

SHORELINE MANAGEMENT PERMIT

ACTION SHEET

Application #: CUP 20-002 / SDP 20-004 / SV 20-001
Administering Agency Chelan County Department of Community Development

Type of Permits: ■ Shoreline Substantial Development Permit
■ Shoreline Variance Permit
Action: ■ Conditional Use Permit
■ Approved Denied

RECEIVED

Date of Action: May 21, 2020

MAY 26 2020

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 permits are hereby approved:

Rod Anderson
Lake Chelan Reclamation District
PO Box J
Manson, WA 98831

These applications for a Conditional Use Permit, Shoreline Substantial Development Permit and Shoreline Variance, were submitted for the construction of an equipment storage building associated with a high impact public facility located on Wapato Lake. The subject property contains a Category I lake-fringe wetland that holds a protective buffer of 250 ft. A shoreline variance is requested in order to reduce the wetland buffer to 100 ft. for the placement of the storage building.

As part of the proposed project, approximately 14,400 sq. ft. of existing compacted soil and gravel is to be removed and replaced with roughly 14,400 sq. ft. of native mitigation plantings. A portion of this area is located within the wetland buffer and has been historically used as part of the District's storage yard.

Upon the following property: 153 E. Wapato Lake Road, Manson, WA 98831. Legally described as: A portion of the SW ¼ of the NE ¼ of Section 23, Township 28N, Range 21 E.W.M. Parcel No. 28-21-23-410-150.

Within 200 feet of Wapato 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 a rural shoreline environment designation. The subject property is located in Chelan County, outside of an Urban Growth Area. The property is zoned Rural Public Lands & Facilities (RP).

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, dated January 21, 2020, except as modified by this decision or other jurisdictional agencies.
3. Pursuant to the requirements of the International Building Code and International Fire Code, a Chelan County Commercial Building Permit shall be required for the proposed equipment storage building.
4. Pursuant to the Habitat Mitigation and Management Plan (Exhibit A), date stamped January 21, 2020, the proposed plantings must be completed prior to the final inspection of the building permit; if at such time the plantings cannot be completed prior to final inspection, bonding as outlined in CCSMP Appendix B Section 6.5.6(2)(C), shall be required.
5. Pursuant to CCSMP Appendix B Section 6.1.1, the boundary of the wetland shall be staked, flagged, or marked in the field and maintained throughout the duration of on-site construction.
 - 5.1. The wetland buffer area shall be temporarily fenced between the construction activity and the buffer area with a highly visible and durable protective barrier(s) during construction to prevent access and sedimentation from disturbed areas from entering the wetland or its buffer.
 - 5.2. Prior to final inspection for the storage building, a wildlife passable fence shall be permanently installed at the edge of the wetland buffer as recommended by WA Dept. of Ecology.
6. Pursuant to CCSMP Appendix B Section 6.2, the applicant shall submit a Vulnerability Report with building permit submittal.
7. Pursuant to CCSMP Appendix B Section 6.4.2, a geological site assessment shall be submitted at time of building permit application.
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.

9. An inadvertent discovery plan must be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan is attached as Exhibit B.
10. Pursuant to CCSMP Section 5.9, all fill and excavation activities shall meet the required standards for development.
11. 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.
12. 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.
13. Pursuant to Chelan County Code Section 11.93.080, the granting of a conditional use permit and the conditions set forth runs with the land; compliance with the conditional use permit is the responsibility of the current owner of the property, whether that is the applicant or a successor.
14. Pursuant to Chelan County Code Section 11.93.040(10), the final Conditional Use Permit shall be in conformance with the submitted application of record, including site plans date stamped January 21, 2020.
15. Pursuant to Chelan County Code Section 11.93.090, upon final action of the hearing examiner to deny an application for a conditional use permit, the department shall not accept filing of an application for substantially the same matter within one year from the date of the final denial of the application.
16. Pursuant to Chelan County Code Chapter 15.50.055, no landscaping shall be required for the proposed development.
17. Pursuant to Chelan County Code Section 11.88.080, security lights or any exterior lighting shall be low-intensity, non-flashing and designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.
18. Pursuant to Chelan County Code Section 11.93.190(4)(A), all equipment storage shall be within an enclosed building.
19. Pursuant to Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, including but not limited to submitting a building permit or the placement of all infrastructure, within three years after approval or such other time period as established by the hearing examiner. The applicant may request a one-year extension, to be reviewed administratively, if the applicant submits a written request with community development thirty days prior to expiration.
20. Pursuant to Chelan County Code Section 11.93.120, action of the Hearing Examiner is final, unless appealed pursuant to the judicial appeal provisions of Title 14 of the Chelan County Code.

FINDINGS OF FACT

1. The applicant is Rod Anderson, Lake Chelan Reclamation District, PO Box J, Manson, WA 98831.
2. The agent for applicant is Ryan Walker, Grette Associates, LLC, 151 S. Worthen St., Suite 101 Wenatchee, WA 988014.
3. The project location is 153 E. Wapato Lake Road, Manson, WA 98831.

4. The parcel number for the subject property is 28-21-23-410-150.
5. The legal description for the subject property is: A portion of the SW ¼ of the NE ¼ of Section 23, Township 28 N, Range 21 E.W.M.
6. The subject property is located in Chelan County, outside of an Urban Growth Area.
7. The Comprehensive Plan designation and zoning for the subject property is Rural Public Lands and Facilities (RP).
8. As stated in the JARPA, question 5(o), the subject property is currently developed as the Lake Chelan Reclamation District storage yard with vehicle parking, a maintenance area, and storage buildings for the utility infrastructure. The northern portion of the property outside of storage yard is near the Wapato Lake Campground and is developed with camping facilities to include: Tent camping sites, utility hook ups, bathroom facilities, docks and recreational areas. The subject property is currently used as a high impact public facility with equipment storage on site. The following applications/permits have been issued for the site:
 - 8.1 BP 990595 – New picnic shelter, parking lot improvements, docks, and landscape – Issued October 11, 1999
 - 8.2 BP 000034 – Install new bathroom – Issued March 6, 2000
 - 8.3 BP 010050 – Addition to existing bathroom – Issued March 2, 2001
 - 8.4 SE 10-006 – Replace gravel on boat launch – Approved March 29, 2010
 - 8.5 CUP 17-080 – Equipment storage building – Withdrawn
 - 8.6 AM 17-144 – Wetland buffer reduction request – Withdrawn
 - 8.7 AM 18-115 – Wetland buffer reduction request – Denied May 22, 2018
9. As stated in the JARPA, question 5(l), the subject property has a Category I wetland on site. The lake-fringe wetland is heavily vegetated. The topography of the property results in a separation of the wetland from the upland storage yard by 20 to 30 vertical ft. The slope is vegetated with native vegetation. The upland above the break is nearly devoid of all vegetation and is primarily graveled.
10. The surrounding properties are in residential and recreational use.
11. Construction would begin upon receipt of all permits and would end within 3 months from start date.
12. The project is required to comply with CCC Chapter 7.35, Noise Control.
13. Visual impacts are anticipated to be minimal as the scope of the project is similar to what currently exists on site.
14. 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 March 3, 2020, with comments due April 2, 2020.
15. The following is a list of Agencies who received notice and the date comments were received:

| Agencies Notified | Response Date | Nature of Comment |
|---|----------------|--|
| Chelan County Fire Marshal | No Comment | |
| Chelan County Building Official | March 3, 2020 | Development shall comply with applicable building codes. |
| Chelan County PUD | No Comment | |
| Chelan County Fire District No.5 | March 3, 2020 | No objections for the proposed project. |
| Manson School District | No Comment | |
| WA Dept. of Archaeology and Historic Preservation | March 6, 2020 | Due to the project being in an area of high potential for archaeological resources, an inadvertent discovery plan is recommended. |
| Yakama Nation | No Comment | |
| Confederated Tribes of Colville | March 9, 2020 | No concerns with the project moving forward so long as inadvertent discovery protocols are in place during ground disturbing activities. |
| WA Dept. of Ecology | March 30, 2020 | Provided recommendations for best construction practices to avoid erosion and runoff and installation of a fence along the wetland buffer. |
| Manson Community Council | No Comment | |
| US Fish & Wildlife | No Comment | |
| US Army Corps of Engineers | No Comment | |
| WA Dept. of Fish & Wildlife | No Comment | |

16. No public comments were received.
17. The application materials were submitted on January 21, 2020.
18. A Determination of Completeness was issued on February 18, 2020.
19. The Notice of Application was published on March 3, 2020.
20. The Notice of Public Hearing was provided on May 8, 2020.
21. The purpose of the Rural Public Lands & Facilities (RP) land use designation is to “provide open space, recreational opportunities, sites for necessary public facilities, utilities and services, and protection of critical areas. Encourage joint public/private ventures, where consistent with the rural development and rural character provisions, and goals and policies of this comprehensive plan.”
22. In accordance with WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed by Chelan County

(lead agency) and an Optional Determination of Non-Significance (DNS) was issued on April 21, 2020. The SEPA Checklist and DNS are included within the file of record and adopted by reference.

23. The Hearing Examiner finds that the development, as conditioned, is consistent with the Chelan County 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 contain delineated 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 and wetland habitat species and/or plants. Therefore, the provisions of CCSMP 6.5 Appendix B would apply.
26. Floodplain: According to the Federal Emergency Management Agency, FIRM panel # 5300150225A, there is no indication of floodplain or floodway on the subject property. Therefore, the provisions of CCSMP 4.3 and 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. A geological site assessment would be required with building permit application.
28. Aquifer Recharge Area: Pursuant to CCSMP 6.2 Appendix B, the subject property is required to comply with Chelan County Code Chapter 11.82 being as two criteria on the Aquifer Recharge Area Disclosure Form apply to the proposed development. A Vulnerability Rating Report would be required with building permit application.
29. CCSMP Section 2: Goals and Objectives. 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 Goal ED-2 Encourage the protection and restoration of unique, fragile, and scenic elements in shoreline areas as means to promote long-term economic well-being.
 - 29.3 Goal CONS-2 Encourage the restoration of shoreline areas which have been modified, blighted, or otherwise disrupted by natural or human activities.
30. CCSMP Section 4.1: Archaeological & Historic Resource Regulations. Based on the comment letter from WA Dept. of Archaeology & Historic Preservation (DAHP), dated March 6, 2020, the subject property is located in an area that has a high potential for archeological resources.
31. Pursuant to CCSMP Section 4.1, Archaeological and Historic Resource Regulations, developers and property owners must immediately stop work and notify the County, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation. Applicants must submit an Inadvertent Discovery Plan prior to commencing any development authorized by this SMP. A copy of the plan must be kept on site during ground disturbing activities.
32. CCSMP Section 4.2: Ecological Protection & Critical Area Regulations. 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 application materials, the proposed storage building is to be located outside of the 100 ft. 'rural' shoreline buffer. With application, the applicant has requested a shoreline variance from the required 250 ft. Category I wetland buffer for high impact uses to be reduced to 100 ft. As part of development, mitigation is proposed via removal of 14,400 sq. ft. of compacted gravel to be replaced with 14,400 sq. ft. of native vegetation; the mitigation plantings would be placed within the proposed 100 ft. buffer in order to rehabilitate existing impacts within the buffer.
- 32.1.2 As conditioned, the proposed development is not anticipated to result in adverse impacts to the ecological function of Wapato Lake and the associated Category I wetland and buffer.
- 32.2 Mitigation required for impact:
- 32.2.1 With application, a Habitat Management and Mitigation Plan was provided. The plan includes the planting of 14,400 sq. ft. of native vegetation in the location of a previously disturbed area that includes compacted gravel. The plan is proposed to be monitored for 5 years as required by CCSMP Appendix B.
- 32.2.2 As conditioned, the proposed development is not anticipated to result in a net loss to ecological function to Wapato Lake and the associated Category I wetland and buffer.
- 32.3 Cumulative effects:
- 32.3.1 Based on the application materials, the proposed variance would reduce the wetland buffer to 100 ft. to reflect the buffer for the 'rural' shoreline. The proposed structure is to be located outside of the 100 ft. buffer in an upland area that has been historically void of vegetation. To reduce the likelihood of adverse impacts, mitigation measures in the form of native vegetation plantings and gravel removal are proposed with development.
- 32.3.2 As conditioned, the proposed development is not anticipated to result in adverse cumulative effects to the ecological function of Wapato Lake and the associated Category I wetland and buffer.
33. CCSMP Section 4.5, Vegetation Conservation & Shoreline Buffer Regulations. Vegetation removal within shoreline jurisdiction that is not permitted without the appropriate review and approvals may be subject to enforcement provisions.
- 33.1 Based on the application materials, vegetation removal is not proposed with the development.
- 33.2 Removal of native vegetation is not proposed; therefore, the provisions of this section would not apply.

34. CCSMP Section 4.6, Water Quality, Stormwater, and Nonpoint Pollution Regulations. The following section applies to all development and uses in shorelines of the state that affect water qualify:
 - 34.1 The subject property is already graded and developed with slope to direct stormwater away from the shoreline and wetland. Stormwater and the required infrastructure would be reviewed at time of building permit submittal.
 - 34.2. As conditioned, the proposed development would not cause adverse impacts to the water quality of Wapato Lake and the associated wetland.
35. CCSMP Section 5.1, General Upland Shoreline Modification & Use Regulations. This section provides standards addressing preferred layouts of shoreline development and appropriate signage serving the intended use and recognizing shoreline locations.
 - 35.1. The changes to topography are anticipated to be minimal as the location of the proposed storage building has been historically modified.
 - 35.2. As conditioned, the proposed development would meet the required standards for upland shoreline uses.
36. CCSMP Section 5.9, Fill & Excavation Regulations. Fill and excavation regulations in this section apply to all development and uses within shoreline jurisdiction, in both aquatic and upland environments.
 - 36.1 With development, no fill would occur within the 100 ft. shoreline buffer. Excavation within the buffer would be limited to the removal of 14,400 sq. ft. of gravel, as proposed in the Habitat Management and Mitigation Plan. Placement of fill that is proposed would occur outside of the shoreline buffer but within shoreline jurisdiction and would be limited to the pouring of the concrete slab and the construction of the foundation for the proposed storage building. All excavation and fill would be the minimum necessary to implement the proposed development as required.
 - 36.2 As conditioned, the proposed development would meet the required standards for fill and excavation within shoreline jurisdiction.
37. CCSMP Section 7.8.2, Shoreline Variance Permits: Review Criteria. Shoreline variances landward of the OHWM may be authorized provided the applicant demonstrates affirmatively all of the following:
 - 37.1 How would the strict application of the bulk dimensional or performance standards set forth in this SMP preclude or significantly interfere with reasonable use of the property?
 - 37.1.1 The subject property has been owned and operated by the Lake Chelan Reclamation District for over 70 years, prior to the creation and application of critical areas and zoning regulations. Due to the application of the 250 ft. wetland buffer, majority of the upland area within the subject property would be undevelopable.

- 37.1.2 The proposed structure would occur in an area that has been historically used for the storage of equipment utilized by the utility to support the public interest by providing domestic water, sewer, and irrigation. The property is already developed with other buildings and infrastructure in support of the utility. No development would occur waterward of the 100 ft. 'rural' shoreline buffer.
- 37.1.3 Based on the application materials, the strict application of the standards of the CCSMP would cause issue with reasonable use of the Lake Chelan Reclamation District's property.
- 37.2 How is the hardship described in Section 7.8.2.B.1 above specifically related to the property, and is the hardship the result of unique conditions such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example from deed restrictions of the applicant's own actions?
- 37.2.1 The subject property has been owned by the Lake Chelan Reclamation District according to the deed of record, recorded March 16, 1940 under AFN: 308566. Additionally the subject property went through a boundary line adjustment process (BLA 1998-112) in 1998 to make the property larger in size. However, due to the application of the critical areas regulations, the use of most of the over 8 acre parcel is infeasible as it is encumbered in protective buffers. The proposed location of development is located on the upland portion of the subject property. Based on the site plan of record, the proposed storage building would be partially constructed outside of shoreline jurisdiction.
- 37.2.2 Being as the Lake Chelan Reclamation District has been in ownership of the subject property since 1940, the hardship would be related to the application of the SMP and the unusual dimensions of the property, not the applicant's own action.
- 37.3 How is the design of the project compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP, and will the project design not cause adverse impacts to the shoreline environment?
- 37.3.1 The authorization of this variance would promote the goals and objectives of the Comprehensive Plan and Chelan County Code. The proposed development of a storage building is similar to other uses and structures within the same zoning district. Pursuant to CCC Section 11.88.170(10)(C) for commercial/industrial accessory uses and structures, every reasonable effort shall be made by persons operating a business to store all such materials within an enclosed building. The proposed use of an equipment storage building is a permitted use within the Rural Public Lands & Facilities (RP) zoning district of Chelan County as a conditional use. The proposed structure is to be located outside of the 100 ft. 'rural' shoreline buffer in a location that is already highly modified in nature and is not serving a habitat function. The re-establishment of native vegetation would be an improvement to the function of the buffer.
- 37.3.2 Based on the mitigation measures proposed and the location of the building, the proposed development is not anticipated to cause adverse impacts to the

shoreline environment and would be compatible with the Chelan County Comprehensive Plan for the Rural Public Lands & Facilities (RP) zoning district.

37.4 How will the variance not constitute a grant of special privilege not enjoyed by the other properties in the area?

37.4.1 Development along the shoreline of Wapato Lake is common. Surrounding properties include significant development, which in most cases, is occurring within the designated shoreline and wetland buffers as defined in the CCSMP. The use of the subject property is not changing and is going to continue being used for public facilities operation. By reducing the wetland buffer to reflect the 100 ft. 'rural' shoreline buffer, the Lake Chelan Reclamation District would be able to continue to operate under the current scope of their operation, while developing entirely outside of the protective 100 ft. buffer for Wapato Lake.

37.4.2 Being as the surrounding properties are highly developed within the required wetland and shoreline buffer associated with Wapato Lake, the granting of this variance would not result in a special privilege to the Lake Chelan Reclamation District.

37.5 How is the variance requested the minimum necessary to afford relief?

37.5.1 Based on the application materials, the requested buffer is the minimum necessary in order to provide a reasonable building envelope for the proposed building, while leaving enough room to maneuver the heavy machinery outside of the 100 ft. buffer as well as the rest of the upland storage yard.

37.5.2 Based on application materials, the proposed variance is the minimum necessary to provide reasonable relief for the storage building location.

37.6 How will the public interest suffer no substantial detrimental effect?

37.6.1 The Lake Chelan Reclamation District provides necessary public services as identified in the Chelan County Comprehensive Plan. The subject property has been and would continue to be used as a public facility storage yard. As a way to remedy historically disturbed areas, the proposed development includes the re-establishment of habitat function with the planting of 14,400 sq. ft. of native vegetation.

37.6.2 The proposed development would continue to be used in the same manner, but would result in an environmentally improved site to support the ecological function of Wapato Lake and the associated wetland. Therefore, the public interest would not suffer as a result of the proposed development.

38. Chelan County Code, Section 11.93.040, Conditional Use Permit Criteria. A conditional use permit may be approved only if all of the following review criteria and any special criteria listed in this chapter are met:

38.1 All criteria required for a specific use by this chapter can be satisfied.

- 38.1.1 Criteria for a high impact public facility have been addressed below.
- 38.1.2 Based on review of the application materials submitted, the criteria for a high impact public facility could be satisfied.
- 38.2 The design standards of the zoning district within which the lot is located, critical area regulations, and all other applicable development standards and regulations can be met.
 - 38.2.1 The subject property is located in the Rural Public Lands & Facilities (RP); the RP zoning district permits high impact public facilities as a Conditional Use. The site plans of record, demonstrates the proposed storage building would meet applicable zoning setbacks identified in CCC Section 11.28.020.
 - 38.2.2 Public facilities are not listed in CCC Chapter 11.90 parking standards. Pursuant to CCC Section 11.90.70, the most comparable use to high impact public facility would be “service and repair shops”, which require one parking space per 600 sq. ft. of floor area. Based on the scope of the development, the proposed parking requirements would be met.
 - 38.2.3 Landscaping is required per CCC Chapter 15.50. Being as mitigation plantings are proposed with development, the Hearing Examiner finds that this provision is met.
 - 38.2.4 Based on the site plan of record, dated January 21, 2020, the proposed use would meet applicable zoning and critical areas regulations.
- 38.3 Compatibility with the adjacent uses and the protection of the character of the surrounding area.
 - 38.3.1 The subject property is currently used as a high impact public facility to support the Lake Chelan Reclamation District’s operations.
 - 38.3.2 The proposed storage building would not change the existing use. The subject property is continuing to be used as a public facility and the zoning of RP district allows for high impact public facilities.
- 38.4 Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
 - 38.4.1 Based on analysis within this staff report, as conditioned, the proposed development would not result in detrimental impacts to the natural shoreline environment of Wapato Lake and the associated wetland.
- 38.5 No conditional use permit shall be issued without a written finding that:
 - 38.5.1 After adequate opportunity for review and comment, all providers of water, sewage disposal, schools, and fire/police protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.

- 38.5.2 Chelan County provided a Notice of Application to all providers. Received comments are included in the file of record.
- 38.5.3 Through the process of public and agency noticing, opportunity for review and comments were provided for the proposed development.
- 38.5.4 No county facilities will be reduced below adopted levels of service as a result of the development.
- 38.5.5 The development does not change the use of the subject property and would be benefiting the public facility.
- 38.5.6 The proposed development would not result in county facilities reduced below adopted levels of service.
- 38.6 The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
 - 38.6.1 The proposed development would be providing additional support to the public facility's operations, which provides essential public services to the Manson community.
 - 38.6.2 The proposed development would not have an adverse impact on public health, safety and welfare.
- 38.7 Adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with the requirements of Titles 11 and 15 of the Chelan County Code.
 - 38.7.1 Roads, ingress and egress: The subject property fronts and access off of Wapato Lake Road, a county right of way. Review of access would be reviewed and approved at time of building permit submittal.
 - 38.7.2 Stormwater: Stormwater requirements, if applicable, would be addressed with the commercial building permit review.
 - 38.7.3 Parking and Loading: Public facilities are not listed in CCC Chapter 11.90 parking standards. Pursuant to CCC Section 11.90.70, the most comparable use to high impact public facility would be "service and repair shops", which require one parking space per 600 sq. ft. of floor area. Based on the scope of the development, the proposed parking requirements would be met.
 - 38.7.4 Domestic and Irrigation Water: The proposal does not require a water source.
 - 38.7.5 Sanitary Facilities: The proposal does not require sanitary systems.
 - 38.7.6 Power: Power is provided by Chelan County PUD.

- 38.7.7 Fire Protection: Fire protection is provided by Chelan County Fire District No.5; based on provided comments, not additional fire protection measures are required with the proposed development.
- 38.7.8 All necessary facilities, improvements and services are consistent or conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.
- 38.8 Noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties and to the vicinity can be mitigated or avoided.
- 38.8.1 Based on the application materials, the applicant has indicated that operations on the subject property would not impact adjacent properties in the vicinity with noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.
- 38.8.2 Based on the above facts, noise, light, heat, steam, erosion, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards and related impacts on adjacent properties could be avoided or mitigated, as conditioned.
- 38.9 The granting of the proposed conditional use permit is consistent and compatible with the intent, goals, objectives and policies of the comprehensive plan, and any implementing regulation.
- 38.9.1 The proposed addition to the public facility is consistent with the goals and policies of the Rural Element of the Comprehensive Plan.
- 38.9.10 The project is consistent with the Chelan County Comprehensive Plan.
- 38.10 All conditions necessary to mitigate the impacts of the proposed sue are conditions that are measurable and can be monitored and enforced.
- 38.10.1 Based on analysis within this staff report, the proposed development would include the mitigation measures of planting 14,400 sq. ft. of native vegetation and the removal of 14,400 sq. ft. of existing gravel.
- 38.10.2 As conditioned, the proposed development would not result in impacts that could not be mitigated or monitored.
39. Chelan County Code, Section 11.93.190, High Impact Public Facility –
- 39.1 General Requirements:
- 39.1.1 The minimum lot size in the district that a public facility is located in may be waived on a finding that the waiver will not result in noise or other detrimental effects to adjacent properties.

- 39.1.2 Pursuant to CCC 11.28.020, the minimum lot size for the RP zoning district is determined by the standards of public water and sewage disposal; the subject property according to the Chelan County Assessor's data is 8.14 acres.
- 39.1.3 Being as the subject property is not requiring additional service for water and sewage disposal, the lot size would be adequate for the proposed use and would not require a waiver.
- 39.1.4 The hearing examiner may impose additional requirements to address issues such as, but not limited to, noise, public health and safety, vehicular access and odor.
- 39.1.5 Based on the application materials, staff finds that adverse impacts may be mitigated through the recommended conditions of approval.
- 39.1.6 The Hearing Examiner finds that as conditioned, the proposed development would not result in adverse impacts; therefore, staff does not recommend that additional requirements be conditioned for the project.
- 39.2 Schools:
 - 39.2.1 The proposed development is not a school. Therefore the requirements of this section would not apply.
- 39.3. Composting Facility, Solid Waste Transfer Station:
 - 39.3.1 The proposed development is not a composting facility or a solid waste transfer stations; therefore the requirements of this section would not apply.
- 39.4 Public Agency Equipment Storage/Maintenance Yard:
 - 39.4.1 Equipment storage shall be within an enclosed building or behind a view-obscuring fence.
 - 39.4.2 Based on the application materials, all equipment would be stored and maintained within enclosed buildings.
 - 39.4.3 As conditioned, all equipment storage would be required to continue to be stored in an enclosed building.
 - 39.4.4 The use shall be landscaped per the standards of Chapter 15.50, Title 15 of this code.
 - 39.4.5 Being as mitigation plantings are proposed with development, staff finds that this provision could be met. Pursuant to CCC Section 15.50.055, when the inclusion of significant existing vegetation is located on site and would result in as good as or better satisfaction of the purpose of this section, the administrator may waive the landscaping requirements.

39.4.6 Being as the subject property is to be planted with 14,400 sq. ft. of mitigation plantings, staff recommended a condition of approval that the landscaping requirement of CCC Chapter 15.50 be waived.

40. The Lake Chelan Reclamation District provides necessary public services as identified in the Chelan County Comprehensive Plan. The subject property has been and would continue to be used as a public facility storage yard. The overall use of the property would not be changing from a storage yard, Therefore the surrounding properties would not be subjected to unknown impacts. The proposed storage building would be an accessory to the existing use of the subject property and would provide the potential visual impacts of the outside storage of equipment that the surrounding properties may be currently subjected to.
41. Pursuant to Chelan County Code Section 11.88.170, storage associated with commercial purposes is encouraged to make every reasonable effort to store all such materials or equipment within an enclosed building. The location proposed with the storage building would be in roughly the same area that the on-site equipment is currently located.
42. As a way to remedy historically disturbed areas, the proposed development includes the re-establishment of habitat function with the planting of 14,400 sq. ft. of native vegetation.
43. An open record public hearing after due legal notice was held by means of a Zoom teleconference on May 20, 2020.
44. Appearing and testifying on behalf of the applicant was Ryan Walker of Grette Associates. Mr. Walker testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Walker indicated that the applicant and the County had agreed to a minor change to proposed Condition of Approval 5.2. Otherwise, the applicant had no objection to the proposed Conditions of Approval.
45. No member of the public testified at this hearing.
46. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
47. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

CONCLUSIONS OF LAW

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. The Hearing Examiner has authority to render this Decision.
2. Referral agency comments were received and considered in the review of this proposal.
3. The site of the subject proposal is in the Chelan County Comprehensive Plan Rural Public Lands & Facilities (RP) land use designation. As described, the proposal is consistent with the Chelan County Comprehensive Plan.
4. As conditioned, the subject proposal is consistent with the Chelan County Code, Title 11.

5. Environmental and Critical Areas review has been completed. As conditioned, the proposal does not have negative impacts on critical areas which cannot be mitigated.
6. The proposed project meets the definition of "Development" as defined in the Chelan County Shoreline Master Program and WAC 173-27-030 and is considered a substantial development.
7. The authorization of the shoreline permits will not be materially detrimental to the purposes of the Revised Code of Washington, the Washington Administrative Code, the Chelan County Shoreline Master Program, the Chelan County Comprehensive Plan, the Chelan County, or not be otherwise detrimental to the public interest.
8. The project is not located on a public beach, nor does it block or reduce public use or enjoyment of the area.
9. Subject to the Conditions of Approval, the project design is consistent with the Chelan County Shoreline Master Program requirements.
10. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

This Shoreline Substantial Development Permit, and Shoreline Variance 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 Variance 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 VARIANCE 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 May, 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

substantial development permit and shoreline variance) as provided for in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board.

Anyone aggrieved by the Conditional Use Permit decision has twenty-one (21) days from the date of the issuance of this decision to file a Land Use Petition Action in Chelan County Superior Court as provided for in RCW 36.70C.040.

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:
