

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CUP 2018-328)	DECISION AND CONDITIONS
Independent Warehouse Inc.)	OF APPROVAL
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on January 23, 2019, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

FINDINGS OF FACT

1. This is an application for a Conditional Use Permit to operate a junkyard/impound lot within a 4,000 square foot existing pole building for vehicle storage. Currently the property has an approximately 5,000 square foot cold storage warehouse and a 4,000 pole building the proposal will utilize. The subject property is 2.58 acres within the Rural Industrial (RI) zoning. Primary access is from Main Street, and potable water is provided by a private on-site well, septic was approved by the Chelan-Douglas Health District.
2. The owner is Independent Warehouse Inc. PO Box Box 60, Dryden, WA 98821.
3. The subject site is located at 8410 Main Street, Dryden, WA 98821.
4. The parcel number for the subject property is 24-18-26-330-350.
5. The subject site is located in Chelan County, outside of an Urban Growth Area.
6. The Comprehensive Plan designation and zoning designation for the subject site is Rural Industrial (RI).
7. The property is currently in industrial use. Building permits for this property have been issued per the County Assessor's records:
 - 7.1 1975-79-A 19,100 square foot cold storage building
 - 7.2 1982- A 16,340 square foot cold storage building
 - 7.3 1985- A 12,350 square foot cold storage building, with offices
 - 7.4 1989-A 2,400 square foot repair garage
8. The site is relatively flat, with existing cold storage buildings on the property.
9. The property to the north of the subject site is zoned Rural Industrial (RI) and Rural Waterfront and is railroad property and the Wenatchee River.
10. The property to the south of the subject property is zoned Rural Industrial (RI), Rural Village (RV) and Rural Residential/Resource 2.5 (RR2.5).
11. The property to the east of the subject site is zoned Rural Industrial (RI) and Rural Waterfront (RW).

12. The property to the west of the subject property is zoned Rural Village (RV), Rural Commercial (RC) and Rural Industrial (RI).
13. The Applicant submitted an Aquifer Recharge Disclosure Form, date stamped October 4, 2018. Review by the Washington State Department of Health indicated that a portion of the subject property is within an aquifer recharge area and is therefore subject to Chelan County Code (CCC) Chapter 11.82.
14. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does not contain any priority habitat.
15. The subject property is not located within shoreline jurisdiction
16. Pursuant to the Federal Emergency Management Agency (FEMA), panel number 5300150800A of the FIRM maps, there is no floodplain on the subject property. Therefore, the provisions of CCC, Chapter 11.84, Frequently Flooded Areas Overlay District and CCC, Chapter 3.20, Flood Hazard Development, do not apply.
17. According to the Chelan County GIS geo hazard and contours layers, the site does not contain geological hazards for erosive soils and steep slopes. Therefore, the provisions of Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District do not apply to this project.
18. There are no known cultural resource sites on the subject property. Pursuant to Revised Code of Washington (RCW) 27.53.020, if cultural resources are found, the applicant will be required to stop work and contact the Department of Archaeology and Historic Preservation, the Confederated Tribes, and Chelan County Community Development.
19. The Applicant plans to begin construction upon approval and receipt of all permits.
20. According to the site plan of record, dated October 4, 2018, the property is accessed by an existing driveway located off Main Street. The existing access approach will need to meet an Industrial/Commercial Driveway approach.
21. Water to the subject property is supplied by an existing well.
22. Chelan County PUD provides electrical services to the subject site.
23. On-site septic will serve the proposed project.
24. Noise is similar to other commercial and agricultural uses in the vicinity. The project must comply with Chelan County Code Chapter 7.35 Noise and RCW 70.107.
25. According to the Site Plan/Landscape Plan date stamped October 4, 2018, visual impacts will be from the existing storage facility.
26. The Notice of Application and Environmental Review was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on October 17, 2018 with comments due October 31, 2018. The following agencies provided comments:
 - 26.1 Chelan County Public Works responded on November 1, 2018
 - 26.2 Chelan County Fire Marshal responded on November 1, 2018
 - 26.3 Chelan County PUD on October 31, 2018
27. The following agencies were notified but did not respond:
 - 27.1 Chelan County Building
 - 27.2 Chelan County Fire District #6

- 27.3 Washington State Department of Transportation (WSDOT)
- 27.4 Department of Archaeology & Historic Preservation
- 27.5 Confederated Tribes of Colville
- 27.6 Yakama Nation
- 27.7 Department of Ecology
- 28. No public comments were received.
- 29. The application materials were submitted on October 4, 2018.
- 30. A Determination of Completeness was issued on October 15, 2018.
- 31. The Notice of Application was provided on October 17, 2018
- 32. The Notice of Public Hearing was provided on January 11, 2019.
- 33. Pursuant to WAC 197-11-800(6)(b)(i), granting of a conditional use permit for change of use is exempt from threshold determination requirements, if the authorized activities will be conducted within an existing building and will not change the overall character of the building or facility.
- 34. The project is consistent with Chelan County Code (CCC) Section 11.93.040 (1) in the following respects:
 - 34.1 Criteria for the proposed junkyard/auto wrecking yard/impound are addressed below.
 - 34.2 Based on review of the application materials submitted, the criteria for the Junkyard/Auto Wrecking Yard/Impound Yard, are satisfied, as conditioned.
- 35. The project is consistent with CCC Section 11.93.040(2) in the following respects:
 - 35.1 The following provisions apply:
 - 35.1.1 SETBACKS: The proposed project is located in the Rural Industrial (RI) zoning district. The RI zoning requires the following setbacks: Front yard 10 feet from property line or forty feet from the street centerline (whichever is greater), side and rear yard 0 foot setback, except 30 from the rear property line when the lot abuts any zone other than industrial. Per the site plan of record, date stamped October 4, 2018, the junk yard/impound yard meet applicable zoning setbacks identified in CCC, Section 11.26.020.
 - 35.1.2 PARKING: Off-street parking is required, pursuant to CCC, Chapter 11.90. CCC, Section 11.90.060 states, the required parking shall be based on the sum of the parking requirements of each individual use on the property. Auto salvage yard requires five (5) spaces plus 1 space per each two (two) acres. The site plan of record, date stamped October 4, 2018, appears to have at least five (5) parking spaces although the number is not specified.
 - 35.1.3 CRITICAL AREAS – AQUIFER RECHARGE AREAS: The property is within a wellhead protection area associated within the Dryden Independent Plaza & RV Park's well. The project is subject to critical area aquifer recharge area provisions within Chelan County Code Section 11.82, Aquifer Recharge Area Overlay District (AROD).
 - 35.2 Based on the site plan of record, date stamped October 4, 2018, the proposal appears to meet applicable zoning regulations, although a portion of the property is within an aquifer recharge area and must meet the counties critical area regulations. Staff recommended as a

condition of approval that a parking plan is submitted with the building permit application to be reviewed for consistency with CCC, Chapter 11.90.

36. The project is consistent with CCC Section 11.93.040(3) in the following respects:
 - 36.1 The applicant is proposing to use the existing 4,000 sq. ft. building as an impound lot.
 - 36.2 The subject property is zoned Rural Industrial (RI); lots to the north of the subject site are zoned Rural Industrial (RI); lots to the east of the subject property are zoned Rural Industrial (RI) and Rural Waterfront (RW); lots to the south and west of the subject property are zoned Rural Village (RV), Rural Residential/Resource 2.5 (RR2.5) and Rural Commercial (RC). The surrounding properties are utilized industrial and residential uses.
 - 36.3 As conditioned, the use of the property as a junkyard/auto wrecking yard/impound yard is compatible with the surrounding land uses.
37. The project is consistent with CCC Section 11.93.040(4) in the following respects:
 - 37.1 The project will be using existing buildings and adding parking. A portion of the property is within the Aquifer Recharge Area Overlay District and considered part of the critical area regulations.
 - 37.2 The junkyard/auto wrecking yard/impound yard is within the critical area, Aquifer Recharge Area Overlay District and is therefore subject to CCC, Chapter 11.82.
38. The project is consistent with CCC Section 11.93.040(5)(a) in the following respects:
 - 38.1 Chelan County provided a Notice of Application to all providers. Comments are included in the file of record and summarized above. The site will utilize existing access, water, sewer and power.
 - 38.2 The subject property has adequate services to accommodate the proposed use.
39. The project is consistent with CCC Section 11.93.040(5)(b) in the following respects:
 - 39.1 The Notice of Application was sent to all agencies with jurisdiction for comment. No concerns were raised regarding adopted levels of service.
 - 39.2 The proposed use will not result in county facilities reduced below adopted levels of service.
40. The project is consistent with CCC Section 11.93.040(6) in the following respects:
 - 40.1 The proposed structures must meet all applicable regulations for public health and safety, in accordance with permitting regulations.
 - 40.2 The proposed use, as conditioned, will not have an adverse impact on public health, safety and welfare.
41. The project is consistent with CCC Section 11.93.040(7) in the following respects:
 - 41.1 *Roads, ingress and egress:* The property is primarily served by an existing driveway access off Main Street, an 18-foot wide county road.
 - 41.2 *Stormwater:* Stormwater requirements will be addressed at the time of building permit review. Compliance with CCC, Chapter 13.16, Chelan County Stormwater Guidelines, will apply. See Chelan County Public Works Comments, dated November 1, 2018.
 - 41.3 *Parking and Loading:* Parking stall dimensions shall be consistent with the requirements identified in CCC, Chapter 11.90. Staff recommended a condition of approval requiring

submittal of a parking lot circulation plan to Chelan County Public Works and approval of the plan prior to building permit submittal.

- 41.4 *Domestic Water:* Existing structures are currently served domestic water by an on-site well.
 - 41.5 *Sanitary Facilities:* Existing structures on site are served by an existing septic system.
 - 41.6 *Power:* Power is provided by Chelan County PUD.
 - 41.7 *Fire Protection:* Fire protect is adequate to serve the project.
 - 41.8 All necessary facilities, improvements and services are consistent with the requirements of Titles 11, 13 and 15 of the Chelan County Code, with recommended conditions.
42. The project is consistent with CCC Section 11.93.040(8) in the following respects:
- 42.1 *Noise and Vibration:* Compliance with CCC, Section 7.35 and RCW 70.107 regarding noise control. Staff recommended a condition of approval to be in compliance with these sections.
 - 42.2 *Light and Glare:* Light and glare is regulated by CCC, Section 11.88.080, all exterior lighting provided to illuminate off-street parking or loading areas must be directed and shielded to prevent illuminating surrounding residential uses. Staff recommended a condition of approval to be in compliance with these sections.
 - 42.3 *Heat, Steam, Odors, Smoke and Dust:* Pursuant to CCC, Section 11.90, all parking and loading areas shall be surfaced to standards for asphaltic concrete pavement (ACP) or pavers, porous concrete or other innovative techniques meeting the adopted standards, as approved by the county engineer, administrator, or stormwater engineer.
 - 42.4 *Water Quality:* The applicant will be required to comply with CCC, Chapter 13.16, Stormwater Management for Chelan County, to control runoff from the ground disturbing activities.
 - 42.5 Based on the above facts, noise, light, heat, steam, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties can be avoided or mitigated, with the recommended conditions of approval.
43. The project is consistent with CCC Section 11.93.040(9) in the following respects:
- 43.1 Uses appropriate for the Rural Industrial (RI) zoning district, identified in the Comprehensive Plan Rural Element, Section VII(F), include agricultural uses and intensification of existing development or new development of small scale recreational or tourist uses that rely on a rural location. In addition, the location guidelines include the following:
 - 43.1.1 (2) Natural Resources: The area may have agricultural or forest land practices of both small scale and/or commercial significance. The area may be adjacent to designated resource lands.
 - 43.1.2 (4) Existing Land Uses: Industrial developments currently exist or the area may have been utilized in the past for industrial use. Areas identified as having potential for infill for industrial uses may be currently utilized for a variety of rural development and resource activities.
 - 43.2 The proposed Junkyard/Automobile wrecking yards/Impound lot is consistent with Goal RE4 the Comprehensive Plan, which states: Encourage rural economic development

consistent with the goals and policies of the Chelan County Comprehensive Plan and Growth Management Act.

- 43.3 The Junkyard/automobile wrecking yards/impound lot is consistent with the intent, goals, objectives and policies of the comprehensive plan; specifically Goal RE4 and Section VII(F) of the Rural Element.
- 44. The project is consistent with CCC Section 11.93.040(10) in the following respects:
 - 44.1 Proposed conditions are Chelan County Code requirements. Failure to comply with the conditions may result in the inability to obtain building permit(s) and/or may result in code violations subject to Title 16.
 - 44.2 Proposed conditions are measureable and can be enforced.
- 45. The project is consistent with CCC Section 11.93.230(1) in the following respects:
 - 45.1 CCC, Section 11.88.170(1) refers to fence standards.
 - 45.2 CCC, Section 11.88.170(1)(E), fences over seven (7) feet tall require a building permit. Prior to commencement of use the submittal and installation of an eight (8) foot fence is required.
- 46. The project is consistent with CCC Section 11.93.230(2) in the following respects:
 - 46.1 The application states the operation/use will be inside the existing building.
 - 46.2 This criterion does not apply to the project.
- 47. The project is consistent with CCC Section 11.93.230(3) in the following respects:
 - 47.1 A Stormwater Drainage Plan will be required to be submitted to Chelan County Public Works if any new impervious surface of 5,000 square feet is created and must be reviewed and approved prior to the submittal of any building permits.
 - 47.2 The design of the project, as conditioned, shall address and mitigate for the impacts of the facility.
- 48. The project is consistent with CCC Section 11.93.230(4) in the following respects:
 - 48.1 The application states that all operations will be stored inside the existing building and future use will utilize a fenced portion of the property.
 - 48.2 The criterion does not apply to the project.
- 49. The applicant is requesting a conditional use permit for a towing and repair company. Chelan County does not have the intended use in the district use chart, the next closest use is junkyard/auto wrecking yard/impound yard. The applicant tows disabled cars, trucks, and recovers wrecked vehicles from the roadway. Storage of vehicles is included in the applicant's business. The proposal includes the use of an existing 4,000 square foot storage/shop building. The future plan is to fence a portion of the property for additional storage. Much of this outdoor area is within the designated aquifer recharge area.
- 50. Use of the existing building is consistent with Goal RE 4 of the Chelan County Comprehensive Plan, which states, "Encourage rural economic development consistent with the goals and policies of the Chelan Comprehensive Plan and the Growth Management Act."
- 51. Washington State Department of Health has identified a portion of the subject property is within a wellhead protection area associated with Dryden Independent Plaza and RV Park's well. Therefore

that portion of property identified by DOH is subject to Chelan County's critical area's aquifer recharge area, CCC Section 11.82, Aquifer Recharge Areas Overlay District (AROD). Pursuant to 11.82.060(4) Landfills, junkyards, salvage yards and auto wrecking yards are prohibited within designated critical aquifer recharge areas. Landfills, junkyards, salvage yards and auto wrecking yards which are proposed to be located outside of designated critical aquifer recharge areas and which have a high or medium vulnerability rating must satisfactorily demonstrate that potential negative impacts to the groundwater would be overcome in such a manner as to prevent adverse impacts to groundwater. Staff recommended as a condition of approval that the existing building for the proposed use is modified to install a permanent protective barrier (i.e. fencing, wall, etc.) between the aquifer recharge area and the proposed use prior to the commencement of the activity. Applicant is to contact the Department of Health to identify the exact location.

52. Staff reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code, staff recommended APPROVAL subject to the attached recommended conditions of approval.
53. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
54. An Open Record Public Hearing after due legal notice, was held on January 23, 2019.
55. Appearing and testifying on behalf of the Applicant was Charlie Reum. Mr. Reum testified that he was an agent authorized to appear and speak on behalf of the property owner and the Applicant. Mr. Reum testified that all that will be taking place on the property is temporary storage for towed vehicles. There will be no dismantling of the vehicles and no long term storage. After 20 days of being towed, if the vehicle is not claimed then generally it is auctioned off and removed from the property.
56. Mr. Reum testified that he understood that the vehicle storage would primarily be located outside within a fenced area and not inside of the pole building. He stated the maximum number of vehicles would be 20 to 30 vehicles at any one time. He indicated that all of the proposed Conditions of Approval were acceptable.
57. Staff indicated that a significant portion of the outside area is within the aquifer recharge area as designated by the Department of Health and that landfills, junk yards, salvage yards and auto wrecking yards are prohibited within this area. It was staff's position that the Applicant's intended use would be prohibited within this aquifer recharge area. Staff included a Recommended Condition of Approval that all storage of vehicles would have to occur outside of the aquifer recharge area, and that the aquifer recharge area would have to be protected by fencing.
58. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. Referral agency comments were received and considered in the review of this proposal.

3. The site of the subject proposal is in the proximity of the Rural Industrial land use designation. As described, the proposal is consistent with the Chelan County Comprehensive Plan.
4. As conditioned, the subject proposal is consistent with the Chelan County Code, Title 11.
5. Environmental and Critical Areas review has been completed. As conditioned, the proposal does not have negative impacts on critical areas which cannot be mitigated.
6. The authorization of the shoreline permits will not be materially detrimental to the purposes of the Revised Code of Washington, the Washington Administrative Code, the Chelan County Shoreline Master Program, the Chelan County Comprehensive Plan, the Chelan County, or not be otherwise detrimental to the public interest.
7. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

DECISION

Based upon the above noted Findings and Fact and Conclusions, Conditional Use CUP 2018-328 is hereby **APPROVED**.

CONDITIONS OF APPROVAL

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to CCC, Section 11.93.070, in any case where a conditional use permit is granted under the terms of this title, no building or other permit shall be issued until after the end of the appeal period allowed in Title 14 of the Chelan County Code.
2. Pursuant to CCC, Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land; compliance with the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
3. Pursuant to RCW 27.53.020, if the applicants or their agents discover previously unknown historic or archeological remains/artifacts while conducting the development activities authorized by this permit, the applicant/agent shall immediately notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination.
4. All conditions of approval for CUP 2018-328 shall be completed prior to final certificate of occupancy for the commercial building permit and commencement of proposed activity.
5. Pursuant to Chelan County Code Section 3.04.060, the applicant shall obtain a Fire and Life Safety Occupancy permit prior to operation of the Towing Company and Repair use and maintain an annual Fire and Life Safety Inspection and renew the required certificate.
6. Pursuant to Chelan County Code Section 11.93.040(4), detrimental impacts on the natural environment and productive use of surrounding natural resource lands shall be mitigated or avoided.

- 6.1 The applicant shall demonstrate on the building plans that the existing building for the proposed use is modified to install a permanent protective barrier (i.e. fencing, wall, etc.) between the aquifer recharge area and the proposed use prior to the commencement of the activity.
7. Pursuant to Chelan County Code Section 11.93.040(7), roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Title 11 and 15 of the Chelan County Code shall be satisfied at the time of building permit submittal.
- 7.1 No Traffic Impact Study will be required at this time, but if the permitted use changes, then a review from Chelan County Public Works will be required to determine if a Traffic Impact Study will be required.
- 7.2 Pursuant to Chelan County Code Section 15.30.340, the applicant will be required to construct the existing access approach to meet an Industrial/Commercial Driveway approach (Standard Detain PW-26). The applicant will be required to obtain a Chelan County Public Works Approach Permit prior to constructing the Commercial Driveway Approach. The approach apron will be required to be paved.
- 7.3 Pursuant to Chelan County Code Section 15.30.650, the applicant shall state on the Conditional Use Permit "Chelan County has no responsibility to build, improve, maintain, or otherwise service any private easements for this conditional use permit."
- 7.4 Pursuant to Chelan County Code Section, 13.18.303(9), If a Drainage System is required, show the necessary easements in accordance with the approved drainage plan.
- 7.5 Pursuant to Chelan County Code Section 13.18, A Drainage Report & Plan will required to be submitted to Chelan County Public Works if any new impervious surface of 5,000 square feet is created and must be reviewed and approved. This can be submitted at time of building permit submittal.
- 7.6 If a drainage system is required, this system shall be privately owned and maintained to its originally designed condition by all the property owners having vested interest. A "Notice to Title" shall be filed with the Chelan County Auditor's office prior to the submittal of a Building Permit, stating:

"The area within this site plan contains a private storm drainage system designed to control runoff originating from this site. The site shall burden and benefit the parties' successors and assigns; that is contents are binding upon the parties' successors in interest and runs with the land. The drainage plan for this development was prepared by the engineering firm of _____, dated _____, a copy of which is on file with the Chelan County Public Works department. It shall be the responsibility of the property owner(s) and/or their successors to thereafter maintain the storm drainage system to the originally designed condition. Chelan County personnel shall have the right of access to the property for purpose of inspection of the storm drainage system. If Chelan County personnel determine that the storm system maintenance is unsatisfactory, and the property owner has had due notice and opportunity to satisfactorily maintain the system, Chelan County personnel and equipment may enter the property to perform the necessary maintenance. Such maintenance shall be at the property owner's expense.

This private storm water drainage system was installed for the owner(s), who hereby agree to waive on behalf of itself and its successors in interest, any and all claims for damages against

any governmental authority arising from the inspection, approval of, design of, and construction and/or maintenance of the drainage system.”

8. Pursuant to Chelan County Code Section 11.93.040(8) and Chapter 7.35, the applicant shall ensure that all noise regulations are met.
9. Pursuant to Chelan County Code, Section 11.88.080, Parking lot lights, security lights, or any exterior lighting shall be low-intensity, nonflashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines. The applicant shall submit an illumination plan showing the proposed lighting within the parking area and methods used to prevent the light from glaring onto adjacent properties at the time of building permit submittal.
10. Pursuant to Chelan County Code, Section 11.82.060(4), “landfills, junkyards, salvage yards and auto wrecking yards are prohibited within designated critical aquifer recharge areas.” The proposed use shall not occupy any portions of the subject property identified to be within the aquifer recharge area, and the Aquifer recharge area shall be fenced to prohibit inadvertent storage of vehicles in this area.
11. Pursuant to Chelan County Code, Section 11.93.230, “all operations shall be entirely enclosed by a solid fence or wall at least eight (8) feet high constructed of plank boards, brick, cinder blocks, concrete, metal or a totally sight-obscuring natural screen,” a building permit shall be submitted, approved and issued and the fence shall be installed prior to the commencement of proposed use.
12. Pursuant to Chelan County Code, Section 11.93.090, upon final action of the hearing examiner to deny an application for a conditional use permit, the department shall not accept filing of an application for substantially the same matter within one year from the date of the final denial of the application.
13. Pursuant to Chelan County Code, Section 11.93.110, a conditional use permit shall become void if not acted upon, including but not limited to submitting a building permit or the placement of all infrastructure, within three years after approval or such other time period as established by the hearing examiner. The applicant may request a one-year extension, to be reviewed administratively, if the applicant submits a written request with community development thirty days prior to expiration.
14. Pursuant to Chelan County Code, Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

Approved this 29th day of January, 2019.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this

section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.