

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)	FINDINGS OF FACT, CONCLUSIONS OF
)	LAW, CONDITIONS OF APPROVAL
CUP 2022-238)	AND DECISION
Chelan Valley Farms)	
)	

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on October 5, 2022, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Conditions of Approval, and Decision as follows:

I. FINDINGS OF FACT

1. An application for a Conditional Use Permit was submitted for AC District Conditional Uses. The applicants are proposing to maintain their farm as an agritourism destination, which includes hosting an annual pumpkin patch, offering weekly tractor rides, selling pre-packaged foods, and other seasonal uses that complement their existing winery such as being a component of Haunted Manson and other local festivals.
2. The Applicants/Owners are Chad and Jeana Steiner, 2393 Green Ave., Manson, WA 98831.
3. The subject property is located at 2393 and 2305 Green Ave., Manson, WA 98831.
4. The abbreviated legal description and parcel number of the subject property is: 2393 Green Ave. – Highline No. 4 Lot 152A SP 2511; 8.14 acres, 2305 Green Ave. – Highline No. 4 Lot 150 Lot B BLA 2015-014 Lot 1 SS# 02-059; 3.1 acres. The combined lots result in a total of approximately 11.24 acres per the Assessor's records. The parcel numbers are 28-21-26-609-308 and 28-21-26-609-300.
5. The subject property is not located within any Urban Growth Area (UGA).
6. The property is located within the Commercial Agricultural Lands (AC) comprehensive plan designation and zoning district.
7. The subject properties are currently used for residential, commercial, and agricultural purposes. 2393 Green Ave. contains the existing residence, an ADU, a winery tasting room, and also has agricultural production. 2305 Green Ave. is currently just being used for agricultural production.
8. Permit History:
 - 8.1 BP-170572 was for a 1,691 sq.ft. single-family residence, finalized on 7/31/19.
 - 8.2 BP-180561 was for a 630 sq.ft. ADU, finalized on 7/31/19.
 - 8.3 BP-170573 was for a 594 sq.ft. garage, no final inspection.
 - 8.4 BP-210221 was for a 422 sq.ft. winery tasting room, finalized on 1/11/22.
9. The property to the northeast is Green Ave. / boat ramp & parking / Roses Lake and is zoned Rural Public Lands (RP).

10. The property to the northwest is agricultural production and is zoned Commercial Agricultural Lands (AC).
11. The property to the southeast is agricultural and residential uses and is zoned Commercial Agricultural Lands (AC).
13. The property to the southwest is agricultural and residential uses and is zoned Commercial Agricultural Lands (AC).
14. The applicant submitted an Aquifer Recharge Disclosure Form, date stamped June 2, 2022; the proposed development does not require a vulnerability report, pursuant to CCC Chapter 11.82.
15. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does not contain any identified critical habitats; therefore, the provisions of CCC Chapter 11.78, would not apply.
16. Pursuant to the Natural Resources Stream Typing Maps, no streams are indicated on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.78, would not apply.
17. Chelan County GIS mapping indicates that the subject property is located within a potential geologic hazard area for erosive soils. Therefore, the provisions of CCC Chapter 11.86 would apply. The geoassessment submitted for previous building permits, prepared by Nelson Geotechnical Associates, Inc. on 10/7/2016, states that no significant evidence of erosion was observed within the property and that any exposed cuts should be stabilized and revegetated. No permanent structures are proposed as part of the development, but any new structures permitted would require an updated geoassessment.
18. Based on the National Wetlands Inventory Maps prepared by the US Department of Fish and Wildlife Services, no wetlands are indicated on or adjacent to the subject property. Therefore, the provisions of CCC Chapter 11.80 Wetland Areas Overlay District would not apply.
19. The subject property is outside of the 200 ft. shoreline of Roses Lake.
20. No comment was received indicating that the proposed development would be located within an area of high probability for containing cultural resources.
21. Operation of the pumpkin patch is anticipated to commence upon approval of the Conditional Use Permit and completion of any conditions of approval.
22. The subject property is accessed off of Green Ave. onto an existing driveway.
23. Domestic water is supplied by the Lake Chelan Reclamation District.
24. Power is by an extension of the Chelan County PUD.
25. Sanitation is proposed as on-site septic systems designed for the required capacity and approved by CDHD.
26. The applicant must comply with CCC Chapter 7.35 Noise.
27. No new structures are proposed that could affect viewsheds of surrounding properties. As conditioned, the visual impact is anticipated to be minimal.
28. The Notice of Application was referred to surrounding property owners within 1,000 ft. (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on July 14, 2022 with comments due July 28, 2022. Agency comments are considered by the Hearing Examiner and, when appropriate, associated Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal		No Comment
Chelan County Building Official		No Comment
Chelan Douglas Health District	August 10, 2022	No concerns related to the proposed CUP.
Chelan County Public Works	July 25, 2022	Recommended conditions of approval regarding the proposed parking area and the applicant will be required to construct the access approach to meet the County's Commercial Driveway Approach requirements. A stormwater plan may be required too.
Chelan County PUD	July 20, 2022	The PUD has underground utilities near the proposed pumpkin patch and ask that the easement area be respected to not disturb the underground line.
WA Dept. of Archaeology and Historic Preservation		No Comment
Yakama Nation		No Comment
Confederated Tribes of Colville	July 14, 2022	No concerns with project impacting cultural resources
Chelan County Fire District No. 5	July 28, 2022	Per the application materials, the public will be outdoors all the time. If a structure is constructed, then a hydrant would be required.

29. No public comments were received.
30. The proposed AC District Conditional Uses are SEPA exempt pursuant to WAC 197-11- 800(6) and Chelan County Code Section 13.04.080.
31. The application was submitted on June 2, 2022.
32. The Determination of Completeness was issued on June 30, 2022.
33. The Notice of Application was issued on July 14, 2022.
34. The Notice of Public Hearing was issued on September 24, 2022.
35. Chelan County Comprehensive Plan - The subject property has a Comprehensive Plan mapping designation of Commercial Agricultural Lands (AC). Therefore, the proposed use will be reviewed under the AC purpose and uses listed in the Resource Element of the Chelan County Comprehensive Plan. The purpose of the Commercial Agricultural Lands land use designation of the Resource Element is to "assure the long-term conservation of commercial agricultural lands; to protect and preserve the farmers ability to farm; encourage existing and future agricultural land uses as a viable land use and a significant economic activity within the community; and, to protect agricultural land of long term commercial significance not already characterized by urban development from encroachment and incompatible uses."

36. Uses appropriate for these areas include agriculture, open space, residential, and forestry. Additional uses may be considered with supplemental provisions, such as "...intensification of existing small scale recreational or tourist uses that rely upon a rural setting but that do not include a new residential component..."
37. The Hearing Examiner finds that the development, as conditioned, is consistent with the goals and policies of the Resource Element within the Chelan County Comprehensive Plan.
38. Chelan County Code, Section 11.93.040: Conditional Use Permit Criteria. A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met.
 - 38.1 All criteria required for a specific use by this chapter can be satisfied.
 - 38.1.1 Criteria for an AC District Conditional Uses have been addressed below.
 - 38.1.2 Based on review of the application materials submitted, the criteria AC District Conditional Uses can be satisfied.
 - 38.2 The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
 - 38.2.1 The subject property is located in the AC zoning district, which allows for specific agricultural uses as a Conditional Use. The site plan of record, date stamped June 2, 2022, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.30.020. According to Chelan County GIS mapping, the only critical areas existing on the property are the geological hazardous areas identified as being erosive soils. No permanent structures are proposed as part of the development. Therefore, no impacts to critical area regulations would be anticipated.
 - 38.2.2 Based on the application materials and the site plan of record, the proposed development would meet applicable zoning and critical areas regulations.
 - 38.3. Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 38.3.1 The proposed development is compatible with the agricultural and residential characteristics of adjacent properties due to these uses currently existing on the subject properties. The proposed development, which includes a pumpkin patch U-Pick operation and tractor rides, is targeting the agricultural character of the surrounding area with the associated agri-tourism of the existing winery onsite.
 - 38.3.2 As conditioned, the proposed development would be compatible with the surrounding uses or character.
 - 38.4. Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 38.4.1 The subject properties and adjacent parcels are all identified as classified resource lands (agriculture) pursuant to the Chelan County Comprehensive Plan. The proposed development would not impact the current agricultural use of either the subject properties or the current agricultural production of adjacent farms.

