

**SHORELINE MANAGEMENT PERMIT**

**RECEIVED**

**ACTION SHEET**

**MAR 13 2019**

**Application #:** SDP 2018-426  
**Administering Agency** Chelan County Department of Community Development

**CHELAN COUNTY  
COMMUNITY DEVELOPMENT**

**Type of Permits:** ☒ Shoreline Substantial Development Permit

**Action:** ☒ Approved ☐ Denied

**Date of Action:** March 11, 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:

**Dave Hamilton  
17915 NE 19<sup>th</sup> Pl.  
Bellevue, WA 98008**

To undertake the following development: Application for a shoreline substantial development permit was submitted for construction of a 450 sq. ft. single-use fixed-pile pier with grated metal decking. The T-shaped pier will be anchored to a 4 ft. x 4 ft. x 5 ft. concrete abutment and extend 68 feet perpendicular from the OHWM, to a water depth of 5.8 ft. The main section of the pier will be 8 ft. x 60 ft. and the T section will be 8 ft. x 18.5 ft. The project also includes construction of a 20-foot wide access corridor through the existing shoreline vegetation, in compliance with Chelan County Code Section 11.78.020(8), to allow upland access to the proposed pier.

Upon the following property 14164 Idlewild Rd., Leavenworth, WA 98826  
Within 200 feet of Fish Lake and/or its associated wetlands.

The project will not be within a shoreline of statewide significance (RCW 90.58.030). The project will be located within a conservancy 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.

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 December 3, 2018, except as modified by this decision or other jurisdictional agencies.
3. Pursuant to Chelan County Code Section 11.78.020(8), all clearing proposed for the 20-foot access corridor shall be done in manner that prevents erosion.
4. The project shall comply with Chelan County Shoreline Master Program Section CCSMP Section 21.A.3 General Design and Construction Standards.
  - 4.1. Section 21.A.3.1: Pilings must be structurally sound and cured prior to placement in the water.
  - 4.2. Section 21.A.3.2: Pilings employed in piers or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water.
  - 4.3. Section 21.A.3.4: When plastics or other non-biodegradable materials are used in float, pier or dock construction, precautions shall be taken to ensure their containment.
  - 4.4. Section 21.A.3.5 Overhead wiring or plumbing is not permitted on piers or docks
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. An Inadvertent Discovery Plan shall be submitted with the building permit application and kept onsite during all land disturbing activities; a sample of this plan is attached as Exhibit A.
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 Dave Hamilton, 17915 NE 19<sup>th</sup> Pl., Bellevue, WA 98008
2. The agent is Ryan Walker, Grette Associates, LLC, 151 S Worthen Street, Suite 101, Wenatchee, WA 98801.
3. The project location is 14164 Idlewild Rd., Leavenworth, WA 98826.
4. The parcel number for the subject property is 27-17-22-624-085
5. The proposed development is not located within an Urban Growth Area.
6. The Comprehensive Plan designation and zoning for the subject property is Rural Village (RV).

7. As stated in the JARPA, questions 5(m) and 5(o), the subject property is currently used as a recreational use and there are no structures on site.
  - 7.1 Additionally, there is an encroachment of an outbuilding located on the neighboring property to the east that extends approximately 11 feet onto the subject property.
9. As stated in the JARPA, question 5(l), the property is moderately sloping and vegetated along its boundaries with mature evergreen trees; the interior of the property is vegetated with shrubby and herbaceous species. The shoreline of the lake is composed of rock, gravel, and coarse sand. Below the OHWM, the substrate consists of coarse sand and gravel. A large patch of hardstem bulrush is present approx. 2 feet off-shore. No wetland is present along the shoreline. Habitat is limited on the site due to the small lot size and the proximity of neighboring residences and structures.
10. The property to the north of the subject property is Fish Lake, a shoreline environment designation of conservancy.
11. The property to the south of the subject property is Idlewild Road (60-foot county right-of-way).
12. The property to the east of the subject property is in residential and recreational use and is zoned Rural Village (RV).
13. The property to west of the subject property is in residential and recreational use and is zoned Rural Village (RV).
14. 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 January 28, 2019. The SEPA Checklist and DNS are included within the file of record and adopted herein by this reference.
15. 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.
16. The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.
17. According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject site does not contain any priority habitat species.
18. According to the Federal Emergency Management Agency, FIRM panel # 5300150750B, there is no floodplain on the subject parcel.
19. According to the Chelan County GIS mapping, the property is located within a potential geologically hazardous area due to erodible soils. CCC, Chapter 11.86, Geologically Hazardous Overlay District, applies to the subject property. However, Chelan County does not require geologic site assessments for accessory structures waterward of the OHWM, per the Building Official.
20. According to the Washington State Department of Natural Resource Maps, there are no streams located on the subject property.
21. According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject site does not contain wetlands.
22. There are known cultural resources in the vicinity of the subject property. Pursuant to CCSMP Section 27, developers shall notify local governments of any possible archaeological materials uncovered during excavation. Staff is recommending as a condition of approval, prior to any ground disturbing activities, a Secretary of Interior-qualified archaeologist should be contacted in order to be present on site during the clearing of the 20 foot access corridor.

23. Construction, phasing/timing is to begin upon receipt of all permits and be completed within 1 month.
24. The subject property access is provided by Idlewild Road a 60-foot county right-of-way.
25. Construction noise will be similar to other residential and recreational uses. Construction noise during demolition of the existing dock and installation of the new pier and boatlift. The project is required to comply with CCC, Chapter 7.35, Noise Control.
26. Minor visual impacts will be from the water and surrounding properties. Adjacent properties include piers and other in-water structures, so visual impacts will be similar to what currently exists in the area.
27. 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 December 19, 2018, with comments due January 25, 2019. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:
  - 27.1 Chelan County Fire Marshall responded January 22, 2019.
  - 27.2 Chelan County Fire District #9 responded December 20, 2018.
  - 27.3 Confederated Tribes of the Colville Reservation
28. The following agencies were notified but did not respond:
  - 28.1 Chelan County PUD
  - 28.2 WA State Department of Natural Resources
  - 28.3 WA State Department of Ecology
  - 28.4 WA Department of Fish and Wildlife
  - 28.5 US Department of Fish and Wildlife
  - 28.6 US Army Corps of Engineers
  - 28.7 Department of Archaeology & Historic Preservation
  - 28.8 Yakama Nation
  - 28.9 Chelan County Natural Resources
29. No public comment were received.
30. The application materials were submitted on December 3, 2018
31. A Determination of Completeness was issued on December 13, 2018.
32. The Notice of Application was provided on December 19, 2018.
33. The Notice of Public Hearing was provided on February 22, 2019.
34. The project is consistent with Chelan County Code (CCC) Section 11.04.020 in the following respects:
  - 34.1 A single-use pier is a permitted accessory use in the RV zoning district; accessory structures are allowed to be placed prior to a primary use in the RV zoning district.
  - 34.2 The proposed pier is a permitted use.
35. The project is consistent with CCC Section 11.78.020(8) in the following respects:

- 35.1 The applicant is proposing a 20 foot wide access corridor to allow upland access to the proposed pier.
- 35.2 The access corridor is to be cleared using gas-powered equipment such as small chainsaws and weed whips; the clearing would extend from the pier to the upland of the property through the existing shoreline vegetation.
- 35.3 If the clearing is done in a manner that prevents erosion, the 20 foot access corridor is in compliance with CCC 11.78.020(8).
- 36. The project is consistent with Chelan County Shoreline Master Program (CCSMP) 29.1 in the following respects:
  - 36.1 The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below.
  - 36.2 According to JARPA, question 6(g), the fair market value of the project is \$20,000. The project is not exempt from the substantial development permit requirement.
  - 36.3 The project is consistent with the provisions of the SMA, WAC and CCSMP.
- 37. The project is consistent with CCSMP Section 21.A.3 in the following respects:
  - 37.1 The applicant has proposed using a total of fifteen (15) steel piles up to 10-inches in diameter piles to support the pier. Each pile would be driven to 10 feet of depth or bearing. Once the pile placement is complete, galvanized cross bracing would be placed between each pair of piles. Steel or aluminum stringers would be attached to the piles with metal brackets to create framework for the decking; grated decking will be installed on top of the completed framework of the entire pier.
  - 37.2 The plans do not identify the location of extreme high water; per email from the agent, dated February 7, 2019, to comply with the SMP, the piles for the fixed pier will be tall enough above the OHWM to provide clearance above the high water.
  - 37.3 The proposed pier, as conditioned, complies with the CCSMP dock construction standards.
- 38. The project is consistent with CCSMP Section 21.A.6.1 in the following respects:
  - 38.1 The property was created prior to May 3, 1994, per Warranty Deed dated September 23, 1963.
  - 38.2 The lot qualifies for a single-use pier.
- 39. The project is consistent with CCSMP Section 21.A.6.2 (b) in the following respects:
  - 39.1 As described in the JARPA and pier plan date stamped December 3, 2018, the proposed 450 sq. ft. single-use fixed-pile pier with grated metal decking pier will be anchored to a 4 ft. x 4 ft. x 5 ft. concrete abutment and extend 68 feet perpendicular from the OHWM, to a water depth of 5.8 ft. The main section of the pier will be 8 ft. x 60 ft. and the T section will be 8 ft. x 18.5 ft.
  - 39.2 The proposed design of the new dock is consistent with the CCSMP dimensional standards for residential piers.
- 40. The project is consistent with CCSMP Section 21.A.6.4 in the following respects:
  - 40.1 The site plan, date stamped December 3, 2018, shows that the proposed pier exceeds the required 10 foot setback from the side property lines.

- 40.2 The proposed pier meets the required 10 foot setback from the side property lines.
45. The applicant is requesting construction of a 450 sq. ft. single-use fixed-pile pier with grated metal decking. The T-shaped pier will be anchored to a 4 ft. x 4 ft. x 5 ft. concrete abutment and extend 68 feet perpendicular from the OHWM, to a water depth of 5.8 ft. The main section of the pier will be 8 ft. x 60 ft. and the T section will be 8 ft. x 18.5 ft. The project also includes construction of a 20-foot wide access corridor through the existing shoreline vegetation, in compliance with Chelan County Code Section 11.78.020(8), to allow upland access to the proposed pier.
  46. The subject property is located in a developed area of Fish Lake, within the residential subdivision of Idlewild Summer Homes. Lots within this subdivision are small and developed with single family residences and their accessory uses, including docks and piers. Due to the existing development along the south shore of the lake, the proposed project will be compatible with surrounding land uses.
  47. The applicant and owner should be aware that additional zoning and critical area review shall be completed at the time of building permit submittal and may result in additional conditions.
  48. By removing the existing mooring anchors and replacing with piles, there will be a reduction in the square footage of anchoring material found in Lake Wenatchee.
  49. Properties in this area include in-water structures for recreational use of the shoreline, including docks. Due to the existing development adjacent to the property, the proposed dock pilings will have minimal impacts to the shoreline environment and will be compatible with the surrounding land uses.
  50. 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.
  51. An open record public hearing after legal notice was provided was held on March 6, 2019.
  52. 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.
  53. 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. Mr. Walker indicated that the applicant concurred with the staff report findings and conclusions. The applicant had no objection to any of the proposed conditions of approval. Except for the proposed condition of approval number 6. He asked that this be removed because of the expense to the Applicant and the only ground disturbance would be due to plant and tree removal
  54. No member of the public testified at this hearing.
  55. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
  56. 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 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 is 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 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 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 11<sup>th</sup> day of March, 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) 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:

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