

# CHELAN COUNTY

DEPARTMENT OF HEARING EXAMINER

316 WASHINGTON STREET, SUITE 301  
WENATCHEE, WASHINGTON 98801

## BEFORE THE CHELAN COUNTY HEARING EXAMINER

<b>IN RE:</b>	)	<b>DECISION ON CITY OF</b>
	)	<b>CHELAN AND LAKE CHELAN</b>
PD 2008-002 / P 2008-009	)	<b>SEWER DISTRICT'S REQUEST</b>
Tuscan Village of Lake Chelan	)	<b>FOR RECONSIDERATION /</b>
	)	<b>CLARIFICATION</b>

### FINDINGS OF FACT

1. On November 16, 2009, the Chelan County Hearing Examiner rendered a Decision in the above-referenced matter.
2. On November 23, 2009, the Chelan County Hearing Examiner rendered a Corrected Decision in the above-referenced matter.
3. The Corrected Decision set forth 79 Findings of Fact, 17 Conclusions of Law and 27 Conditions of Approval.
4. On or about November 25, 2009, parties of record City of Chelan and Lake Chelan Sewer District submitted a request for reconsideration / clarification of the above-referenced Decision.
5. Submitted with this request was a document entitled "Chelan County Commissioner's Minutes of August 10, 11, 2009." This document was not admitted into the record at the open record public hearing held on October 21, 2009. This document is not admitted into the record at this time.
6. The City of Chelan and Lake Chelan Sewer District's request for reconsideration / clarification related to Findings of Fact 27, 48(b), 55, 64, 65 and 74; Conclusion of Law 16; and Conditions of Approval 9, 11, 23, 25 and 27.
7. In response to this request for reconsideration / clarification, the applicant submitted a letter response dated December 2, 2009, generally opposing the request for

reconsideration / clarification with the exception of correction of two scrivnor's errors related to Findings of Fact 64 and 65.

8. The Hearing Examiner further finds that all other challenged Findings of Fact were supported by substantial evidence submitted and entered into the record, that all Conclusions of Law were based upon Findings of Fact and that all Conditions of Approval satisfy the requirements of the Chelan County Code.

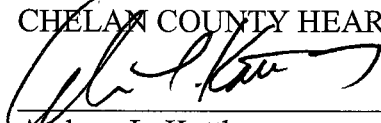
### DECISION

The Hearing Examiner has reviewed the record and context of the City of Chelan and Lake Chelan Sewer District's request for reconsideration / clarification and hereby **REAFFIRMS** the Decision dated November 16, 2009, and corrected November 23, 2009, with the exception of correcting scrivnor's errors as follows:

1. A scrivnor's error in Finding of Fact 64 shall be amended to read in its entirety:
  64. The City of Chelan and Chelan County entered into a Memorandum of Understanding signed July 8, 1997.
2. Additionally, a scrivnor's error in Finding of Fact 65 shall be corrected and Finding of Fact 65 shall now read in its entirety:
  65. The City of Chelan and Chelan County entered into an Interlocal Agreement for the South Shore, recorded July 19, 2007 (hereinafter referred to as "Interlocal Agreement"). The Interlocal Agreement was a result of a Memorandum of Understanding, dated February 26, 2007, Exhibit 9 of the Hearing materials.

DATED this 4<sup>th</sup> day of December, 2009.

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

PD 2008-002 / P 2008-009

Tuscan Village of Lake Chelan

Page 2 of 3

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.