they could sell the house they are currently building and then build a home to live in on the other portion. She stated it would be hard to get signatures from all the property owners or obtain a change in the covenant that governs the plat. She stated that other lots within the subdivision had subdivided, so theirs is not an original request. Mr. Kottkamp stated that those were different applications and may not apply in this matter.

Van Gideon was sworn in to testify. He stated that he would like to have a continuance on this matter to pursue a change in the covenant with the HOA. He was told this was just a formality and is surprised that it has because such an issue. He does not feel that it will change the value of other properties in the plat.

Planning Manager Kirsten Larsen would support keeping the hearing open so the staff can address the conditions of approval. Corrina Gideon expressed frustration and wanted to know why the process was taking so long. Mr. Kottkamp informed her that it is the applicant's responsibility to show the burden of proof in obtaining application.

Doug Stephens was sworn in to testify. His house was the first one built on the plat. He does not want covenant changed. He signed the original paperwork on the plat amendment, but has since had his name removed.

Carl Selset was sworn in to testify. He initially signed the plat amendment documentation and then withdrew his signature. He has a copy of the original covenant and wants to submit it into evidence. It was marked as Exhibit 1 which includes the covenant and pictures. He believes this subdivision will affect his property values.

Kottkamp continued the hearing to November 20, 2019 at 1:00 pm.

**AA 2019-003/AA 2019-004:** An Administrative Appeal was submitted by Taudd A. Hume (applicant) on behalf of Rick & Mona Olson, for a Notice and Order issued on April 22, 2019. The subject property is located at 1717 Malaga Alcoa Highway Malaga, WA, with assigned assessor parcel number 22-21-19-330-100 and is within the Rural Residential/Resource (RR 2.5) zoning designation. Project Location: 1717 Malaga Alcoa Highway, Wenatchee, WA, 98801; and identified by Assessor's Parcel No.: 22-21-19-330-100. **Code Enforcement Officer – Dave Rinehart**

Mr. Kottkamp continued this application until October 16, 2019 at 1:00 pm.

### **III. AJOURNMENT**

Hearing Examiner Kottkamp adjourned the September 18, 2019, meeting.