

**SHORELINE MANAGEMENT PERMIT**

**RECEIVED**

**ACTION SHEET**

FEB 25 2020

**Application #:** SDP 2019-029 / SCUP 2019-019

**CHELAN COUNTY  
COMMUNITY DEVELOPMENT**

**Administering Agency** Chelan County Department of Community Development

**Type of Permits:**

- Shoreline Substantial Development Permit
- Shoreline Conditional Use Permits

**Action:**

- Approved       Denied

**Date of Action:** February 21, 2020

**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:

City of Cashmere  
c/o Edrie Risdon  
Chelan County PUD  
PO Box 1231  
Wenatchee, WA 98807

These applications for a shoreline substantial development permit and a shoreline conditional use permit were submitted for the relocation of large scale utilities within shoreline jurisdiction of the Wenatchee River. The project proposes to relocate an existing distribution line by underbuilding on an existing transmission line. The new lines will be strung on new, taller poles in order to accommodate the additions. The existing poles are approximately 80 ft. tall and the proposed are to be 90 ft. tall. Upon completion of the new lines, there will be only one line crossing the Wenatchee River and one utility pole located with 200 ft. of the Wenatchee River. This reach of the Wenatchee River holds an 'Urban' shoreline environmental designation.

Upon the following property: NNA Evergreen Drive, Cashmere, WA 98815.

Within 200 feet of Wenatchee River 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 a natural shoreline environment designation. The subject property is located within the Public (P) zoning district of the Cashmere Urban Growth Area.

The following Shoreline Master Program provisions are applicable to this development: Sections 3, 4, 5, 6, and 7.

**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 CCSMP Section 7.9, this shoreline permit shall be valid for the activities described within the JARPA (date stamped October 22, 2019) and shown on the site plan of record (date stamped November 22, 2019), except as modified by this decision or other jurisdictional agencies.
3. Pursuant to RCW 27.53.020 and CCSMP Section 4.1, 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.
  - 3.1. An inadvertent discovery plan must be submitted with the building permit application and kept onsite during all land disturbing activities.
4. Pursuant to CCSMP Section 5.20, the proposed utility line project shall meet the required design considerations.
5. Pursuant to CCSMP Section 7.10.B, substantial progress toward construction for which a permit has been granted must be accomplished within two (2) years for the granting of the permit.
6. Pursuant to CCSMP 7.10 and 7.11.A, authorization to conduct the approved development shall terminate five (5) years after the effective date of decision; the County may authorize a single extension for a period not to exceed one (1) year in accordance with CCSMP Section 7.10.D.

### **FINDINGS OF FACT**

1. The applicants are the City of Cashmere and PUD No. 1 of Chelan County.
2. The property owner is the City of Cashmere.
3. The agent for applicant is Edrie Risdon, Chelan County PUD, PO Box 1231, Wenatchee, WA 98807.
4. The project location is NNA Evergreen Drive, Cashmere, WA 98815.

5. The parcel number for the subject property is 24-19-32-430-250.
6. The legal description for the subject property is: A portion of T 24N, S 32, R 19 E.W.M.
7. The subject property is 4 acres per Chelan County Assessor's records.
8. The Comprehensive Plan designation and zoning for the subject property is Public (P) within the Cashmere Urban Growth Area.
9. As stated in the JARPA, question 5(o), the subject property is currently undeveloped with only utility structures (i.e. transmission poles).
10. As stated in the JARPA, question 5(l), the subject property has vegetation on site of grasses, shrubs, and weedy species. Along the shoreline, there are a variety of tree species.
11. The surrounding properties are typically in industrial or commercial use.
12. Construction would begin by early spring 2020 and be completed by mid-summer 2020.
13. The project is required to comply with CCC, Chapter 7.35, Noise Control.
14. Visual impacts are anticipated to be minimal as the scope of the project is similar to what currently exists on site.
15. The Notice of Application and Environmental Review 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 13, 2019, with comments due January 13, 2020.
16. The following is a list of Agencies who received notice. No agency comments were received:
  - 16.1 WA State Department of Natural Resources
  - 16.2 WA State Department of Ecology.
  - 16.3 WA State Dept. of Fish and Wildlife.
  - 16.4 Department of Archaeology & Historic Preservation
  - 16.5 Yakama Nation
  - 16.6 Confederated Tribes of the Colville Reservation
  - 16.7 Chelan County PUD
  - 16.8 Chelan County Building Department
  - 16.9 US Army Corps of Engineer
17. No public comments were received.
18. The application materials were submitted on October 22, 2019.
19. A Determination of Completeness was issued on December 10, 2019.
20. The Notice of Application and Environmental Review was published on December 13, 2019.
21. The Notice of Public Hearing was provided on February 7, 2020.
22. Pursuant to WAC 197-11-800(6) of the State Environmental Policy Act (SEPA), the proposed action is not categorically exempt from environmental review and a threshold determination. A copy of the SEPA Checklist was submitted with application; a Determination of Non-Significance was issued by Chelan County PUD as lead agency on September 23, 2019.

23. The City of Cashmere Comprehensive Plan has been reviewed. Specifically, the goals and policies related to the Public (P) land use designation as well as the Utilities Element for consistency with proposed land use. The Hearing Examiner finds that the project, as conditioned, is consistent with the City of Cashmere Comprehensive Plan.
24. Wetlands: According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject property does not contain any mapped wetlands, therefore the provisions of CCCSMP 6.1 Appendix B would apply.
25. Fish and Habitat: According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject property contains protected riparian habitat species or plants, therefore, the provisions of CCSMP 6.5 Appendix B would apply.
26. Floodplain: According to the Federal Emergency Management Agency, FIRM Panel No. 5300150600A, there is floodplain on the subject parcel, therefore, the provisions of CCSMP 4.3 and CCSMP 6.3 Appendix B would apply.
27. Geologically Hazardous Area: According to the Chelan County GIS mapping, the subject property is not located within a geologically hazardous area, therefore, the provisions of CCSMP 6.4 Appendix B would not apply.
28. Aquifer Recharge Area: Pursuant to CCSMP 6.2 Appendix B, the subject property is exempt. Therefore, is not required to comply with Chelan County Code Chapter 11.82, being that no more than two criteria on the Aquifer Recharge Area Disclosure Form applied.
29. The project is consistent with:
  - 29.1 Goal ED-1 - Permit those commercial, industrial, recreational, and other developments requiring a shoreline location which may contribute to the economic well-being of Chelan County.
  - 29.2 Objective CIRC-1.5 - Promote the design of utilities within existing and new road/transportation corridors and outside shoreline jurisdiction unless water crossings are unavoidable or utilities are required for authorized shoreline uses consistent with this SMP.
30. This property is located along and partially covered by the Wenatchee River, which holds an 'Urban' shoreline designation and is classified as a Shoreline of Statewide Significance, pursuant to WAC 173-20-100. The proposed developments are permitted within shoreline jurisdiction with proper shoreline permitting.
31. Pursuant to CCSMP Section 4.1, Archaeological and Historic Resource Regulations, developers shall notify local governments of any possible archaeological materials uncovered during excavation.
32. The provisions of this Section shall apply to any development within shoreline jurisdiction to document a finding of no-net-loss.
  - 32.1 Mitigation Sequencing
    - 32.1.1. Based on the scope of the proposed project, the new pole placement will not require removal of riparian vegetation. The pole to be replaced is located outside

of the shoreline buffer at approximately 150 ft. from the OHWM of the Wenatchee River. The location of the existing pole to be replaced is minimally vegetated; with construction, any disturbed areas would be re-seeded upon completion.

32.1.2 As conditioned, the proposed project is not anticipated to result in adverse impacts to the ecological function of the Wenatchee River.

33. CCSMP Section 5.20, Utilities Regulations

33.1. Design Considerations

33.1.1 Finding of Fact: Based on the application materials, the proposed utility pole replacement is designed to meet the required criteria of CCSMP 5.20.A.

33.1.2 As conditioned, the provisions of section CCSMP 5.20.A would be satisfied.

33.2 Preference – Existing Footprints

33.2.1 Finding of Fact: The proposed utility pole replacement is to be located in the footprint of the existing utility pole.

33.2.2 As conditioned, the provisions of this section would be satisfied.

33.3 Undergrounding

33.3.1 Finding of Fact: The proposed 90 ft. utility pole is to replace an existing pole in the same footprint. The existing 80 ft. pole currently supports a transmission line from the south side of the Wenatchee River; the existing line is an 115kV.

33.3.2 Being as the transmission line is in excess of 15kV, it is not required to be placed underground. Therefore, this provision would not apply.

33.4. Minimum Clearing

33.4.1 Finding of Fact: Based on the application materials, no native riparian vegetation would be removed for the replacement of the utility pole.

33.4.2 As conditioned, the provisions of this section would be satisfied.

33.5 Restoration of Disturbed Areas

33.5.1 Finding of Fact: As previously stated, no riparian vegetation is proposed to be removed during construction. Additionally, reseeded of the disturbed area around the excavated area is proposed; the new pole will require an excavated hole of approximately 13 to 25 ft. deep.

33.5.2 As conditioned, the provisions of this section would be satisfied.

34. The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below. The project is consistent with the provisions of the SMA, WAC and CCSMP.
35. CCSMP Section 7.7.2, Shoreline Conditional Use Permit: Determinations of SCUP
  - 35.1 Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and conditions by the Hearing Examiner and by the Dept. of Ecology.
  - 35.2 Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with this SMP.
  - 35.3 Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.
  - 35.4 According to the Chelan County PUD, the scope of the project is determined to be 'Large' rather than 'Small' as differentiated in the CCSMP 3.6-a Shoreline Use Matrix. 'Large' utilities located in the 'Urban' shoreline environment designations require a Shoreline Conditional Use Permit.
  - 35.5 Pursuant to CCSMP 3.6-a Shoreline Use Matrix the proposed utility line project would be considered 'Large' and therefore, requires a Shoreline Conditional Use Permit.
36. CCSMP Section 7.7.3 Shoreline Conditional Use Permit: Review Criteria
  - 36.1 An applicant proposing a conditional use shall affirmatively demonstrate compliance with review criteria below or as thereafter amended in WAC 173-27-160.
  - 36.2 How is the proposed use consistent with the policies of RCW 90.58.020 and the SMP?
    - 36.2.1 Finding of Fact: The proposed project is to relocate electric transmission lines from the Goodwin Bridge to the new utility pole taller in height, in order to avoid conflict with bridge construction and potential power outages. The project would be a long term benefit by continuing to provide power services to areas of Cashmere during the construction of the new Goodwin Bridge.
    - 36.2.2 As conditioned, the proposed project is consistent with the CCSMP and RCW 90.58.020.
  - 36.3 How will the proposed use avoid interference with the normal public use of public shorelines?
    - 36.3.1 The pole is to replace an existing pole in the same footprint. The scope of the project is not anticipated to interfere with normal public use of shorelines.
    - 36.3.2 The proposed project would not change the existing use of the subject property, therefore this development is not anticipated to interfere with public use of public shorelines.

- 36.4 How will the proposed use of the site and design of the project be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP?
- 36.4.1 The proposed project has been designed to minimize adverse impacts that could be associated with construction. Utilities are a necessary improvement to support permitted uses within this area of Cashmere.
- 36.4.2 The proposed project would be compatible with the surrounding uses/structures in the area.
- 36.5 How will the proposed use cause no significant adverse effects to the shoreline environment in which it is to be located?
- 36.5.1 The shoreline designation is 'Urban.' The 'Urban' designation permits utility development with appropriate permits.
- 36.5.2 No riparian vegetation is to be removed during construction of the proposed project.
- 36.5.3 The proposed project is consistent with the 'Urban' shoreline designation and would cause no unreasonable adverse effects to the shoreline environment designation.
- 36.6 How will the public interest suffer no substantial detrimental effect?
- 36.6.1 The project of relocating utility lines would serve the public interest by providing electricity services.
- 36.6.2 The proposed project benefits the public interest for the Cashmere area, therefore, as conditioned, the public interest is not anticipated to suffer substantial detrimental effect.
- 36.6.3 Consideration of impact. In the granting of all Shoreline Conditional Use Permits, consideration shall be given to the cumulative impact of additional request for like action in the area. For example, if Shoreline Conditional Use Permits were granted for other development in the area remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- 36.6.4 The proposed project is not anticipated to create a cumulative impact as public utilities are a necessary service needed for the surrounding land uses.
- 36.6.5. The proposed project is not anticipated to result in a substantial adverse effect to the shoreline environment of the Wenatchee River and associated riparian area.
37. An open record public hearing after due legal notice was held on February 19, 2020.
38. The Appellant did not appear at the hearing. The Applicant contacted staff prior to the hearing to advise they had no objection to the Conditions of Approval and would not be at the hearing.
39. No member of the public testified at this hearing.

40. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
41. 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. The project, as conditioned, is consistent with the Chelan County Comprehensive Plan.
3. As conditioned, the proposed project is not anticipated to result in adverse impacts to the ecological function of the Wenatchee River.
4. As conditioned, the provisions of section CCSMP 5.20.A (design considerations) would be satisfied.
5. As conditioned, the provisions of section CCSMP 5.20.A (existing footprint) would be satisfied.
6. Being as the transmission line is in excess of 15kV, it is not required to be placed underground, therefore, provisions of section CCSMP 5.20.A (undergrounding) would not apply.
7. As conditioned, the provisions of section CCSMP 5.20.A (minimum clearing) would be satisfied.
8. As conditioned, the provisions of section CCSMP 5.20.A (restoration of disturbed areas) would be satisfied.
9. The project is consistent with the provisions of the SMA, WAC and CCSMP.
10. The proposed development and forest conversion is consistent with the 'natural' shoreline designation and would cause no unreasonable adverse effects to the shoreline environment designation.
11. Pursuant to CCSMP 3.6-a Shoreline Use Matrix the proposed utility line project would be considered 'Large' and therefore, requires a Shoreline Conditional Use Permit.
12. As conditioned, the proposed project is consistent with the CCSMP and RCW 90.58.020
13. The proposed project would not change the existing use of the subject property. Therefore this development is not anticipated to interfere with public use of public shorelines.
14. The proposed project would be compatible with the surrounding uses/structures in the area.
15. The proposed project is consistent with the 'Urban' shoreline designation and would cause no unreasonable adverse effects to the shoreline environment designation.
16. The proposed project benefits the public interest for the Cashmere area, therefore, as conditioned, the public interest is not anticipated to suffer substantial detrimental effect.
17. The proposed project is not anticipated to result in a substantial adverse effect to the shoreline environment of the Wenatchee River and associated riparian area.
18. 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, and Shoreline Conditional Use Permit are granted pursuant to the Shoreline Master Program of Chelan County, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes,**



**ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).**

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

**CONSTRUCTION PURSUANT TO THIS SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT, AND SHORELINE CONDITIONAL USE PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW 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 21st day of February, 2020.

CHELAN COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

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

**Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.**

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.

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**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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