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CHELAN COUNTY
COMMUNITY DEVELOPMENT

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SDP 2019-023 / SCUP 2019-018
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 5, 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:

Pat & Susan King
1931 Eastmont Ave.
East Wenatchee, WA 98802

These applications for a shoreline substantial development permit and shoreline conditional use permits submitted for the preparation of a residential building site on Chiwaukum Creek to include: Grading and excavating, installing an access trail to the water, vegetation removal, and graveling a driveway. The proposed building site and driveway are to be located landward of the Chiwaukum Creek Road and approximately 84 ft. from the Category III wetland buffer which is located within the riparian area adjacent to Chiwaukum Creek. Maintenance gravel will be placed to the western-most 300 linear ft. of Chiwaukum Creek Road. The proposed 750 sq. ft. access trail is to be 5 ft. in width and installed between the upland of the property and the riparian area adjacent to the creek. The trail will be located with the 150 ft. shoreline buffer but will be located outside the wetland buffer. Removal of hazard trees are also proposed with the project, said trees are located within shoreline jurisdiction as well as the category III wetland buffer. Stumps from the hazard trees are to be retained in the ground in order to provide soil stabilization.

Upon the following property: NNA Chiwaukum Creek Rd, Leavenworth, WA 98826.

Within 200 feet of Chiwaukum Creek 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 project is located in Commercial Forest Lands (FC) zoning.

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 and shown on the site plan of record, date stamped September 16, 2019, except as modified by this decision or other jurisdictional agencies.
 - 2.1. Pursuant to CCSMP Section 4.2.C., the proposed mitigation planting shall be completed in full compliance with the proposed mitigation plan, dated September 16, 2019. Verification that the plantings were completed shall be provided to Chelan County Community Development prior to final approval of the building permit unless the project is bonded in accordance with CCSMP Appendix B 6.5.6(2)(C).
3. Pursuant to CCSMP Section 5.9, all cut and fill slopes shall be sloped no steeper than 1 ft. for every 2 ft. horizontal (2:1 ratio).
4. Pursuant to CCSMP Section 5.9.G and CCSMP Section 4.6.D, a temporary erosion and sediment control plan (TESC) shall be submitted and approved by Chelan County Community Development through a Shoreline Administrative Determination prior to the commencement of proposed development.
5. Pursuant to CCSMP Section 5.10, a Forest Practice Application (FPA) as issued by WA Dept. of Natural Resources shall be submitted and approved prior to the commencement of the proposed development.
 - 5.1. A copy of the approved FPA shall be provided at time of building permit submittal for the proposed residence and/or accessory structure.
6. Pursuant to CCSMP Section 5.16, the proposed access trail shall not exceed 5 ft. in width or 750 sq. ft. in total area.
7. Pursuant to CCSMP 6.4.2 Appendix B for geologically hazardous areas, a geological site assessment shall be required for the proposed development.
8. 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. A cultural resources survey may be required.

9. 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.
10. 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 Pat & Susan King, 1931 Eastmont Ave., East Wenatchee, WA 98802.
2. The agent for applicants is Ryan Walker, Grette Associates, LLC., 151 S. Worthen St., Suite 101, Wenatchee, WA 98801.
3. The project location is NNA Chiwaukum Creek Rd, Leavenworth, WA 98826.
4. The parcel number for the subject property is 25-17-05-430-000.
5. The legal description for the subject property is: Parcel C of Record of Survey recorded on February 28, 1989 under AFN: 8902280030. The subject property is 30.46 acres per the above Record of Survey.
6. The subject property is located in Chelan County, not within an urban growth area.
7. The Comprehensive Plan designation and zoning for the subject property is Commercial Forest Lands (FC).
8. As stated in the JARPA, question 5(o), the subject property is currently undeveloped with no structures on site.
9. As stated in the JARPA, question 5(l), the property consists of moderately to steeply sloping upland above and below Chiwaukum Creek Road and relatively flat to mildly sloping riparian habitat adjacent to Chiwaukum Creek. The upland is vegetated with mature evergreen trees. A steep rocky bank and road cut separates the riparian area adjacent to Chiwaukum Creek from the upland above the road. The riparian area is vegetated in mature vegetation. A category III wetland is located within the riparian area and extends eastward onto the neighboring parcel. As a result of the 2014 Chiwaukum Creek Fire, there are a significant number of dead-standing hazard trees and windfall trees present through the subject property.
10. The surrounding properties are heavily vegetated with mature trees and are used residentially and recreationally.
11. Pursuant to CCSMP Section 4.1, Archaeological and Historic Resource Regulations, developers shall notify local governments of any possible archaeological materials uncovered during excavation.
12. Construction would begin upon receipt of all permits and should be completed within a year.

13. Traffic Circulation: Access is provided by a driveway located landward of the Chiwaukum Creek Road, a private right-of-way.
14. Noise: Similar to other residential and recreational uses, construction noise during construction activity. The project is required to comply with CCC, Chapter 7.35, Noise Control.
15. Minor visual impacts are anticipated to be minimal as the subject property is heavily vegetated.
16. The Notice of Application and Environmental Review was referred to surrounding property owners within 1000 feet (excluding 60 feet right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on October 23, 2019, with comments due November 29, 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:
 - 16.1 WA State Department of Natural Resources – comment received October 23, 2019.
 - 16.2 WA State Department of Ecology – comment received November 22, 2019.
 - 16.3 WA State Dept. of Fish and Wildlife– no comments;
 - 16.4 US Department of Fish & Wildlife – no comments;
 - 16.5 Department of Archaeology & Historic Preservation – no comments;
 - 16.6 Yakama Nation – no comments;
 - 16.7 Confederated Tribes of the Colville Reservation – no comments;
 - 16.8 SEPA Registrar – no comments;
 - 16.9 Chelan County Natural Resources – no comments.
17. No public comments were received.
18. The application materials were submitted on September 16, 2019.
19. A Determination of Completeness was issued on October 14, 2019.
20. The Notice of Application and Environmental Review was published on October 23, 2019.
21. The Notice of Public Hearing was provided on January 24, 2020.
22. The applicant submitted a SEPA Checklist with initial application. 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. A Determination of Non-significance (DNS) was issued on December 5, 2019. The SEPA Checklist and DNS are included within the file of record and adopted by reference.
23. The Comprehensive Plan has been reviewed, specifically the goals and policies related to the Commercial Forest Lands (FC) land use designation for consistency with proposed recreational land uses.
 - 23.1 The Comprehensive Plan states that the purpose of the Commercial Forest Lands Designation is to assure the long-term conservation of commercial forest lands; to preserve and encourage existing and future forest land uses as a viable, permanent land use and a significant economic activity within the community; and to protect forest lands of long term commercial significance not already characterized by urban development from encroachment of incompatible uses.
Appropriate uses include forestry, open space, residential, and agriculture. Majority of the 30.46 acres of the subject property is to be kept forested with minimal mature vegetation removal.

- 23.2 The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.
24. Wetlands: According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject property is located near known wetlands. As part of the application materials, Grette Associates, LLC indicated that the wetland south of Chiwaukum Creek Road is a category III wetland that holds a 110 ft. protective buffer for moderate intensity uses. The buffer of said wetland is present on the subject property. Therefore the provisions of CCCSMP 6.1 Appendix B would apply. Additionally, pursuant to CCSMP 6.1.3.4 Appendix B, the wetland buffer contains a legally established road, Chiwaukum Creek Road, resulting in an interrupted buffer. Therefore, the clearing associated with the proposed residence north of the road would be exempt from the provision of this section if no detrimental impacts would be associated with the development.
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. 5300150775B, there is no floodplain on the subject parcel. Therefore, the provisions of CCSMP 6.3 Appendix B would not apply.
27. Geologically Hazardous Area: According to the Chelan County GIS mapping, the subject property is located within a geologically hazardous area, therefore, the provisions of CCSMP 6.4 Appendix B would apply and a geological site assessment would be required with residential development.
28. Aquifer Recharge Area: Pursuant to CCSMP 6.2 Appendix B, the subject property is exempt, and therefore is not be 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-2: Encourage the protection and restoration of unique, fragile, and scenic elements in shoreline areas as a means to promote long-term economic well-being.
- 29.2 Goal REC-1: Promote diverse, convenient, and adequate recreational opportunities along shorelines for local residents and visitors.
- 29.3 Goal UE-1: Assure an appropriate pattern of sound development in suitable location without diminishing the quality of the environment along shoreline.
30. This property is located along and partially covered by Chiwaukum Creek, which holds a 'natural' shoreline designation and is classified as a Shoreline of Statewide Significance, pursuant to WAC 173-20-100. The proposed developments are permitted within the shoreline buffer and landward of the OHWM with proper shoreline permitting.
31. The provisions of this Section shall apply to any development within shoreline jurisdiction to document a finding of no-net-loss.
- 31.1 Based on the scope of the proposed development, it is anticipated that adverse impacts would be likely but could be mitigated through design and site restoration. The proposed access trail is to be located within the shoreline buffer of Chiwaukum Creek and has been designed to minimize the amount of required excavation during construction. The

proposed location was chosen as it utilizes natural contours and a lesser slope. The gravel is necessary to minimize the potential of erosion due to snow melt and storm events.

- 31.2 Vegetation removal associated with construction of the trail would be minimized by avoiding the removal of healthy mature trees within the buffer. In the event of hazard and windfall tree removal, the stumps would be left in place as a method to prevent ground erosion. The trees that are removed for the construction of the access trail will be replaced at a 2:1 ratio to ensure no net loss.
 - 31.3 The proposed development would avoid the potential of excess erosion by incorporating Best Management Practices (BMPs) and silt fencing during work occurring in appropriate weather conditions. Additionally, all disturbed areas would be revegetated to the original condition in compliance with CCSMP 5.9.G.
 - 31.4 As conditioned, the proposed development would not result in adverse impacts to the ecological function of the Chiwaukum Creek riparian buffer.
32. Due to the nature of the proposed development, mitigation to ensure no net loss would be required. A habitat management and mitigation plan is proposed with development. All plantings are proposed to be monitored over 5 years for survival as required by CCSMP 4.2.C.4-6. The plan ensures no net loss of ecological function by replacing the native vegetation at a ratio of 2:1.
- 32.1 As conditioned, the proposed development would result in a no net loss of ecological function.
33. Based on CCSMP 3.6-a Shoreline Use Matrix, the conversion of commercial forest land to non-forestry residential use requires a Shoreline Conditional Use Permit (SCUP) for 'Natural' shoreline environment designations. The cumulative impact associated with the proposed development is anticipated to minimal as out of the over 30 acre parcel, approximately 11,000 sq. ft. if to be converted to non-forestry use. Additionally, neighboring properties have also converted a small portion of forest lands to a non-forestry use (i.e. residential).
- 33.1 As conditioned, the proposed development is not anticipated to result in an adverse cumulative effect to the shoreline environment.
34. Based on the submitted habitat management and mitigation plan, the proposed plantings are to be located near the areas of disturbance.
- 34.1 As conditioned, the proposed development would be mitigated in the vicinity of the impact.
35. Vegetation removal within shoreline jurisdiction is not permitted without the appropriate review and approval.
- 35.1 Based on the application materials, the project appears to be designed and located in a manner to ensure that the proposed development would not result in a net loss of ecological function. The removal of vegetation is to be mitigated by the proposed habitat management and mitigation plan; the plan utilizes vegetation replacement at a 2:1 ratio with the required native plants.

- 35.2 With the removal of windfall and hazard trees, the stumps are proposed to be left in the ground to provide soil stabilization and minimize the chances of adverse erosion.
- 35.3 As conditioned, the proposed development would not result in a net loss to ecological function due to the removal of vegetation.
- 36. The following section applied to all development and uses in shorelines of the state that affect water quality.
 - 36.1 At this phase of development, stormwater mitigation is not proposed. As submitted, the proposed development would utilize BMPs, including silt fencing during construction as well as conducting work during appropriate weather windows in order to minimize the potential for erosion.
 - 36.2 Based on comments from WA Dept. of Ecology dated November 22, 2019, additional work and care may be needed to be performed to further limit the amount of slope to the creek to prevent an degradation of the riparian area, especially by limiting the amount of fine sediment within the Wenatchee River system.
 - 36.3 Pursuant to CCSMP Section 4.6.D, a temporary erosion and sediment control (TESC) plan must be submitted and approved; staff is recommending as a condition of approval that the TESC plan be submitted and approved prior to the commencement of the proposed development.
 - 36.4 As conditioned, the water quality of Chiwaukum Creek is not anticipated to be degraded due to the proposed development.
- 37. Based on the application materials, the proposed locations for development were chosen as a way to minimize the amount of excavation required during construction. The intent would be to avoid the removal of mature trees within the riparian buffer to the greatest extent possible.
 - 37.1 Based on the application materials, as conditioned, the proposed development would minimize changes to topography to the greatest extent possible.
- 38. Compliance with the provisions of CCSMP 3.6-a, CCSMP 4.2, CCSMP 4.5, and CCSMP Appendix B have been demonstrated for the proposed development.
 - 38.1 The proposed excavation is limited to the extent of the building site for the proposed residential structure and the access trail. Mitigation to minimize the likelihood of erosion is proposed with construction.
 - 38.2 As conditioned, the provisions of this section would be satisfied.
- 39. The cut and fill slopes are proposed to not exceed the required ratio of 1:2.
 - 39.1 As conditioned, the provisions of this section would be satisfied.
- 40. Pursuant to CCSMP Section 5.9.G, a temporary erosion and sediment control (TESC) plan must be submitted and approved; staff is recommending as a condition of approval that the TESC plan be submitted and approved prior to the commencement of the proposed development.
 - 40.1 As conditioned, the provisions of this section would be satisfied.

41. The proposed development is to convert commercial forest lands into a partial non-forestry use. Based on comments received from WA Dept. of Natural Resources on October 23, 2019, a forest practice conversion permit is required for the proposed development.
 - 41.1 Based on the application materials, the development was designed to limit conversion of forestlands to the minimum necessary for the proposed residential and recreational purposes.
 - 41.2 Compliance with CCSMP 4.2 and CCSMP 4.5 have been demonstrated for the removal of windfall and hazard trees.
 - 41.3 As conditioned, the provisions of this section would be satisfied.
42. Access trails may be placed within the shoreline buffer and landward of the OHWM; trails within the buffer may be a maximum of 5 ft. in width and limited to a total area of 5 times the shoreline buffer width.
 - 42.1 The proposed trail is to be 5 ft. in width with a total area of 750 sq. ft. The buffer width is 150 ft. for the 'natural' shoreline with 5 times equating to 750 sq. ft.
 - 42.2 As proposed, the provision of this section would be satisfied.
43. In order for the permit to be approved, the Hearing Examiner must find that the proposal is affirmatively consistent with the following: (A) How is the proposal consistent with the policies and procedures of the Act (RCW 90.58)? (B) How is the proposal consistent with the provisions of Chapter 173-27 WAC, Shoreline Management Permit and Enforcement Procedures? (C) How is the proposal with this SMP?
 - 43.1 The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below.
 - 43.2 According to JARPA, question 6(g), the fair market value of the project is \$10,000. The project is not exempt from the substantial development permit requirement.
 - 43.3 The project is consistent with the provisions of the SMA, WAC and CCSMP.
44. 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.
 - 44.1 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.
 - 44.2 Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.
 - 44.3 Based on the CCSMP 3.6-a Shoreline Use Matrix, forest practice conversions located in 'natural' shoreline environment designations require a Shoreline Conditional Use Permit.
 - 44.4 Pursuant to CCSMP 3.6-a Shoreline Use Matrix the proposed conversion to a non-forestry use requires a Shoreline Conditional Use Permit.
45. How is the proposed use consistent with the policies of RCW 90.58.020 and the SMP?
 - 45.1 The proposed development would result in the removal of forest vegetation for the placement of a residence, garage, and access trail. These residential and recreational uses would be a low-intensity water-oriented use in association with Chiwaukum Creek.

- 45.2 As conditioned, the proposed development is consistent with the CCSMP and RCW 90.58.020.
46. The subject property is located in a densely vegetated portion of the Chiwaukum Creek shoreline. It is anticipated that public use of the public shoreline in this area would not be unlikely. The proposed conversion would occur on private property for residential/recreational use.
- 46.1 Conclusion: The proposed development and forest conversion is to be located on privately owned property. Therefore this development is not anticipated to interfere with public use of public shorelines.
47. The proposed development has been designed to minimize adverse impacts that could be associated with construction. The conversion from forest to non-forestry uses is not unusual for the project area. Neighboring parcels have converted small portions to a residential and recreational use.
- 47.1 Residential uses are permitted within the Commercial Forest Lands (FC) zoning designation as outlined in the Chelan County Comprehensive Plan.
- 47.2 The proposed development and forest conversion would be compatible with the surrounding uses/structures in the area.
48. The shoreline designation is 'natural.' The 'natural' designation permits residential/ recreational uses and development with appropriate permits.
- 48.1 With application, a habitat management and mitigation plan is proposed to ensure non adverse effects would result from the proposed development.
- 48.2 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.
49. The proposed development and forest conversions are not specifically prohibited by the CCSMP and are similar to other permitted recreational/residential uses or structures.
- 49.1 The proposed development and forest conversion is for private use, placed on private property. Therefore, as conditioned, the public interest is not anticipated to suffer substantial detrimental effect.
50. 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.
- 50.1 The CCSMP allows for residential and recreational use of private property. The cumulative impact of proposed development, including the forest conversion, is not anticipated as extra care during design has been demonstrated. Mitigation measures are proposed with development to alleviate the potential of erosion and subsequent impacts to Chiwaukum Creek.

- 50.2 As conditioned, the cumulative impact for the proposed development and forest conversion would not be anticipated to result in a substantial adverse effect to the shoreline environment of Chiwaukum Creek and associated riparian area.
51. 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.
52. An open record public hearing after due legal notice was held on February 5, 2020.
53. Appearing and testifying on behalf of the applicant was Eron Drew. Ms. Drew testified that she was an agent authorized to appear and speak on behalf of the property owner. She indicated that all of the proposed conditions of approval were acceptable.
54. No member of the public appeared at this hearing.
55. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
56. 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 provisions of sections CCSMP 3.6-a, CCSMP 4.2, CCSMP 4.5, and CCSMP Appendix B of this section would be satisfied.
4. As conditioned, the provisions of section CCSMP Section 5.9.G, would be satisfied.
5. As conditioned, the provisions of section CCSMP 4.2 and CCSMP 4.5 would be satisfied.
6. As conditioned, the provisions of section CCSMP Section 5.16 would be satisfied.
7. The project is consistent with the provisions of the SMP, SMA, WAC and CCSMP.
8. Pursuant to CCSMP 3.6-a Shoreline Use Matrix the proposed conversion to a non-forestry use requires a Shoreline Conditional Use Permit.
9. The proposed development and forest conversion would be compatible with the surrounding uses/structures in the area.
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. As conditioned, the cumulative impact for the proposed development and forest conversion would not be anticipated to result in a substantial adverse effect to the shoreline environment of Chiwaukum Creek and associated riparian area.
12. 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 6th day of February, 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 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.

**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:
