



## CHELAN COUNTY HEARING EXAMINER

Chelan County Administration Building, Room 1  
This public hearing will be in a videoconferencing format due to the ongoing precautions associated COVID-19. Additional instruction to attend this hearing remotely will be posted on the website of Community Development. If you should have any questions, please contact, at [Jessica.Thompson@co.chelan.wa.us](mailto:Jessica.Thompson@co.chelan.wa.us) or 509-667-6231.

August 21, 2024 at 1:00 PM

Chelan County Hearing Examiner: Andrew Kottkamp

Chelan County Staff: Clerk Jessica Thompson, Senior Planner Jamie Strother, Planner II Alex White, Prosecuting Attorney Marcus Foster, Cindy Wright Office Manager

Public/Agencies: Tammy, Carrie Jones, Mikesipad, WW, Megan, Julie Norton, Roy Bronsin Haueter, JB, Roxy's, Walt Conley, Ryan Walker, Dalesiphone, Bruce A, Russella

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### **AGENDA:**

#### I. CALL TO ORDER

Hearing Examiner Kottkamp called the Hearing to order at 1:00 PM. 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

**SDP 24-101/SCUP 24-102 Yakama Nation Fisheries** - An application for a Shoreline Development Permit (SDP) together with a Shoreline Conditional Use Permit (SCUP) has been submitted by Ryan Walker (agent) on behalf of the Yakama Nation Fisheries to develop a new Chinook and Coho Salmon acclimation site at the Trinity property. This proposed development was originally granted permits in 2017; however, these permits expired before the project could be constructed. The proposed development of the acclimation site consists of construction of three new 30 ft diameter acclimation tanks with pole buildings over the tanks for winter protection, the construction of a new semi-natural uncovered acclimation pond adjacent to two of the tanks, the re-routing of tailrace water from the existing Trinity power house to supply the new acclimation tanks

and pond, the installation of a well and generator as emergency backup water and power for the new acclimation facility, installation of a graveled access road to the new tank and pond site, and the construction of a new semi-natural return channel between the new acclimation pond and Phelps Creek. The project would utilize the existing man-made pond and its return ditch as the second acclimation pond at the site. By utilizing the existing pond, the applicant avoids construction of a second new pond on the parcel. The proposed project is located both within and outside of the 150 ft Natural shoreline buffer of Phelps Creek and is located entirely outside of the 150 ft Natural shoreline buffer of the Chiwawa River. Water-dependent aquaculture is an allowed use in the Natural shoreline designation pending the approval of a SCUP per CCSMP Table 3.6-a and Chapter 5.4. The project would impact both mature and immature trees within the shoreline buffer of Phelps Creek. A habitat management and mitigation plan has been prepared to address unavoidable project impacts and is attached to this application. Ultimately, after the installation of mitigation vegetation at the site, the project would result in no-net-loss of ecological value or function. The subject property is located at NNA Chiwawa River USFS 6200 Rd., Leavenworth, WA, within the Commercial Forest Lands (FC) zoning district and the 'Natural' environmental shoreline designation for Phelps Creek and Chiwawa River, a shoreline of the state. 22861 Chiwawa River USFS 6200 Rd., Leavenworth, WA 98826; and identified by Assessor's Parcel No.: 30-16-27-220-100.

**Alex White – Planner II**

Mr. Kottkamp discussed the application details and entered the staff report, application materials, site plans, public comments, and the entire planning staff file into record.

Chelan County Planner Alex White presents the application; the proposed project meets the Chelan County code criteria for approval.

Sworn in to testify was Ryan Walker the agent representing the applicant and owner. Mr. Walker had no objections with the staff report or conditions provided by staff.

With nothing further from the public, agent, or staff. Mr. Kottkamp closes the record and will have a written decision within 10 working days.

**CUPA 23-377 Self's Motel/Haueter** - An application for a Conditional Use Permit Amendment for the placement of an additional five (5) mobile homes to partially approved CUP 22-047. The subject property is 2.38 acres within the Rural Residential/Resource 5 (RR5) zoning district. Primary access is from Self's Motel Road, potable water is provided by an on-site well, septic was approved by the Chelan-Douglas Health District. 3601 Self's Motel Rd., Cashmere, WA 98815; and identified by Assessor's Parcel No.: 23-19-11-220-400. – **Jamie Strother – Senior Planner**

Mr. Kottkamp discussed the application details and entered the staff report, application materials, site plans, public comments, and the entire planning staff file into record.

Chelan County Prosecuting attorney Marcus foster presents the issues involved with the denial.

Sworn in to testify was Julie Norton the attorney representing the applicant and owner. Ms. Norton provides argument for the applicant regarding inconsistencies with the County and how the application approval is being held back by the request of the County.

#### **PUBLIC TESTIMONY**

- Michael Addleman
- Rod Grams

With nothing further from the public, agent, or staff. Mr. Kottkamp closes the record and will have a written decision within 10 working days.

**AA 24-257 Lutes** - A request for an Administrative Appeal was submitted to appeal Citation CE 22-0012-1 issued on Code Enforcement case CE 22-0012 for operating a short-term rental without required permit. On June 18, 2024 the property owner was issued a Citation for violation of Chelan County Code 11.88.290 Short Term Rental Regulations for operating without Short Term Rental (STR) Permit as required by code. Owners had been made aware prior that operation without the required permit was a violation of County code which could result in further enforcement action. 3445 Wapato Lake Rd., Manson, WA 98831; and identified by Assessor's Parcel No.: 28-21-23-440-100. **Kirsten Ryles – Assistant Director**

Mr. Kottkamp discussed the application details and entered the staff report, application materials, site plans, public comments, and the entire planning staff file into record.

Chelan County Prosecuting attorney Marcus foster presents the issues involved with the multiple code violations.

Sworn in to testify was Megan Fouty Lutes, the applicant and owner. Ms. Lutes provided testimony on the timeline of events within the last two years. She states that she is currently under contract and will be short selling the property. Ms. Lutes claims Chelan County has harassed her and her renters and has a vendetta against her.

Mr. Foster addresses the claim of harassment.

With nothing further from the public, agent, or staff. Mr. Kottkamp closes the record and will have a written decision within 10 working days.

III. ADJOURNMENT

Hearing Examiner Kottkamp adjourned the August 21, 2024 meeting.