- 38.4.2 As conditioned, the proposed development would not be detrimental to the natural environment or the existing productive use of the surrounding agricultural operations.
- 38.5. No conditional use permit shall be issued without a written finding that: After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.
- 38.5.1 Chelan County provided a Notice of Application to all providers. Received comments are included in the file of record.
- 38.5.2 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development. As conditioned, the proposed development would not result in county facilities reduced below adopted levels of service.
- 38.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 38.6.1 Per agency comments received, the Health District had no further concerns due to the existing water and sanitation onsite as well as the proposed use of sanicans, and Public Works is not requiring a Traffic Impact Study for the proposed development.
- 38.6.2 As conditioned, the proposed development would not result in an adverse impact on public health, safety and welfare.
- 38.7 Adequate provisions have been provided for 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 Titles 11 and 15 of the Chelan County Code.
- 38.7.1 Finding of Fact:
- 38.7.1.1 Roads, ingress and egress: The subject properties front and are accessed off of Green Avenue, a county right-of-way, onto an existing driveway that would be utilized by the proposed development. As a condition of approval, the applicant shall construct the access approaches onto Green Avenue to meet the County's Industrial/Commercial Driveway Approach (Standard Plat PW-26). The applicant shall also obtain a Chelan County Approach Permit prior to constructing the Commercial Driveway Approach and the approach apron shall be paved as well.
- 38.7.1.2 Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
- 38.7.1.3 Parking and Loading: Off-street parking must comply with CCC Section 11.90.060 regarding off-street automobile parking facilities. Pursuant to Table 11.90-3, the proposed development is considered a commercial and public recreation use and must provide 0.3 parking spaces per attendee

- 38.7.1.4 Domestic and Irrigation Water: Domestic water is provided by the Lake Chelan Reclamation District.
- 38.7.1.5 Sanitary Facilities: The existing wine tasting room has a permitted septic system and the applicant would also utilize sanicans to provide additional service for the proposed development.
- 38.7.1.6 Power: Power is provided by Chelan County PUD.
- 38.7.1.7 Fire Protection: The proposed development is located Chelan County Fire District #5. Pursuant to comments received from the Fire District #5 Fire Chief, dated July 22, 2022, if a structure associated with the proposed use is constructed, then a hydrant would need to be added.
- 38.7.2 All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
- 38.8 Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
 - 38.8.1 Finding of Fact:
 - 38.8.1.1 Based on the application materials, the applicant has indicated that operations on the subject property would not impact adjacent properties in the vicinity with noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts. Additionally, it has been noted that most of the adjacent properties are large in size or are currently being used for agricultural production.
 - 38.8.1.2 Based on the above facts, noise, light, heat, steam, erosion, 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 as conditioned.
 - 38.8.1.3 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
 - 38.8.1.4 The proposed development would be consistent with the goals and policies of the Resource Element of the Comprehensive Plan.
 - 38.8.1.5 The development is consistent with the Chelan County Comprehensive Plan.
 - 38.8.2 Based on the above facts, noise, light, heat, steam, erosion, 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, as conditioned.
- 38.9 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
 - 38.9.1 The proposed development would be consistent with the goals and policies of the Resource Element of the Comprehensive Plan.

- 38.9.2 As conditioned, the project is consistent with the Chelan County Comprehensive Plan and Chelan County Code.
39. Chelan County Code, Section 11.93.125: AC District Conditional Uses - The following conditions, criteria and standards apply to the issuance of a conditional use permit for activities and uses identified in Chapter [11.30](#) of this title:
- 39.1 The activity and/or use shall be in conformance with all applicable local, state and federal regulations or requirements including but not limited to the Chelan County Code.
- 39.1.1 Through completion of the conditions of approval set forth in this Conditional Use Permit, the proposed development would be in conformance with the requirement of the Chelan County Code.
- 39.1.2 The applicant shall obtain any required state or federal approvals or permits. If a sign for the proposed development is erected at the entrance of the properties off of Green Ave., the sign shall meet the requirements of CCC Section 11.93.330(13) for signage and a building permit would be required.
- 39.2 On-farm retail sales activity and/or use must be a subordinate, supplemental and contributing element of the operation of an ongoing commercial agriculture activity as defined by RCW [84.34.020](#)(2) or permitted as an agricultural theme market or element thereof, within existing or new buildings in conformance with all applicable building codes and requirements of this title. New agricultural theme market buildings/structures shall not exceed five thousand square feet in gross retail sales floor area.
- 39.2.1 The subject properties are currently growing pumpkins and grapes, which would be sold by the applicants as part of their pumpkin patch and winery respectfully. No permanent structures are part of the proposed development and the existing winery does not exceed five thousand square feet in gross retail sales floor area.
- 39.2.2 Based on review of the application materials submitted, the retail sales on the subject properties are a contributing element of the agricultural activity occurring on the subject properties.
- 39.3 Retail sales activities, structures and uses must maintain a setback from adjacent properties a minimum of one hundred feet in width. Such retail sales activities, structures and uses include but are not limited to the following: parking, buildings, benches, tables, play areas, display areas, public areas and similar activities, uses or structures. The setback is required to safeguard agricultural operations on adjacent or nearby properties and to protect the public from incompatible agricultural uses and activities.
- 39.3.1 Pursuant to the site plan of record, date stamped June 2, 2022, the existing winery and the temporary structures used for the pumpkin patch/tractor ride are over 100 feet away from the adjacent properties.
- 39.3.2 Based on review of the application materials submitted, this criterion would be satisfied.
- 39.4 Developed retail areas must be buffered from adjacent properties. Buffering may include: maintained or natural open space (distance), vegetated berms, trees, shrubs, orchards, solid or sight-obscuring fences or plantings, streets or roads, and/or natural vegetation or terrain.

- 39.4.1 The site plan of record, date stamped June 2, 2022, show that the maintained pumpkin patch and grapes being grown buffer the proposed development from the adjacent orchards and private residences
- 39.4.2 Based on review of the application materials submitted, this criterion would be satisfied.
- 39.5 Hours of operation shall be consistent with the need to safeguard agricultural operations on adjacent properties.
- 39.5.1 Pursuant to the application materials, the applicants are proposing tractor rides, live music, and food trucks to occur onsite on a year-round basis. The tractor rides would be in operation on a daily basis from 9:00am to 5:00pm. Live music, which would be family oriented and would complement activities occurring onsite (i.e. free of charge and not a concert venue), would be provided Friday through Sunday, 12:00pm to 9:00pm. Legally permitted food trucks would be allowed to serve food to guests Friday through Sunday 11:00am to 6:00pm. The applicants are also proposing to host their annual pumpkin patch every weekend in October from 10:00am to 5:00pm.
- 39.5.2 Based on review of the application materials submitted, the agricultural operations on adjacent properties would not be impacted by the proposed development.
- 39.6 “Agricultural theme market” means a building, structure or land area devoted to retail sales/service uses and activities allowed pursuant to Chelan County Code Chapter [11.30](#), which may include, but is not limited to, restaurants, bakeries, and vehicle repair/welding in association with agricultural operations. Agricultural theme markets may utilize existing structures and/or buildings without size limitation in conformance with the requirements of this title. Agricultural theme markets provide principally for the retail sales of local and regionally produced agricultural products, value-added agricultural products and specialty items of a local/regional nature, and uses and activities allowed pursuant to Chapter [11.30](#), including arts and crafts. This definition does not include commercial feedlots, stockyards and/or livestock sales lots, and the sale of gasoline or fuels. Agricultural theme markets may be either a primary or subordinate use.
- 39.6.1 The proposed development is in association with agricultural operations occurring on the subject properties (the winery and pumpkin patch) and would be considered a subordinate use (residential is the primary use). The subject properties are not used as a commercial feedlot, stockyard, or the sale of fuels.
- 39.6.2 Based on review of the application materials submitted, the proposed development does meet the criteria of an Agricultural theme market.
- 39.7 Areas containing marginal or nonagricultural soils within the commercial agriculture zone districts are encouraged to be utilized for permitted retail sales/service activities and uses allowed pursuant to Chapter [11.30](#), thereby conserving agricultural lands of long-term economic significance for production of agricultural products.
- 39.7.1 Pursuant to Chelan County GIS mapping, the underlying soils on the portions of the subject properties being used for agricultural purposes are Chelan gravelly sandy loam, pumiceous, which are well drained and suitable for agricultural uses. The existing house and winery are on Antilon gravelly sandy loam, deep, which are moderately well drained and less suitable for agricultural uses.

