

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF

WV 20-002
CHASE

RECEIVED
OCT 8 2020
CHELAN COUNTY
COMMUNITY DEVELOPMENT

FINDINGS OF FACT, CONCLUSION
OF LAW, DECISION AND
CONDITIONS OF APPROVAL

THIS MATTER, having come on before the Chelan County Hearing Examiner on October 7, 2020, 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 Wetland Variance submitted for the construction of a driveway extension and installation of a bridge within a categorized wetland buffer. The subject property is intersected by Chumstick Creek, an F-typed stream, and contains two (2) Category II wetlands, which hold a protective buffer of 100 ft. The variance request is to construct the bridge and driveway within the wetland buffer and 8 ft. from the southern wetland boundary and 51 ft. from the northern wetland boundary. As part of the proposed project, the applicant included a Habitat Management and Mitigation Plan for the installation of roughly 3,140 sq. ft. of native mitigation plantings adjacent to the creek in order to stabilize the bank and to increase the diversity of plant structure within the wetland and riparian buffers. The plantings also include a 2:1 ratio of mitigation to replace the mature Ponderosa pine to be removed.
2. The applicant/owner is Mike Chase, 11555 Chumstick Hwy, Leavenworth, WA 98826.
3. The agent is Grette Associates, LLC, Attn: Ryan Walker, 151 South Worthen Street, Suite 101, Wenatchee, WA 98801.
4. The project location is 11555 Chumstick Hwy, Leavenworth, WA 98826.
5. The parcel number of the subject property is 25-18-30-340-100.
6. The legal description of the subject property is Lot 2 of Short Plat No. 1993 recorded August 21, 1990 under AFN: 9008210053. The subject property is 9.65 acres per Chelan County Assessor's records.
7. The project locations are outside of an Urban Growth Area for the City of Leavenworth.
8. This property is not located in an urban growth area (UGA).
9. The Comprehensive Plan designation is Rural Residential/Resource 5(RR5) and Rural Residential/Resource 2.5 (RR2.5).

10. The subject property is currently in residential and commercial use for a plant nursery. The property contains a single-family residence, a detached garage, and several accessory structures used for the commercial nursery. The following permits were found on file with Chelan County:
 - 10.1 BP950138 – Manufactured Home
 - 10.2 BP960469 – Carport
 - 10.3 BP970657 – Greenhouse
 - 10.4 CUP 06-037 – Nursery/Greenhouse.
11. The subject property is relatively flat with the west portion developed commercially. Freund Creek, an F-typed stream, runs along the northern property line, where it joins with Chumstick Creek, an F-typed stream. The east portion is undeveloped and intersected by Chumstick Creek. There are (2) Category II wetlands located adjacent to the creek, which are vegetated with riparian species.
12. The property to the north and south is zoned Rural Residential/Resource 2.5 (RR2.5).
13. The property to the south is Wending Lane, county road and is zoned Rural Residential/Resource 2.5 (RR2.5).
14. The property to the east is zoned Rural Residential/Resource 10 (RR10).
15. The property to the west is Chumstick Hwy, county road, and is zoned Rural Residential/Resource 2.5 (RR2.5).
16. The Aquifer Recharge form was completed with the variance application. Pursuant to Chelan County Code (CCC), Section 11.82.060(2)(A), residential dwelling units and their accessory uses are exempt from the aquifer recharge area regulations under this chapter.
17. According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject property does contain WDFW Priority Habitat Species for Riparian Zones. Therefore, the provisions of CCC Chapter 11.78 as it relates to priority habitat would apply. Pursuant to the Washington State Department of Natural Resources FPARS stream typing map, two (2) named and F-typed streams (Chumstick & Freund Creeks) are indicated on the subject property. Said F-typed streams hold a protective buffer of 150 ft. for low intensity uses and 200 ft. for high intensity uses. Pursuant to CCC Section 11.78.150, proposed roads that are within riparian buffers shall be kept to a minimum and should not run parallel with the waterbody. Water crossings shall cross riparian buffers at as near right angles as possible. Based on the site plan of record, the design of the extended driveway and water crossing do not run parallel to Chumstick Creek and is proposed nearly perpendicular to the creek. Therefore, the provisions of CCC Chapter 11.78 for development within riparian buffers would apply.
18. As stated, the subject property contains (2) Category II riverine wetlands. Therefore, the provisions of CCC Chapter 11.80 would apply.
19. The Category II wetlands associated with Chumstick Creek and Freund Creek are not considered shorelines of statewide significance. Therefore, the provisions of the Chelan County Shoreline Master Program would not apply.

20. According to the Federal Emergency Management Agency, FIRM panel # 5300150800A, there is indication of floodplain and/or floodway on the subject property. Therefore, the provisions of CCC Chapters 11.84 and 3.20 would apply and a floodplain development permit would be required for the proposed development.
21. The County GIS data map does indicate there are known geologically hazardous conditions on the subject property for erosive soil. Therefore, the provisions of CCC Chapter 11.86 would apply.
22. Pursuant to RCW 27.53.020, if the applicants or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this permit, the applicant/agent shall immediately stop work and notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination.
23. In accordance with WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed by Chelan County (lead agency) and an Optional Mitigated Determination of Non-Significance (MDNS) was issued on September 8, 2020. The SEPA Checklist and MDNS are included within the file of record and adopted by reference.
24. Construction will begin upon issuance of all necessary permits and within the appropriate work window.
25. The subject property is accessed off of Chumstick Hwy, a county right of way.
26. Power is provided by Chelan County PUD No. 1.
27. The subject property is located within the boundaries of Fire District #3.
28. Based on the scope of the project, the visual impact is anticipated to be minimal.
29. Noise associated with residential construction would be typical. Construction noise is regulated by CCC, Section 11.88.190, which states no construction activity shall be permitted within one thousand feet of an occupied residence between the hours of ten pm to seven am.
30. The application was submitted on July 23, 2020.
31. The Determination of Completeness was issued on August 13, 2020.
32. The Notice of Application was referred to jurisdictional agencies, adjacent property owners (within 300' excluding 120' of right-of-way) and departments of the County on August 18, 2020, with comments due September 1, 2020. The Notice of Public Hearing was provided on September 25, 2020.
33. Agency comments are considered by the Hearing Examiner and, when appropriate, incorporated as 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 Building Official	August 18, 2020 – The proposed bridge shall be designed by a licensed WA State engineer.
Chelan County PUD	September 1 & 16, 2020 – The subject property contains a district transmission line with the associated easement and two (2) poles; the district requests that applicant consult with them to ensure the proposed development does not encroach within the district's easements.
Confederated Tribes of the Colville Reservation	August 19, 2020 – The project is located within an area of having a high potential for containing archaeological sites; therefore, a cultural resource survey is recommended.
Department of Archaeology & Historic Preservation	August 31, 2020 – The subject property is located in an area of high-risk potential for archaeological resources; therefore, a cultural resource survey is requested.
WA Dept. of Ecology	August 27, 2020 – DOE recommends additional enhancements plantings to ensure the wetlands' function and values are protected as well as recommends proper permitting and erosion control measures be in place prior to any clearing, grading, or construction as associated with the bridge.
Fire District No. 3	August 18, 2020 – The fire district will need an engineering report of the bridge's weight capacity for emergency response vehicles.
Chelan County Fire Marshal	No comments received
Chelan County Public Works	
Cascade School District	
WA Dept. of Natural Resources	
WA State Dept. of Fish & Wildlife	
Yakama Nation	

34. No public comments were received.
35. The subject property is designated as Rural Residential/Resource 2.5 (RR2.5) and Rural Residential/Resource 5 (RR5). Being as Rural Residential/Resource 5 (RR5) is a more restrictive zoning district, the proposed development was therefore reviewed under the Rural Residential/Resource 5 (RR5) criteria and provisions.
36. The Comprehensive Plan has been reviewed. Specifically, the goals and policies related to the Rural Residential/Resource 5 (RR5) Comprehensive Plan designation and Critical Areas, for consistency with the proposed development. The project is consistent with the Rural Residential/Resource 5 purpose statement: Provides opportunities for small scale agricultural

activities, and rural development consistent with the rural character and rural development provisions outlined in goals and policies of the comprehensive plan. These areas may provide opportunities for protecting sensitive environmental areas and open space typical of a rural setting. RR5 designations adjacent to urban growth areas are intended to encourage the preservation of rural areas until such time as they serve as urban growth areas and urban services become available. RR5 designations can also act as buffers between designated resource lands and more intense rural or urban development.

37. The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.
38. Chelan County Code 11.14.020: Standards for the RR5 Zoning District.
 - 38.1 Minimum Lot Size: 5 acres
 - 38.1.2 The applicant is not requesting to modify the lot size.
 - 38.1.3 This requirement does not apply.
 - 38.2 Minimum Lot Width: 100 ft. at the front building line
 - 38.2.1 The lot exceeds 100 ft. at the front building line.
 - 38.2.2 The lot complies with the required building width.
 - 38.3 Maximum Building Height: 35 ft.
 - 38.3.1 Building height would be calculated during building permit review.
 - 38.3.2 Building height would be determined during review of the building permit application.
 - 38.4 Maximum Lot Coverage: Buildings and structures shall not occupy more than 35% of the lot area.
 - 38.4.1 According to Chelan County Assessor's records, the property is 9.65 acres, this would allow for over 147,000 sq. ft. of lot coverage.
 - 38.4.2 Based on the site plan of record, the total lot coverage upon completion of the project would not exceed the requirement for maximum lot coverage.
 - 38.5 Minimum Setback Distances: Front yard 25 ft. from the front property line or 55 ft. from the street centerline, whichever is greater. Side yard 5 ft. from side property line. Rear yard 20 ft. from rear property line.
 - 38.5.1 As indicated on the site plan of record, the proposed accessory structure would meet the applicable zoning setbacks.
 - 38.5.2 The proposed accessory structure would meet the minimum setbacks.
39. Chelan County Code 11.95.030: Variance Evaluation Criteria. No variance shall be granted unless it can be shown that all of the following conditions exist:
 - 39.1 The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same neighborhood or district and shall not constitute a grant of a special privilege.
 - 39.1.1 The subject property is intersected by Chumstick Creek and two (2) associated riverine Category II wetlands. The entire reach of Chumstick Creek located on the subject property is encumbered by the associated wetland buffers.

- 39.1.2 The construction of a new water crossing and driveway extension is a common use along this area of Chumstick Creek as other residential properties have bridges and driveways that must cross through the wetland buffer in order to provide safe access throughout their properties.
- 39.1.3 The applicant's project is similar to development of the surrounding properties. The variance appears to be necessary to preserve a right substantially the same as possessed by owners within the same area and would not grant special privilege.
- 39.2 The plight of the applicant is due to unique circumstances such as topography, lot size or shape, or size of buildings, over which the applicant has no control.
 - 39.2.1 The associated buffers of the Category II wetlands on site entirely encumber the reach of the Chumstick Creek as it intersects the subject property. There is no location on site that would allow for the construction of the water crossing to occur outside of said buffers.
 - 39.2.2 The variance request appears to be based on the presence of critical areas that are located on and adjacent to the subject property, which the applicant has no control.
 - 39.2.3 To access the back portion of the applicant's property, you must cross over Chumstick Creek.
- 39.3 The hardship asserted by the applicant is not the result of the applicant's or the owner's action.
 - 39.3.1 The hardship asserted by the owners appears to not be of their own actions. The hardship stems from the application of the critical areas as outlined in Chelan County Title 11, this includes the location of the Category II wetland and its associated 100 ft. protective buffer.
 - 39.3.2 The hardship is not of the owners' actions.
- 39.4 The authorization of the variance shall not be materially detrimental to the public welfare and safety, to the purposes of this title, be injurious to property in the same district or neighborhood in which the property is located, or be otherwise detrimental to the objectives of the comprehensive plan.
 - 39.4.1 The proposed water crossing structure and driveway have been designed in accordance with guidance from the WA Dept. of Fish & Wildlife in order to assure compliance with the hydraulic code. The proposed structure would be required to conform with the applicable building codes to ensure safety upon use.
 - 39.4.2 Pursuant to CCC Section 11.78.150, proposed roads that are within riparian buffers shall be kept to a minimum and should not run parallel with the waterbody. Water crossings shall cross riparian buffers at as near right angles as possible. Based on the site plan of record, the design of the extended driveway and water crossing do not run parallel to Chumstick Creek and is proposed nearly perpendicular to the creek.
 - 39.4.3 Additionally, a Habitat Management and Monitoring Plan was submitted with application. The plan proposes the planting of approximately 3,140 sq. ft. of native vegetation to provide a more diverse habitat area and to enhance the overall wetland buffer functions.
 - 39.4.4 The proposal satisfies the objectives of the Comprehensive Plan for the RR5 zone and critical areas. As conditioned, the proposal would not be materially detrimental to the public welfare and safety or injurious to property in the neighborhood.

- 39.5 The hardship asserted by the application results from the application of this title to the property.
 - 39.5.1 The placement of a water crossing is a use that is permitted to occur within riparian buffers so long as proper permitting is obtained from Chelan County and WA Dept. of Fish and Wildlife. The presence of the wetlands and the associated buffers are directly associated with the F-typed stream on site which are regulated by Chelan County Title 11 for wetland areas.
 - 39.5.2 The subject property was created via a short plat, recorded in 1990, which pre-dates the October 17, 2000 adoption of the Title 11 Critical Areas Ordinance.
 - 39.5.3 The hardship appears to be a result of the application of CCC Title 11 to the subject property, which does not factor in historically created lots prior to critical areas.
- 39.6 The granting of a variance should not:
 - 39.6.1 Be substantially based upon precedent established by illegal or nonconforming circumstances.
 - 39.6.1.1 The variance request is based on the property's encumbrances due to the application of the Title 11 critical areas for wetlands. The parcel was legally established pursuant to CCC Section 14.98.1090 definition of legal lot of record being as it was created prior to October 17, 2000 and through a recorded subdivision.
 - 39.6.1.2 The project, as proposed, would conform to Chelan County building codes and setback requirements associated with the RR5 zoning. The hardship stems from the required critical areas for wetlands and the associated buffers.
 - 39.6.1.3 The proposed variance appears to be based on the application of the Chelan County critical areas ordinance of Title 11 as it relates to the associated wetland buffers.
 - 39.6.2 Be substantially based upon lack of reasonable economic return or a claim that the existing/proposed structure is too small.
 - 39.6.2.1 The proposed development is to allow access to the portion of the subject property that is located east of Chumstick Creek. Without the proposed variance, the water crossing would not be allowed and would result in the eastern portion of the subject property being inaccessible.
 - 39.6.2.2 There is no claim of economic return. The proposed variance would provide access to the portion of the subject property east of Chumstick Creek.
 - 39.6.3 Be based on the fact that the condition, for which the variance is requested, existed at the time the applicant acquired the property.
 - 39.6.3.1 The presence of both Chumstick and Freund Creeks were denoted on the short plat that created the subject property in August of 1990. There were no indications of wetlands on said short plat.
 - 39.6.3.2 Water crossing are permitted within riparian buffers pursuant to CCC Chapter 11.78, but are not addressed in CCC Chapter 11.80 as it governs wetlands.
 - 39.6.3.3 The presence of the creeks has been known since the creation of the subject property, but the presence of the wetlands was not. Without the variance, the eastern portion of the subject property would be inaccessible due the total encumbrance of the wetland buffers along Chumstick Creek.

- 39.6.4 Result in a de facto zone reclassification.
 - 39.6.4.1 The proposed variance does not change the permitted land uses.
 - 39.6.4.2 This does not apply.
- 39.6.5 Be substantially for the purpose of circumventing density regulations.
 - 39.6.5.1 The proposed variance does not affect density.
 - 39.6.5.2 This does not apply

40. Chelan County Code 11.80.120: Wetland Variance Provisions. In addition to the requirements of Chapter 11.95 of this title as amended, a variance shall not be granted unless it can be shown that all of the following conditions exist:

- 40.1 The analysis of the proposal's impact on wetland and wetland buffer areas determines that there would not be a significant impact to the wetland and wetland buffer functions as stated in CCC Section 11.06.020 or that significant impacts would be mitigated by the application.
 - 40.1.1 The proposed water crossing and driveway are to be located outside of the wetland boundary in a location that is anticipated to have a minimal impact. Wetland vegetation is not proposed to be removed during the construction of the improvements.
 - 40.1.2 As a way to alleviate the potential for adverse impacts to the wetland, native mitigation plantings are proposed via the submitted Habitat Management and Monitor Plan.
 - 40.1.3 The potential impacts to the wetlands and wetland buffers were assessed via the application materials, wetland delineation, and mitigation planting plan. Staff finds, as conditioned, that the potential impacts to the wetland and associated wetland buffer would be minimal and mitigated.
- 40.2 No other reasonable use with less impact is possible:
 - 40.2.1 As shown on the site plan of record, the associated wetland buffers overlap, resulting in the entire reach of the Chumstick Creek on the subject property being encumbered. There is no better suited location outside of the buffer for the construction of the water crossing and driveway extension. Although there is no suitable building area outside of the buffer, the proposed location would not result in disruption to native wetland vegetation that provides an ecological function to the wetland and buffer.
 - 40.2.2 Some vegetation disruption is unavoidable, but is to be limited to a mature ponderosa pine and weedy herbaceous canary grasses; such disturbances are to be mitigated by the installation of 3,140 sq. ft. of native plantings that is to improve the function of the wetland buffer overall.
 - 40.2.3 Additionally, the purpose of the water crossing is to provide vehicle access to the eastern side of Chumstick Creek.
 - 40.2.4 The Hearing Examiner finds, as conditioned, that the proposed development would result in a minimal impact to the wetland and associated buffer while allowing reasonable use of the subject property.
- 40.3 Impacts to critical lands cannot be lessened through locational or design changes to the proposed use.
 - 40.3.1 As previously stated, the project appears to be designed in a manner that would avoid significant impacts to the wetland and associated buffer to the greatest extent possible. The proposed mitigation plantings would enhance the function of

the wetland by increasing the plant structural and species diversity within a portion of the buffer that is dominated by reed canary grass.

40.3.2 The Hearing Examiner finds, as conditioned, that the proposed development would be designed in a manner to avoid significant impacts to the wetlands and associated buffers.

41. The application proposes to construct a permanent concrete and steel bridge over Chumstick Creek and extend the existing graveled driveway in order to access the eastern portion of the property. The bridge is proposed to be installed outside of the two (2) identified wetland boundaries, but would be located within the associated 100 ft. protective buffer.
42. Based on the information contained in the application and the review of the Chelan County Comprehensive Plan, and the Chelan County Code, staff found that the proposal is consistent with Chelan County plans and regulations and recommended approval.
43. An open record public hearing was held on October 7, 2020.
44. The staff report, application materials, agency comments and the entire file of record were admitted into the record.
45. Appearing and testifying on behalf of the applicant was Ryan Walker. Mr. Walker is the agent authorized to appear and speak on behalf of the applicant. Mr. Walker testified that the applicant had no objection to any of the proposed conditions of approval.
46. No member of the public testified at this hearing.
47. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
48. 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 been granted authority to render this Decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Chelan County Code and Comprehensive Plan.
3. As conditioned, the proposal will conform to the standards specified in the Chelan County Code.
4. As conditioned, the use will comply with all required performance standards as specified in the Chelan County Code.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of either the Chelan County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

DECISION

Based upon the above noted Findings and Fact and Conclusions of Law, request for variance, WV 2020-002 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 11.95.040, the construction shall be in substantial conformance with the site plan of record, dated August 13, 2020.
2. Pursuant to CCC Section 11.95.040 and the International Building Code, Section 105, the applicant shall obtain a building permit for the construction of the bridge.
 - 2.1. Consultation with Chelan County Public Works shall be required prior to commencement of construction in order to receive approval of bridge design and engineering. Said engineering report of the bridge's weight capacity shall be provided to Fire District No. 3.
 - 2.2. A copy of the issued Hydraulic Project Approval from WA Dept. Fish & Wildlife for the proposed project shall be submitted with building permit application.
 - 2.3. To ensure no encroachments would occur, all easements shall be shown on the site plan submitted with building permit, including but not limited to, the Chelan County PUD transmission line easement and associated poles. Consultation with Chelan County PUD prior to building permit application submittal shall be encouraged.
3. Pursuant to CCC Chapter 3.20 and CCC Chapter 11.84, a floodplain development permit shall be required prior to or with submittal of a building permit to Chelan County Community Development.
4. Pursuant to CCC Section 11.80.110 and the approved Habitat Mitigation and Management Plan, date stamped July 23, 2020, the proposed plantings shall be completed prior to the final inspection of the building permit; if at such time the plantings cannot be completed prior to final inspection, bonding as outlined in CCC Chapter 14.16 shall be required.
5. Pursuant to CCC Chapter 11.86, a geologic site assessment is required. The applicant is required to comply with any recommendations identified within this report. The assessment shall be submitted to Chelan County Community Development with building permit submittal.
6. Pursuant to CCC 11.78.090(3), all riparian buffers shall be temporarily fenced between the construction activity and the riparian buffer with a highly visible and durable protective barrier, such as filter fencing and straw bales, during construction to prevent access and protect the riparian buffer. The administrator may waive this requirement if an alternative to fencing which achieves the same objective is proposed and approved.
 - 6.1. A temporary erosion and sediment control plan (TESC) shall be submitted with the building permit application. No ground disturbing activities shall commence until the implementation of the TESC plan.
7. Pursuant to CCC Section 11.80.050(3), the location of the outer extent of the wetland buffer, the wetland boundary and the areas to be disturbed shall be marked in the field, and such field markings shall be approved by the administrator prior to the commencement of permitted

activities. The location of these areas shall be clearly identified on the site plan. Such field markings shall be maintained throughout the duration of the permit.

8. Pursuant to CCC Section 11.80.060(4), all wetland buffer areas shall be temporarily fenced between the construction activity and the buffer area with a highly visible and durable protective barrier(s) during construction to prevent access and sedimentation from disturbed areas from entering the wetland or its buffer. This requirement may be waived by the administrator if an alternative to fencing which achieves the same objective is proposed and approved.
9. Pursuant to CCC Section 11.88.190, no construction activity shall be permitted within 1,000 ft. of an occupied residence between the hours of 10 p.m. to 7 a.m.
10. Pursuant to RCW 27.53, prior to ground disturbing activities, consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) shall be required.
 - 10.1. A cultural resource survey shall be conducted and documented at time of building permit unless documentation as provided by DAHP relinquishes this requirement.
11. Pursuant to CCC Section 11.95.050, in any case where a variance 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 this code. An appeal of the decision shall automatically stay the issuance of building or other permits until such appeal has been completed.
12. Pursuant to CCC Section 11.95.060, the granting of a variance and the conditions set forth runs with the land; compliance with the conditions of the variance is the responsibility of the current owner of the property, whether that is the applicant or a successor.
13. Pursuant to CCC Section 11.95.070, upon final action of the hearing examiner as set forth in the provisions of this chapter, the department of building/fire safety and planning 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.
14. Pursuant to CCC Section 11.95.080, a variance shall become void three (3) years after approval if no substantial construction has taken place or such other time period as established by the hearing examiner.

Approved this 7th day of October, 2020.

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.