

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
VAR 2024-189)	DECISION
Anderson Variance)	
)	

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on July 3, 2024, 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. An application for a Variance was submitted to reduce the required front yard setback of 45 feet from the road centerline down to 37 feet from the road centerline in order to construct a new residence. The subject property is located within the within the Rural Waterfront (RW) zoning district.
- 2. Project Location: Unassigned Cedar Brae Road, Leavenworth, WA 98826
- 3. Parcel Number: 27-17-30-511-265
- 4. Legal Description: Parcel A of BLA 2011-307
- 5. Applicant/Owner: Kevin and Barb Anderson, 36045 3rd Ave. S, Federal Way, WA 98003
- 6. Agent: Ryan Walker / Grette Associates, Inc., 151 South Worthen St., Suite 101, Wenatchee, WA 98801
- 7. Urban Growth Area: The proposed development is not within an Urban Growth Area.
- 8. Comprehensive Plan Designation: Rural Waterfront (RW)
- 9. Zoning District: Rural Waterfront (RW)
- 10. Existing Land Use: The subject property is currently vacant.
- 11. SITE INFORMATION AND NEIGHBORHOOD CHARACTERISTICS:
 - 11.1. Site Physical Characteristics: From Cedar Brae Road, the parcel steeply downward northward towards Lake Wenatchee. The site is mostly forested.
 - 11.2. Site Size: 0.38 acres
 - 11.3. Property North: Lake Wenatchee

- 11.4. Property South: Cedar Brae Road / Rural Waterfront (RW)
- 11.5. Property East: Rural Waterfront (RW)
- 11.6. Property West: Rural Waterfront (RW)
- 11.7. Aquifer Recharge Area: Exempt pursuant to Chelan County Code Section 11.82.060(2)(A).
- 11.8. Fish & Wildlife Habitat Conservation Areas: 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.
- 11.9. Wetlands: 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.
- 11.10. Shoreline Master Program: The subject property is within the Urban jurisdiction of the CCSMP. Therefore, the provisions of the CCSMP do apply.
- 11.11. Floodplain: 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.
- 11.12. Geologically Hazardous Areas: 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.
- 11.13. Cultural Resources: Although the proposed development lies in an area with no previously recorded historic or prehistoric sites, staff recommends a Condition of Approval that an inadvertent discovery plan would be required at time of building permit submittal.
- 11.13.1. 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. Staff recommends notification if any artifacts are uncovered or discovered during the development of the proposed variance.

12. PROJECT/DESIGN INFORMATION:

- 12.1. Construction Phasing/Timing: If the variance is approved, construction would commence once an approved building permit is issued.
- 12.2. Traffic Circulation: The subject property is accessed directly from Cedar Brae Road.
- 12.3. Domestic Water: The subject property currently is provided domestic water by a single-use well located on the subject property.

12.4. Power: Chelan County PUD

12.5. Sanitation: The subject property currently is provided sewer services by the Lake Wenatchee Wastewater District.

12.6. Fire Protection: The property is located within Chelan County Fire District #9.

12.7. Noise: Similar to other residential uses along Cedar Brae Road. The development must comply with CCC, Chapter 7.35 Noise and RCW 70.107.

12.8. Visual Impact: Similar to other adjacent residential uses; the proposed residence would be placed on the property similar to other residential structures in the surrounding area.

13. COMMENTS:

13.1. The Notice of Application was referred to surrounding property owners within 300 ft. (excluding 60 ft. of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on May 16, 2024 with comments due May 30, 2024. No public comments were received.

13.2. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. The following summarizes responding agencies:

Agencies Notified	Response Date	Nature of Comment
Chelan County Building Official		No comment received.
Chelan County Fire Marshal		No comment received.
Chelan County Public Works	5/23/2024	Public Works has no issue with allowing the variance. The applicant shall record a "Hold Harmless" agreement with the County. In addition, the applicant shall obtain Chelan County Address and Access Permits from Public Works.
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	5/15/2024	Recommends a cultural resources survey
Chelan-Douglas Health District		No comment received
Chelan County PUD	6/1/2024	A private water review application for the existing well is required per RCW 19.27.097.

14. No public comments were received.

15. SEPA ENVIRONMENTAL REVIEW:

- 15.1. 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.

16. APPLICATION AND PUBLIC HEARING NOTICE COMPLIANCE:

- 16.1. Application Submitted: May 3, 2024
- 16.2. Determination of Completeness issued: May 14, 2024
- 16.3. Notice of Application: May 16, 2024
- 16.4. Notice of Public Hearing: June 22, 2024
- 16.5. Public Hearing: July 3, 2024
- 16.6. Hearing Examiner Decision: The Hearing Examiner will issue a decision within 10 working days from the close of the hearing. This decision has a 21 day appeal period.

17. APPLICABLE LAND USE REGULATIONS AND PERMIT REQUIREMENTS:

17.1. Chelan County Comprehensive Plan:

- 17.1.1. 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.

- 17.1.2. Chelan County Comprehensive Plan, Chapter 4 page 13, states the purpose of the Rural Waterfront (RW) designation is to "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."

- 17.1.2.1. 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.

- 17.2. The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.

18. Chelan County Code:

- 18.1. Chelan County Code, Chapter 11.04 District Use Chart

18.1.1. Hearing Examiner Finding: The proposed development is associated with the RW zoning district, which allows residential structures as permitted uses.

18.1.2. Hearing Examiner Conclusion: The proposed use is consistent with the CCC.

18.2. Chelan County Code, Section 11.16.020 Standards

18.2.1. All development in this zone shall meet the applicable provisions of the CCC, including, but without limitation the following:

18.2.2. (5)(A) Front yard: twenty-five ft. from the front property line or fifty-five ft. from the street centerline, whichever is greater.

18.2.3. (5)(B) Rear yard: twenty ft. from the rear property line.

18.2.4. (5)(C) Side Yard: ten ft. from the side property line.

18.2.5. Hearing Examiner Finding: The requirement of 45 ft. from the street centerline (Since the ROW of Cedar Brae Road is only 40 ft. wide) is equal to 25 ft. from the front property line; therefore, this provision applies. The applicant is requesting to reduce the required front yard setback of 25 ft. from the front property line to 17 ft. from the front property line (or subsequently 45 ft. to 37 ft. from the street centerline). The applicant seeks this reduction in order to build a proposed residence.

18.2.6. CCC Section 11.88.040(2) does allow for reduction of front yard setback requirements due to slope; however, utilizing these provisions does not enable the applicant's proposed design to fit within the required setbacks. The parcel is along the shoreline of Lake Wenatchee and contains a regulatory shoreline buffer. The road setback reduction preserves shoreline buffer function and minimizes shoreline impacts.

18.2.7. Hearing Examiner Conclusion: 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 new residence that is comparable to other residential structures on nearby properties and limit disturbance to the existing shoreline vegetation.

19. Chelan County Code, Chapter 11.95 Variances

19.1. 11.95.030 Evaluation criteria

19.2. No variance shall be granted unless it can be shown that all of the following conditions exist:

19.2.1. 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.

19.2.1.1. Applicant's Response: The requested front yard setback variance from Cedar Brae Road is required in order to construct a single-family residence with attached garage on the subject parcel. Due to the narrow lot size and extremely steep property, there is very little buildable area on the parcel. The area that is available outside of setback is so steep

that typical residential construction is not feasible, and it would result in significant vegetation removal on an extreme slope. The residence would be located no less than 17 ft from the front property line and 37 feet from the road centerline. Covered vehicle parking is a normal residential appurtenance in the Lake Wenatchee area. An average of approximately 15 feet of snow falls per year and it is common for single storms to accumulate 3-4 feet of snow. Vehicles need to be protected from precipitation and cold weather to be available to operate.

19.2.1.2. The request for a front yard setback variance from Cedar Brae Road is not considered a granting of special privilege for a lot that is this steep. Other residences within Chelan County located on developed lots along Lake Wenatchee which contain constraints similar to the subject property caused by front yard setbacks have been granted similar front yard setback variances for the construction of residential development, including single-family residences. The applicant is requesting the variance to the front yard setback from 55 ft to 37 ft in order to enjoy the same rights as other properties with similar zoning; the construction of a single-family residence with attached garage on a residential legal lot of record. The requested variance does not constitute a grant of special privilege but merely allows use of the property in a manner that is consistent with Chelan County zoning and the comprehensive plan.

19.2.1.3. Hearing Examiner Finding: The applicant is requesting to reduce the front yard setback in order to build a proposed single-family residence while preserving native shoreline vegetation existing on the property.

19.2.1.4. Hearing Examiner Conclusion: The requested variance of the front yard setback would not constitute a special privilege since other properties along the northside of Cedar Brae Road have single-family residences built on them. The variance would preserve a right substantially the same as possessed by other property owners within the same area.

19.2.2. 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.

19.2.2.1. Applicant's Response: The plight of the applicant is due to the extremely steep slope of the property and the presence of Cedar Brae Road adjacent to the flattest portion of the property. The applicant has no control over any of these circumstances nor are they the fault of the applicant. Together all these unique encumbrances create the applicant's plight and prevent reasonable use of the property.

19.2.2.2. Hearing Examiner Finding: Due to the steeper slopes found on the property towards Lake Wenatchee (greater than 45% in places), the structure needs to be closer to the road.

19.2.2.3. Hearing Examiner Conclusion: The plight of the applicant is in part due to the existing shoreline buffer together with the lot being created prior to adoption of current zoning and shoreline regulations.

19.2.3. The hardship asserted by the applicant is not the result of the applicant's or the owner's action.

- 19.2.3.1. Applicant's Response: The hardship asserted by the applicant is not a result of the applicant's own actions but is the result of the physical constraints of the parcel and the strict application of this Chapter, which limits development within 55 ft of the centerline of Cedar Brae Road. The requested variance to the front yard setback is required in order to build the single-family residence with attached garage without developing on the steepest portion of the lot. Building the single-family residence with attached garage within 37 ft of the centerline of Cedar Brae Road is the minimum necessary to afford relief to the applicant from hardships over which the applicant has no control and has not caused by their own actions.
- 19.2.3.2. Hearing Examiner Finding: Lots along Cedar Brae Road 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 would not negatively affect the potential development of neighboring properties.
- 19.2.3.3. Hearing Examiner Conclusion: 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.
- 19.2.4. 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.
- 19.2.4.1. Applicant's Response: The granting of the requested variance would not be materially detrimental to the public welfare and safety, nor would it be injurious to property within the same district or neighborhood. The requested variance pertains to the development of a private residential parcel with a replacement single-family residence with attached garage; an allowed residential structure. The development of a private residential parcel with a single-family residence with attached garage is consistent with the objectives of the comprehensive plan and will not affect the welfare or safety of surrounding parcels. Further, the single-family residence with attached garage will still be located no less than 37 ft from the centerline of Cedar Brae Road.
- 19.2.4.2. The single-family residence will not pose a threat to navigation of the road by personal vehicles or commercial equipment. The garage has been designed so that vehicles enter parallel to Cedar Brae Road. This orientation prevents vehicles from backing towards and into the main road. Many properties along Lake Wenatchee have constructed single-family residences with attached garages and other residential structures closer to the centerline due to the lack of any suitable alternative building site based on existing topography and encumbrances. Since these other structures already exist along Cedar Brae Road, the proposed single-family residence with attached garage does not create any new precedent, and merely conforms to the known existing conditions and building limitations within this portion of Chelan County.
- 19.2.4.3. Hearing Examiner Finding: The authorization of this variance would not be materially detrimental to the purpose of Title 11 of the CCC. In addition, the authorization of this variance would promote the goals and objectives of the Chelan County Comprehensive Plan. Goal CL 1 and Goal NS 2 of the Resource Element found

within the Comprehensive Plan that address conserving natural areas within Chelan County. The proposed single-family residence is similar to other uses and structures within the same zoning district and neighborhood.

19.2.4.4. Hearing Examiner Conclusion: The authorization of the front yard variance would promote the development of the subject property with a planned single-family residence. The authorization of this variance would promote the goals and objectives of Title 11 and the County's Comprehensive Plan.

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

19.2.5.1. Applicant's Response: The hardship facing the applicant is directly related to the strict application of title 11.14.020(5)(A), which limits development within 25 ft from the front property line or 55 ft from the street center line, whichever is greater. The requirements of CCC 11.86 require the submittal of a Geologic Site Assessment which has been prepared and concludes that building on steep slopes should be avoided.

19.2.5.2. 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 25 ft. from the front property line (or subsequently 45 ft. from the street centerline) is required. Due to the shoreline buffer constraints that exist on the property, the buildable area on the subject property is limited unless disturbance to the riparian vegetation within the shoreline buffer is proposed. By reducing the front yard setback instead of disturbing vegetation within the shoreline buffer, the applicant meets several goals outlined in the Chelan County Comprehensive Plan.

19.2.5.3. Hearing Examiner Conclusion: 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 the CCSMP regulations or historically created parcels.

19.3. (2) Variances granted from the provisions and criteria contained in Chapter 11.78, Fish and Wildlife Habitat Conservation Areas Overlay District, and Chapter 11.80, Wetland Areas Overlay District, have addition variance criteria

19.3.1. Hearing Examiner Conclusion: These criteria do not pertain to the proposed development.

19.4. (3) The granting of a variance should not:

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

19.4.1.1. Applicant's Response: None provided

19.4.1.2. 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.

19.4.1.3. Hearing Examiner Conclusion: The proposed variance is based on the zoning requirements of the RW zoning district.

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

19.4.2.1. Applicant's Response: None provided.

19.4.2.2. Hearing Examiner Finding: 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.

19.4.2.3. Hearing Examiner Conclusion: There is no claim of economic return. The reduced front yard setback would enable the owner/applicant to construct a single-family residence that would allow them to use the subject property at all times during the year.

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

19.4.3.1. Applicant's Response: None provided.

19.4.3.2. Hearing Examiner finding: The owners acquired the property in 2010. 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.

19.4.3.3. Hearing Examiner Conclusion: 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.

19.4.4. Result in a de facto zone reclassification.

19.4.4.1. Applicant's Response: None provided.

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

19.4.4.3. Hearing Examiner Conclusion: This would not apply.

19.4.5. Be substantially for the purpose of circumventing density regulations.

19.4.5.1. Applicant's Response: None provided.

19.4.5.2. Finding of Fact: The proposed variance would not affect density.

19.4.5.3. Conclusion: This would not apply.

20. Department of Community Development Staff Analysis:

20.1. The variance is requested to reduce the required 45 ft. building setback from the centerline of Cedar Brae Road to 37 ft. Based upon the foregoing facts and analysis, staff concludes the

proposal is consistent with Chelan County Code and Comprehensive Plan. The recommended conditions of approval address the above-listed requirements, which have been met by the proposal.

21. An open record hearing after due legal notice was held on July 3, 2024.
22. Appearing and testifying on behalf of the applicant was Ryan Walker. Mr. Walker testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Walker indicated that he agreed with the representations within the staff report and had no objection to any of the proposed Conditions of Approval. He further testified that the property has a very steep slope from Lake Wenatchee to Cedar Brae Road and that with the variance they will be able to back out of the proposed garage without backing on to the road.
23. No member of the public of the public testified at this hearing.
24. The following exhibits were admitted into the record:
 - 24.1. Ex. A Site plan of record date stamped May 3, 2024
 - 24.2. Ex. B Chelan County Inadvertent Discovery Plan.
 - 24.3. Ex. C Staff Report.
 - 24.4. Ex. D Remainder of Planning Staff File.
25. 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 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, VAR 24-189 is hereby **APPROVED** subject to the following Conditions of Approval.

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 May 3, 2024 and the site plan of record, which is also date stamped May 3, 2024 (Exhibit A).
3. Pursuant to comments received from the Chelan-Douglas Health District on June 1, 2024, the applicant shall submit a Private Water System Review to the CDHD for review (as part of the subsequent building permit application).
4. Pursuant to comments received from Chelan County Public Works on May 23, 2024, 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 May 23, 2024, the footings for the structure shall not be in the County right-of-way (R/W).
6. Pursuant to comments received from Chelan County Public Works on May 23, 2024, the applicant shall obtain a Chelan County Address and 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. Pursuant to comments received from the Confederated Tribes of the Colville Reservation on May 15, 2024, the subject property is located within an area of high probability for containing cultural resources, and therefore a cultural resource survey shall be required. And therefore a cultural resource survey shall be required unless this requirement is waived by all agencies with jurisdiction.
14. If notification is received from the Confederated Tribes of the Colville Reservation that the requested cultural resource survey is waived, the applicants must submit an Inadvertent Discovery Plan (Exhibit

B) to Chelan County Community Development with the building permit application and kept onsite during all land disturbing activities.

15. 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.

Dated this 16 day of July, 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.