

**CHELAN COUNTY  
LAND USE HEARING EXAMINER**

**IN THE MATTER OF**

**AA 25-109**

**Rowe Towing Appeal**

)  
)  
)  
)

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

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on June 18, 2025, 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. The property owner submitted an appeal to Citation CE 22-0052-2 issued April 11, 2025 for operating an RV Park/Campground without a Conditional Use Permit in addition to violation for large amounts of junk, garbage, and hulk vehicles at 620 Gorge Rd, Chelan WA 98816.

**2. GENERAL INFORMATION**

- 2.1. Violation Location: 620 GORGE RD, CHELAN, WA 98816
- 2.2. Parcel Number: 27-23-19-616-020
- 2.3. Legal Description: HILLSIDE BLOCK 1 LOT 5 LOTS 3 4 5 & 10 BLOCK 1 9.0100 ACRES
- 2.4. Owner: 620 GORGE RD LLC
- 2.5. Agent: JOAN K MELL of III BRANCHES LAW PLLC
- 2.6. Zoning District: RR 5 (Rural residential/resource: one dwelling unit per five acres) and R-M (Multi-Family Residential)
- 2.7. Existing Land Use & Site History: Currently the property appears to have items stored in the right of way, junk vehicles, garbage, and trailers being used for residences. Historically, the CUP permitted use as junk and salvage yard with specific requirements.

**3. APPLICATION & PUBLIC HEARING NOTICE COMPLIANCE**

- 3.1. Citation Issued: 04/11/2025
- 3.2. Appeal Submitted: 04/17/2025
- 3.3. Notice of Public Hearing: 06/07/2025
- 3.4. Public Hearing: 06/18/2025

**4. OVERVIEW / SITE HISTORY**

- 4.1. Three (3) parcels purchased by Chambers:
  - 4.1.1. 22-20-07-120-050, 20.82A, July 15, 2021
  - 4.1.2. 22-20-07-000-100, 25.59A, July 15, 2021
  - 4.1.3. 22-20-07-000-125, 20.07A, January 5, 2022

5. Code Enforcement opened a case on this property in 2022. A Notice and Order to Abate Violations and a citation were issued on January 8, 2024. The appellant appealed both items under hearing for AA 24-039 and AA 24-040 which were heard by the Hearing Examiner May 15, 2024. In the Hearing Examiner decision issued May 24, 2024, the Hearing Examiner affirmed the County's citation issued January 8, 2024. The appellant then filed a LUPA in Chelan County which was heard in the Chelan County Superior Court December 10, 2024. The decision issued by Judge Brandt March 26, 2025 denied the LUPA. Appellant advised that this decision is being appealed. No stay in this action has been issued. Code Enforcement followed up on April 11, 2025 and determined the RV Park/Campground was still in operation and issued a citation accordingly.
6. Property being reviewed is located at 620 Gorge Rd, Chelan, WA 98816; parcel 272319616020.
7. Chelan County Code Enforcement opened a case on the property in 2022, CE 22-0052 (Exhibit B).
8. The Notice and Order as well as citation CE 22-0052-1 were appealed to the Hearing Examiner. This was heard under file numbers AA 24-039 & AA 24-040; the hearing was held May 15, 2024 with decision issued on May 24, 2024 affirming the County's action. (Exhibit C).
9. The Hearing Examiner's decision was appealed as a Land Use Petition Act (LUPA) to Chelan County Superior Court and heard on December 10, 2024. The decision of the LUPA filing was issued by Judge Brandt March 26, 2025 denying the LUPA (Exhibit D). Appellant advised that this decision is being appealed. No stay in this action has been issued.
10. April 11, 2025 Code Enforcement deputies followed up on the property to check for compliance. After visiting the property and seeing RVs which appeared to be occupied, it was determined the unpermitted RV Park/Campground was still in operation and issued citation CE 22-0052-2 for the months of January through March in the amount of \$135,000.
11. April 17, 2025 the County received request for appeal of the citation.
12. An open record public hearing was held, after legal notice, on June 18, 2025.
13. Appearing and testifying on behalf of the appellant was Joan Mell, attorney at law. Ms. Mell argued consistent with the written materials that she had submitted that were made a part of the record.
14. Appearing on behalf of the County was Marcus Foster, Deputy Prosecuting Attorney. Mr. Foster argued consistent with the materials in the record.
15. No member of the public appeared at the hearing.
16. The following exhibits were admitted into the record:
  - 16.1. Ex. A AA 25-109 Application Materials;
  - 16.2. Ex. B Code Enforcement case CE 22-0052 Report and Attachments;
  - 16.3. Ex. C AA 24-039 & AA 24-040 File of Record;
  - 16.4. Ex. D LUPA Findings and Conclusions;
  - 16.5. Ex. E Staff Report;
  - 16.6. Ex. F Declaration of Bruce Anderson dated 6/17/25;
  - 16.7. Ex. G Appellant Trial Brief dated 6/10/25;
  - 16.8. Ex. H Declaration of Jan Rowe dated 6/10/25 with exhibits;
  - 16.9. Ex. I Appellant Certificate of Service dated 6/10/25;



16.10. Ex. J Remainder of Staff File.

17. The Hearing Examiner finds that the violation upon which the citation is based, has already been found to exist. While this decision by the Hearing Examiner affirming the Notice of Violation was appealed to Superior Court, the Superior Court affirmed the Hearing Examiner's determination. Appellant's attorney advised that this decision by the Superior Court has been appealed. But, as noted above, there has been no stay issued in this matter, therefore the Hearing Examiner is required to make a decision.
18. The appellant's attorney attempted to minimize the fact that a violation had already been found. This attorney argued that circumstances had changed. Most notably, this attorney argued, utilizing multiple basis, that it was the County that had the duty to clean up this unpermitted recreational vehicle park, and not the applicant. The applicant argued that the people living on his property are squatters and that there is essentially nothing that he can do to have them removed. It was noted that there is a process to remove mobile homes, which the appellant acknowledged but stated that he could not find a lawyer to start this process. Additionally, while it was stated that this process can take more than two years, no attempt to hire any lawyer had been made since the violation was first Noticed to the appellant.
19. Appellant has utilized a process of a Junk Vehicle Affidavit process to remove a few vehicles. However, he has not taken any action to remove those vehicles that are occupied.
20. Once again, the appellant argued that the burden to remove these vehicles is on the County if the County determines their existence to be a nuisance.
21. On questioning by the Hearing Examiner, the appellant acknowledged that at one time Mr. Rowe allowed these trailers and mobile homes to be placed on his property and did collect rent. The appellant argued that this fact is irrelevant to the current appeal. The appellant argued that because he is not collecting rent, it is no longer a mobile home park.
22. Regarding utilities to the property, there was no evidence submitted by the appellant that the appellant had contacted the utility providers to have the utilities shut off.
23. The County's arguments, as stated above, were consistent with their written materials. The County's position is that the property owner is primarily responsible for what occurs on the property owner's property. The County acknowledged that a condition on the property could be addressed through the nuisance statutes, by the County, but acknowledged that the County cannot summarily eject the users of the property.
24. In response to the appellant's suggestion that the County could simply have the utilities shut off, the County responded that the providers of those utilities are not the County, but separate entities.
25. Finally, in response to Hearing Examiner questions, the appellant stated that the appellant can take no action to disrupt utilities. However, the appellant has taken no action to contact the appropriate utilities to determine what actions the property owner could take to have utilities removed from the property.
26. In summary, the Hearing Examiner finds that the violation which is the basis for this citation has been affirmed on appeal by the Chelan County Superior Court, and remains enforceable.
27. The Hearing Examiner finds that the amount of the citation is consistent with the provisions of the Chelan County Code. The appellant provided no evidence that the provisions of the code are unlawful or unconstitutional.
28. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
29. 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. The violation that is the basis for this Citation has been determined as a matter of law to exist on the property.
3. The Citation issued April 11, 2025 is legally sufficient.
4. 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, AA 25-109 hereby **AFFIRMS** Citation CE 22-0052-2.

Dated this 24 day of June, 2025

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.