

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF )  
 ) DECISION ON REQUEST  
CUP 2023-254 ) FOR RECONSIDERATION  
Ravenwing Ranch-Columbia River Ranch LLC )

1. An open record public hearing on the above-referenced matter was held on September 6, 2023. During that hearing, the Hearing Examiner admitted documents into the record and permitted testimony from the Applicant, agencies, and public.
2. No representative from any agency of the State of Washington provided live testimony at this hearing.
3. Prior to the hearing, and during the Hearing Examiner's deliberation as part of his decision making process on the matter, the Hearing Examiner reviewed and considered the July 18, 2023, and August 30, 2023, comments from the Washington State Department of Ecology, and a July 19, 2023, comment from the Washington State Department of Fish and Wildlife.
4. The Hearing Examiner would note that Washington State Department of Natural Resources was provided notice of this application and an opportunity to comment. The Washington State Department of Natural Resources elected not to comment on this matter.
5. The Hearing Examiner issued his written decision in this matter on September 8, 2023, approving the application for the Conditional Use Permit subject to 12 Conditions of Approval.
6. On September 18, 2023, the State of Washington Department of Fish and Wildlife, through the Attorney General's office submitted a Request for Reconsideration.
7. The Hearing Examiner invited responses to this Request for Reconsideration from Chelan County and the Applicant.
8. The Applicant, through its attorney, McCullough Hill, PLLC, and John McCullough, provided their initial response to the Request for Reconsideration on September 22, 2023. The Applicant submitted, through its attorney, an additional response dated November 15, 2023.
9. The Applicant also submitted a response dated November 14, 2023, through its agent, David Dormier. This response was withdrawn by the Applicant's representative at the November 15, 2023, public hearing.
10. The County submitted a response to the Request for Reconsideration on September 22, 2023. In this response the County requested that the Hearing Examiner order that the Applicant be required to submit a revised Conditional Use Permit application with additional information.

11. In response to the County's request, the Hearing Examiner asked that the Applicant, State, and County, to provide the Hearing Examiner with information as to whether or not a new application could be required as relief for a Request for Reconsideration submitted by an agency, and if so, what the permitting process would be.
12. In response to the Hearing Examiner's request, Chelan County set this matter on for hearing on November 15, 2023.
13. At this hearing, the County withdrew its request for a new application. As stated above, at this hearing, Mr. Dormier withdrew his written comment. This left the Hearing Examiner to rule on the Request for Reconsideration.
14. The Hearing Examiner has carefully considered the State's Request for Reconsideration. The Hearing Examiner has reviewed the materials that were submitted by the State of Washington, including an order in Chelan County Superior Court, Cause No. 19-2-00096-04 regarding a totally separate application and decision of the Hearing Examiner for the City of Wenatchee. The Hearing Examiner finds that this order is not controlling over the Hearing Examiner in this matter.
15. Regarding the Request for Reconsideration, the Hearing Examiner considered all materials admitted into the record at the open record public hearing, including all the above referenced comments from the Washington State Department of Fish and Wildlife and Washington State Department of Ecology.
16. Any references surrounding the SEPA determination are moot because the time period to appeal the SEPA determination has passed, and no appeal was filed.
17. Further, the Hearing Examiner finds that the mitigation presented in the proposed Conditions of Approval, and as finalized by the Hearing Examiner's Conditions of Approval, are reasonably sufficient, calculated to mitigate adverse consequences of this proposal, and are supported by the record.
18. The Hearing Examiner specifically finds that the State of Washington has failed to demonstrate that this Request for Reconsideration should be granted pursuant to the criteria set forth in Chelan County Code 1.61.130.

Based upon the above, the Hearing Examiner hereby **DENIES** the Request for Reconsideration.

Dated this 22 day of November, 2023.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp