

RECEIVED

SHORELINE MANAGEMENT PERMIT

JAN 07 2019

ACTION SHEET

CHELAN COUNTY
COMMUNITY DEVELOPMENT

Application #: SDP 2018-347

Administering Agency — Chelan County Department of Community Development

Type of Permits: ☒ Shoreline Substantial Development Permit
☒ Approved ☐ Denied

Action:

Date of Action: January 3, 2019

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:

Dean & Julie Mastras
PO Box 2741
Gig Harbor, WA 98335

To undertake the following development: Applications were submitted for a shoreline substantial development permit to remove the existing mooring anchors and install six (6) 10" piles to permanently affix the existing 472 sq. ft. dock with removable gangway to the current location. The dock will be fixed 21' waterward of the ordinary high water mark (OHWM).

Upon the following property 17325 North Shore Dr. - Leavenworth, WA 98826.

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

The project will be within a shoreline of statewide significance (RCW 90.58.030). The project will be located within a rural shoreline environment designation.

The following Shoreline Master Program provisions are applicable to this development: Sections 7, 9, 11, 16, 21, 27 and 29.

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 project, 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. The project shall comply with Chelan County Shoreline Master Program Section CCSMP Section 21.A.3 General Design and Construction Standards
 - 2.1. Section 21.A.3.1: Pilings must be structurally sound and cured prior to placement in the water.
 - 2.2. Section 21.A.3.2: Pilings employed in piers or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water.
 - 2.3. Section 21.A.3.3: All docks shall include stops which serve to keep the floats off the bottom of bed-lands at low water levels.
 - 2.4. Section 21.A.3.4: When plastics or other non-biodegradable materials are used in float, pier or dock construction, precautions shall be taken to ensure their containment.
3. Pursuant to Chelan County Shoreline Master Program Section 30.3.5 and 30.3.6, this shoreline permit shall be valid for the activities described within the JARPA and shown on the site plan of record, date stamped October 30, 2018, except as modified by this decision or other jurisdictional agencies.
4. Pursuant to Chelan County Shoreline Master Program Section 5.7, the applicant may use emergency actions if necessary to protect life, property, or unique historical or archaeological sites from imminent danger.
5. Pursuant to RCW 27.53.060, and CCSMP Section 27, if the applicant or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this permit, the applicant/ agent shall immediately notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination.
6. Pursuant to Chelan County Shoreline Master Program Section 30.3.10, substantial progress toward construction for which a permit has been granted must be accomplished within two (2) years for the granting of the permit
7. Pursuant to Chelan County Shoreline Master Program Section 30.3.11, a project which has been granted a permit shall be completed within five (5) years of the issuance of a permit. The Administrative authority may extend the permit for one additional year.

FINDINGS OF FACT

1. The applicant/owners are Dean and Julie Mastras, PO Box 2741, Gig Harbor, WA 98335.
2. The agent is Anne Hessburg, Grette Associates, LLC., 151 S Worthen Street, Suite 101, Wenatchee, WA 98801.
3. Project location is 17325 North Shore Drive, Leavenworth, WA 98826.
4. The parcel number for the subject property is 27-16-13-430-400.
5. The proposed development is not located within an Urban Growth Area.
6. The Comprehensive Plan designation and zoning for the subject property is Rural Waterfront (RW).
7. As stated in the JARPA, questions 5(m) and 5(o), the property is used as residential/recreational; there is an existing residence with an attached deck, garage, rock retaining wall, shed and dock.
8. Previous permits issued to property include the following:

- 8.1 BP 050524—SFR with garage, deck, and retaining wall
- 8.2 SDP 2011-008—Single use dock
- 8.3 BP 110519—Single use dock
- 9. As stated in the JARPA, question 5(1), the property consists of a moderately sloping upland leading from North Shore Drive down to a relatively flat area where the residence is located and near the shoreline. The flat area along the shoreline is mostly natural with a developed trail to the lake; the upland property is vegetated with native and non-native grasses, shrubs, and trees. Below OHWM habitat consist of moderately sloping vegetated rock and cobble.
- 10. The property to the north of the subject property is zoned Rural Waterfront (RW)/North Shore Drive
- 11. The property to the south of the subject property is Lake Wenatchee ('rural' shoreline designation).
- 12. The property to the east of the subject property is zoned Rural Waterfront (RW).
- 13. The property to west of the subject property is zoned Rural Waterfront (RW).
- 14. The applicant submitted an Environmental Checklist. Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed. A Determination of Non-Significance (DNS) was issued on December 12, 2018. The SEPA Checklist and DNS are included within the file of record and adopted herein by this reference.
- 15. The Comprehensive Plan has been reviewed. Specifically the goals and policies related to the Rural Waterfront Comprehensive Plan designation for consistency with residential and recreational land uses.
- 16. The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.
- 17. According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject site does not contain any priority habitat species.
- 18. According to the Federal Emergency Management Agency, FIRM panel # 5300150750B, there is no floodplain on the subject parcel.
- 19. According to the Chelan County GIS mapping, the property is located within an identified geologically hazardous area. CCC Chapter 11.86, Geologically Hazardous Overlay District, does apply to the project.
- 20. According to the Washington State Department of Natural Resource Maps, the site does not contain any known streams.
- 21. According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject site does not contain wetlands.
- 22. There are no known cultural resources on the subject property. Pursuant to CCSMP Section 27, developers shall notify local governments of any possible archaeological materials uncovered during excavation.
- 23. Construction, phasing/timing is to begin upon receipt of all permits and within the in-water work window; and end approximately one week from start.
- 24. The subject property fronts on North Shore Drive, a public county road.
- 25. Construction noise will be similar to other recreational uses. There will be construction noise during installation of the piles. The project is required to comply with CCC, Chapter 7.35, Noise Control.

26. Minor visual impacts will be from the water and surrounding properties. Adjacent properties include single use docks, so visual impacts will be similar to what currently exist in the area.
27. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on November 2, 2018 with comments due December 9, 2018. No comments were received.
28. The following agencies were notified but did not respond:
 - 28.1 Chelan County Building Official
 - 28.2 WA State Department of Natural Resources
 - 28.3 WA State Department of Ecology
 - 28.4 WA Department of Fish and Wildlife
 - 28.5 US Department of Fish and Wildlife - Shorelines
 - 28.6 US Army Corps of Engineers
 - 28.7 Department of Historic Preservation & Archaeology
 - 28.8 Yakama Nation
 - 28.9 Confederated Tribes of the Colville Reservation
29. One public comment was received from Brenda Hunt and Ray Makela on December 10, 2018.
30. The application materials were submitted on October 15, 2018.
31. A Determination of Completeness was issued on October 30, 2018.
32. The Notice of Application was provided on November 2, 2018.
33. The Notice of Public Hearing was provided on December 21, 2018.
34. The project is consistent with Chelan County Code (CCC) Section 11.04.020 in the following respects:
 - 34.1 The installation of pilings is supplementary to the existing dock which is considered an accessory use.
 - 34.2 The installation of dock pilings as a replacement to the existing mooring anchors is a permitted accessory use.
35. The project is consistent with CCC Section 11.12.020 in the following respects:
 - 35.1 The RW zoning district requires a 5' setback from side property lines. The site plan of record indicates that the existing dock will be permanently affixed in the current location which is setback 89' from the west property line and 50' from the east property line.
 - 35.2 The proposed location of the dock to be affixed with pilings will meet the required 5' side yard setback.
36. The project is consistent with Chelan County Shoreline Master Program (CCSMP) 29.1 in the following respects:
 - 36.1 The provisions of the SMA and WAC have been met through the adoption of the CCSMP. The appropriate CCSMP requirements are addressed below.
 - 36.2 According to JARPA, question 6 (g), the fair market value of the project is approximately \$10,000. The project is not exempt from the substantial development permit requirement.
 - 36.3 The proposed development is consistent with the provisions of the SMA, WAC and CCSMP.
37. The project is consistent with CCSMP Section 21.A.3.4 in the following respects:

- 37.1 The existing dock was previously permitted through SDP 2011-008. The installation of the proposed six (6) 10" in diameter pilings are to be driven 10' into the substrate or to bearing. The pilings are proposed to be epoxy coated or a pipe pile with a white PVC sleeve.
- 37.2 According to the cross section details submitted with the application, the proposed pilings will have a minimum vertical clearance of one (1) foot above ordinary high water
- 37.3 The existing dock with the installation of the proposed pilings, as conditioned, complies with the CCSMP dock construction standards.
- 38. The project is consistent with CCSMP Section 29.4.1 (a) in the following respects:
 - 38.1 The project area will be located on private property in the vicinity of other properties with similar in-water recreational structures.
 - 38.2 The installation of pilings will not affect statewide nor local interests.
- 39. The project is consistent with CCSMP Section 29.4.1 (b) in the following respects:
 - 39.1 This section of Lake Wenatchee carries a 'rural' shoreline designation, which allows for residential and recreational uses.
 - 39.2 The proposed project will not impact the natural character of the shoreline.
- 40. The project is consistent with CCSMP Section 29.4.1 (c) in the following respects:
 - 40.1 The proposed development will enhance the recreational use of the subject property. By installing piling as a replacement to the existing mooring anchors, there will be a reduction of anchoring material found in Lake Wenatchee.
 - 40.2 The proposed pilings will be a long term benefit to the property by safely securing the existing dock in place.
- 41. The project is consistent with CCSMP Section 29.4.1 (d) in the following respects:
 - 41.1 The proposed use will contribute to an increased recreational use of Lake Wenatchee. The impacts of the pilings are expected to be minimal due to their reduction of square footage of material in Lake Wenatchee.
 - 41.2 The proposed pilings are to affix the existing dock in its current location; the proposed project would create no new negative impact to Lake Wenatchee.
 - 41.3 The proposed pilings will not have a substantial impact on the resources and ecology of the shoreline.
- 42. The project is consistent with CCSMP Section 29.4.1 (e) in the following respects:
 - 42.1 The project is located on privately owned property, with no public shoreline access.
 - 42.2 The project will not impact public access to the shoreline.
- 43. The project is consistent with CCSMP Section 29.4.1 (f) in the following respects:
 - 43.1 The subject property is under private ownership with no public access.
 - 43.2 The project will not affect public recreational opportunities, as the property is privately owned.
- 44. The project is consistent with CCSMP Section 29.4.2 in the following respects:
 - 44.1 Based on the above findings, the Hearing Examiner finds the project to be consistent with the intent and spirit of the principles outlined above.

45. The applicant is proposing to remove the two (2) existing mooring anchors and install six (6) 10" piles to permanently affix the existing 472 sq. ft. dock with removable gangway to the current location. The dock will be fixed 21' waterward of the ordinary high water mark (OHWM).
46. By removing the existing mooring anchors and replacing with piles, there will be a reduction in the square footage of anchoring material found in Lake Wenatchee.
47. Properties in this area include in-water structures for recreational use of the shoreline, including docks. Due to the existing development adjacent to the property, the proposed dock pilings will have minimal impacts to the shoreline environment and will be compatible with the surrounding land uses.
48. Staff reviewed the applications and submitted materials. Based on the information contained in the applications and compliance with the Revised Code of Washington, the Washington Administrative Code, the Chelan County Shoreline Master Program, Chelan County Comprehensive Plan, and the Chelan County Code, staff recommended **APPROVAL** subject to recommended conditions of approval.
49. An open record public hearing after legal notice was provided was held on January 2, 2019.
50. The file of record, Chelan County Department of Community Development Staff Report, and exhibits were received, admitted into the record and considered by the Hearing Examiner.
51. Appearing and testifying on behalf of the applicant was Anne Hessburg. Ms. Hessburg testified that she was an agent authorized to appear and speak on behalf of the applicant. Ms. Hessburg indicated that the applicant concurred with the staff report findings and conclusions. The applicant had no objection to any of the proposed conditions of approval.
52. No member of the public testified at this hearing.
53. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
54. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. Referral agency comments were received and considered in the review of this proposal.
3. The site of the subject proposal is in the Chelan County Comprehensive Plan Rural Waterfront land use designation. As described, the proposal is consistent with the Chelan County Comprehensive Plan.
4. As conditioned, the subject proposal is consistent with the Chelan County Code, Title 11.
5. Environmental and Critical Areas review has been completed. As conditioned, the proposal does not have negative impacts on critical areas which cannot be mitigated.
6. The proposed project meets the definition of "Development" as defined in the Chelan County Shoreline Master Program and WAC 173-27-030 and is considered a substantial development.
7. The authorization of the shoreline permits will not be materially detrimental to the purposes of the Revised Code of Washington, the Washington Administrative Code, the Chelan County Shoreline

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 is granted pursuant to the Shoreline Master Program of Chelan County, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).

This Shoreline Substantial Development Permit 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 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 3rd day of January, 2019.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the "date of receipt" as defined by Washington Law to file a petition for review with the Shorelines Hearings Board (for the shoreline 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

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:
