

From: Marcus Foster <Marcus.Foster@CO.CHELAN.WA.US>
Sent: Tuesday, October 5, 2021 11:18 AM
To: Aaron J. Harris <aharris@omwlaw.com>
Subject: Chambers Complaint

Mr. Harris:

This is the response I gave to Mr. Galbraith:

Mr. Galbraith:

I am the Deputy Prosecutor assigned to Community Development and Code Enforcement issues for Chelan County. I have reviewed your letter of today, October 4th, 2021. I have also spoken with Director of Community Development Jim Brown, and with Eric Pierson, the County Engineer about this issue.

As I understand it, Mr. Chambers has been moving material in what appears to be preparations for building residential structures. There has been some animosity with neighboring landowners whom you represent. This is pertinent in that it may tend to make your clients "go after" Mr. Chambers through the Code Enforcement Department. Code Enforcement operates on a complaint basis, meaning they generally only investigate issues if a complaint has been filed. In this case they have investigated the complaint and, consulting with Mr. Brown, determined the Code has not been violated. This conclusion has been communicated to your clients, and they nevertheless submitted a Code Complaint Form. This is of course within their rights, but the complaint has already been investigated.

This work qualifies as "minor development" activity, as defined by CCC 14.98. For minor development activity, the Chelan County Code (CCC) states only that the Director *may* elect to require a habitat management and mitigation plan if he "determines the action may alter or degrade the critical area or increase the risk of natural hazards." CCC 11.78.050. Mr. Brown has determined this standard is not met after investigating the issue and speaking with the Code Enforcement Deputies who inspected the work. Nevertheless, it is my understanding that Mr. Chambers has agreed to obtain and submit a "Geotech report" which will analyze the potential geological hazards of the project. Mr. Brown has determined that no other action will be taken at this time. However, if building permits or other permits are applied for, the County will of course ensure that the plans are compliant with all requirements of the Chelan County Code, including CCC 11.77 and 11.78.

Mr. Pierson informed me that his review of such work is triggered by building plan submission. At that point, Mr. Chambers' work will be reviewed pursuant to the stormwater provisions of the code. Those provisions have requirements for building when impervious surfaces may adversely affect neighboring land. They are not triggered by the work Mr. Chambers is currently doing. Furthermore, the CCC does not currently have a "fill and grade" provision which might regulate what you call the "Land Disturbance Activity".

In summary, the County has investigated the complaint and determined it is unfounded. The County communicated this to your clients (who apparently have some animosity towards Mr. Chambers), and they submitted a formal complaint. Unless circumstances change, the County will not be taking further action on this matter.

Please let me know if you have any questions. I am generally available by phone or email during business hours.

Best regards,

Marcus Foster

Marcus S. Foster

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