39.7.2 Based on review of the application materials submitted, this criterion would be satisfied.

40. An open record public hearing after due legal notice was held using Zoom video conferencing on October 5, 2022.
41. Appearing and testifying was Chad Steiner. Mr. Steiner testified that he is the Applicant and property owner. He testified that all of the proposed Conditions of Approval were acceptable, and that he had reviewed the staff report and had no objections to any of the representations contained therein.
42. No member of the public testified.
43. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
44. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. The proposed application as conditioned complies with the Revised Code of Washington.
3. The proposed application as conditioned complies with the Washington Administrative Code.
4. The proposed application as conditioned complies with the Chelan County Comprehensive Plan.
5. The proposed application as conditioned complies with the Chelan County Code.
6. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

III. 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 11.93.080, 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.
2. Pursuant to CCC Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plans date stamped June 2, 2022 or as amended by this decision.
3. The subject property and final Conditional Use Permit shall conform to the comments and conditions of approval as found in the Chelan County Public Works Department memorandum dated July 25, 2022.
 - 3.1. The applicant would be required to show the dimensions and type of material proposed for the guest parking area on the CUP Site Plan for the proposed development. Prior to commencement of activities, the applicant shall provide Chelan County Public Works with a parking area, type of surface material proposed for the parking lot, number of parking spaces, and general parking schematic for the proposed development.
 - 3.2. Pursuant to CCC Section 15.30.340, the applicant shall construct the access approaches onto Green Avenue to meet the County's Industrial/ Commercial Driveway Approach

(Standard Plat PW-26). The applicant shall obtain a Chelan County Approach Permit prior to constructing the Commercial Driveway Approach. The approach apron would be required to be paved.

- 3.3. Pursuant to Chelan County Code Chapter 13.18, a Drainage Report and Plan shall be submitted to Chelan County Public Works if any new impervious surface of 5000 square feet is created and must be reviewed and approved.
- 3.4. If a drainage system is required, or an existing drainage system is in place, this system shall be privately owned and maintained to its originally designed condition by all the property owners having a 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. This site shall burden and benefit the parties' successors and assigns; that its 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.

4. Pursuant to CCC Section 11.93.030, a letter of compliance shall be submitted by the applicant to Chelan County Community Development prior to the commencement of the proposed use; this letter shall include the following:
 - 4.1. A parking and circulation plan approved by Chelan County Public Works pursuant to the Chelan County Public Works Department memorandum dated July 25, 2022.
5. 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.
6. Pursuant to CCC 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.

7. 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.
8. All noise created at the project site shall comply with Chelan County noise ordinances, as well as WAC 173-60. All music shall end by 9:00 p.m.
9. No restaurant facilities are allowed on the project site.
10. The Applicant shall be required to receive additional permits if the Applicant wants to hold events meeting the definition of "places of public and private assembly" under the Chelan County Code, including weddings, meetings, or other such events where the user pays a fee to the Applicant.

IV. DECISION

Based upon the above noted Findings and Fact and Conclusions, CUP 2022-238 is hereby **APPROVED**.

Dated this 10 day of October, 2022.

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.