

SHORELINE MANAGEMENT PERMIT

ACTION SHEET

Application #: SDP 2019-010/SCUP 2019-010, AM 2019-005
Administering Agency Chelan County Department of Community Development

Type of Permits:

- Shoreline Substantial Development Permit
- Shoreline Conditional Use Permit
- Administrative Modification

Action: Approved Denied

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Date of Action: January 13, 2020

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Date Mailed to DOE/AG

CHELAN COUNTY
COMMUNITY DEVELOPMENT

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

Steve & Rhonda Wilkinson
104 W 21st Ave.
Hutchinson, KS 68502

To undertake the following development: This is an application for a shoreline substantial development permit, shoreline conditional use permit and administrative modification for the installation of an approximately 448 square foot single-use pier with gangway, floating dock, installation of an at grade access trail from the up-land property to the proposed pier and an administrative wetland buffer reduction. The proposed pier would be approximately 4 feet x 35 feet and would extend 32 feet perpendicular from the OHWM of Roses Lake. The gangway is approximately 4 feet x 25 feet grated aluminum running from the pier to the floating dock. The dock would be approximately 8 feet x 26 feet and would extend to a water depth of approximately 8.7 feet below the OHW and installation of a 296 foot at-grade access trail between the upland property and the proposed pier. The trail would be constructed by placing field stones where necessary. An administrative wetland buffer reduction is requested for the construction of a single-family residence, pool, hot tub and detached garage with ADU on the subject property. A native vegetative planting within the wetland and riparian buffer is proposed as mitigation for the impacts to the wetland buffer.

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Upon the following property: NNA Green Ave, Manson, WA 98831

Within 200 feet of Roses Lake and/or its associated wetlands.

The project would be within a shoreline of statewide significance (RCW 90.58.030). The project will be located within an 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.
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 3, 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 CCC 11.80.110, prior to building permit submittal, the applicant shall submit a habitat management and mitigation plan.
 - 6.1. The approved mitigation plantings shall be installed prior to final occupancy of the proposed residence. Boning in conformance with CCC 14.16 may be utilized if plantings are unable to be planted prior to the final occupancy.
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 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.

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FINDINGS OF FACT

1. The applicants are Steve & Rhonda Wilkinson, 104 W 21st Ave, Hutchinson, KS 66502.
2. The agent for applicants is Ryan Walker, Grette Associates, LLC., 15 N. Worthen St., Suite 101, Wenatchee, WA 98801.
3. The project location is NNA Green Ave, Manson, WA 98831.
4. The parcel number for the subject property is 28-21-25-613-048.
5. The legal description and size for the subject property is: A portion of tract 804 of the plat of Highline Division No. 8. The property is 1.83 acres per Chelan County Assessor's records.
6. The project is not located in an Urban Growth Area.
7. The Comprehensive Plan designation and zoning for the subject property is Rural Waterfront. (RW).
8. The project site is currently in Rural Waterfront. As stated in the JARPA, question 5(o), the subject property contains not structures.
9. The project site, as stated in the JARPA, question 5(l), is characterized as grass and shrub covered, dry, sloping terrain. Soil varies in depth across the subject property with some areas of exposed gravel. Areas of bare un-vegetated ground are prevalent. Habitat on site is of low to moderate quality. A Category II wetland exists below the OHWM along the entirety of the shoreline but is of variable width and of limited species diversity. The property is located in the vicinity of other highly modified residential and recreational property to the east and lightly developed residential and recreational parcels to the south and west. Habitat is limited by the relatively small lot size and its location within a larger geographic region which is highly modified with commercial agricultural, residential, and recreational uses.
10. The property to the north of the subject property is Roses Lake.
11. The property to the south of the subject property is Commercial Agricultural and zoned Rural Residential/Resource 2.5 (RR2.5)
12. The property to the east of the subject property is zoned Rural Waterfront.
13. The property to west of the subject property is zoned Rural Waterfront and Commercial Agricultural.
14. Construction would begin upon receipt of all permits and end approximately one month from start date.
15. As stated in the JARPA, question 5(p), access is provided by an unmarked dirt drive off Chandler Road. Legal access would need to be provided with building permit submittal.
16. Similar to other residential and recreational uses, construction noise during demolition of the existing dock and installation of the new pier and boatlift. The development is required to comply with CCC, Chapter 7.35, Noise Control.
17. 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 11, 2019, with comments due July 11, 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:

- 17.1 Chelan County PUD – no comments;
- 17.2 WA State Department of Natural Resources – no comments;
- 17.3 WA State Department of Ecology – no comments;
- 17.4 WA State Department of Fish & Wildlife – no comments;
- 17.5 US Army Corps of Engineers – no comments;
- 17.6 Department of Archaeology & Historic Preservation – no comments;
- 17.7 Yakama Nation – no comments;
- 17.8 Confederated Tribes of the Colville Reservation – June 4, 2019.

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18. There were no public comments received.

JAN 13 2020

19. The application materials were submitted on May 3, 2019.

20. A Determination of Completeness was issued on May 30, 2019.

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21. The Notice of Application was provided on June 4, 2019.

22. The Notice of Public Hearing was provided on December 26, 2019.

23. The Applicant submitted an Environmental Checklist. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and a Determination of Non-Significance (DNS) was issued on October 14, 2019. The SEPA Checklist and DNS are included within the file of record and adopted by reference.

24. The Comprehensive Plan has been reviewed; specifically the goals and policies related to the Rural Waterfront land use designation for consistency with proposed recreational land uses.

24.1 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.*

24.2 The development, as conditioned, is consistent with the Comprehensive Plan.

25. A single-use pier with gangway is a permitted use in the RW zoning district. The floating dock and installation of an access trail are considered an accessory to the pier. Accessory structures are permitted in the RW zoning district.

25.1 The proposed development is permitted.

26. According to CCC, *Section 11.16.020 Dimensional Standards- Rural Waterfront (RW)*, 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 floating dock would be located 150 feet from the east property line and 150 feet from the west property line.

26.1 The proposed pier, gangway and floating dock meet the required five-foot side yard setback.

27. 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.

JAN 13 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

28. Floodplain: According to the Federal Emergency Management Agency, FIRM panel # 5300150225A, there is no floodplain on the subject parcel.
29. Geologically Hazardous Area: According to the Chelan County GIS mapping, the property is not located within a geologically hazardous area; therefore, the provisions of CCC Chapter 11.86 Geologically Hazardous Areas Overlay District do not apply.
30. Wetlands: According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject property does contain wetlands.
31. This property is located along Lake Chelan within the 'rural' shoreline designation and is classified as a Shoreline of Statewide Significance, pursuant to WAC 173-20-100.
32. The proposed single-use pier, gangway and floating dock are water-dependent uses and "Shoreline Works and Structures." These uses are permitted within the shoreline buffer and waterward of the OHWM.
33. The project is consistent with Goal E, Goal for Shoreline Use Element: *Assure an appropriate pattern of sound development in suitable locations without diminishing the quality of environment along the shorelines.*
34. The project is consistent with the following SWS policies:
- 34.1 SWS should be located and constructed in such a manner which will result in no significant adverse effects on the adjacent shorelines, will minimize alterations of the natural shoreline, and have no long term adverse effects on fish habitat.
- 34.2 SWS should be designed and located to avoid significant damage to ecological values or to natural resources which would create a hazard to adjacent life, property and natural resource systems.
35. Pursuant to CCSMP Section 27, developers shall notify local governments of any possible archaeological materials uncovered during excavation.
36. 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 recommends a condition of approval, requiring an inadvertent discovery plan be kept onsite during all ground-disturbing activities and submitted with building permit application.
37. The purpose of a substantial development permit is to facilitate environmentally sound utilization and coordinated planning of the shorelines of Chelan County. A substantial development permit shall be granted only when the proposed project is consistent with all of the following:
- 37.1 The provisions of the Shoreline Management Act RCW 90.58.
- 37.2 The applicable provisions of the Washington Administrative Code.
- 37.3 The Chelan County Shoreline Master Program.
38. The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below.

39. According to JARPA, question 6(g), the fair market value of the development is \$800,000. The development is not exempt from the substantial development permit requirement.
- 39.1 The development is consistent with the provisions of the SMA, WAC and CCSMP.
40. According to CCSMP Section 21.A.3 General Design and Construction Standards:
- 40.1 Section 21.A.3.1: Pilings must be structurally sound and cured prior to placement in the water.
- 40.2 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.
- 40.3 Section 21.A.3.3: All docks shall include stops which serve to keep the floats off the bottom of bed-lands at low water levels.
- 40.4 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.
41. For the new pier, the applicant has proposed using a total of 6 steel piles, up to 10 inches in diameter. Piles would be impact driven to a depth of 10 feet or to a bearing with a pneumatic pile driver via a barge. Once pile placement for the proposed pier section is complete, wood or galvanized cross bracing would be placed between each pair of piles. Stringers would be attached to the piles with metal brackets to provide framework for the decking. Grated Decking would be installed atop of the complete framework of the entire pier.
42. A 4 foot x 25 foot grated aluminum gangway would run from the fixed pile pier to the floating dock, encompassing approximately 100 square feet of overwater coverage.
43. The floating dock would be approximately 8 feet x 26 feet and would extend to a water depth of approximately 8.7 feet below the OHWM, encompassing approximately 208 square feet of overwater coverage. The floating dock would be constructed in one section. The section would be constructed of galvanized steel or aluminum truss framing and would be built with up to 6 rotationally molded float drums attached to the underside of the dock. The dock would be held in place with 2 fixed piles, up to 10 inches in diameter, and a set of collars that would attach the float to the fixed piles.
- 43.1 The proposed pier complies with the CCSMP dock construction standards.
44. According to CCSMP Section 21.A.6.1 Amount:
- 44.1. For shoreline lots legally created prior to (5/3/94) the date of adoption of this amendment no more than one private non-commercial dock or pier is allowed.
- 44.2. For all subdivisions, short subdivisions and all other divisions of land occurring after (5/3/94) the date of adoption of this amendment, community docks or piers shall be encouraged and may be allowed where they are found to be consistent with the provisions of this program. No single use piers or docks may be authorized for any subdivision, short subdivision or other division of land or for any lot within such subdivision short subdivision or other division of land except in accordance with the provisions of Section 21.A.8.
45. The property was created prior to May 3, 1994, via the High Line Division 8 subdivision, recorded April 6, 1923.

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- 45.1 The lot qualifies for a single-use pier.
46. According to CCSMP Section 21.A.6.2 Dimensional Standards for Residential Piers and Docks:
- 46.1 Length: Not more than 40 feet from the OHWM provided that a greater length may be authorized up to the minimum length necessary to reach a depth of twelve feet below OHWM at the waterward end of the pier or dock.
- 46.2 Width: The maximum width of the walkway shall not exceed eight feet.
- 46.3 Area: The total area of the pier or dock shall not exceed 320 square feet provided that docks or piers in excess of 40 feet in length pursuant to the provisions above may add eight square feet for each one foot of length authorized up to a maximum of 450 square feet.
47. As described in the JARPA and pier, gangway and a floating dock plan, the proposed pier would extend approximately 35 feet waterward of the OHWM. The gangway would run 25 feet from the fixed pile pier to the floating dock. The pier would be approximately 128 square feet of overwater coverage and would be equipped with handrails. The gangway would be approximately 100 square feet and would be equipped with handrails. The floating dock would be approximately 208 square feet of overwater coverage. The overall area of the proposed pier would be approximately 448 square feet of overwater coverage.
- 47.1 The proposed development meets the required 10 foot setback from the side property lines.
48. CCSMP Section 21.A.6.4 Side Yard Setbacks:
- 48.1 On lots with shoreline frontage, private and community docks and piers shall be setback a minimum of ten (10) feet from side property lines, except that they may be located adjacent to or upon a 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.
49. The site plan shows the pier and all proposed development outside of the 10 foot side property line setback.
50. CCSMP Section 29.3 Review Criteria for Conditional Use Permits:
- 50.1: CCSMP Section 29.3.1: The purpose of a conditional use permit is to allow greater flexibility in administering these Use Regulations in a manner consistent with the policies of the Shoreline Management Act. In authorizing a conditional use, special conditions may be attached to the permit by the Administrative Authority/Board of Adjustment or the department to prevent undesirable effects of the proposed use.
- 50.2 CCSMP Section 29.3.2: Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:
- 50.2.1 That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the master program.

51. The applicant is requesting to install a new 12 foot x 24 foot in-ground swimming pool as an accessory to a single-family residence. All proposed development would be located outside the 59.9' riparian buffer.
52. 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.
53. The policies of the CCSMP and SMA provide for recreational use of the shoreline.
 - 53.1 The proposed development is consistent with the CCSMP as a recreational use
54. That the proposed use will not interfere with the normal public use of public shorelines.
55. The swimming pool would be located on private property, over 60-feet from the OHWM of Roses Lake.
 - 55.1 The proposed use/development is located on private property.
56. The proposed use of the site and design of the project will be compatible with other permitted uses within the area.
57. The property has been zoned for residential development of the shoreline. Properties within the vicinity include single-family residence and accessory structures. The proposed swimming pool is an accessory to a single-family residence, and would be constructed landward of the applicable shoreline and riparian setback.
 - 57.1 The proposed development is compatible with the surrounding land uses in the area.
58. The proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is to be located.
59. The shoreline designation is 'rural.' The 'rural' designation permits residential and recreational uses and development with appropriate permits. The proposed conditional use is from installation of a new in-ground swimming pool outside of the riparian setback.
 - 59.1 The proposed development is consistent with the "rural" shoreline designation and would cause no unreasonable adverse effects to the shoreline environment designation.
60. The public interest will suffer no substantial detrimental effect.
61. The proposed swimming pool would be located on private property, as indicated on the site plan of record, May 3, 2019, and would be for private use of the property owner.
 - 61.1 The proposed development is for private use, placed on private property. The public interest would not suffer substantial detrimental effect.
62. CCSMP Section 29.3.3 states: Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.
63. CCSMP Section 29.3.4 states: In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of the Shoreline Management Act and should not produce substantial adverse effects to the shoreline environment.

JAN 13 2020

JAN 13 2020

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64. The Shoreline Master Program allows for recreational use. 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 impacts are not anticipated.
- 64.1 The cumulative impacts of residential swimming pools would be minimal and remain consistent with the policies of the Shoreline Management Act.
65. CCSMP Section 29.4 Review Criteria for Shorelines of Statewide Significance states:
- 65.1 CCSMP Section 29.4.1: The Shoreline Management Act clearly establishes that Shorelines of Statewide Significance should receive additional attention and scrutiny (RCW 90.58.020, WAC 173-16-040(5)), and should be utilized in accordance with the following principles:
- 65.1.1 Recognize and protect the interest of all Washington State residents equally;
 - 65.1.2 Preserve the natural character of the shoreline;
 - 65.1.3 Consider results in long term over short term benefits;
 - 65.1.4 Protect the resources and ecology of the shoreline;
 - 65.1.5 Increase public access to publicly owned areas of the shoreline;
 - 65.1.6 Increase recreational opportunities to the public.
66. The development area would be located on private property, in the vicinity of other properties with similar recreational in-water structures.
- 66.1 The construction of a pier, gangway, access trail and an in-ground pool would not affect statewide nor local interests.
67. Roses Lake carries a 'rural' shoreline designation, which allows for residential and recreations uses. This area is developed with residences, accessory uses and in-water structures.
68. The upland proposed building site is sparsely vegetated with native and non-native grasses. Near the proposed pier site is vegetated with a number herbaceous plants, and shrubs. The subject property has a Category II wetland on it requiring a 100 foot buffer width.
69. The applicant has applied for an Administrative Modification to reduce the 100 foot wetland buffer to 59.9 feet to match the riparian buffer.
- 69.1 The proposed development would not impact the natural character of the shoreline.
70. The short and long term benefits of this development would continue to enhance the recreational use of the property. The installation of the access trail would limit erosion within the buffer caused by informal foot traffic to the shoreline.
- 70.1 The proposed development would be a long term benefit to the property by enhancing the recreational use of the property.
71. The shoreline of Roses Lake and the lake fringe wetland would continue to be protected by a large buffer. The proposed dock would be elevated above the wetland vegetation. Mitigation planting is proposed at a 1:1 ratio for a total of 4,708 square feet of native vegetative plantings.
- 71.1 The proposed development would not have a substantial impact on the resources and ecology of the shoreline
72. The development is located on privately-owned property, with no public shoreline access.
- 72.1 The development would not impact public access to the shoreline.

73. CCSMP Section 29.4.2 states: All permit applications for a proposed development along Shorelines of Statewide Significance must be shown to be consistent with the intent and spirit of the above-mentioned principles.

73.1 Based on the above findings and conclusions, the Hearing Examiner finds the development to be consistent with the intent and spirit of the principles outlined above, as conditioned.

Administrative Modification

74. CCC 11.80.090 Modification provisions for existing lots:

74.1 For those lots, tracts, and parcels legally created prior to January 5, 1999, and provided the requirements outlined below are satisfied, the administrator may vary the buffer widths outlined within this chapter. The buffer widths may be varied by not more than fifty percent, but in no case shall the buffer width be less than twenty-five feet, with granting the minimum necessary to afford relief to address hardship issues. In the case of a Category 1 wetland, the buffer shall not be reduced to less than one hundred fifty feet. The administrator may require a wetland report and mitigation plan in order to avoid impacts to the wetland area. In addition, all of the following conditions must be met:

74.2 That the strict application of the bulk, dimensional or performance standards set forth in these requirements significantly interferes with reasonable use on the property.

75. The wetland buffer encumbers over 33,600 square feet of the 94,000 square feet property. The area of the property proposed for the buffer reduction is sparsely vegetated with native and non-native weedy herbaceous and grassy species. In addition, the area proposed for the buffer reduction is located on the only flat area of the parcel suitable for the development of a single-family residence and still allow for the development to meet the zoning and drain field setbacks.

76. That the hardship described in 74.1.2 of this Section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this title, and not for example, from deed restriction or the applicant's own actions.

77. The hardship described above is the result of a natural feature, a wetland, on the property as well as irregular narrow triangular lot shape, relatively small lot size, presence of steep slopes to the southwest outside of the buffer area (minimum slope of 29%) and the presence of two (2) front yard setbacks.

78. That the design of the project is compatible with other authorized uses planned for under the Chelan County Comprehensive Plan and the Chelan County Shoreline Master Program and will not cause adverse impacts to the shoreline environment, if in continuity.

79. The property is zoned Rural Waterfront which allows for single-family residence with detached garage, accessory dwelling units and accessory structures on the subject parcel. Due to the prevalence of emergent vegetation along the entire perimeter of Roses Lake, the applicant is requesting to reduce the wetland buffer from 100' to 59.9' from the OHWM.

80. That the public interest will not suffer substantial detrimental effect.

81. The development would have no detrimental effects on the public interest. The size of the buffer is unnecessary for the protection of the wetland because the un-vegetated portion of the buffer is not performing typical beneficial functions.

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- 81.1 The area proposed for the buffer reduction is sparsely vegetated and the only flat area suitable for the development of a single-family residence while still meeting zoning and drain field setbacks.
- 81.2 The applicant has no control over the location or the size of the wetland buffer. All features when combined limit the ability of the applicant to develop the property.
- 81.3 The requested buffer reduction would in effect lessen environmental impact by allowing the single-family residence to be built in a location that is already lacking in habitat features and is dominated by exposed and un-vegetated property
- 82. The applicant is requesting a shoreline substantial development permit, a shoreline conditional use permit for a single-use pier with gangway, floating dock, installation of a grade access trail and an administrative modification to reduce the wetland buffer on Roses Lake.
- 83. The subject property is located in a developed area of Roses Lake. Surrounding properties include small lots. Developed with single family residences and their accessory uses, including piers and floating docks. Due to the existing development along the shore of the lake, the proposed development would have minimal impacts to the shoreline environment and would be compatible with surrounding land uses.
- 84. The proposed mitigation plantings are anticipated to alleviate potential impacts that could be associated with the proposed residential development, increase the diversity of vegetation within the buffer and re-vegetate portions of the buffer that are currently un-vegetated ground.
- 85. 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.
- 86. An open record public hearing after due legal notice was held on January 8, 2020.
- 87. Appearing and testifying on behalf of the applicant was Ryan Walker. Ms. Walker testified that he was an agent authorized to appear and speak on behalf of the property owner. Mr. Walker testified that without an adjustment of the setbacks, no buildable space existed on this lot. He indicated that the applicant had no objection to any of the proposed conditions of approval.
- 88. No member of the public testified at this hearing.
- 89. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
- 87. Any Finding of Fact that is more correctly a Conclusion of Law 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 Hearing Examiner finds that the development, as conditioned, is consistent with the Comprehensive Plan.
- 4. The Hearing Examiner finds that the proposed development is permitted.
- 5. The proposed pier, gangway and floating dock meet the required five-foot side yard setback.
- 6. The development is consistent with the provisions of the SMA, WAC and CCSMP.
- 7. The proposed pier complies with the CCSMP dock construction standards.

JAN 13 2020

8. The lot qualifies for a single-use pier.
9. The proposed design of the new pier, gangway and floating dock is consistent with the CCSMP dimensional standards for residential piers and docks
10. The proposed development meets the required 10 foot setback from the side property lines.
11. The proposed development is consistent with the CCSMP as a recreational use.
12. The proposed use/development is located on private property.
13. The proposed development is compatible with the surrounding land uses in the area.
14. The proposed development is consistent with the 'rural' shoreline designation and would cause no unreasonable adverse effects to the shoreline environment designation.
15. The proposed development is for private use, placed on private property. The public interest would not suffer substantial detrimental effect.
16. The cumulative impacts of residential swimming pools would be minimal and remain consistent with the policies of the Shoreline Management Act.
17. The construction of a pier, gangway, access trail and an in-ground pool would not affect statewide, nor local interests.
18. The proposed development would not impact the natural character of the shoreline.
19. The proposed development would be a long term benefit to the property by enhancing the recreational use of the property.
20. The proposed development would not have a substantial impact on the resources and ecology of the shoreline.
21. The development would not impact public access to the shoreline.
22. The development would not affect public recreational opportunities, as the property is privately owned.
23. Based on the above findings and conclusions, the Hearing Examiner finds the development to be consistent with the intent and spirit of the principles outlined above, as conditioned.
24. The area proposed for the buffer reduction is sparsely vegetated and the only flat area suitable for the development of a single-family residence while still meeting zoning and drain field setbacks.
25. The applicant has no control over the location or the size of the wetland buffer. All features when combined limit the ability of the applicant to develop the property.
26. The requested buffer reduction would in effect lessen environmental impact by allowing the single-family residence to be built in a location that is already lacking in habitat features and is dominated by exposed and un-vegetated property.
27. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference

This Shoreline Substantial Development Permit, Shoreline Conditional Use Permit and Administrative Modification 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).

JAN 13 2020

This Shoreline Substantial Development Permit, the Shoreline Conditional Use Permit and Administrative Modification 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 ADMINISTRATIVE MODIFICATION 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 13th day of January, 2020.

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 two 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.

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JAN 13 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT

**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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JAN 13 2020

CHELAN COUNTY
COMMUNITY DEVELOPMENT