

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

CUPA 23-377

Selfs Motel

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION**

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on August 21, 2024, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision as follows:

I. FINDINGS OF FACT

1. 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, and septic is regulated by the Chelan-Douglas Health District.
2. Project Location: 3601 Selfs Motel Road, Cashmere, WA 98815
3. Parcel Number: 23-19-11-220-400
4. Legal Description & size: Self's Trailer Park Space 4, recorded June 8, 2018, under AFN: 2479275. The lot size is 2.38 acres; this acreage includes (5) 15 ft. walkway easements.
5. Owner: Roy "Bronsin" Haueter, 624 E Ardelle Cove, Draper, UT 84020
6. Urban Growth Area: The subject property is not located within an Urban Growth Area (UGA).
7. Comprehensive Plan Designation & Zoning: Rural Residential/Resource 5 (RR5)
8. Existing Land Use & Permit History:
 - 8.1. Prior to 1963, the Selfs Motel was placed on site and consisted of an office manager's residence and three, one bedroom, one bath cabins. The applicant has stated that the Motel is not being used.
 - 8.2. On October 14, 1963, a special use permit, file #289, was approved for the placement of three (3) independent trailers and six (6) camper trailer spots with a bathhouse.
 - 8.3. In 1998, a code violation file (CV 98-054) was opened to address the number of trailers on-site. This violation was resolved with an agreement that a total of nine (9) mobile homes (or spots) rather than trailers and campers could be placed.
 - 8.4. A second code violation file (CE 2014-0026) was opened to address the placement of a double-wide manufactured home and an addition to a separate mobile home. In May of 2014, a site visit determined that the current use had ten (10) mobile homes and two (2) RV spots along with the Motel cabins and manager's residence. The property owner applied to amend special use permit #289 by submitting CUPA 2014-326. The property owner proposes to remove one single-wide mobile home and is requesting a total of eighteen (18) RV spaces, two (2) existing and sixteen (16) new.
 - 8.5. In order to resolve the outstanding code violation (CE 2014-0026), at a minimum, the applicant would need to reduce the number of mobile homes to nine units and remove the RVs; reduce the

- existing fence to 4 feet high in the front yard and remove from clear view triangle; and obtain a building permit for placement of the double-wide, pursuant to existing zoning and building codes.
- 8.6. On June 3, 2015, the Hearing Examiner approved CUP 2014-326, which authorized eighteen (18) RV spaces in an existing mobile home park (reference special use permit #289, containing nine (9) mobile homes and an existing motel containing three (3) cabins with one manager's residence). The applicant proposed forty-eight (48) parking spaces with an internal trail system for existing mobile home accesses, recreational space, fencing along most of the perimeter and related infrastructure.
 - 8.7. On June 3, 2018, CUP 2014-326 expired and the applicant stated they wish to abandon the development.
 - 8.8. The existing 3 cabins contain 7 separate residential units and the existing house contains 3 separate residential units. However, staff could not find any permits converting the cabins or house into multiple units, which would be in violation of the code.
 - 8.9. During a site visit conducted on September 2, 2020, staff observed 5 unpermitted RV's currently on the subject property. Should the CUP not be approved, then the RV's must be removed to comply with the code.
 - 8.10. On November 8, 2022 the Chelan County hearing examiner denied a minor RV park as it relates to CUP 22-047. The request for a mobile home park related to nine (9) mobile homes, limited to one (1) dwelling unit each, and three cabin buildings, with two (2) units in each, was approved, subject to the conditions of approval identified in the hearing examiners decision.
 - 8.11. On March 21, 2024 a site visit was conducted and distinct odor was present. One of the possible explanations for the distinct odor could a failing septic system.
9. Site Physical Characteristics: The subject property is sparsely vegetated with a few trees and grass and is generally flat in nature.
 - 9.1. Property North: Red Apple Road, a county right of way; Commercial Agriculture zoning; in agricultural use.
 - 9.2. Property South: Self's Motel Road, a county right of way; Rural Residential 5; orchard use with one residence.
 - 9.3. Property East: Rural Residential 5; orchard use with one residence.
 - 9.4. Property West: Rural Residential 5; orchard use.
 10. Aquifer Recharge Area: The applicant submitted an Aquifer Recharge Disclosure Form with application, dated August 31, 2023; the proposed development does not require a vulnerability report, pursuant to Chelan County Code (CCC) Chapter 11.82.
 11. Fish & Wildlife Habitat Conservation Areas: Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species data, the subject property contains habitat area for Mule Deer. Therefore, the provisions of CCC Chapter 11.78 do apply.
 12. Riparian Area: According 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.
 13. Geologically Hazardous Areas: Pursuant to CCC Section 11.86.202, the subject property is near an earthquake fault line. Therefore, the provisions of the Chelan County Code Chapter 11.86 apply.

14. Wetlands: Pursuant to 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.
15. Traffic Circulation: The subject property is accessed off of Selfs Road and Red Apple Road. Selfs Road is a 60-foot right-of-way and is classified as a Rural Local Access Road in the County road system. Red Apple Road is a 45-foot right-of-way and is classified as a Rural Local Access Road in the County road system.
16. Power: Chelan County PUD
17. Sanitation: Per Chelan Douglas Health District comment letter October 12, 2023, the additional 5 mobile homes would need new septic permits that are specific to mobile home units, if approved by the Chelan County Hearing Examiner.
18. SEPA Environmental Review:
- 18.1. The applicant submitted an environmental checklist with application on August 31, 2023. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and a Determination of Non-significance (DNS) was issued on March 22, 2024. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
19. Noticing & Comments:
- 19.1. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County on October 5, 2023 with comments due October 19, 2023. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date
Chelan County Fire Marshal	No Comment
Chelan County Building Official	No Comment
Chelan-Douglas Health District	October 12, 2023
Chelan County Public Works	October 18, 2023
Chelan County PUD	October 9, 2023
Chelan County Fire District No.6	No Comment
Cashmere School District	No Comment
WA Dept. of Archaeology and Historic Preservation	No Comment
Yakama Nation	No Comment
Confederated Tribes of Colville	No Comment
WA Dept. of Ecology	October 17, 2023

Agencies Notified	Response Date
Wenatchee Reclamation District	No Comment

Public Comments	Date Received	Nature of Comment
Dave and Darla Kenoyer	October 15, 2023	Concerned that Mr. Haueter would not come into compliance with CCC. Concerned for the safety of the of the children living in the park. The septic system seems to be at capacity. In the past the septic system has been overloaded. Currently there is a foul odor coming from the subject property and unsanitary living area for the occupants.
Mike and Linda Addleman	October 19, 2023	The property owner has a history of adding units without permits. Concerned for the children's safety because they have no place to play other than in the streets. Occupants routinely park on Red Apple Road, creating safety concerns. The septic system is not working and you can smell it. Someone in the park is feeding feral cat. Several dead cats were found in my orchard. The feral/uncontrolled cats do not meet the farming practice requirements and there is no management from the renters.

20. Application & Public Hearing Notice Compliance

- 20.1. Application Submitted: August 31, 2023
- 20.2. Determination of Completeness issued: September 22, 2023
- 20.3. Notice of Application: October 5, 2023
- 20.4. Notice of Public Hearing: April 6, 2024
- 20.5. Public Hearing: August 21, 2024

21. Chelan County Comprehensive Plan

- 21.1. The proposed RV Park is located on a parcel located in a Rural Residential/Resource 5 (RR5), the existing development would be reviewed under the Rural Residential/Resource 5 (RR5) criteria and provisions.

