

SHORELINE MANAGEMENT PERMIT

RECEIVED

ACTION SHEET

JAN 08 2019

**CHELAN COUNTY
COMMUNITY DEVELOPMENT**

Application #: SDP 2018-311 SCUP 2018-312

Administering Agency Chelan County Department of Community Development

Type of Permits:

- Shoreline Substantial Development Permit
- Shoreline Conditional Use Permit

Action: ■ Approved ☐ Denied

Date of Action: January 7, 2019

Date Mailed to DOE/AG

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of Chelan County, the following permit is hereby approved:

**Jared and Theresa Novak
PO Box 11
Monitor, WA 98836**

To undertake the following development: An application for a shoreline substantial development permit and shoreline conditional use permit, for installation of a new approximately 32 ft x 14 ft in-ground swimming pool, with associated patio and fencing, within the 200-foot shoreline jurisdiction associated with the Wenatchee River. All proposed development will be located outside the applicable 100-foot setback from ordinary high water mark (OHWM) and the designated floodway.

Upon the following property: 3651 Bridge Street, Monitor, WA.

Within 200 feet of the Wenatchee River and/or its associated wetlands.

The project will be within a shoreline of statewide significance (RCW 90.58.030). The project will be located within a rural shoreline environment designation.

The following Shoreline Master Program provisions are applicable to this development: Sections 7, 9, 11, 16, 21, 27 and 29.

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 WAC 173-27-150 and RCW 90.58.130(2), prior to commencement of this project, the applicant shall obtain any necessary aquatic permits from agencies with jurisdiction which may

include, but is not limited to, the Washington State Department of Fish and Wildlife, the Army Corps of Engineers, the Washington State Department of Ecology, Chelan County PUD, Chelan County Building Department and the Washington Department of Natural Resources.

1.1. The applicant shall submit a residential building permit for the swimming pool.

2. Pursuant to Chelan County Shoreline Master Program Section 30.3.5 and 30.3.6, this shoreline permit shall be valid for the activities described in the application materials, dated September 18, 2018 and shown on the site plan of record, date stamped October 24, 2018, except as modified by this decision or other jurisdictional agencies.
3. Pursuant to Chelan County Shoreline Master Program Section 5.7, the applicant may use emergency actions if necessary to protect life, property, or unique historical or archaeological sites from imminent danger.
4. The property is located within the designated floodplain and subject to the regulations identified in CCC Chapter 11.84, Frequently Flooded Areas Overlay District and CCC Chapter 3.20, Flood Hazard Development.

4.1. The floodway and floodplain shall be staked in the field at the time of inspection for the pool.

5. Pursuant to the representations of staff and the applicant at the Open Record Public Hearing, the requirement of a restoration plan pursuant to CCC, Sections 11.78.090 and 11.78.210 and CCSMP, Sections 9.1 and 9.8 is hereby waived, provided that pursuant to CCC, Sections 11.78.090, 11.78.210 and CCSMP, Sections 9.1 and 9.8, the applicant shall submit annual documentation / reporting at years one and two to confirm vegetation within 25 feet of the ordinary high watermark has been maintained and that the river access corridor is no more than 20 feet wide and that no further riparian / shoreline disturbance has occurred.
6. Pursuant to CCC, Section 11.78.090(4)(A), a 100-foot wide riparian buffer is required.
7. Pursuant to CCC Section 11.78.090(2), vegetation within the riparian buffer shall be maintained as riparian habitat. Noxious weeds in the riparian buffer should be controlled according to best management practices.
8. Pursuant to CCC Section 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.
9. Pursuant to RCW 27.53.020, and CCSMP Section 27, if the applicant 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 notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination.
10. Pursuant to WAC 173-27-1901, construction shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).
11. Pursuant to Chelan County Shoreline Master Program Section 30.3.10, substantial progress toward construction for which a permit has been granted must be accomplished within two (2) years for the granting of the permit

12. Pursuant to Chelan County Shoreline Master Program Section 30.3.11, a project which has been granted a permit shall be completed within five (5) years of the issuance of a permit. The Administrative authority may extend the permit for one additional year.

FINDINGS OF FACT

1. The applicant/owners are Jared and Theresa Novak, PO Box 11, Monitor, WA 98836.
2. The project location is 3651 Bridge Street, Monitor, WA.
3. The parcel number for the subject property is 23-19-11-230-125.
4. The proposed development is not within an Urban Growth Area.
5. The Comprehensive Plan designation and zoning for the subject property is Rural Residential/Resource - 1 Dwelling Unit per 5 Acres (RR5).
6. The property is currently in residential and recreational use. A single family residence is currently under construction and a rock wall has been constructed just south of the 100-foot riparian buffer.
7. Previous permits issued to property include the following:
 - 7.1 BP 170494 for a four bedroom, four bath, single family residence and 120 gallon propane tank.
8. On September 15, 2017, a code enforcement case request was submitted to the Department and assigned file number CE 17-0045. The violation involved shoreline and riparian disturbance including grading, filling within the floodway, shoreline buffer and riparian buffer. The applicant ceased work and removed the associated fill within the floodway and the 100-foot riparian setback. All proposed development will be located outside of the floodway and the 100-foot riparian buffer. Staff recommended a restoration plan to as mitigation for the unauthorized development with the floodway/buffer area. This code violation remains unresolved.
9. Staff conducted a site visit on December 4, 2018. Staff located survey stakes for the floodway and the riparian setback and confirmed that the proposed development will be located outside of these areas. Staff further concluded that the existing rock wall exceeds four feet in height (4-5 feet variable) and requires permitting or modification. The site plan indicates the wall is less than four feet in height.
10. The subject property was former agricultural land (orchard), which has been cleared for development of a new single family residence. There is a 4-5 foot (variable) rock wall located just outside the 100-foot riparian buffer. The site is fairly flat and slopes gradually toward the river at the 100-foot mark. Vegetation within the riparian buffer is primarily lawn grass. There is a small amount undisturbed native vegetation adjacent to the OHWM. An approximately 30-foot wide section of the vegetative area has been cleared to create a view corridor. The clearing was done by previous property owners.
11. The property to the north of the subject property is the Wenatchee River.
12. The property to the south of the subject property is Bridge Street (30-foot private access easement) and BNSF right-of-way.
13. The property to the east of the subject property is zoned Rural Residential/Resource - 1 Dwelling Unit per 5 Acres (RR5) and is vacant land.
14. The property to west of the subject property is zoned Rural Residential/Resource - 1 Dwelling Unit per 5 Acres (RR5) and is in residential and recreational use.

15. Pursuant to WAC 197-11-800(6)(a), the proposal is categorically exempt from a SEPA threshold determination.
16. The Comprehensive Plan has been reviewed. Specifically the goals and policies related to the Rural Residential/Resource 5 (RR5) Comprehensive Plan designation for consistency with residential and recreational land uses.
17. The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.
18. According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject site contains mule deer and riparian zones. CCC Chapter 11.78 applies to the project. Due to the prior unpermitted riparian disturbance, development of a restoration/rehabilitation plan and bonding was considered, pursuant to CCC Section 11.78.210. Staff recommended a condition of approval, requiring submittal of a restoration plan, prepared by a qualified biologist, with the building permit application. This condition was waived because the applicant demonstrated that the property is currently in compliance with WDFW and DOE recommendations of a 25-foot wide vegetative buffer adjacent to OHWM. Since the restoration plan is waived, the applicant is required to submit annual documentation/reporting at years 1 and 2 to confirm vegetation within 25 feet has been maintained.
19. According to the Federal Emergency Management Agency, FIRM panel # 5300150625C, the subject property is located within floodplain. CCC Chapter 11.84, Frequently Flooded Areas Overlay District (FFOD) and Chapter 3.20, Flood Hazard Development, apply to the project. According to a letter from Shawn Fitzpatrick, Fitzpatrick Surveying PLLC, dated July 2, 2018, the proposed swimming pool is located 20 feet south of the floodway, as staked on the ground. Staff recommended a condition of approval that the floodplain and floodway be staked at the time of inspection for the pool.
20. According to the Chelan County GIS mapping, the property is not located within an identified geologically hazardous area. CCC Chapter 11.86, Geologically Hazardous Overlay District, does not apply to the project.
21. According to the Washington State Department of Natural Resource Maps, the site does not contain any DNR mapped streams. The property abuts the Wenatchee River, a shoreline of the state.
22. According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject site does not contain wetlands.
23. There are no known cultural resources on the subject property. Pursuant to CCSMP Section 27 and R.C.W. 27.53.060, developers shall notify local governments of any possible archaeological materials uncovered during excavation.
24. Construction will begin upon receipt of all permits. The residential building permit will be valid for a period of 18 months from issuance.
25. Access to the property is provided by Bridge Street, a 30-foot private access easement, created by SP 3584.
26. The noise impacts will be similar to other residential and recreational uses, with construction noise during installation of the pool, patio and fence. The project is required to comply with CCC Chapter 7.35, Noise Control.
27. The swimming pool location is screened from the shoreline by existing vegetation within the riparian buffer. Because the pool is located in the rear yard area, there is no visual impact from the roadway, as it will be located on the opposite side of the residence. Adjacent properties include

residential structures, so visual impacts to adjacent properties will be similar to what currently exists in the area.

28. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on November 2, 2018 with comments due December 9, 2018. The following is a list of Agencies who received notice and the date comments were received:
 - 28.1 WA State Department of Ecology responded on December 5, 2018
 - 28.2 US Department of Fish & Wildlife responded on December 5, 2018 and December 6 2018
29. The following agencies were notified but did not respond:
 - 29.1 Chelan County Building Official
 - 29.2 Chelan County PUD
 - 29.3 WA State Department of Natural Resources⁹
 - 29.4 WA State Department of Fish & Wildlife
 - 29.5 Department of Archaeology & Historic Preservation
 - 29.6 Yakama Nation
 - 29.7 Confederated Tribes of the Colville Reservation
30. No public comments were received.
31. The application materials were submitted on September 18, 2018.
32. A Determination of Completeness was issued on October 29, 2018.
33. The Notice of Application was provided November 2, 2018.
34. The Notice of Public Hearing was provided December 21, 2018.
35. The project is consistent with Chelan County Code (CCC) Section 11.04.020 in the following respects:
 - 35.1 The swimming pool, patio and fence are considered accessory to the single family residence. Accessory structures are permitted in the RR5 zoning district.
 - 35.2 The proposed swimming pool, patio and fence are a permitted accessory uses.
36. The project is consistent with CCC Section 11.12.020 in the following respects:
 - 36.1 The RR5 zoning district requires a 25-foot setback from front property lines, a 5 foot setback from side property lines, and a 20-foot setback from rear property lines. The site plan of record indicates that the proposed swimming pool meets the required yard setbacks for the RR5 zoning district. Final setbacks are determined during building permit review.
 - 36.2 The proposed swimming pool complies with the dimensional standards for the RR5 zoning district.
37. The project is consistent with CCC Section 11.88.170 in the following respects:
 - 37.1 According to the site plan of record, the swimming pool is located outside of the required front yard setback area; however, final setbacks are determined during building permit review.
 - 37.2 The current edition of the International Residential Code (IRC) does not include Appendix G. The swimming pool standards are found in the 2015 International Swimming Pool and Spa Code (ISPSC). Compliance with the required building codes will be reviewed at the time of building permit submittal.

- 37.3 The swimming pool will comply with CCC Section 11.88.170.
38. The project is consistent with Chelan County Shoreline Master Program (CCSMP) Section 9.1 in the following respects:
- 38.1 Portions of the property within shoreline jurisdiction were altered during unauthorized grading in 2017. Staff recommended a condition of approval, requiring submittal of a restoration planting plan with the building permit application, as mitigation for the impacts to the shoreline environment, unless waived by the Hearing Examiner. The requirement of a restoration plan was waived by the Hearing Examiner.
- 38.2 The project, as conditioned, complies with CCSMP Section 9.1.
39. The project is consistent with CCSMP Section 9.3 in the following respects:
- 39.1 The common line setback, as defined in Section 7.2.170 is 20 feet. The proposed swimming pool will be located more than 100 feet from the OHWM.
- 39.2 The project complies with common line setback.
40. The project is consistent with CCSMP Section 9.8 in the following respects:
- 40.1 Code Enforcement Case Number CE 17-0045 documented grading and filling within the 100-foot riparian buffer and the designated floodway associated with the Wenatchee River. While this area was historically in agricultural use and cleared for residential development; the grading and filling that took place in 2017 was not authorized. A site visit conducted on August 30, 2017 with representatives from Chelan County, DOE, WDFW and the USACE confirmed that disturbance had occurred. While no native vegetation was removed, that portion of the property, lying within the designated floodway (as marked in the field) and the common line setback (20 feet from OHWM) requires restoration. The Hearing Examiner waived the requirement for a restoration plan subject to Condition of Approval number 5.
- 40.2 The project, as conditioned, complies with CCSMP Section 9.8.
41. The project is consistent with CCSMP Section 29.1 in the following respects:
- 41.1 The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below.
- 41.2 The CCSMP does not address swimming pools; therefore, the provisions for a Conditional Use Permit apply.
- 41.3 The project is consistent with the provisions of the SMA, WAC and CCSMP.
42. The project is consistent with CCSMP Section 29.3.2 (a) in the following respects:
- 42.1 The applicant is requesting to install a new 32 ft x 14 ft in-ground swimming pool as an accessory to a single-family residence. All proposed development will be located outside of the applicable 100-foot riparian buffer and 20-foot common line setback.
- 42.2 Pursuant to CCSMP Section 29.3.3, uses not classified or set forth in the applicable master program may be authorized as conditional uses. The proposed swimming pool is not addressed in the CCSMP and therefore requires review under a Shoreline Conditional Use Permit.
- 42.3 The policies of the CCSMP and SMA provide for residential and recreational use of the shoreline.
- 42.4 The proposed development is consistent with the CCSMP as a residential and recreational use.

43. The project is consistent with CCSMP Section 29.3.2 (b) in the following respects:
 - 43.1 The swimming pool will be located on private property, over 100-feet from the OHWM of the Wenatchee River.
 - 43.2 The proposed use/development is located on private property and will not interfere with public shorelines.
44. The project is consistent with CCSMP Section 29.3.2 (c) in the following respects:
 - 44.1 The property has been zoned and subdivided for residential development of the shoreline. Properties within the vicinity include single family residences and accessory structures. The proposed swimming pool is an accessory to a single family residence, and will be constructed landward of the applicable shoreline and riparian setbacks.
 - 44.2 The proposed development is compatible with the surrounding land uses in the area.
45. The project is consistent with CCSMP Section 29.3.2 (d) in the following respects:
 - 45.1 The shoreline designation is 'rural.' The 'rural' designation permits residential and recreational uses and development with appropriate permits and subject to the applicable setbacks. The proposed conditional use is for installation of a new in-ground swimming pool outside of the common line and riparian setbacks.
 - 45.2 The proposed development is consistent with the 'rural' shoreline designation and will cause no unreasonable adverse effects to the shoreline environment designation.
46. The project is consistent with CCSMP Section 29.3.2 (e) in the following respects:
 - 46.1 The proposed swimming pool will be located on private property, as indicated on the site plan of record, October 24, 2018, and will be for private use of the property owner.
 - 46.2 The proposed development is for private use, on private property. The public interest will not suffer substantial detrimental effect.
47. The project is consistent with CCSMP Section 29.3.4 in the following respects:
 - 47.1 The Shoreline Master Program allows for recreational use of private property. The CCSMP does not address swimming pools. Swimming pools are required to adhere to the same setbacks and standards as other listed residential structures; therefore, substantial adverse effects are not anticipated.
 - 47.2 The cumulative impacts of residential swimming pools are minimal and remain consistent with the policies of the Shoreline Management Act.
48. The project is consistent with CCSMP Section 29.4.1 (a) in the following respects:
 - 48.1 The project area will be located on private property, in the vicinity of other properties developed with residential structures.
 - 48.2 The installation of an in-ground swimming pool, will not affect statewide nor local interests.
49. The project is consistent with CCSMP Section 29.4.1 (b) in the following respects:
 - 49.1 This reach of the Wenatchee River carries a 'rural' shoreline designation, which allows for residential and recreational use of the shoreline. The subject property was historically in agricultural use; however, the lot was cleared for residential development between the years 2014 and 2015.
 - 49.2 The property contains as mall native vegetative buffer adjacent to the OHWM, which remains intact.

- 49.3 In August 2017, portions of the floodway and riparian buffer were disturbed by grading, filling and excavation. While it appears minimal native vegetation removal occurred; shoreline habitat and the natural shoreline character were disturbed. Staff recommended submittal of a restoration planting plan at the time of building permit application submittal for the proposed swimming pool, unless documentation can be provided that the applicant has maintained a minimum 25-foot wide vegetated buffer adjacent to the OHWM.
- 49.4 The proposed pool will be located outside of the applicable shoreline and riparian buffers and will not require any vegetation removal.
- 49.5 The proposed project, as conditioned, will not impact the natural character of the shoreline.
- 50. The project is consistent with CCSMP Section 29.4.1 (c) in the following respects:
 - 50.1 The proposed development will enhance the residential and recreational use of the subject property. In addition, the recommended restoration will reestablish lost habitat and function caused by prior land disturbance within the floodway and riparian buffer.
 - 50.2 The proposed swimming pool will be a long term benefit to the property by enhancing the residential and recreational use of the property and restoring habitat.
- 51. The project is consistent with CCSMP Section 29.4.1 (d) in the following respects:
 - 51.1 The proposed swimming pool will be located over 100 feet landward of the OHWM, outside of the floodway and the applicable shoreline and riparian buffers. The pool will be installed in a previously cleared area devoid of vegetation.
 - 51.2 The proposed swimming pool, as conditioned will not have a substantial impact on the resources and ecology of the shoreline.
- 52. The project is consistent with CCSMP Section 29.4.1 (e) in the following respects:
 - 52.1 The project is located on privately-owned property, with no public shoreline access.
 - 52.2 The project will not impact public access to the shoreline.
- 53. The project is consistent with CCSMP Section 29.4.1 (f) in the following respects:
 - 53.1 The subject property is under private ownership with no public access.
 - 53.2 The project will not affect public recreational opportunities, as the property is privately owned.
- 54. The project is consistent with CCSMP Section 29.4.2 in the following respects:
 - 54.1 Based on the above findings and conclusions, staff found the project to be consistent with the intent and spirit of the principles outlined above.
- 55. The applicant is requesting to install a new 32 ft x 14 ft in-ground swimming pool on property abutting the Wenatchee River, a shoreline of statewide significance with a 'rural' environment designation. The proposed development, including the pool, patio and required fencing, will be located outside of the applicable 100-foot riparian buffer and 20-foot common line setback associated with this shoreline designation.
- 56. The Chelan County Shoreline Master Program (CCSMP) does not include a swimming pool as a defined "appurtenance" to a single family residence. Pursuant to CCSMP Section 29.3.3, uses not classified or set forth in the applicable master program may be authorized as conditional uses. The pool is for the residential and recreational enjoyment of the homeowners and allows for reasonable use of private property, consistent with the goals and policies of the CCSMP.

57. The project site has been subdivided and zoned for residential use. Properties in this area include single family residences and accessory structures. The property is currently being developed with a single family residence. The proposed swimming pool will be compatible with the surrounding residential land uses.
58. It should be noted that after clearing of the orchard trees for residential development between 2014 and 2015, the subject site was further disturbed by excavation, grading and filling in 2017, some of which took place within the floodway and required riparian and shoreline buffers. Development within the floodway, riparian and common line setback area is prohibited. A code enforcement case for the riparian/shoreline disturbance has been initiated and remains unresolved. Staff recommended submittal of a restoration planting plan at the time of building permit submittal in order to mitigate for the unpermitted development within the floodway, riparian and shoreline buffer, and to resolve the active code enforcement case. The plan should follow the recommendations outlined in comments received from WDFW, dated December 6, 2018. However, the Hearing Examiner has waived the restoration plan requirement.
59. On December 17, 2019, county staff and WDFW staff met with the applicant, to discuss the unresolved code violation and the recommended mitigation. During discussion, the applicant indicated that since July of 2017, when the original violation was reported, additional vegetation has grown and the area within 100 feet of the shoreline has been reseeded with grass. County and WDFW staff concluded that if the applicant could provide documentation that the property is in compliance with the recommendations, then the requirement for a restoration planting plan may be waived by the Hearing Examiner. If the restoration plan is waived, staff recommended the applicant submit annual documentation/reporting at years 1 and 2 to confirm vegetation has been maintained, the river access corridor is no more than 20 feet wide, and no further riparian/shoreline disturbance has occurred. The requirement for a restoration plan was waived.
60. Staff reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, the Chelan County Shoreline Master Program, Chelan County Comprehensive Plan, and the Chelan County Code, staff recommended **APPROVAL** subject to recommended conditions of approval.
61. An open record public hearing after legal notice was provided was held on January 2, 2019.
62. The File of Record, Chelan County Department of Community Development Staff Report, and exhibits were received, admitted into the record and considered by the Hearing Examiner.
63. Admitted into the record were the following exhibits:
 - 63.1 Exhibits A - G: Photographs taken on approximately December 20, 2018 demonstrating regrowth within the 25 foot buffer area from the ordinary high watermark.
64. Appearing and testifying on behalf of the applicant was Jared Novak. Mr. Novak testified that he and his wife are the property owners and applicants in this matter. He testified that the 25 foot area has started revegetating and trees are growing in the area. He submitted Exhibits A-G that were admitted into the record showing that growth of native vegetation is occurring within the area within 25 feet of the ordinary high watermark. Mr. Novak also testified that the current 30 foot access corridor will be reduced to 20 feet and they will replant the area with native vegetation to reduce this access corridor. Mr. Novak testified that all of the proposed Conditions of Approval were acceptable.
65. No member of the public testified at this hearing.
66. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

67. 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 authority to render this Decision.
2. Referral agency comments were received and considered in the review of this proposal.
3. The site of the subject proposal is in the Chelan County Comprehensive Plan Rural / Residential Resource 5 land use designation. As described, the proposal is consistent with the Chelan County Comprehensive Plan.
4. As conditioned, the subject proposal is consistent with the Chelan County Code, Title 11.
5. Environmental and Critical Areas review has been completed. As conditioned, the proposal does not have negative impacts on critical areas which cannot be mitigated.
6. The proposed project meets the definition of "Development" as defined in the Chelan County Shoreline Master Program and WAC 173-27-030 and is considered a substantial development.
7. The authorization of the shoreline permits will not be materially detrimental to the purposes of the Revised Code of Washington, the Washington Administrative Code, the Chelan County Shoreline Master Program, the Chelan County Comprehensive Plan, the Chelan County, or not be otherwise detrimental to the public interest.
8. The project is not located on a public beach, nor does it block or reduce public use or enjoyment of the area.
9. Subject to the Conditions of Approval, the project design is consistent with the Chelan County Shoreline Master Program requirements.
10. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

This Shoreline Substantial Development Permit and Shoreline Conditional Use Permit are granted pursuant to the Shoreline Master Program of Chelan County, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).

This Shoreline Substantial Development Permit and Shoreline Conditional Use Permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

CONSTRUCTION PURSUANT TO THIS SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND SHORELINE CONDITIONAL USE PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW

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Novak

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PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit.

Approved this 7th day of January, 2019.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the “date of receipt” as defined by Washington Law to file a petition for review with the Shorelines Hearings Board (for the shoreline permit and shoreline conditional use permit) as provided for in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board.

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.

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A
CONDITIONAL USE AND/OR VARIANCE PERMIT**

Date received by the Department _____

Approved _____

Denied _____

This conditional use/variance permit is approved / denied by the Department pursuant to Chapter 90.58
RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:
