

SHORELINE MANAGEMENT PERMIT

ACTION SHEET

RECEIVED

Application #: SDP 2018-320
SCUP 2018-321
SCUP 2018-322
SCUP 2018-323

JAN 08 2019

CHELAN COUNTY
COMMUNITY DEVELOPMENT

Administering Agency Chelan County Department of Community Development

Type of Permits:

- ☒ Shoreline Substantial Development Permit
- ☒ Shoreline Conditional Use Permit
- ☒ Shoreline Conditional Use Permit
- ☒ Shoreline Conditional Use Permit

Action: ☒ Approved ☐ Denied

Date of Action: January 7th, 2018

Date Mailed to DOE/AG

Pursuant to Chapter 90.58 RCW, the Chelan County Shoreline Master Program, the Chelan County Comprehensive Code and the Chelan County Code, the above-referenced permits are hereby approved for:

Brandon Anderson
2010 Jones Ave NE
Renton, WA 98056

To undertake the following development: A shoreline substantial development permit and shoreline conditional use permits for installation of a new 442 sq ft "L" shaped pier, 125 sq ft boatlift, 125 sq ft personal watercraft (PWC) lift, 100 sq ft swim float and two 24-inch diameter buoys on Lake Chelan. The pier will consist of three sections: a 3 ft x 24 ft gangway (20 ft of which will be overwater), a 4 ft x 31 ft pier, and a 6 ft x 43 ft pier that will be parallel to the shoreline. The pier will extend approximately 57 feet waterward of the OHWM to a water depth of approximately 12 feet; the boatlift will be installed on the uplake, landward side of the pier, approximately 41 feet waterward of OHWM at a water depth of 9 feet; the PCW lift will be located approximately 40 feet waterward of OHWM at a water depth of approximately 9 feet; the new buoys will be located 92 to 100 feet from the OHWM at a water depth of

approximately 18 and 19 feet; and the swim float will be located approximately 88 feet waterward of the OHWM at a water depth of approximately 17 feet. The project will entail approximately 792 sq ft in new overwater coverage. Mitigation through a native vegetation planting plan is proposed, to include planting 33 native shrubs adjacent to the OHWM, for a total of 231 square feet of mitigation.

Upon the following property: 10700 South Lakeshore Rd., Chelan, WA 98816

Within 200 feet of Lake Chelan 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.

All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

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.
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 within the JARPA and shown on the site plan of record, date stamped October 2, 2018, except as modified by this decision or other jurisdictional agencies.
3. Pursuant to Chelan County Code Section 11.95.040, the applicant shall comply with the mitigation planting plan, date stamped October 2, 2018, except as modified by this decision or other jurisdictional agencies.
4. Pursuant to Chelan County Shoreline Master Program Section 21.A.6.4, the proposed pier shall be setback a minim of ten (10) feet from side property lines, EXCEPT that it may be located within five feet of the side property line when mutually agreed to by contract/covenant with the owners of the adjacent property, a copy of which must be recorded with the County Auditor.
5. 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.
6. Pursuant to RCW 27.53.060, 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.

- 6.1. The applicant shall submit an Inadvertent Discovery Plan with the Building Permit Application.
This plan shall remain onsite for the duration of the project.

7. 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.
8. 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/owner is Brandon Anderson, 2010 Jones Ave NE., Renton, WA 98056.
2. The agent is Grette Associates, LLC., Attn: Anne Hessburg, 151 S. Worthen St., Suite 101, Wenatchee, WA 98801.
3. The project is located at 10700 South Lakeshore Rd., Chelan, WA 98816.
4. The parcel number is 28-21-28-635-380.
5. The property is legally described as the North 26.7 feet of Lot 76 and the South 36.7 feet of Lot 77, Joshua Green's Lake Chelan Plat, Chelan County, Washington, according to the plat thereof recorded in Volume 4 of Plats, page 76-A, EXCEPT portion conveyed to Chelan County for highway by deed recorded November 26, 1938 in Book 268, Page 410.
6. The property is located in Chelan County, and is not within an Urban Growth Area.
7. The Comprehensive Plan designation and zoning is Rural Waterfront (RW).
8. As stated in the JARPA, questions 5(m) and 5(o), the subject property is a vacant lot currently in recreational use.
9. Building Permit Number BP 180593 was issued on September 19, 2018, for construction of a new 3 bedroom, 3 bathroom single family residence, retaining wall and propane tank on the subject property.
10. As stated in the JARPA, question 5(l), the property consists of moderate to steeply sloping upland, with a flat building area landward of the steep shoreline. A majority of the property is in native vegetation with deciduous trees and shrub steppe shrubs on site. There is little vegetation on the steep slope adjacent to the OHWM. There is a low level of fish and wildlife habitat on site due to the size of the lot and lack of native vegetation within close proximity to the lake. Below OHWM habitat consists of moderately sloping, unvegetated rock and cobble.
11. The site size is .27 acres per Chelan County Assessor's records.
12. The property to the north is in residential and recreational use and is zoned Rural Waterfront (RW).
13. The property to the south is in residential and recreational use and is zoned Rural Waterfront (RW).
14. The property to the east is Lake Chelan.
15. The property to the west is South Lakeshore Road and is zoned Rural Waterfront (RW).
16. According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject site contains mule deer and waters of the state, which are both considered Class II Fish and Wildlife Habitat Conservation Areas. Therefore, CCC, Chapter 11.78 applies to the project.
17. According to the Federal Emergency Management Agency, FIRM panel # 5300150225A, there is no floodplain on the subject parcel. Lake Chelan is a controlled reservoir.

18. According to the Chelan County GIS mapping, the property is located within a potential geologically hazardous area due to erodible soils and steep slopes. CCC, Chapter 11.86, Geologically Hazardous Overlay District, applies to the subject property. Chelan County does not require geologic site assessments for accessory structures waterward of the OHWM, per the Building Official.
19. According to the Washington State Department of Natural Resource Maps, the subject site does not contain any streams.
20. According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject site does not contain wetland. Therefore, CCC Chapter 11.80 does not apply.
21. There are no known cultural resources on the subject property. Pursuant to CCSMP Section 27, RCW 27.53.060, developers shall notify local governments of any possible archaeological materials uncovered during excavation. The Colville Tribes indicated that archaeological site records on file with CCT and DHAP show no cultural resources within or in the vicinity of the project area.
22. Construction will begin upon receipt of all permits and end approximately one month from start date.
23. Access is provided by a private driveway off South Lakeshore Road, recorded under AFN 780391. Pursuant to CCC Section 11.88.070, a driveway permit is not required for docks and piers or structures located on properties not accessed by motor vehicles.
24. Noise will be similar to other residential and recreational uses. Construction noise is expected during installation of the new pier, boatlift PWC lift, swim float and buoys. The project is required to comply with CCC, Chapter 7.35, Noise Control.
25. Minor visual impacts will be from the water and surrounding properties. Properties in the vicinity include piers and boatlifts, so visual impacts will be similar to what currently exists in the area.
26. The Notice of Application was referred to surrounding property owners within 300 feet (excluding 60 feet right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on October 30, 2018, with comments due December 6, 2018. The following agencies provided comments:
 - 25.1 Chelan County PUD responded on November 1, 2018
 - 25.2 Confederated Tribes of the Colville Reservation
27. The following agencies were notified but did not respond:
 - 27.1 Chelan County Fire Marshal
 - 27.2 Chelan County Building Official
 - 27.3 WA State Department of Natural Resources
 - 27.4 WA State Department of Ecology
 - 27.5 WA State Department of Fish & Wildlife
 - 27.6 US Department of Fish & Wildlife
 - 27.7 US Army Corps of Engineers
 - 27.8 Chelan County Fire District #7
 - 27.9 Department of Archaeology & Historic Preservation
 - 27.10 Yakama Nation
28. No written public comments were received.
29. The application was submitted on October 2, 2018.
30. A Determination of Completeness was issued on October 23, 2018.
31. The Notice of Application was issued on October 30, 2018.

32. The Notice of Public Hearing was provided on December 19, 2018.
33. The applicant submitted an Environmental Checklist. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed, and a Determination of Non-Significance (DNS) was issued on December 7, 2018. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
34. The Comprehensive Plan has been reviewed. Specifically the goals and policies related to the Rural Waterfront Comprehensive Plan designation for consistency with residential and recreational land uses. The Hearing Examiner that the project, as conditioned, is consistent with the Comprehensive Plan.
35. The project is consistent with Chelan County Code (CCC) 11.04.020 in the following respects:
 - 35.1 A single-use pier is a permitted use in the RW zoning district. The watercraft lifts, swim float and buoys are considered accessory uses/ structures. Accessory uses/structures are permitted in the RW zoning district.
 - 35.2 The proposed pier, boatlift, PWC lift and buoys are permitted uses.
36. The project is consistent with CCC Section 11.6.020 in the following respects:
 - 36.1 The RW zoning district requires a 5 foot setback from side property lines. Setbacks are determined during building permit review. The pier will be required to meet the five-foot side yard setback.
 - 36.2 The proposed development will be required to meet the required five-foot setback at building permit submittal.
37. The project is consistent with Chelan County Shoreline Master Program (CCSMP) Section 29.1 in the following respects:
 - 37.1 The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below.
 - 37.2 According to JARPA, question 6(g), the fair market value of the project is \$65,000. The project is not exempt from the substantial development permit requirement.
 - 37.3 The CCSMP does not address swimfloats, watercraft lifts or buoys; therefore, the provisions for a Conditional Use Permit apply.
 - 37.4 The project is consistent with the provisions of the SMA, WAC and CCSMP.
38. The project is consistent with CCSMP Section 21.A.3.4 in the following respects:
 - 38.1 According to the JARPA, question 6(e), up to sixteen (16) 6-inch diameter steel piles will be used to support the pier. The perpendicular pier section would measure 4 ft x 31 ft and would be unsupported by six (6) of the piles. The piles will be anchored by three concrete footings measuring 2 ft x 2 ft x 4 ft for each pair of piles, or the piles will be driven into the substrate to 10 ft of depth or bearing. The parallel pier section will measure 6 ft x 43 ft and will be supported by the remaining ten (10) piles. These piles will be anchored by three concrete footings measuring 2 ft x 2 ft x 6 ft for each pair of piles, or the piles will be driven into the substrate to 10 feet of depth or bearing. Once pile placement is complete, 2-inch galvanized pipe cross-bracing will be placed between the pair of piles. Pressure-treated timber, aluminum or steel stringers will then be attached to the piles with metal brackets to create framework for the decking. Grated decking will be installed atop the framework of the entire pier.
 - 38.2 According to the cross section details submitted with the application, the proposed pier pilings will have a minimum vertical clearance of one (1) foot above ordinary high water.

Because Lake Chelan is a controlled reservoir, the extreme high water elevation is synonymous with the ordinary high water elevation.

- 38.3 The proposed pier, as conditioned, complies with the CCSMP dock construction standards.
- 39. The project is consistent with CCSMP Section 21.A.6.1 (b) in the following respects:
 - 39.1 The property was created prior to May 3, 1994, via Joshua Green's Lake Chelan Plat, recorded August 6, 1934 in Book 4 of Plats, Page 76.
 - 39.2 The lot qualifies for a single-use pier.
- 40. The project is consistent with CCSMP Section 543A3935 (a) in the following respects:
 - 40.1 As described in the JARPA and pier plan date stamped October 2, 2018, the proposed pier extends approximately 57 feet from OHWM, to meet a water depth of approximately 12 feet. The pier will consist of three sections: a 3 ft x 24 ft gangway (20 feet of which is overwater), a 4 ft x 31 ft pier and a 6 ft x 43 ft pier. The total area of the proposed pier is 442 square feet (not calculating that portion landward of the OHWM).
 - 40.2 The proposed design of the new dock is consistent with the CCSMP dimensional standards for residential piers and docks.
- 41. The project is consistent with CCSMP Section 21.A.6.4 in the following respects:
 - 41.1 The site plan, date stamped October 2, 2018, shows the pier located within the property boundaries. The pier is required to meet the applicable setbacks, which shall be reviewed at the time of building permit submittal. Staff recommended a condition of approval requiring the proposed dock to meet the side yard setback.
 - 41.2 The proposed pier, as conditioned, will satisfy the required setbacks from the side property lines.
- 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, 442 square foot pier, 100 square foot swim float, one 10 ft x 12.5 ft boatlift, one 10 ft x 12.5 ft PWC lift and two mooring buoys on Lake Chelan
 - 42.2 The proposed swim float, watercraft lifts and buoys are not addressed in the CCSMP and therefore require review under a Shoreline Conditional Use Permit.
 - 42.3 The policies of the CCSMP and SMA provide for recreational use of the shoreline.
 - 42.4 The proposed development is consistent with the CCSMP as a recreational use.
- 43. The project is consistent with CCSMP Section 29.3.2 (b) in the following respects:
 - 43.1 According to the JARPA and site plan, the swim float will be placed approximately 88 feet waterward of OHWM, at a water depth of approximately 17 feet; the boatlift will be placed approximately 41 feet waterward of the OHWM at a water depth of 9 feet; the double PWC lift will be installed approximately 40 feet waterward of the OHWM at a water depth of 8 feet and the buoys will be placed between 92 and 100 feet from the OHWM at water depths of 18 and 19 feet.
 - 43.2 As identified on the site plan of record, all proposed development is located on private property.
 - 43.3 This section of the lake is approximately three quarters of a mile wide (according to Chelan County GIS measurements), providing room for public use and navigation.
 - 43.4 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 Swim floats, watercraft lifts and buoys are common along the Lake Chelan shoreline. This section of the lake is highly developed and subdivided for residential and recreational use of the shoreline. Properties within this subdivision contain in-water structures.
 - 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. The proposed conditional use permits are for the placement a swim float, boatlift, PWC lift and two mooring buoys.
 - 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 swim float will be located on private property, as indicated on the site plan of record, 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 swim floats, watercraft lifts or buoys. These types of in-water structures are used for recreational use of the shoreline. The lifts provide safe watercraft storage in a location where moorage would typically occur, thus no increasing typical overwater coverage. The swim float has a minimal footprint and requires grated decking to allow light penetration. It can be anticipated that if other permits were granted in this area, for similar uses, the impacts would be minimal due to the nature of the development.
 - 47.2 The cumulative impacts of swim floats 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 with similar recreational in-water structures.
 - 48.2 The installation of a single-use dock, swim float, boatlift, PWC lift and buoys 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 section of Lake Chelan carries a 'rural' shoreline designation, which allows for residential and recreational uses. This section of the lake is highly developed with residential cabins and in-water structures.
 - 49.2 As stated in JARPA question 5(l), the property consists of moderate to steeply sloping upland, with a flat building area landward of the steep shoreline. The upland is mostly undeveloped with a few residential appurtenances already on site, such as septic, waterline and power. A majority of the property is in native vegetation with conifer trees and shrub steep shrubs on site. There are a few shrubs and grasses on the steep slope adjacent to the OHWM. There is a low level of fish and wildlife habitat on site due to the size of the lot and lack of native vegetation within close proximity to the lake. Below OHWM habitat consists of moderately sloping unvegetated rock and cobble.