- 21.2. The purpose of the Rural Residential/Resource 5 land use designation of the Rural Element is to allow for rural development consistent with the rural character.
22. Chelan County Code, Chapter 11.12.010: Rural Residential/Resource 5 (RR5)
- 22.1. The proposed development is located in the RR5 zoning district of Chelan County. According to Chelan County Code Section 11.04.020 District Use Chart, a “mobile/manufactured home park” is allowed with approval of a conditional use permit.
- 22.2. “Manufactured/mobile home park” pursuant to Chelan County Code Section 14.98.1195, is defined as “a site, lot or tract of land under the management of one person, firm, or corporation intended for the occupancy of three or more manufactured/mobile homes for dwelling or sleeping purposes. This definition does not include parks for the location of recreational vehicles.”
23. Chelan County Code, Section 11.93.040: Conditional Use Permit Criteria
- 23.1. 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:
- 23.1.1. All criteria required for a specific use by this chapter can be satisfied.
- 23.1.1.1. Hearing Examiner Finding: Criteria for a mobile/manufactured home parks have been identified below.
- 23.1.1.2. Conclusion: Based on review of the application materials submitted, some of the criteria under CCC Section 11.93.270 for a mobile/manufactured home parks may be satisfied, and others are not satisfied.
- 23.1.2. 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.
- 23.1.2.1. Hearing Examiner Finding: The site plan of record, date stamped August 31, 2023, demonstrates the proposed development would meet applicable zoning setbacks identified in CCC Section 11.12.010.
- 23.1.2.2. In review of the proposed development, staff has the responsibility to look the cumulative impact of the property, the mobile home park and cabins.
- 23.1.2.3. Conclusion: Based on the site plan of record, date stamped August 31, 2023, the proposed development does not meet all of the applicable zoning and critical areas regulations.
- 23.1.3. Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- 23.1.3.1. Hearing Examiner Finding: The property is zoned RR5. A mobile/manufactured home park is allowed to operate with an approved CUP. The neighboring properties are zoned RR5 as well, but currently used for existing orchard. The proposed use of an additional five (5) mobile homes and does not meet the character of the surrounding area. The majority of the surrounding properties are orchards with single family residences.
- 23.1.3.2. Due to the intensity of the development in conjunction with the surrounding properties, the proposed use is ultimately not compatible.
- 23.1.3.3. Conclusion: The proposed development would be incompatible with the surrounding uses or character.

- 23.1.4. Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 23.1.4.1. Hearing Examiner Finding: The subject property is not identified as a classified resource land but is located within Mule Deer habitat.
- 23.1.4.2. Conclusion: As conditioned, the proposed development would not be detrimental to the natural environment.
- 23.1.5. No conditional use permit shall be issued without a written finding that:
- 23.1.5.1. 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.
- 23.1.5.2. No county facilities will be reduced below adopted levels of service as a result of the development.
- 23.1.5.3. Hearing Examiner Finding: Chelan County provided a Notice of Application to all providers; received comments are included in the file of record.
- 23.1.5.4. Conclusion: Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
- 23.1.6. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 23.1.6.1. Hearing Examiner Finding: Based on the application materials, agency comments and public comments the proposed mobile/manufactured home park does not meet adequate measures for health, safety, and welfare.
- 23.1.6.2. On March 21, 2024 a site visit was conducted and distinct odor was present. One of the possible explanations for the distinct odor could a failing septic system.
- 23.1.6.3. Based on the public comments the neighbors are concerned regarding the children playing in the street of Red Apple Road because they have no where else to go, parking within the right-of-way of Red Apple Road, many of the trailers have unpermitted decks. A big issue is the number of feral cats in the area. Residence within the mobile/manufactured home park have been feeding the feral cats. When the uncontrolled cats wonder into the surrounding orchards, the cats don't meet the farming practices requirements and there is no management from the renters.
- 23.1.6.4. Conclusion: As conditioned, the proposed development would result in undue adverse impacts.
- 23.1.7. 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.
- 23.1.7.1. Roads, ingress and egress: The subject property is located on two different county rights of way, Self's Road and Red Apple Road; access is limited to the two existing access points on Self's Rd. according to Chelan County Public Works Department. No access from Red Apple Road shall be allowed to the existing mobile homes, which would require internal circulation and internal access to all existing units and proposed mobile homes. An emergency access gate and knox box shall be installed on Red Apple

- Road in lieu of turn-around. Planning staff also advises a provision of internal pedestrian paths from the parking to the mobile homes.
- 23.1.7.2. Stormwater: The applicant shall comply with CCC Title 13; Chelan County Stormwater Guidelines and Procedure.
- 23.1.7.3. Parking and Loading: Parking is required at a rate of two (2) spaces per mobile home. Parking would also need to be removed or revised to accommodate fire gate access and turnaround requirements.
- 23.1.7.4. Domestic and Irrigation Water: Domestic water would be by expansion of the County Cabins & Mobile Park. Irrigation water is provided by the Wenatchee Reclamation District.
- 23.1.7.5. Sanitary Facilities: Per the comments received on October 12, 2023 from the Chelan-Douglas Health District:
- 23.1.7.5.1. The development application required with the health department to verify mobile unit additions and placement meet the approved septic system design(s) based on the permits issued.
- 23.1.7.5.2. Septic permit 20-473 issued in 2020 expired on December 6, 2023. The septic system was not installed according to the Chelan-Douglas Health Districts files. The system was intended to serve six (6) RV units. The permit would need to be renewed if intended for use with the mobile units.
- 23.1.7.5.3. The septic permit 21-388 expired in February of 2022. Tank installation permit for existing septic system connected to the home. The application would need to be resubmitted, tank installation is necessary to prevent failure of existing drainfield.
- 23.1.7.6. Power: Power is provided by Chelan County PUD.
- 23.1.7.7. Fire Protection: Fire protection is provided by Chelan County Fire District No. 6.
- 23.1.7.8. Conclusion: It is possible that the proposed development could provide the necessary facilities, improvements or services with the necessary permits.
- 23.1.8. 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.
- 23.1.8.1. Noise and Vibration: Noise and vibration would likely be minimal during the proposed use. Noise is regulated by CCC Chapter 7.35.
- 23.1.8.2. Light and Glare: Light and glare is regulated by CCC Section 11.88.080.
- 23.1.8.3. Heat, Steam, Odors, Smoke and Dust: The proposed development would not generate heat, steam, smoke or dust. The development currently does generate odors associated
- 23.1.8.4. Erosion: The subject property is not located within a geologically hazardous area for erosive soils; a geological assessment is not required for erosion; however, it is required due to the earthquake fault line.
- 23.1.8.5. Water Quality: Domestic water would be provided by the expansion of the County Cabins & Mobile Park water system.

- 23.1.8.6. Wastes and Physical Hazards: No hazards were identified.
- 23.1.8.7. Electrical Disturbance: The proposal would not result in electrical disturbances.
- 23.1.8.8. Conclusion: Based on the above facts and as conditioned, 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.
- 23.1.9. 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.
 - 23.1.9.1. Hearing Examiner Finding: The development is not consistent and compatible with the intent, goals, objectives and policies of the Comprehensive Plan and the CCC.
 - 23.1.9.2. Conclusion: The development is not consistent with the Chelan County Comprehensive Plan and the CCC.
- 24. Chelan County Code Chapter 11.93.270: Mobile/manufactured home parks
 - 24.1. The following minimum conditions shall apply to mobile/manufactured home parks:
 - 24.1.1. The minimum size shall be two acres.
 - 24.1.1.1. Hearing Examiner Finding and Conclusion: According to Chelan County Assessor the subject property is 2.38 acres. Therefore, this code section has been met.
 - 24.1.2. The minimum lot area per home stall shall be five thousand square feet per stall.
 - 24.1.2.1. Hearing Examiner Finding: Each mobile home site is required to be 5,000 sq ft per stall.
 - 24.1.2.2. Conclusion: Based on the site plan of record, date stamped August 31, 2023, the proposed mobile home sites would meet the 5,000 sq ft per stall.
 - 24.1.3. The minimum width of home stalls shall be 35 ft.:
 - 24.1.3.1. Hearing Examiner Finding and Conclusion: Based on the site plan of record, date stamped August 31, 2023, this code section can be met.
 - 24.1.4. The minimum setback requirements shall be as follows:
 - 24.1.4.1. All homes shall be kept at all times a minimum of 25 ft from the street right-of-way and 10 ft from all other lot lines;
 - 24.1.4.2. There shall be a minimum setback distance of 15 ft between homes and all community or service buildings.
 - 24.1.4.3. Hearing Examiner Finding and Conclusion: Based on the site plan of record, date stamped August 31, 2023, it appears that the proposed new mobile homes can meet the minimum setbacks.
 - 24.1.5. The density of the park shall adhere to the density limitations of the zone in which it is located.
 - 24.1.5.1. Hearing Examiner Finding: In 1998 a code violation, file #CE 98-054, was opened to address the number of trailers on-site. The violation was resolved with an agreement that a total of nine (9) mobile homes rather than trailers and campers could be placed.

- 24.1.5.2. The subject property is zoned Rural Residential/Resource 5 (RR5), the existing development of 9 mobile homes exceeds the current zoning density limitations. Based on the lot size and the non-conforming status, CCC Section 11.97.025, the existing mobile/manufactured home park cannot be expanded.
- 24.1.5.3. Conclusion: The development as proposed does not meet the above criteria.
- 24.1.6. Each access road connecting with a street shall have a minimum width of at least thirty feet.
- 24.1.6.1. Hearing Examiner Finding and Conclusion: Based on the site plan of record, date stamped August 31, 2023, the proposed mobile home park meets the minimum width of at least thirty feet. Therefore, this code section has been met.
- 24.1.7. A recreation area shall be provided which contains a minimum of two thousand square feet per ten home stalls or fraction thereof.
- 24.1.7.1. Hearing Examiner Finding: The site plan of record stamped August 31, 2023, identifies approximately 33,000 sq ft of open grass recreation area.
- 24.1.7.2. Conclusion: The applicant appears to have met the above criteria.
- 24.1.8. All areas other than access, egress, parking and circulation shall be completely and permanently landscaped.
- 24.1.8.1. Hearing Examiner Finding: The applicant has submitted a landscape plan date stamped August 31, 2023 showing that the majority of the proposed mobile home park would landscaped with lawn grass and few trees/shrubs.
- 24.1.8.2. Conclusion: The applicant appears to have met he above criteria.
- 24.1.9. Screening shall be provided on each side of a mobile/manufactured home park which abuts upon or is across a street or alley from an area which is locate within an agricultural or residential district. Such screening shall consist of a continuous fence, supplemented with landscape planting or a continuous wall, evergreen hedge or combination thereof, so as to effectively screen the park from view. The screening shall be maintained in good condition at all times.
- 24.1.9.1. Hearing Examiner Finding: Currently there is a solid a 6 ft fence on the east/south property lines and the west property line along Selfs Motel Road has a 4 ft fence. The applicant proposes to construct a 6 ft fence along the north property line (Red Apple Road).
- 24.1.9.2. Conclusion: The development as proposed meets the above criteria.
- 24.1.10. The park shall also comply with the State Board of Health regulations pertaining to mobile/manufactured homes and mobile/manufactured home parks.
- 24.1.10.1. Hearing Examiner Finding and Conclusion: Before the commencement of the development the applicant would need to comply with the State Board of Health for mobile/manufactured home parks.
- 24.1.11. All applications for conditional use permit for mobile/manufactured home parks shall be accompanied by two scale drawings of the proposed layout of the park. The scale drawings shall show the location of all buildings, spaces, water, electric, and sewage systems, a circulation and parking plan, and landscaping/screening plan. The scale drawings shall be submitted to the Chelan-Douglas health district who shall determine whether or not the

proposed park will meet the requirements of the State Board of Health and this chapter. The health district shall keep one copy of the sketch and submit the other copy, endorsed as to whether or not it meets regulations, to the boards or adjustment for further action.

- 24.1.11.1. Hearing Examiner Finding: The subject application was submitted with a site plan, utility plan and landscape plan date stamped August 31, 2023. Each site plan shows the location of the all the buildings, water, electric, sewage system, circulation, parking plan and landscaping/screening plan.
- 24.1.11.2. Based on the comments from the Chelan-Douglas Health District (CDHD) dated October 12, 2023 stated that both septic permit 21-388 expired in February of 2022 and septic permit 20-473 expired December 6, 2023. Septic permit 20-473 had not been installed based on CDHD files and was designed to serve 6 RV units.
- 24.1.11.3. Conclusion: The applicant would need to submit new septic permits to the CDHD for mobile homes if is development is approved by the hearing examiner.
- 24.1.12.A second vehicular access shall be provided for parks over forty spaces.
 - 24.1.12.1. Hearing Examiner Finding and Conclusion: Based on the narrative and site plan of record the development is well below the forty spaces. Therefore, this provision would not apply.
25. The applicant proposes increasing the existing nine (9) mobile homes by five (5), for a total of a 14 mobile homes. Pursuant to CCC Section 11.93.270(5), the density of the park shall adhere to the density limitations of the zone to which it is located. The subject property is currently location within the RR5 zoning district and is 2.39 acres with (9) mobile homes located on the property. However, the mobile/manufactured home park regulations limit housing density, as noted above, to match the underlying zoning which makes the proposal inconsistent with the regulations.
26. The Hearing Examiner has reviewed he applications and submitted materials. The information in the application, as proposed, does not comply with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan Code.
27. An open record public hearing was held, after legal notice, on August 21, 2024.
28. Appearing on behalf of the Applicant was Julie Norton, attorney at law. Ms. Norton testified consistent with the written materials on file, including the August 20, 2024 letter from Ms. Norton to the Hearing Examiner. As the Hearing Examiner understands, all of the requirements of CUP22-047 have not yet been completed. Ms. Norton indicated that all of the recreational vehicles had been removed. However, improvements required by CUP22-047 have not all been completed because, according to Ms. Norton and Mr. Haueter those improvements are expensive and the Applicant cannot afford them unless he has greater density on the property. Ms. Norton argued that at one time, the site had been approved for up to eighteen (18) mobile homes, but the permit expired and this permit is no longer effective.
29. The following members of the public testified at the hearing:
 - 29.1. Mike Addelman: Mr. Addelman indicates he has lived adjacent to the subject property for the past 44 years. His observations are that the weeds and graffiti on the fence have not been removed or controlled. There is garbage from the site on the side of the road. There is parking on the side of the road from occupants within the current park. The upkeep of the property is failing. He stated that based upon his observations, the property owner has not made any improvements to the condition of the property, and it continues to be an eyesore and creates nuisance conditions that impact his enjoyment of his property.

- 29.2. Rod Grams: Mr. Grams also noted the continuous garbage from the site that leaves the site. He also testified about trespassing from residents onto his orchard property. He stated that there is no place for children to play on this site because of the weeds. He claimed that there is an abandoned car from a former resident on the side of the road. He has smelled the odors from the failing septic system.
30. It is apparent to the Hearing Examiner that the Applicant has failed to make improvements to the property to eliminate the nuisance conditions that arise from the conditions on the property.
31. The Applicant continues to ask for more density, more units, more mobile homes, which would only exacerbate the problems that currently exist.
32. The Applicant's position that if additional mobile homes are allowed, that he will be in position to upgrade the property. The Hearing Examiner does not find this to be a convincing argument. This is based upon the fact that despite prior approvals for permits related to this property, the Applicant still allows the property to be in disrepair, that there's no area within the property for children to safely play, and there is no fencing to make sure that residents of the property do not trespass onto neighboring properties.
33. The following exhibits were admitted into the record:
- 33.1. Ex. A All comments received from state and local agencies
 - 33.2. Ex. B Staff Report
 - 33.3. Ex. C Remainder of Planning Staff File.
34. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
35. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

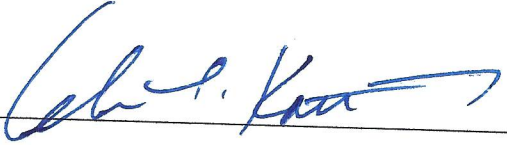
1. The Hearing Examiner has been granted the authority to render this decision.
2. As conditioned, this application is not consistent with the Chelan County Code and Chelan County Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, CUPA23-377 is hereby **DENIED**.

Dated this 29 day of August, 2024

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.