

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)

VAR 23-130)

Meglathery)

) FINDINGS OF FACT,
) CONCLUSIONS OF LAW, DECISION
) AND CONDITIONS OF
) APPROVAL

THIS MATTER, having come on before the Chelan County Hearing Examiner on June 21, 2023. The Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This is an application for a Variance submitted to reduce the required front yard setback and increase the maximum height limit of the subject property for the future construction of a garage. The variance request is to reduce the required 25 ft. building setback from the front line of the property to zero ft and also increase the maximum height limit of 35 ft. to 45 ft. in order to build a garage. The subject property is located within the Rural Waterfront (RW) zoning district.
2. The Applicant/Owners are Michael Meglathery and Hana Kern, 1212 NW 118th St., Seattle, WA 98177. Their agent is Jennifer Anderson / Anderson Residential Design, 802 Pine Street, Leavenworth, WA 98826.
3. The project location is 15916 Cedar Brae Rd., Leavenworth, WA 98826.
4. The parcel number of the subject property is 27-17-30-511-155.
5. The legal description of the subject property is: Lot 31, First Addition to Cedar Brae, Volume 4 of Plats, Page 78, Chelan County, Washington.
6. The subject property is located outside of an Urban Growth Area.
7. The Comprehensive Plan designation is Rural Waterfront (RW).
8. The zoning designation is Rural Waterfront (RW).
9. The subject property is currently being used for residential purposes. Existing structures include a single-family residence that was built in 2006 and an existing dock that extends into Lake Wenatchee.
10. From Cedar Brae Rd., the parcel steeply downward northward towards Lake Wenatchee. The site is mostly forested except for where there are existing structures. The site size is 0.48 acres.
11. The site size is 0.48 acres.
12. The property to the north is Lake Wenatchee.

13. The property to the south is Cedar Brae Road and is zoned Rural Waterfront (RW).
14. The property to the east is zoned Rural Waterfront (RW).
15. The property to the west is zoned Rural Waterfront (RW).
16. The Aquifer Recharge is exempt pursuant to Chelan County Code Section 11.82.060(2)(A).
17. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat and Species Maps, the subject property does not contain any known fish or wildlife habitats. Therefore, the provision of Chelan County Code (CCC) Chapter 11.78, Fish and Wildlife Habitat Conservation Areas Overlay District do not apply.
18. Pursuant to National Wetlands Inventory Mapping prepared by the US Department of Fish and Wildlife Services, the subject property does not contain wetlands. Therefore, the provisions of CCC Chapter 11.78, Fish and Wildlife Habitat Conservation Areas Overlay District do not apply.
19. The subject property is within the Urban jurisdiction of the CCSMP. Therefore, the provisions of the CCSMP do apply.
20. Pursuant to the Federal Emergency Management Agency, FIRM Panel No. 5300150750B, the subject property is not within identified flood hazard. Therefore, the provisions of CCC Chapters 11.84 Frequently Flooded Areas Overlay District and CCC 3.20 Flood Hazard Development do not apply.
21. Pursuant to CCC Chapter 11.86, the subject site contains erosive soils. Therefore, the provisions of Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District do apply.
22. Although the proposed development lies in an area with no previously recorded historic or prehistoric sites, the Hearing Examiner sets as a Condition of Approval that an inadvertent discovery plan be required at time of building permit submittal. Pursuant to RCW 27.53.020, full cooperation among the Department of Archaeology and Historic Preservation and other agencies is required to ensure information regarding the possible impact of construction activities on the state's archaeological resource is maintained. The Hearing Examiner requests notification if any artifacts are uncovered or discovered during the development of the proposed variance.
23. Construction would commence once an approved building permit is issued.
24. The subject property is accessed from Cedar Brae Road.
25. The subject property currently is provided domestic water by a joint-use well located on an adjacent property.
26. Power: Chelan County PUD.
27. The subject property currently is provided sewer services by the Lake Wenatchee Wastewater District.

28. Fire protection: The property is located within Chelan County Fire District #9.
29. Noise: Similar to other residential uses along Cedar Brae road. The development must comply with CCC, Chapter 7.35 Noise and RCW 70.107.
30. Visual impacts: Similar to other adjacent residential uses. The proposed garage would be placed on the property similar to other residential structures in the surrounding area.
31. The Notice of Application was referred to surrounding property owners within 300 feet (excluding 60 feet of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on April 4, 2023 with comments due April 18, 2023. Agency comments are considered and, when appropriate, associated Conditions of Approval. The following summarizes responding agencies:
32. The following are agencies that were notified:

Agencies Notified	Response Date	Nature of Comment
Chelan County Building Official		No comment received.
Chelan County Fire Marshal	4/17/2023	No comment received.
Chelan County Public Works	6/7/2023	Public Works has no issue with allowing the variance. The applicant shall record a "Hold Harmless" agreement with the County.
Fire District #9		No comment received.
WA State Dept. of Archaeology and Historic Preservation		No comment received.
Yakama Nation		No comment received.
Confederated Tribes of Colville	4/4/2023	Didn't understand the application.
Chelan-Douglas Health District		No comment received
Chelan County PUD		No comment received.

33. The following public comments were received:

Name(s)	Response Date	Nature of Comment
Allyn and Richelle Woods	4/18/2023	Concerns about the accuracy of the proposed site plan, that construction of the garage would impact their ability to build on their property and would also affect winter parking.
Curt Renfrow	4/18/2023	Concerned about the proposed garage obstructing the view of properties on the southside of Cedar Brae Rd.

David and Molly Satterfield	4/7/2023	Concerned that the proposed garage would impact the use of their home in the winter months because of the loss of parking along Cedar Brae Rd and also impact the snow removal that is done as well.
John Zipper	4/5/2023	Recommends that the variance be granted with a condition of approval that the proposed garage doesn't damage the County roadway.
Pat Taylor Helgren	6/19/23	Opposed to variance. Too close to road, to high.
Curt Renfrow	6/21/23	Opposed to variance. Garage too large.

34. Pursuant to WAC 197-11-800(6)(b), variance requests that do not result in an increase in density are categorically exempt from the environmental review process.
35. The application materials were submitted on March 13, 2023.
36. A Determination of Completeness was issued on March 29, 2023.
37. The Notice of Application was provided on April 4, 2023.
38. The Notice of Public Hearing was provided on June 21, 2023.
39. The Comprehensive Plan has been reviewed. Specifically, the goals and policies related to the Rural Waterfront (RW) designation for consistency with the proposed development which permits residential uses. Chelan County Comprehensive Plan, Chapter 4 page 13, states the purpose of the Rural Waterfront (RW) designation is "This designation will provide the opportunity for the development, redevelopment and infill of existing intensely developed shoreline areas for residential, and water related/water dependent recreational and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas provide a distinct water related lifestyle. Potential impacts to the surrounding area, critical areas, and water quality shall be addressed. These areas must be clearly identifiable as existing intensely developed rural shorelines; where a logical boundary can be delineated and set by the built environment. Such a boundary shall not permit or encourage a new pattern of sprawling low density or urban type development." Uses appropriate for these areas include: open space and developed open space; residential; agriculture; and forestry. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: intensification of existing development or new development of small-scale water related/water dependent recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location or setting but that do not include a new residential component; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities."

The Hearing Examiner finds that the development, as conditioned, is consistent with the Comprehensive Plan.

40. Chelan County Code, Chapter 11.04 District Use Chart:
 - 40.1 The proposed development is associated with the RW zoning district, which allows residential and accessory structures as permitted uses.
 - 40.2 The proposed use is consistent with Chelan County Code.

41. Chelan County Code, Section 11.18.020 Standards. All development in this zone shall meet the applicable provisions of the CCC, including, but without limitation the following:
- 41.1 (5)(A) Front yard: twenty-five ft. from the front property line or fifty-five ft. from the street centerline, whichever is greater.
 - 41.2 (5)(B) Rear yard: twenty ft. from the rear property line.
 - 41.3 (5)(C) Side Yard: five ft. from the rear property line.
 - 41.4 Hearing Examiner Finding: The requirement of 55 ft. from the street centerline is equal to 35 ft. from the front property line. Therefore, this provision applies. The applicant is requesting to reduce the required front yard setback of 35 ft. from the front property line to 0 ft. from the front property line (or subsequently 55 ft. to 20 ft. from the street centerline). In addition, the applicant is requesting to increase the maximum building height of 35 ft. to 45 ft. The applicant seeks these reductions in order to build a proposed two car garage with carport.
 - 41.5 CCC Section 11.88.040(2) does allow for reduction of front yard setback requirements due to slope. However, utilizing these provisions is not feasible due to the access easement that bisects the applicant's property.
 - 41.6 The height variance is required due to the amount of fill that would need to be placed in order to allow for safe ingress/egress into the garage from Cedar Brae Rd. Existing fill dirt would have to be removed for the foundation of the proposed garage to be placed on undisturbed soil. At the time of variance submittal, the elevation of undisturbed soil is not known, so the applicant would like to have some flexibility in the height department so that the proposed garage can meet all required
 - 41.7 According to the site plan of record, by reducing the front yard setback, the applicant would have enough room on the property to safely construct a garage with attached carport that is comparable to other assessor structures on nearby properties.
42. Chelan County Code, Chapter 11.95 Variances - 11.95.030 Evaluation criteria:
- 42.1 No variance shall be granted unless it can be shown that all of the following conditions exist:
 - 42.1.1 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.
 - 42.1.1.1 Applicant's Response: Property owners within the RW Zoning District enjoy the property right of having a Single-Family Residence/Dwelling (SFR), Accessory Structures, such as garages, carports, sheds, etc. and Accessory Dwelling Units per Title 11, Section 11.04.020 and 11.16.020. Without approval of the variance, the applicant would not be able to have an easily accessible garage during all seasons of the year due to the topography. Granting the variance preserves the owner/applicant's property rights consistent with the property rights possessed by owners of other properties both in the neighborhood and the RW District. Granting the variance provides the applicant with the same development rights as the other owners along Cedar Brae Rd.

- 42.1.1.2 Hearing Examiner Finding: The applicant is requesting to reduce the front yard setback and the maximum height allowance of the subject property in order to build a proposed garage with attached carport, which would only be accessed from Cedar Brae Rd.
 - 42.1.1.3 The requested variance of the front yard setback and maximum height limit would not constitute a special privilege since other properties along the northside of Cedar Brae Rd. have garages built on them. The variance would preserve a right substantially the same as possessed by other property owners within the same area.
- 42.1.2 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.
- 42.1.2.1 Applicant's Response: The owner/applicant's plight is due to the topography of the lot (extremely steep slope away from and along the entire length of Cedar Brae Rd.) and the application of Chelan County Code, regarding setbacks and height restrictions. The Right-of-Way is 20 ft. on each side of Cedar Brae, which extends the front yard setback to 35 ft., from the standard 25 ft., per 11.16.020(5)(A), pushing any structure deeper into the lot and further down the hill. Due to the topography, access to the SFR in winter months is unavailable. The existing easement on the east neighboring lot allows access to this property only in fair to good weather conditions. The width of this lot does not allow for another driveway to the SFR, nor does it allow for a parallel (to Cedar Brae) road/driveway to a garage on the south property edge. An Engineer determined the presence of fill at the existing south property line turn-out, which would warrant foundations place, potentially 30 ft. below this grade. The structure may exceed the maximum height of 35 ft., through averaging, due to these hardships. The owner/applicant has no control over the topography or the Code.
 - 42.1.2.2 Hearing Examiner Finding: Due to the steep slopes at the front of the property (greater than 45% in places), the structure needs to be closer to the road and potentially taller due to need for foundations to be placed into natural dirt and not into previously placed fill.
 - 42.1.2.3 The plight of the applicant is due to the existing steep slope down from Cedar Brae Rd. and the historic placement of fill (either from the road buildout or construction of the SFR in 2006, which was prior to the applicant owning the property).
- 42.1.3 The hardship asserted by the applicant is not the result of the applicant's or the owner's action.
- 42.1.3.1 The applicant/owner has taken no action to cause the hardship, as the hardship is caused by the naturally-occurring slope of the property, alterations and construction done prior to ownership, and applicable code provisions which limits this property right. There is no feasible location for construction of a garage on any other portion of the

property, as the entire property slopes steeply away from the road, elimination access during winter months. The code places a setback requirement which would make construction of a garage untenable. The applicant/owner has no control over the steepness of the slope or the topography and has taken no actions to cause either.

- 42.1.3.2 Hearing Examiner Finding: Lots along Cedar Brae Rd. typically have steep slopes in their front yard setbacks and access to residences along Lake Wenatchee often is impossible during winter months due to the steep inclines of access easements and driveways. The proposed reduced front yard setback and maximum height increase would not negatively affect the potential development of neighboring properties.
- 42.1.3.3 The hardship does not appear to be the result of the owner's actions. The plight of the applicant is in part due to the approval of the Cedar Brae plat, which was recorded prior to adoption of the current County Code.
- 42.1.4 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.
 - 42.1.4.1 The garage will neither be materially detrimental to the public welfare or safety, nor will it otherwise negatively impact other property in the same district or the Comprehensive Plan. The garage will not alter the existing access for emergency or County personnel to this and surrounding parcels as necessary. There is adequate ingress/egress for the garage, as noted in the included documents, to further insure public welfare and safety yet still allow the owner/applicant to enjoy the same property rights enjoyed on neighboring parcels and the RW Zoning District and does not injure surrounding properties. Approval of this variance is consistent with the purposes of the Chelan County Building Code and the Comprehensive Plan promoting and allowing appropriate development and construction on residential property within Chelan County.
 - 42.1.4.2 Hearing Examiner Finding: The authorization of this variance would not be materially detrimental to the purpose of Title 11; this variance would be consistent with goals and objectives of Title 11 and the Comprehensive Plan. The proposed garage with carport is similar to other uses and structures within the same zoning district and neighborhood. Chelan County Code Chapter 11.04 District Use Chart, permits accessory structures within the RW zoning district.
 - 42.1.4.3 The authorization of the front yard variance and increase of the maximum height allowance would promote the development of the subject property with a planned future garage. The authorization of this variance would promote the goals and objectives of Title 11 and the County's Comprehensive Plan.

42.1.5 The hardship asserted by the application results from the application of this title to the property.

42.1.5.1 The hardship results from the application of this title applied to the property in Cedar Brae's narrow Right-of-Way of 40 ft., the width of this legal lot in buildable area for a garage and driveway, the setback requirements, height restrictions and would preclude the construction of the owner/applicant's garage as a property right. The variance is necessary to resolve this hardship.

42.1.5.2 Hearing Examiner Finding: As previously stated, the subject property was created prior to current code regulations for zoning. Per CCC Section 11.14.020, a front yard setback of 35 ft. from the front property line (or subsequently 55 ft. from the street centerline) is required and the maximum height for structures is 35 ft

42.1.5.2 The hardship is a result of the application of the CCC to the subject property based on property topographic constraints and specific conditions, which does not factor in historically created parcels.

43. The granting of a variance should not:

43.1 Be substantially based upon precedent established by illegal or nonconforming circumstances.

43.1.1 Applicant's Response: The applicant is unaware of, and is not relying on, any precedent established by illegal or nonconforming circumstances. The application relies on the attributes of the property itself and the application of the requirements for a variance to the property at issue.

43.1.2 Hearing Examiner Finding: The variance request is based on the subject property's encumbrances due to the application of the Title 11 required zoning setbacks. The parcel was legally established pursuant to CCC 14.98.1090 definition of legal lot of record being as it was created through a plat dated prior to October 17, 2000.

43.1.3 The proposed variance is based on the zoning requirements of the RW zoning district.

43.2 Be substantially based upon lack of reasonable economic return or a claim that the existing/proposed structure is too small.

43.2.1 Applicant's Response: The proposed garage is for private use. The variance application is not based upon economic considerations nor is the garage intended to provide economic return. There is no existing garage, so there is no claim that any structure is too small.

43.2.2 Hearing Examiner Finding: Currently, the subject property contains a single-family residence that was built in 2006 and a dock that extends out into Lake Wenatchee. The applicant indicates that the request is not based on economic

return, but rather a reasonable use of the property in way similar to properties in the proximity.

43.2.3 There is no claim of economic return. The reduced front yard setback and increase of the maximum building height would enable the owner/applicant to construct a garage as an accessory structure that would allow them to access the subject property at all times during the year and not just in summer months.

43.3 Be based on the fact that the condition, for which the variance is requested, existed at the time the applicant acquired the property.

43.3.1 Applicant's Response: While a condition requiring the variance (the steep slope) has existed since long before the owner/applicant, or any of their predecessors in interest owned the property, the application of the current County Code to the property requires variance approval to build the garage in the desired, logical location. The owner/applicant did not create the hardship nor the conditions requiring the variance. No variance request, nor approval, existing at the time the applicant acquired the property.

43.3.2 Hearing Examiner Finding: The owners acquired the property in 2021. The lot has been in existence since the recording of the Cedar Brae plat in 1958, which was prior to the establishment of current zoning regulations.

43.3.3 The lot encumbrances existed at the time the applicant acquired the property; however, the lot was legally created as a residential lot prior to the county's adoption of zoning codes.

43.4 Result in a de facto zone reclassification.

43.4.1 Applicant's Response: The requested variance does not request a de facto zone reclassification.

43.4.2 Hearing Examiner Finding: The proposed variance would not change the permitted land uses.

43.4.3 This would not apply.

43.5 Be substantially for the purpose of circumventing density regulations.

43.5.1 Applicant's Response: The requested variance is not for the purpose of circumventing density regulations, nor will it impact density.

43.5.2 Hearing Examiner Finding: The proposed variance would not affect density.

43.5.3 This would not apply.

44. An open record public hearing was held via Zoom on June 21, 2023.

45. The staff report, application materials, agency comments and the entire file of record were admitted into the record.

46. Appearing and testifying for the Applicants were Mike Meglathery, Hana Kern, and Jennifer Anderson. Mike Meglathery and Hana Kern are co-owners of the property and are the applicants in this matter. Ms. Anderson is an agent authorized to appear and speak on behalf of the property owners/applicants. Mr. Meglathery stated that he agreed with all representations in the staff report and had no objection to any of the proposed Conditions of Approval. He testified that there are other pullouts on the road within 300' of where they propose to build the garage. The access road to their property will not be altered. Ms. Anderson testified that the roof overhand is 1.23 feet into the setback area and not the full two feet that is allowed. She stated that there is sufficient room within the off-road area adjacent to the garage to turn the car around so as not to back out onto the roadway. Ms. Kern testified that the height of the building is measured from the backside of the garage and will not be easily viewed from the street. Ms. Kern testified that the height of the garage on the street side would be about 18 feet. She also indicated that overhangs into the setback area have been allowed on other properties.
47. Testifying from the public was David Satterfield. Mr. Satterfield testified that the garage is going to be placed in right of way that has been historically used as off-road parking in the wintertime for the public. He testified that because of this, the project does not comply with applicable variance criteria. He stated that without this pullout, they will need to park on Cedar Brae Road to unload their gear in the winter.
48. Staff indicated that Mr. Satterfield received a front yard variance in 2014 reducing the front yard setback to 5 feet. In rebuttal Ms. Anderson testified that the overhand into the side yard setback is only small corner of the overhang. She indicated that the area referred to as the former "pull-out" in front of the proposed garage is fill dirt which was probably placed there during the construction of the home on the property.
49. The following members of the public testified at the hearing:
50. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
51. 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 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.

III. DECISION

Based upon the above noted Findings and Fact and Conclusions of Law, VAR 23-130 is hereby **APPROVED**, subject to the conditions noted below.

IV. 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. The development shall be in substantial compliance with the Chelan County Zoning Resolution, in addition to all other applicable local, state and federal regulations.
2. Pursuant to CCC 11.95.040, future development of the subject property shall proceed in substantial compliance with the application submitted on March 13, 2023 and the site plan of record, which is also date stamped March 13, 2023 (Exhibit A).
3. Access to the proposed garage with attached carport will only be from Cedar Brae Rd.
4. Pursuant to comments received from Chelan County Public Works on June 7, 2023, the applicant shall record a "Hold Harmless" agreement with the County that waives any rights to recovery of damage to the building or property by County road service/maintenance operations (including snow plowing).
5. Pursuant to comments received from Chelan County Public Works on June 7, 2023, the footings for the structure shall not be in the County right-of-way (R/W). If there are any retaining walls proposed for the access proposed to be in the R/W, the applicant shall enter into a Right-of-Way Use Agreement with the County. Engineered plans shall be submitted for approval for any retaining walls or fill in the County R/W.
6. Pursuant to comments received from Chelan County Public Works on June 7, 2023, the applicant shall obtain a Chelan County Access Permit from Public Works.
7. 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.
8. Pursuant to CCC Section 11.95.060, the granting of a variance and the conditions set forth runs with the land; compliance with conditions of the variance is the responsibility of the current owner of the property, whether that is the applicant or a successor.
9. Pursuant to CCC Section 11.95.080, a variance shall become void three years after approval if no substantial construction has taken place or such other time period as established by the Hearing Examiner.

10. Pursuant to CCC Section 11.02.040, prior to commencement of construction, the applicant shall obtain all required and necessary building permits.
11. Pursuant to CCC Section 11.88.190, no construction activity shall be permitted within one thousand ft. of an occupied residence between the hours of 8:00 p.m. to 6:00 a.m., Monday through Friday, and 8:00 p.m. to 7:00 a.m. on weekends.
12. Pursuant to RCW 27.53.060, if any Native American grave sites or archaeological resources are discovered or excavated, work shall stop immediately.
13. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan is attached as Exhibit B.
14. Chelan County is not responsible for notification or enforcement of covenants or deed restrictions affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant/owner assumes all risks and liability for any claims and liabilities for covenants or deed restrictions or reservations.
15. Because the subject property project area is within the Urban designation area of the CCSMP, the Applicant shall comply with all provisions, and obtain all permits required by the CCSMP, if any.

Dated this 26 day of June, 2023.

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.