- 49.3 Due to the limited vegetation adjacent to the OHWM and the highly developed section of shoreline, the proposed project will not significantly impact the shoreline's natural character.
50. The project is consistent with CCSMP Section 29.4.1 (c) in the following respects:
- 50.1 The proposed development will enhance the recreational use of the subject property.
- 50.2 The pier, swim float, boatlift, PWC lift and buoy will be a long term benefit to the property by enhancing the recreational use of the property.
51. The project is consistent with CCSMP Section 29.4.1 (d) in the following respects:
- 51.1 All proposed development will be located waterward of the OHWM, with the exception of the concrete abutment and a 12 square foot portion of the gangway. Habitat below OHWM consists of steeply sloping, unvegetated rock and cobble. The upland area, adjacent to the OHWM is steeply sloped with minimal vegetation.
- 51.2 The project includes a native vegetation planting plan including 33 native shrubs to be planted adjacent to the shoreline, for a total of 231 square feet of mitigation planting.
- 51.3 In addition, the entire surface of the proposed pier and swim float will have grated surface, to allow light penetration.
- 51.4 All work will occur in the dry, to minimize the potential for erosion and turbidity and to reduce potential for impacts to water quality, fish and wildlife.
- 51.5 The proposed development 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, the Hearing Examiner finds the project to be consistent with the intent and spirit of the principles within the CCSMP.
55. The applicant is requesting to install a new 442 sq ft "L" shaped pier, 125 sq ft boatlift, 125 sq ft personal watercraft (PWC) lift, 100 sq ft swim float and two 24-inch diameter buoys on Lake Chelan. The pier will consist of three sections: a 3 ft x 24 ft gangway (20 ft of which will be overwater), a 4 ft x 31 ft pier, and a 6 ft x 43 ft pier that will be parallel to the shoreline. The pier will extend approximately 57 feet waterward of the OHWM to a water depth of approximately 12 feet; the boatlift will be installed on the uplake, landward side of the pier, approximately 41 feet waterward of OHWM at a water depth of 9 feet; the PCW lift will be located approximately 40 feet waterward of OHWM at a water depth of approximately 9 feet; the new buoys will be located 92 to 100 feet from the OHWM at a water depth of approximately 18 and 19 feet; and the swim float will be located approximately 88 feet waterward of the OHWM at a water depth of approximately 17 feet. The project will entail approximately 792 sq ft in new overwater coverage. Mitigation through a native vegetation planting plan is proposed, to include planting 33 native shrubs adjacent to the OHWM, for a total of 231 square feet of mitigation.

56. The subject property is located in a highly developed area of Lake Chelan, within the residential subdivision of Joshua Green's Lake Chelan Plat. Lots within this subdivision are small and highly developed with single family residences and their accessory uses, including docks, boatlifts, swim floats and buoys. Due to the existing development along the south shore of the lake, the proposed project will have minimal impacts to the shoreline environment and will be compatible with surrounding land uses.
57. Approval of this application would remain consistent with development in the area, in addition to the goals and policies of the Chelan County Comprehensive Plan and Shoreline Master Program (CCSMP). The project is consistent with both the CCSMP Goal for Shoreline Use Element, Assure an appropriate pattern of sound development in suitable locations without diminishing the quality of environment along the shorelines and the Chelan County Comprehensive Plan, Goal CL 1 of the Resource Element, Identify and protect critical areas from adverse environmental impacts while providing for reasonable use of private property.
58. 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 the attached recommended conditions of approval.
59. An open record public hearing after legal notice was provided was held on December 19, 2018.
60. 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.
61. Appearing and testifying on behalf of the applicant was Anne Hessburg. Ms. Hessburg testified that she was an agent authorized to appear and speak on behalf of the applicant. Ms. Hessburg indicated that the applicant concurred with the staff report findings and conclusions and that the applicant had no objection to any of the proposed conditions of approval.
62. Testifying from the public were the following individuals:
 - 62.1 Courtney Cox. Ms. Cox testified that she lives near the subject property. She had questions about whether or not the trailer currently on the property would remain even after the construction of a residence. She testified as to her concerns that with two buoys that boats may sway and stray from the applicant's property.

Staff indicated that the lot is 63 feet in length.

Ms. Cox's primary concern was whether or not there was room for boats on a buoy and the swim float without infringing upon neighbors use of their property.
63. In response to Ms. Cox's testimony, Ms. Hessburg testified that the buoys and float would be located in the middle of the applicant's property and given the 63 foot length of the lot that the chance of boats swaying off of the applicant's property is very remote. Putting the buoys and float in the middle of the applicant's property is, as the applicant's representative stated, the best they can do in this circumstance.
64. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
65. 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 Chelan County Comprehensive Plan Rural Waterfront 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 three (3) Shoreline Conditional Use Permits 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 three (3) Shoreline Conditional Use Permits 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 THREE (3) SHORELINE CONDITIONAL USE PERMITS 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 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, 2018.

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 three (3) shoreline conditional use permits) 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:
