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CHELAN COUNTY

COMMUNITY DEVELOPMENT

SHORELINE MANAGEMENT PERMIT

ACTION SHEET

Application #: SDP 2019-011/SCUP 2019-011/-012/-013/RIPV 2019-005/SV 2019-004

Administering Agency Chelan County Department of Community Development

Type of Permits:

- ☒ Shoreline Substantial Development Permit
- ☒ Shoreline Conditional Use Permits (x3)
- ☒ Riparian Variance
- ☒ Shoreline Variance

Action: ☒ Approved ☐ Denied

Date of Action: November 12, 2019

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:

Thomas Campbell
4202 33rd Ave W
Seattle, WA 98199

To undertake the following development: An application for a shoreline substantial development permit, three (3) shoreline conditional use permits, a riparian variance and a shoreline variance for the construction of a new 320 square foot pier, installation of a set of stairs up-land to the pier, installation of a boatlift, mooring buoy and swimfloat. The proposed new pier would be constructed in an "L" shape, attached to a new concrete abutment landward of the OHWM, the pier would extend approximately 40 feet waterward of the OHWM to a water depth of approximately 12 feet and would encompass approximately 320 square feet of overwater coverage. The stairs and elevated landing would be constructed off-site and brought to the property for installation by crane or barge. The proposed boatlift would be installed on the landward side of the "L" pier, with an approximate footprint of 10 feet x 12.5 feet, 32 feet waterward of the OHWM at a water depth of approximately 9 feet. The proposed buoy would be installed approximately 55 feet from the OHWM at a water depth of 16 feet. The proposed swimfloat would have an approximate footprint of 10 feet x 10 feet and would be installed approximately 40 feet waterward of the OHWM, within a water depth of approximately 12 feet.

Upon the following property: 18684 S. Lakeshore, 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 development, 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. Provide a copy of the Chelan County PUD license agreement.
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 May 6, 2019, 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. 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. A cultural resources survey may be required.
5. Pursuant to Chelan County Code, Chapter 11.86, a geologic site assessment is required to be submitted at time of building permit submittal.
6. 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.
7. Pursuant to Chelan County Shoreline Master Program Section 30.3.11, a development 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 Thomas Campbell, 4202 33rd Ave W, Seattle, WA 98199.
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 18684 S. Lakeshore, Chelan, WA 98816.
4. The parcel number is 29-21-29-130-110.
5. The property is legally described as: Lot 2 of SP 2333.
6. The property is located in Chelan County, not within an Urban Growth Area.
7. The Comprehensive Plan designation and Zoning is Rural Waterfront (RW)
8. As stated in the JARPA, question 5(o), the subject property contains the following structure8s:
 - 8.1 Single family residence with attached deck (BP 160425)
9. As stated in the JARPA, question 5(l), the property consists of steeply sloping upland leading to an undeveloped shoreline and the OHWM. The upland is developed with a new residence and steep foot trails to the lake. Portions of the shoreline are eroding due to the steep topography and lack of vegetation. Much of the shoreline is in native shrub steppe vegetation. There is a low level of fish and wildlife habitat on site due to the size of the lot and lack of native vegetation. Below OHWM habitat consists of moderately sloping, unvegetated rock and cobble.
10. The property to the north is Lake Chelan.
11. The property to the south is South Lakeshore Road and is zoned Rural Residential/Resource 2.5 (RR2.5) zoning district.
12. The property to the east is Lake Chelan.
13. The property to the west is South Lakeshore Road and is zoned Rural Residential/Resource 2.5 (RR2.5).
14. Fish and Habitat: According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject property does not contain protected habitat species or plants but is located within the riparian shoreline.
15. Floodplain: According to the Federal Emergency Management Agency, FIRM panel # 530015200A, there is no floodplain on the subject parcel. The waterbody is a controlled reservoir.
16. Geologically Hazardous Area: 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. A geologic site assessment would be required at time of building permit submittal for the stairway.
17. Wetlands: According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject property does not contain wetlands.

18. Based on the email comments from the Confederated Tribes of Colville, there are known cultural resources near the subject property. The above agencies recommend development of an inadvertent discovery plan. Therefore, staff recommended a condition of approval, requiring an inadvertent discovery plan be kept onsite during all ground-disturbing activities and submitted with building permit application.
19. Construction would begin upon receipt of all permits, and end approximately one month from start date.
20. Access is provided by a private driveway and utility easement off of South Lakeshore Road.
21. 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.
22. Minor visual impacts would be from the water and surrounding properties. Adjacent properties include piers and boatlifts, so visual impacts would be similar to what currently exists in the area.
23. 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 June 12, 2019, with comments due July 12, 2019. The following agencies provided comments:
 - 23.1 Confederated Tribes of the Colville Reservation responded on June 5 2019
24. The following agencies were notified but did not respond:
 - 24.1 Chelan County PUD
 - 24.2 WA State Department of Natural Resources
 - 24.3 WA State Department of Ecology
 - 24.4 WA State Department of Fish & Wildlife
 - 24.5 US Department of Fish & Wildlife
 - 24.6 US Army Corps of Engineers
 - 24.7 Department of Archaeology & Historic Preservation
 - 24.8 Yakama Nation
25. No public comments were received.
26. The application was submitted on May 6, 2019.
27. A Determination of Completeness was issued on May 30, 2019.
28. The Notice of Application was issued on June 12, 2019.
29. The Notice of Public Hearing was provided on October 25, 2019.
30. 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 October July 19, 2019. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
31. The Comprehensive Plan has been reviewed. Specifically the goals and policies related to the Rural Waterfront Comprehensive Plan designation for consistency with proposed recreational land uses.
 - 31.1 The Comprehensive Plan states that the purpose of the Rural Waterfront Designation is to provide the opportunity for the development, redevelopment and infill of existing intensely developed shoreline areas for residential, and water related/water dependent recreational

and tourist development consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan.

- 31.2 The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.
32. The project is consistent with Chelan County Code (CCC) 11.04.020 in the following respects:
 - 32.1 A single-use pier is a permitted use in the RW zoning district. The boatlift, swim float and stairs are considered an accessory to the pier. Accessory structures are permitted in the RW zoning district.
 - 32.2 The proposed development is permitted.
33. The project is consistent with CCC Section 11.16.020 in the following respects:
 - 33.1 The RW zoning district requires a 5 foot setback from side property lines. The site plan of record shows all proposed development outside the setback. The pier and boatlift would be located 96 feet from the north property line and 35 feet from the south property line.
 - 33.2 The proposed pier, boatlift, buoy, swim float and stairs meet the required five-foot side yard setback.
34. The project is consistent with Chelan County Shoreline Master Program (CCSMP) 29.1 in the following respects:
 - 34.1 The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below.
 - 34.2 According to JARPA, question 6(g), the fair market value of the project is \$70,000. The project is not exempt from the substantial development permit requirement.
 - 34.3 The CCSMP does not address boatlifts; therefore, the provisions for a Conditional Use Permit apply.
 - 34.4 The project is consistent with the provisions of the SMA, WAC and CCSMP.
35. The project is consistent with CCSMP Section 21.A.3.4 in the following respects:
 - 35.1 For the new pier, the applicant has proposed using a total of twelve (12) steel piles. Each pile would be driven to a 2 foot x 2 foot x 5 foot concrete footing or each pile would be driven to 10 feet of depth or bearing. There is a large boulder the pier would be constructed over and the piles would be bolted to the boulder. #4 rebar would be drilled into the boulder to add strength and stability. If concrete footings are used to anchor the piles, hand tools or a small track-mounted or walking excavator would be used. The top of the footings would be installed at least 1 foot below the lakebed. The excavated soils would be used to cover the concrete footings. If concrete footings cannot be constructed in the dry, the piles would be driven to 10 feet of depth. Stringers of pressure-treated timber or steel would then be attached to the piles with metal brackets to create framework for the decking. Grated decking would be installed atop of the completed framework of the entire pier. No wood or metal preservatives, paints, sealers, chemicals or other substances harmful or toxic to fish and shellfish would be applied to the pier system once it has been placed in the water.
 - 35.2 According to the cross section details, the proposed pier pilings would have a vertical clearance of 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.
 - 35.3 The proposed pier complies with the CCSMP dock construction standards.
36. The project is consistent with CCSMP Section 21.A.6.1 in the following respects:

- 36.1 The property was created prior to May 3, 1994, via the Jim Urness Short Plat No 1, recorded November 23, 1992 and amended on October 10, 1995.
- 36.2 The lot qualifies for a single-use pier.
- 37. The project is consistent with CCSMP Section 21.A.6.2 (b) in the following respects:
 - 37.1 As described in the JARPA and pier plan, the proposed pier would extend approximately 40 feet waterward of the OHWM to a water depth of approximately 12 feet. The "L" shaped pier is 6 feet wide extending down lake, measuring 6 feet x 35.5 feet. The overall area of the proposed pier would be approximately 320 square feet of overwater coverage.
 - 37.2 The proposed design of the new pier is consistent with the CCSMP dimensional standards for residential piers and docks.
- 38. The project is consistent with CCSMP Section 21.A.6.4 in the following respects:
 - 38.1 The site plan shows the pier and all proposed development outside of the 10 foot side property line setback.
 - 38.2 The proposed development meets the required 10 foot setback from the side property lines.
- 39. The project is consistent with CCSMP Section 29.3.2 (a) in the following respects:
 - 39.1 The applicant is requesting to place a boatlift, buoy and a swim float which are not addressed in the CCSMP and therefore requires review under a Shoreline Conditional Use Permit.
 - 39.2 The policies of the CCSMP and SMA provide for recreational use of the shoreline.
 - 39.3 The proposed development is consistent with the CCSMP as a recreational use.
- 40. The project is consistent with CCSMP Section 29.3.2 (b) in the following respects:
 - 40.1 The applicant is requesting to place a boatlift on the landward side of the "L" pier section, a mooring buoy at approximately 55 feet from the OHWM at a water depth of 16 feet and a swim float 17 feet from the north property line at a water depth of approximately 12 feet.
 - 40.2 The proposed use/development is located on private property.
- 41. The project is consistent with CCSMP Section 29.3.2 (c) in the following respects:
 - 41.1 Boatlifts and buoys are common along the Lake Chelan shoreline. Swim floats are less common but are associated with common water activities including swimming. This section of the lake is highly developed with residential and recreational use.
 - 41.2 The proposed development is compatible with the surrounding land uses in the area.
- 42. The project is consistent with CCSMP Section 29.3.2 (d) in the following respects:
 - 42.1 The shoreline designation is 'rural.' The 'rural' designation permits residential and recreational uses and development with appropriate permits.
 - 42.2 The proposed development is consistent with the 'rural' shoreline designation and would cause no unreasonable adverse effects to the shoreline environment designation.
- 43. The project is consistent with CCSMP Section 29.3.2 (e) in the following respects:
 - 43.1 The proposed boatlift, buoy and swim float would be located on private property.
 - 43.2 The proposed development is for private use, placed on private property. The public interest would not suffer substantial detrimental effect.

44. The project is consistent with CCSMP Section 29.3.4 in the following respects:
 - 44.1 The Shoreline Master Program allows for recreational use. The cumulative impact of an additional boatlift, mooring buoy and swimfloat being installed in Lake Chelan is considered minimal due to their open nature, and the fact that they do not permanently alter the shoreline habitat.
 - 44.2 The use of the property for recreation is consistent with the policies of the Shoreline Management Act. The total of the conditional uses (boatlift, mooring buoy and swimfloat) would remain consistent with the policies of the Shoreline Management Act and would not produce substantial adverse effects to the shoreline environment.
45. The project is consistent with CCSMP Section 29.4.1 (a) in the following respects:
 - 45.1 The project area would be located on private property, in the vicinity of other properties with similar recreational in-water structures.
 - 45.2 The construction of a pier and installation of a boatlift, buoy and swim float would not affect statewide nor local interests.
46. The project is consistent with CCSMP Section 29.4.1 (b) in the following respects:
 - 46.1 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 residences and in-water structures.
 - 46.2 The upland is developed with a new residence and steep foot trails to the lake. Portions of the shoreline are eroding due to the steep topography and lack of vegetation. Much of the shoreline is in native shrub steppe vegetation. There is a low level of fish and wildlife habitat on the property due to the size of the lot and lack of native vegetation. Below OHWM habitat consists of moderately sloping, unvegetated rock and cobble.
 - 46.3 The proposed development would not impact the natural character of the shoreline.
47. The project is consistent with CCSMP Section 29.4.1 (c) in the following respects:
 - 47.1 The proposed development would enhance the recreational use of the subject property.
 - 47.2 The proposed development would be a long term benefit to the property by enhancing the recreational use of the property.
48. The project is consistent with CCSMP Section 29.4.1 (d) in the following respects:
 - 48.1 The proposed stairs would prevent erosion of the steep shoreline of the bank. This eliminates the need for the existing foot access trail that would cause erosion of the bank. The stairs would protect the vegetative resources and ecology of the shoreline.
 - 48.2 The proposed development would not have a substantial impact on the resources and ecology of the shoreline.
49. The project is consistent with CCSMP Section 29.4.1 (e) in the following respects:
 - 49.1 The development is located on privately-owned property, with no public shoreline access.
 - 49.2 The development would not impact public access to the shoreline.
50. The project is consistent with CCSMP Section 29.4.1 (f) in the following respects:
 - 50.1 The subject development is under private ownership with no public access.
 - 50.2 The development would not affect public recreational opportunities, as the property is privately owned.

51. The project is consistent with CCSMP Section 29.4.2 in the following respects:
 - 51.1 Based on the above findings and conclusions, staff found the development to be consistent with the intent and spirit of the principles outlined above.
52. The project is consistent with Chelan County Section (CCC) 11.95.030(1)(A) in the following respects:
 - 52.1 The requested variance is for the permitting access stairs within the riparian buffer. Approval of this development would not constitute a grant of special privilege not enjoyed by other properties in the area. Other residential waterfront properties are developed with stairs to access the shoreline on steep property.
 - 52.2 This variance would not constitute a special privilege as property owners within the same area have stairs constructed in the riparian buffer.
53. The project is consistent with CCC Section 11.95.030(1)(B) in the following respects:
 - 53.1 The plight of the applicant is specifically related to the physical characteristics of the subject property, due to steep topography, which the applicant has no control over. The steep slopes make accessing the shoreline unsafe without the aid of stairs, their associated landing and handrails.
 - 53.2 The hardship results from the steep topography of the subject property.
54. The project is consistent with CCC Section 11.95.030(1)(C) in the following respects:
 - 54.1 The hardship results from the existing steep topography and the requirements of Title 11 including the size of the riparian buffer.
 - 54.2 The applicant has no control over the existing topography, nor does the applicant have control over the size of the riparian buffer.
55. The project is consistent with CCC Section 11.95.030(1)(D) in the following respects:
 - 55.1 The authorization of this variance and the proposed development would not be materially detrimental to the public welfare and safety, the purposes of the critical areas title, be injurious to the property in the same district or neighborhood in which the property is located or be otherwise detrimental to the objectives of the comprehensive plan.
 - 55.2 The authorization of this variance would not be injurious to property in the same district or neighborhood in which the property is located. This application is requesting approval of the preservation of a property right the same as is enjoyed by other properties in the neighborhood. The authorization of this variance would avoid injury to the applicant's property rather than cause injury to other property in the neighborhood. The authorization of this variance would not be detrimental to the objectives of the comprehensive plan.
56. The project is consistent with CCC Section 11.95.030(1)(E) in the following respects:
 - 56.1 The ultimate hardship asserted by the application is that the riparian buffer applied to the property by Title 11, precludes this development from being completed.
 - 56.2 The hardship is a result of the application of the Chelan County Code to the subject property based on site specific conditions.
57. The project is consistent with CCC Section 11.95.030(2)(A) in the following respects:
 - 57.1 The proposal, as conditioned, would not significantly impact the fish and wildlife habitat.
58. The project is consistent with CCC Section 11.95.030(2)(B) in the following respects:

- 58.1 There is no other suitable and safe location to build the stairs on the property, as the location was chosen because of slope leading to the shoreline, the lack of existing vegetation, the existing steep foot access trail, and the fact that it is the most direct, least disturbing way to access the shoreline.
- 58.2 The proposed use is reasonable due to the minimal vegetation and similar residential structures are common along the south shore of Lake Chelan.
- 59. The project is consistent with CCC Section 11.95.030(2)(C) in the following respects:
 - 59.1 Due to the water dependent nature of the proposed uses it is impossible to construct the stairs outside of the riparian buffer.
 - 59.2 The development has been designed so that there are no impacts to fish and wildlife habitat.
- 60. The project is consistent with CCC Section 11.95.030(3)(A) in the following respects:
 - 60.1 The variance request is based on the size and topography of the lot and the proximity of the property to Lake Chelan.
 - 60.2 The variance request is not based on illegal or nonconforming circumstances created by the applicant.
- 61. The project is consistent with CCC Section 11.95.030(3)(B) in the following respects:
 - 61.1 The proposed development would have no economic return and the stairs are not associated with the size of the existed residence on the property.
 - 61.2 The variance request is not based upon lack of reasonable economic return or a claim that the structure is too small.
- 62. The project is consistent with CCC Section 11.95.030(3)(C) in the following respects:
 - 62.1 The proposal is not based on the fact that the condition for which the variance is requested, existed at the time the applicant acquired the property, but rather it is based on the fact that the conditions currently exists. The development is not practically buildable without the granting of a variance due to the nature of the development and its water dependence.
 - 62.2 The riparian setback did exist at the time the applicant acquired the property; however to access the shoreline granting the riparian is necessary.
- 63. The project is consistent with CCC Section 11.95.030(3)(D) in the following respects:
 - 63.1 The proposal would not result in any changes to the requirements of the RW zone or change density.
 - 63.2 This provision does not apply.
- 64. The project is consistent with CCC Section 11.95.030(3)(E) in the following respects:
 - 64.1 There would be no change in density resulting from the development.
 - 64.2 This provision does not apply.
- 65. The applicant is requesting a shoreline substantial development permit, a shoreline conditional use permits, a shoreline variance and a riparian variance for a pier, boatlift, mooring buoy, swimfloat and stairs.
- 66. The subject property is located in a developed area of Lake Chelan. Surrounding properties include small lots. Developed with single family residences and their accessory uses, including piers, boatlifts, swim floats and buoys. Due to the existing development along the south shore of the lake,

the proposed development would have minimal impacts to the shoreline environment and would be compatible with surrounding land uses.

67. 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.
68. 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 recommended conditions of approval.
79. An open record public hearing after legal notice was provided was held on November 6, 2019.
70. 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.
71. Appearing and testifying on behalf of the applicant was Ann 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 and conclusions. Ms. Hessburg requested that proposed Condition of Approval number 5 be removed because a geological assessment was not required by the Shoreline Master Program. Ms. Hessburg indicated that all of the remaining Conditions of Approval were acceptable.
72. No member of the public testified at the hearing.
73. Proposed Condition of Approval No. 5 is appropriate because the applicant is requesting a riparian variance under the Chelan County Zoning Code.
74. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
75. 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, Shoreline Conditional Use Permit and Riparian Variance 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, Shoreline Conditional Use Permit and Riparian Variance 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, SHORELINE CONDITIONAL USE PERMIT AND RIPARIAN VARIANCE 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 12th day of November, 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 Hearing Board (for the shoreline permit, the shoreline conditional use permits and the shoreline variance) as provided for in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board.

Anyone aggrieved by this decision (for the riparian variance) has twenty-one days from the issuance of this decision to file an appeal with the Chelan County Superior Court as provided for under Judicial Review of Land Use Decisions, RCW 36.70C.040(3).

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:
