

SHORELINE MANAGEMENT PERMIT

ACTION SHEET

Application #: CUP 24-204/SCUP 24-205
Administering Agency Chelan County Department of Community Development

Type of Permits:

- Zoning Conditional Use Permit
- Shoreline Substantial Development Permit
- Shoreline Conditional Use Permit Amendment

Action: ■ Approved □ Denied

Date of Action: July 24, 2024

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:

Greg and Carrie Edverson
PO Box 2107
Leavenworth, WA 98826

An application for a Conditional Use Permit (CUP), together with a Shoreline Conditional Use Permit (SCUP), has been submitted for the construction of a new approximately 2,000 sq.ft. 3-bedroom, 2.5 bath single-family residence and a 600 sq.ft. attached garage within the Icicle Valley Design Review District and the Natural Shoreline Designation of Icicle Creek. Access to the subject property would be from Icicle Road, potable water would be from a proposed exempt well to be located on the subject property, and sanitation would be from a proposed on-site septic system. The subject property is zoned Forest Commercial (FC).

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

All conditions imposed herein shall be binding on the “Applicant,” which terms shall include the owner or owners of the property, heirs, assigns, and successors.

I. 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 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.
2. 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, date stamped May 10, 2024 except for the recommendations of the Geologic Assessment, dated November 22, 2023 or as amended by this decision.
3. Pursuant to Chelan County Code Section 11.02.040, prior to commencement of construction, the applicant shall obtain all required and necessary building permits.
4. Pursuant to Chelan County Code Chapter 11.72, the residence shall be in conditioned conformance with the requirements of the Icicle Valley Design Review District.
5. Pursuant to Chelan County Code Chapter 11.78, development shall be subject to the provisions of said chapter, as amended. This includes the recommendations of WDFW that include the following:
 - 5.1. Landscaping the additional areas for future development, with vegetation not palatable to mule deer to reduce human-wildlife conflict.
 - 5.2. Controlling and preventing the spread of invasive and noxious weeds to prevent the spread to adjacent undeveloped shrubsteppe and mule deer winter range habitat.
 - 5.3. Shielding of lights to reduce the effects of glare and light trespass.
 - 5.4. Requirements to fence pets and leash dogs when outside home fences.
 - 5.5. Acknowledgment of the responsibility and costs of responding to human-wildlife conflicts are the responsibility of homeowners.
6. Pursuant to Chelan County Code Section 11.93.040(4), detrimental impacts on the natural environment and productive use of surrounding natural resource lands shall be mitigated or avoided.
7. Pursuant to Chelan County Code Section 11.93.040(8) and Chapter 7.35, the applicant shall ensure that all noise regulations are met.
8. 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.
9. Pursuant to comments received from the Confederated Tribes of the Colville Reservation, the subject property is located within an area of high probability for containing cultural resources, and therefore a cultural resource survey shall be required.
 - 9.1. If notification is received from the Washington State Department of Archaeology and Historic Preservation or the Confederated Tribes of the Colville Reservation that the requested cultural resource survey is waived, the applicants must submit an Inadvertent Discovery Plan (Exhibit B) to Chelan County Community Development prior to commencing any ground disturbing activities. A copy of the plan must be kept on site during ground disturbing activities.

10. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
11. Pursuant to Chelan County Code Section 11.93.110, a conditional use permit shall become void if not acted upon, 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.
12. 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.
13. 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.

Chelan-Douglas Health District

14. A private water review application shall be required for the domestic well. A well log or pump test results, nitrate and coliform sampling will need to be submitted with the application.
15. A new construction septic application shall be required with a septic system design from a Licensed Designer or Professional Engineer.
16. Fire Marshal:
 - 16.1. The subject property and final plat shall conform to the comments and conditions of approval as found in the Chelan County Fire Marshal Agency Comment response date June 5, 2024.
 - 16.2. Code Requirements
 - 16.2.1. The proposal/project shall conform to all applicable requirements of the International Fire Code and Chelan County Code administered by the Chelan County Fire Marshal.
 - 16.3. Fire Flow for Buildings
 - 16.3.1. The minimum fire flow and flow duration requirements for one and two-family dwellings having a fire-flow calculation area which does not exceed three thousand six hundred square feet shall be seven hundred fifty gallons per minute. Fire flow and flow duration for dwellings having a fire-flow calculation area in excess of three thousand six hundred square feet shall not be less than that specified in Table B105.1(1) of the IFC, except that reduction in required fire flow of fifty percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.
 - 16.4. Fire Flow Modifications
 - 16.4.1. The Fire Marshal may modify Fire-flow requirements downward by applying fire protection credits for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. Applicant is encouraged to contact this office to ascertain how the attached fire protection credits options apply to their project. A note within the final plan set shall state: "Without the installation of a fire hydrant capable of delivering the required fire flow and within the required distance to the lots in question, the applicant may choose one or any combination of alternatives using the installation of automatic fire sprinklers and/or fire protection credits as approved by the Fire Marshal."
 - 16.5. Buildings in the Wildland Urban Interface

16.5.1. Class A roofing/noncombustible roof covering, as defined in the International Building Code, shall be used in all areas of Chelan County. A note within the final plan set shall state: "All buildings that require a building permit shall have Class A roofing materials."

16.6. Address Signs

16.6.1. A note within the final plan set shall state that "New homes shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property." The design of the proposed sign shall be submitted to the Fire District and/or Fire Marshal for approval prior to installation.

16.7. Wildland Urban Interface

A note within the plan set shall state that "All buildings that require a building permit shall comply with the provisions of the Wildland-Urban Interface Code as adopted by Chelan County at the time the building permit is submitted".

II. FINDINGS OF FACT

1. The owner/Applicant is Greg and Carrie Edverson, PO Box 2107, Leavenworth, WA 98826.
2. The agent for Applicant is Todd Smith, Syndicate Smith, LLC, 220 US Hwy 2, Leavenworth, WA 98826, and Ryan Walker, Grette and Associates.
3. The project location is 2589 Icicle Road, Leavenworth, WA 98826.
4. The parcel number for the subject property and legal description is 24-16-05-120-025; Lot C, Block 3, as delineated on Plat of Survey, recorded February 1, 1985 in Book 18 of Surveys at pages 1, 2, and 3 under Auditor's File No. 8502010017, being a portion of Section 5, Township 24 North, Range 16, East of the Willamette Meridian, Chelan County, Washington; 21.08 Acres
5. The subject property is not within an Urban Growth Area.
6. The subject property is located within the Forest Commercial Lands (FC) zoning district and comprehensive plan designation; and within the Icicle Valley Design Review Overlay District.
7. The subject property is mostly vacant with the exception of an existing storage shed. No building permits have been issued for this property.
8. The subject property contains mostly mature forest and slopes downward from the rear property line, across Icicle Road, and down to the front property line where Icicle Creek is located.
 - 8.1. Property North: Commercial Forest Lands (FC) zoning designation.
 - 8.2. Property South: Icicle Creek / Commercial Forest Lands (FC) zoning designation.
 - 8.3. Property East: Commercial Forest Lands (FC) zoning designation.
 - 8.4. Property West: Commercial Forest Lands (FC) zoning designation.
 - 8.5. Aquifer Recharge Area: An Aquifer Recharge Disclosure Form is not required for single-family residences and their associated developments, per CCC 11.82.060. The property is not located within a wellhead protection area.
 - 8.6. Fish & Wildlife Habitat Conservation Areas: Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property contains shrubsteppe as well as priority habitat for Mule Deer, Wolverine, Northern Spotted Owl, and Golden Eagle at the township scale. Icicle Creek is known to have local populations of Dolly Varden/Bull Trout

and Rainbow Trout. Due to these priority habitats existing onsite, the provisions of Chelan County Code Chapter 11.78 Fish and Wildlife Overlay District, do apply.

8.7. Shoreline Master Program: The subject property is located on Icicle Creek within the natural shoreline jurisdiction; therefore, the provisions of the Shoreline Master Program (SMP) do apply. The shoreline buffer for the subject property is 150 feet from the Ordinary High-Water Mark (OHWM)

8.8. Floodplain: Pursuant to Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map panel no. 5300150800A, there are no floodplains on the subject property; therefore, the provisions of CCC, Chapter 11.84, Frequently Flooded Areas Overlay District, do not apply.

8.9. Geologically Hazardous Areas: According to the Chelan County GIS mapping, the property does contain geological hazards for erosive soils and steep slopes; therefore, the provisions of Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, does apply.

8.9.1.A geo assessment performed by Anderson Geological Consulting, LLC dated November 22, 2023 was submitted with the application.

8.10. Cultural Resources: A comment was received from the Confederated Tribes of the Colville Reservation stating that the subject property is within a high probability area on the DAHP predictive model and a cultural survey is recommended.

9. Project / Design Information:

9.1. Construction Phasing/Timing: Applicant plans to begin construction upon approval and receipt of all necessary permits.

9.2. Traffic Circulation: The subject property is accessed off of Icicle Road.

9.3. Domestic Water: Water to the subject property would be supplied by a proposed single private well located on the subject property.

9.4. Power: Chelan County PUD would provide electrical services to the subject property.

9.5. Sanitation: Sanitation would be supplied by a proposed on-site septic system as shown on the site plan.

9.6. Noise: Noise is similar to other residential uses in the vicinity.

9.6.1. The construction of the residence shall comply with CCC, Chapter 7.35 Noise and RCW 70.107.

9.7. Visual Impact: According to the site plan of record, date stamped May 10, 2024, the proposed residence would not visually impact neighboring properties or users of Icicle Road.

10. Noticing and Comments

10.1. 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 June 6, 2024 with comments due June 20, 2024. Agency comments are considered in the staff report and when appropriate, associated recommended Conditions of Approval are included. The following is a list of Agencies who received notice and the date comments were received:

10.1.1. Chelan County Public Works None

10.1.2. Chelan County Building June 20, 2024

10.1.3. Chelan County Fire Marshal June 5, 2024

- 10.1.4. Chelan County PUD None
- 10.1.5. Dept of Archaeology & Historic Preservation None
- 10.1.6. Confederated Tribes of Colville June 25, 2024
- 10.1.7. Yakama Nation None
- 10.1.8. Department of Ecology July 3, 2024
- 10.1.9. Chelan-Douglas Health District June 29, 2024
- 10.1.10. Washington Dept. of Fish & Wildlife June 21, 2024

10.2. Public Comments Date Received Nature of Comment

10.2.1. No public comment received

11. Application & Public Hearing Notice Compliance

- 11.1. Application Submitted: May 10, 2024
- 11.2. Determination of Completeness issued: June 3, 2024
- 11.3. Notice of Application: June 6, 2024
- 11.4. Notice of Public Hearing: July 6, 2024
- 11.5. Public Hearing: July 17, 2024

12. The Hearing Examiner will issue a decision within 10 working days from the close of the hearing. This decision will have a 21-day appeal period.

13. SEPA ENVIRONMENTAL REVIEW

13.1. The applicant submitted an environmental checklist along with the application materials. Pursuant to WAC 197-11 process and RCW 43-21C of the State Environmental Policy Act (SEPA), an environmental review and a threshold determination was completed, and an Optional Determination of Non-significance (DNS) was issued on July 9, 2024. The SEPA Checklist and DNS are included within the file of record and adopted by reference.

14. CHELAN COUNTY COMPREHENSIVE PLAN

14.1. Natural Systems: Icicle Valley Goals and Policies: Goal NS 2: Icicle River Valley: Encourage retention of the scenic character and environmental quality of the Icicle Valley.

14.1.1. FACT: The subject property is within the Icicle Valley Design Review Overlay District, which requires the proposed residence to address the Icicle Design Review Guidelines. These review guidelines seek to preserve the scenic character and environmental quality of Icicle Valley.

14.1.2. CONCLUSION: Based on the submitted site plan of record and application materials, the proposed residence, as conditioned, would retain the scenic character and environmental quality of the Icicle Valley by conforming to Icicle Design Review Guidelines.

15. Commercial Forest Lands (FC): Purpose: 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.

15.1. Uses appropriate for these areas include: open space; forestry, open space; residential; and agriculture. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

15.1.1. FACT: The applicant is proposing a new single-family residence within the Icicle Valley Overlay District which also has a zoning designation of Commercial Forest Lands (FC).

15.1.2. CONCLUSION: The proposed residence meets the intent of the goals and policies of the Comprehensive Plan for residential uses within the FC comprehensive plan designation.

16. Chelan County Code 11.32.020 - Standards

Development Standards	Commercial Forest Lands (FC) Zoning
Minimum Setback Distances.	
Front Yard	25' from the front property line or 55' from the street centerline, whichever is greater.
Rear Yard	20' from rear property line
Side Yard	10' from side property line
Maximum Lot Coverage	Buildings and structures shall not occupy more than 35% of the lot area.
Maximum Building Height	35'

17. Chelan County Code 11.93.040 - Conditional Use Permit Criteria

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

17.1.1. FACT: Criteria for the proposed single-family residence has been addressed below.

17.1.2. CONCLUSION: Based on Hearing Examiner review of the application materials submitted, the criteria for the proposed single-family residence, as conditioned, can be satisfied.

17.2. A finding can be made that 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.

17.2.1. FACTS: The site plan of record, date stamped May 10, 2024, demonstrates that the proposed residence would meet the applicable development standards in CCC Section 11.32.020. All proposed development would be outside of the applicable shoreline setbacks of 150 feet from ordinary high-water mark (OHWM) of Icicle Creek. However, the applicants have submitted a Shoreline Conditional Use Permit (SCUP) in order to permit the associated grading that would occur within the 200 ft. shoreline jurisdiction during construction of the residence.

17.2.2. Portions of the subject property are within a geologically hazardous area and have been identified as possibly having steep slopes and erodible soils. A geologic assessment was

prepared by Anderson Geological Consulting, LLC, dated November 22, 2023. Recommendations made by the geologist include:

- 17.2.2.1. Mitigation to achieve an even allowable soil bearing pressure within the foundation subgrade due to potential of large boulders, cobbles, loose sand, and seasonally high ground water saturated soils within the footing area.
 - 17.2.2.2. Large deleterious to natural materials over six inches in diameter that are in direct contact to a spread footing can create point load which may crack the foundation.
 - 17.2.2.3. Undesirable soil, rock, and/or organic/non-organic materials should be removed and replaced with compacted engineered fill per the design engineers' recommendations.
 - 17.2.2.4. A post and elevated beam foundation may be an inexpensive alternative for the foundation system that can mitigate most of these unfavorable soil, rock, and groundwater conditions
 - 17.2.2.5. The potential for saturated soil conditions up to localized flooding at the site should be considered and engineered into the foundation design.
 - 17.2.2.6. Site drainage controls are recommended to control surface and subsurface water affects to the foundation.
- 17.2.3. Lastly, Chelan County GIS mapping shows that the subject property is located within and adjacent to designated fish and wildlife habitat conservation areas pursuant to Chapter 11.78 of the Chelan County Code. No comments regarding these critical areas on the property were received from the Department of Ecology; however, the Department of Fish and Wildlife (WDFW) did provide some recommendations for the proposed residence including:
- 17.2.3.1. Landscaping the additional areas for future development, with vegetation not palatable to mule deer to reduce human-wildlife conflict.
 - 17.2.3.2. Controlling and preventing the spread of invasive and noxious weeds to prevent the spread to adjacent undeveloped shrubsteppe and mule deer winter range habitat.
 - 17.2.3.3. Shielding of lights to reduce the effects of glare and light trespass.
 - 17.2.3.4. Requirements to fence pets and leash dogs when outside home fences.
 - 17.2.3.5. Acknowledgment of the responsibility and costs of responding to human-wildlife conflicts are the responsibility of homeowners.
- 17.2.4. **CONCLUSION:** Based on the site plan of record and application materials, the proposed residence would meet the zoning standards and other applicable development standards as long as the recommendations of the geologic site assessment prepared by Anderson Geological Consulting, dated November 22, 2023 and the recommendations of WDFW are incorporated into the design of the proposed residence as well.
- 17.3. Compatibility with the adjacent uses and the protection of the character of the surrounding area.
- 17.3.1. **FACTS:** Pursuant to Chelan County Code 11.72.050, the Icicle Valley Design Review Overlay District allows for single-family dwellings as a conditional use. The adjacent properties to the east and to the west are both vacant.

- 17.3.2. CONCLUSION: Based on application materials, the proposed single-family residence is compatible with the existing and allowed uses of the surrounding area.
- 17.4. Detrimental impacts on the natural environment and productive use of surrounding natural resource lands can be mitigated or avoided.
- 17.4.1. FACTS: The subject property is as a classified resource land pursuant to the Chelan County Comprehensive Plan. The subject property contains critical habitats and is located within an area that is shown to have erosive soils per Chelan County GIS mapping.
- 17.4.2. CONCLUSION: Based on the application materials submitted and Fact #2 above, the proposed residence would not be detrimental to the natural environment.
- 17.5. No conditional use permit shall be issued without a written finding that:
- 17.5.1. 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.
- 17.5.1.1. FACT: Chelan County provided a Notice of Application to the Chelan-Douglas Health District and the Chelan County Fire Marshal.
- 17.5.1.2. CONCLUSION: Through the application materials submitted and by incorporating the requirements from service providers received into the final design of the residence, the applicants have demonstrated that there are adequate services for the proposed residence, as conditioned.
- 17.5.2. No county facilities will be reduced below adopted levels of service as a result of the development.
- 17.5.2.1. FACTS: The proposed use is not anticipated to result in county facilities being reduced below adopted levels of service. No comments were received from Chelan County Public Works regarding adopted levels of service and no increase in Average Daily Traffic (ADT) on Icicle Road are anticipated as a result of the proposed residence.
- 17.5.2.2. CONCLUSION: As conditioned, the proposed residence would not result in county facilities being reduced below adopted levels of service.
- 17.6. The proposed use shall not result in undue adverse impacts affecting the public health, safety and welfare.
- 17.6.1. FACTS: The proposed residence would be supported by a proposed septic system for sanitation and a well for water. Based on comments received from the Chelan-Douglas Health District, dated June 29, 2024:
- 17.6.1.1. A private water review application would be required for the domestic well. A well log or pump test results, nitrate and coliform sampling would need to be submitted with the application.
- 17.6.1.2. A new construction septic application would be required with a septic system design from a Licensed Designer or Professional Engineer.
- 17.6.2. CONCLUSION: As conditioned, the proposed residence is not anticipated to result in an adverse impact on public health, safety and welfare.
- 17.7. A finding shall be made that 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 Title 11 and 15 of the Chelan County Code. Primitive or forest service roads may be considered appropriate access as provided in Section 11.88.070.

17.7.1. FACTS:

17.7.1.1. Roads, ingress and egress: The subject property is accessed off of Icicle Road.

17.7.1.2. Stormwater: The applicant shall comply with Chelan County Code Title 13; Chelan County Stormwater Guidelines and Procedure.

17.7.1.3. Parking and Loading: The proposed residence would have two parking spaces within the attached garage that are outside of the front yard setback.

17.7.1.4. Domestic and Irrigation Water: Domestic water would be supplied by a proposed well.

17.7.1.5. Sanitary Facilities: Sanitary facilities would be created by a proposed on-site septic system.

17.7.1.6. Power: Power would be provided by Chelan County PUD.

17.7.1.7. Fire Protection: Comments received from the Chelan County Fire Marshal, dated June 5, 2024 states that alternate fire flow may be required: "Without the installation of a fire hydrant capable of delivering the required fire flow and within the required distance to the lots in question, the applicant may choose one or any combination of alternatives using the installation of automatic fire sprinklers and/or fire protection credits as approved by the Fire Marshal."

17.7.2. CONCLUSION: All necessary facilities, improvements and services are consistent or can be conditioned per the requirements of Titles 11, 13 and 15 of the Chelan County Code.

17.8. 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.

17.8.1. FACTS: Based on application materials, the applicant is proposing to construct a single-family residence. This proposed residence would not adversely impact adjacent properties in the vicinity with noise, light, heat, steam, water quality, glare, odors, air pollution, smoke, wastes, dust, vibration, electrical disturbance, physical hazards, or any other related impacts.

17.8.2. CONCLUSION: Based on application materials, 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 can be avoided or mitigated as conditioned.

17.9. 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.

17.9.1. FACT: The proposed residence would be consistent with the goals and policies of the Chelan County Comprehensive Plan.

17.9.2. CONCLUSION: The proposed residence, as conditioned, would be consistent with the Chelan County Comprehensive Plan.

18. Icicle Design Review Guidelines: The Icicle Design Review Guidelines are intended to establish a design criterion for development activities specified in the Icicle Valley Design Review Overlay

District (IVDROD). Those development activities include road construction, clear cuts and structural developments. Modifications to the existing natural environment should, as much as possible, repeat form, line, color, and texture common to the surrounding landscape. Changes in the natural landscape can occur, but should remain visually subordinate to the surrounding environment. The Icicle Valley is recognized for its visual quality and each development should be evaluated on the site's ability to accept alteration without losing its inherent visual character.

18.1. Site Location

18.1.1. Each individual site should utilize the best possible location in siting the structure. Existing timber stands and brush should be taken advantage of as much as possible for screening purposes.

18.1.1.1. Applicant Statement: This home is designed with careful consideration of the existing site and responds appropriately to the natural environment and seasonal changes. The house is sited on the property to minimize disturbance to the land, necessitate minimal clearing of existing trees and vegetation, as well as respect all buffers and setbacks. The existing dense trees along the road will be preserved and utilized as much as possible providing an effective natural screen. The footprint of the proposed house is 26' x 48' with a 4' covered walkway around the northern side for access.

18.1.2. Natural topographic features such as benches, rock outcrops and any other unique land forms should be utilized in the site selection. Structures located at the far edge of forest clearings should be placed far enough from the road that they become an integral part of the landscape rather than a dominate feature.

18.1.2.1. Applicant Statement: The driveway approach is designed to minimize the visual impact via its approach from the road (Icicle Road – FS 7600). Rocks found during excavation will be used for landscaping around the house as well as natural flora consisting of the native plants and trees populating the area.

18.1.3. The structure should be oriented so that the gable end faces or is perpendicular to the primary road.

18.1.3.1. Applicant Statement: No gable ends are proposed. Window openings along the north (most visible) exterior wall are minimized in order to maintain privacy of both the residents and vehicle traffic. Gable ends are not required, but suggested.

18.1.4. FACTS: As stated in the application materials, the proposed residence would be screened from Icicle Road by existing trees currently on the property. Only the necessary brush and trees would be removed for construction and the remainder of the property would remain untouched. No gable ends are proposed, but the design of the residence would allow for homeowner privacy and would give privacy to the public utilizing Icicle Road as well.

18.1.5. CONCLUSION: Based on application materials submitted, the proposed residence, as conditioned, is consistent with Site Location guidelines.

18.2. Architectural Design

18.2.1. Structural design should emphasize vertical alignment through type of siding, roof line and architectural design which conforms with existing form, line, color and texture of the surrounding environment.

18.2.1.1. Applicant Statement: Full height concrete walls provide a shell that is extremely resilient to wildfire and seasonal weather, yet will also visually tie into the tone and texture of existing rocks of the area. Rusted steel paneling for covered access and

window shutters provide an additional layer of protection from wildfire and weather, and the color tones of this material complement the hues of native ponderosa pine trunks and fir trees. Exterior renderings of the home from the viewpoint of vehicular traffic show that the impact of the proposed residence are minimal.

18.2.2. Natural earth tone colors should be utilized for siding, trim and metal roofing. Where possible, construction should utilize wood products or native materials (log construction, stone etc.).

18.2.2.1. Applicant Statement: An architectural language was established for the proposed residence which responds creatively to a visually integrated design by using modern fire resilient materials, while still honoring the tones and textures of the native materials on site. The tones mimic the dirt, rocks, and tree tones of the area.

18.2.3. Broken rooflines with a steep pitch are encouraged for all residential structures.

18.2.3.1. Applicant Statement: The seasonal snow loads directed us toward a roof strategy prioritizing snow retention and the associated safety of this strategy. A concrete parapet roof is proposed out of practicality similarly this limits the height and associated mass of the home to be less visually obtrusive. Steep pitches cause undue burden of snow and debris falling and damaging the perimeter of a base of a home. Steep pitches cause more home mitigation topics with regards to resiliency than we desire to accommodate. While the broken roof lines with steep pitches are encouraged, they will not be pursued.

18.2.4. Building heights shall conform to the underlying Forest Resource (FC) zoning district and/or the shoreline conservancy environment requirements.

18.2.4.1. Applicant Statement: The building height is in conformance with zoning code; no variances are requested.

18.2.5. FACTS: The submitted building plans detail the structural design and materials of the proposed residence. Natural earth tone colors would be used for siding, trim, and roofing. The proposed roofing is practical in heavy snow country, keeping snow on the roof and protecting the structure below. The proposed residence is below the maximum building height of thirty-five feet (35') and the structure itself would be built outside of the shoreline buffer of one-hundred and fifty (150) feet.

18.2.6. CONCLUSION: As conditioned, the proposed residence, is consistent with the Architectural Design guidelines of the Icicle Valley Design Review Overlay District.

18.3. Vegetation

18.3.1. As much naturally occurring vegetation should be retained as construction allows. A natural vegetation buffer between the structures and road corridor or shoreline should be maintained to produce a filtered effect.

18.3.1.1. Applicant Statement: The home has been carefully located on the site in order to minimize the impact during construction and occupancy. Natural vegetation will be preserved to the maximum extent possible. Existing trees will be retained along the road corridor in order to provide a natural visual screen.

18.3.2. Introduced vegetation or landscaping should be native or native appearing. Exposed manicured lawns should be screened in such a fashion to blend with the natural landscape.

18.3.2.1. Applicant Statement: Lawns are not proposed as part of this design application. Any landscaping will be native in appearance.

18.3.3. When the building site is visible from the primary road on-site grading should be kept to a minimum, and generally for construction purposes only. Artificial forms, such as cut banks, earth mounds, rock or slash piles, should be avoided when grading, clearing, landscaping or locating driveways.

18.3.3.1. Applicant Statement: The house will be slightly visible from the road, and has been located to create as minimal of a disturbance to native grade as possible. Artificial landscaping features are not proposed as part of this design application.

18.3.4. Other than the vegetation cleared for fire purposes, layering of vegetation around the building site by diversity of species and age classes is encouraged. Layering is accomplished by selective tree cutting to achieve a mixture of conifers with both mature over and under stories, hardwoods, and dense shrubberies.

18.3.4.1. Applicant Statement: Due to the remote nature of the property and the associated risk of wildfire, priority is given to establishing fire resiliency around the perimeter of the building. Otherwise, existing major conifers and shrubberies will be retained.

18.3.5. FACTS: Existing vegetation on the subject property would act as a natural buffer between the proposed residence and Icicle Road. Any introduced vegetation would be required to be native and not palatable to mule deer. Excavation and fill placement are proposed to occur only in the location of the proposed building footprint. The applicants are proposing to establish fire resiliency around the residence, but retain most existing vegetation.

18.3.6. CONCLUSION: The Hearing Examiner finds that a landscaping plan is not necessary for the proposed residence due to the existing vegetation on the subject property providing sufficient screening from Icicle Road and adjacent properties. In addition, the applicant would need to comply with the recommendations of WDFW as well as WAC 51-54A-8200, which is the International Wildland-Urban Interface Code. These include possible defensible space (Firewise) requirements for the property landscape.

18.4. Setbacks

18.4.1. Setback from road or shoreline should depend on density of vegetation, steepness of slope, and viewing distance.

18.4.1.1. Applicant Statement: All zoning setbacks are respected in the proposed design; no setback variances are requested. The building footprint has been located appropriately in order to maximize the perceived privacy from the road. Native grade between the road and proposed residence main floor is minimal.

18.4.2. Staggering setbacks from adjacent structures within viewing distance is encouraged. A natural vegetation buffer between those structures should be maintained.

18.4.2.1. Applicant Statement: There is a small existing shed on the property, however it is not visible from the road.

18.4.3. Structures should be located to maintain sufficient tree canopy to minimize visual impact of structures from higher vantage points.

18.4.3.1. Applicant Statement: The established mature tree canopy will be preserved; the house will be in the forest and will not detract from views from above.

18.4.4. FACTS: Setbacks used are based on zoning standards of the FC zoning district and the required natural shoreline buffer mentioned above. The location of the proposed residence does not obscure the view from Icicle Road or from USFS property above. The proposed

residence would not significantly impact the existing tree canopy; therefore, there are no visual impacts to any structures at higher vantage points.

18.4.5. CONCLUSION: As conditioned, the proposed residence is consistent with Setback guidelines.

18.5. Private Access Drives

18.5.1. Private drives serving more than one building site is encouraged. The number of private driveways accessing the primary road should be limited.

18.5.1.1. Applicant Statement: There is (1) access drive proposed for the home.

18.5.2. While the approach of the access drive to the primary road should at a right angle, curve-linear or winding driveways to the building site should be utilized. Vegetation removal should only be done to accommodate the width of the driveway.

18.5.2.1. Applicant Statement: The driveway has been designed to curve naturally from the road to the house. This design accentuates the visual buffer through the low trees along the road.

18.5.3. Grades for private drives should not exceed fourteen (14) percent. Drains dips are encouraged in lieu of culverts where slopes permit, except at the intersection of a primary road.

18.5.3.1. Applicant Statement: Proposed grading along the driveway is minimal, and native grade can be minimally altered with the design proposed.

18.5.4. A house identification number sign, may be placed along the Icicle Road for all residential structures. It will be constructed of natural materials such as wood or stone. Identification signs are to be eight (8) by sixteen (16) inches in size with a brown background with ivory numbers.

18.5.4.1. Applicant Statement: House identification numbers will abide by this clause in form and color.

18.5.5. FACTS: The subject property would continue to be accessed from Icicle Road. The proposed driveway would partially be obscured by existing vegetation and the required grading would be minimal. The posted house address would meet the necessary requirements of this section of the Chelan County Code.

18.5.6. CONCLUSION: As conditioned, the proposed residence is consistent with Private Access guidelines.

18.6. Water Quality

18.6.1. Soil test holes may be required by the Chelan-Douglas Health District. These test holes may be required during the period of normal seasonal high-water runoff. Soil test results will be used to determine the porosity of the soil, and the possible need for setbacks from surface water or wells of more than one hundred (100) feet.

18.6.1.1. Applicant Statement: A 100' radius well setback is identified on the proposed site plan.

18.6.2. Complete plans for septic tank and acceptable water system shall be submitted with all applications.

18.6.2.1. Applicant Statement: An initial septic feasibility study has been completed, and a final septic design will be submitted with a final building permit application.

18.6.3. FACTS: The proposed residence would have potable water supplied by a proposed drilled well on the subject property. Sanitation would utilize a proposed on-site septic system, of which the designs would be submitted along with the building permit application.

18.6.4. CONCLUSION: As conditioned, the proposed residence would meet the Water Quality guidelines.

18.7. Fire Protection

18.7.1. On-site firefighting provisions are for the initial attack of the structure and the surrounding environment.

18.7.1.1. Applicant Statement: This is understood and will be accounted for.

18.7.2. Site preparation for fire protection normally requires the removal of all fine forest fuels for a thirty (30) foot radius around the primary structure. Specifically, fine forest fuels all weeds and combustible debris (except for small scattered ornamentals). Also, trees within one hundred (100) feet of the primary residence should be thinned so that the crowns do not touch each other and should be pruned of all dead limbs and debris within ten (10) feet of the ground.

18.7.2.1. Applicant Statement: Since the property is located in a mature forest, significant disturbance to healthy trees would be required to comply, and is competing with visual requirements in C.i and D.iii.

18.7.3. All single-family residences shall have a cistern, well, or pond with five hundred (500) gallon minimum storage capacity. Also, a powered pumping system shall be provided for each residence which can reasonably produce eighteen (18) gallons per minute for a thirty (30) minute duration.

18.7.3.1. Applicant Statement: This shall be provided if required.

18.7.4. Enough fire hose should be available to reach a one hundred (100) foot radius around the primary structure. The pump should be able to deliver a minimum of fifty (50) pounds of pressure at the nozzle at the highest elevation of the one hundred (100) foot radius.

18.7.4.1. Applicant Statement: This shall be provided if required. A residential fire sprinkler system is proposed.

18.7.5. The pumping system should have at least a one-inch port, with a four-five (4-5) horsepower engine which will develop approximately one hundred (100) pounds of pressure. This is not to discourage the utilization of a gravity flow type of system.

18.7.5.1. Applicant Statement: This shall be provided if required. A residential fire sprinkler system is proposed.

18.7.6. The water storage facility should be designed to be functional and operable during the normal Forest Service fire fighting season.

18.7.6.1. Applicant Statement: This shall be provided if required. A residential fire sprinkler system is proposed.

18.7.7. The water pumping system should be located at least thirty (30) feet from the structure or in a position that access to the pump is protected in the event of structural fire.

18.7.7.1. Applicant Statement: This shall be provided if required. A residential fire sprinkler system is proposed.

- 18.7.8. All structural chimneys shall be equipped with an approved spark arrestor and all tree branches within fifteen (15) feet of the chimney shall be removed.
- 18.7.8.1. Applicant Statement: A wood burning stove is proposed in the residence and shall be equipped with an approved spark arrestor. Tree branches will be removed within a 15-foot radius accordingly.
- 18.7.9. FACTS: The applicant is proposing the installation of a residential fire sprinkler system and the placement of a wood burning stove within the residence as well. Per the comment letter received from the Chelan County Fire Marshal, dated June 5, 2024, alternate fire flow may be required:
- 18.7.10. CONCLUSION: Staff recommended a condition of approval requiring the applicant to meet Fire Protection guidelines pursuant to recommendations by the Fire Marshal.
19. Icicle Design Review Guidelines – Fire Protection; On site firefighting provisions are for the initial attack of the structure and the surrounding forest environment.
- 19.1. Site preparation for fire protection shall require the removal of all fine forest fuels for a 30-foot radius around the primary structure. Specifically, the fine forest fuels include all weeds and combustible debris with the exception of small scattered ornamentals.
- 19.1.1. In addition, trees within 100 feet of the primary residence should be thinned so that the crowns do not touch each other and should be pruned of all dead limbs and debris within 10 feet of the ground.
- 19.1.2. FACTS: Per comments received from the Fire Marshal on June 5, 2024, “All buildings that require a building permit shall comply with the provisions of the Wildland-Urban Interface Code as adopted by Chelan County at the time of building permit submittal”.
- 19.1.3. CONCLUSION: Staff recommend that the proposed residence comply with the applicable portions of the Wildland-Urban Interface Code adopted by Chelan County.
- 19.2. All single-family residences shall have a cistern, well, or pond with 500-gallon minimum storage capacity. Also, a powered pumping system shall be provided for each residence which can reasonably produce 18 gallons per minute for a 30-minute duration. The pumping system should have at least a one-inch port, with a 4-5 horsepower engine which will develop approximately 100 pounds of pressure. The pump should be able to deliver a minimum of 50 pounds of pressure at the nozzle at the highest elevation of use.
- 19.2.1. The water pumping system should be located at least 30 feet from the structure or in a position that access to the pump is protected in the event of structural fire.
- 19.2.2. Enough fire hose should be available to reach a 100-foot radius around the primary structure. (Contact Leavenworth Ranger District for availability of fire hose.)
- 19.2.3. The water storage facility and pumping system shall be functional during the normal firefighting season.
- 19.2.4. *Note* A gravity system which can meet the pressure requirements can be approved.
- 19.2.5. FACTS: Per comments received from the Fire Marshal on June 5, 2024, “The applicant may choose one or any combination of alternatives using the installation of automatic fire sprinklers and/or fire protection credits as approved by the Fire Marshal”
- 19.2.6. CONCLUSION: Staff recommended a condition of approval requiring the applicant to meet Fire Flow Modifications as administered by the Fire Marshal.

19.3. All structural chimneys shall be equipped with an approved spark arrester (no greater than a ½” opening) and all tree branches within 15 feet of the chimney shall be removed (see attached).

19.3.1. FACT: A wood burning stove is proposed for the residence and shall be equipped with an approved spark arrester. Tree branches within 15 feet of the chimney shall be removed accordingly.

19.3.2. CONCLUSION: This applicant shall adhere to these guidelines.

20. Icicle Valley Access Road Design Guidelines: These guidelines do not apply because the subject property would continue to utilize Icicle Road for access to the property.

21. Chelan County Shoreline Master Program (CCSMP)

21.1. The applicant proposes to construct a single-family residence including residential appurtenances and accessory uses on the subject parcel within shoreline jurisdiction. All proposed improvements including the residence and associated grading would be located at least 150 ft landward of the OHWM of Icicle Creek, outside of the shoreline buffer setback. The property is located within the Natural Shoreline Environment of Icicle Creek. Per Chelan County Shoreline Master Program (CCSMP) Table 3.6-a, a single-family residence in the Natural Shoreline Environment requires and Shoreline Conditional Use Permit (SCUP).

21.2. The project includes normal residential appurtenances such as construction of a driveway, onsite septic system, propane tank, generator, solar panels (on building and secondary array on the ground), installation of underground utilities and grading which does not exceed 250 cubic yards. The residence and all development activity would be located outside of the 150-foot Natural Environment shoreline buffer.

21.3. No mitigation is required for this project as there are no adverse impacts to critical areas associated with constructing the residence at the site. Any vegetation removal that may occur around the vicinity of the residence would be minimized and would only be that which is required to conform with the vegetation management outlined in the IDROD as wildfire mitigation. No impacts to Icicle Creek would result from the project and no riparian vegetation would be removed within the buffer.

21.4. CCSMP Section 7.7.3, Shoreline Conditional Use Permit: Review Criteria

21.4.1. Conditional use criteria. An applicant proposing a conditional use shall affirmatively demonstrate compliance with review criteria below or as thereafter amended in WAC 173-27-160.

21.4.1.1. How is the proposed use consistent with the policies of RCW 90.58.020 and the SMP?

21.4.1.1.1. Applicant Statement: The proposal is consistent with the adopted CCSMP as demonstrated in the submitted application materials, including the Shoreline Technical Memorandum. In adopting master programs, it is ensured by the Department of Ecology that the policies and procedures of the CCSMP are consistent with RCW 90.58.

21.4.1.1.2. Finding of Fact: As described in the Shoreline Technical Memorandum, construction of the proposed residence and its appurtenances would result in no net loss of ecological value or function of Icicle Creek and its associated riparian buffer.

- 21.4.1.1.3. Conclusion: As conditioned, the proposed residence is consistent with the CCSMP and RCW 90.58.020.
- 21.4.1.2. How will the proposed use avoid interference with the normal public use of public shorelines?
- 21.4.1.2.1. Applicant Statement: The proposed project will occur within the upland of a privately-owned parcel. As such, it will have no effect on the normal public use of public shorelines on Icicle Creek. Public lands are present along Icicle Road in all directions from the site. The proposed project will not affect these neighboring public lands and will be entirely contained within the subject parcel.
- 21.4.1.2.2. Finding of Fact: The subject property is located adjacent to public lands such as Icicle Creek. The construction of the proposed residence would be contained entirely on privately owned property and would result in no net loss of ecological value or function of Icicle Creek and its associated riparian buffer.
- 21.4.1.2.3. Conclusion: The proposed residence would not interfere with public use of Icicle Creek.
- 21.4.1.3. How will the proposed use of the site and design of the project be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP?
- 21.4.1.3.1. Applicant Statement: The site is a privately-owned parcel located within a larger geography of publicly owned forest lands, with a minimal number of residential properties. The parcel is zoned Commercial Forest Lands. As such the parcel may be developed with a single-family residence per Chelan County Code Chapter 11.04 District Use Chart. The shoreline of the parcel has a designation of Natural per the CCSMP. Single-family residences are permitted within the Natural shoreline with the issuance of a SCUP per CCSMP Table 3.6-a. The applicant is applying for a SCUP and has demonstrated how the construction of the proposed residence would meet the requirements of the CCSMP within the Shoreline Technical Memorandum.
- 21.4.1.3.2. Finding of Fact: The construction of a residence is allowed on private property within the FC zoning district and within the natural shoreline designation through the submission of a SCUP. The proposed residence would be contained entirely on privately owned property and would result in no net loss of ecological value or function of Icicle Creek and its associated riparian buffer.
- 21.4.1.3.3. Conclusion: The proposed residence would be compatible with the allowed uses in the area per Chelan County Code and the CCSMP.
- 21.4.1.4. How will the proposed use cause no significant adverse effects to the shoreline environment in which it is to be located?
- 21.4.1.4.1. Applicant Statement: The proposed project is fully located landward of the 150 ft shoreline buffer and will not affect the shoreline environment of Icicle Creek. All construction activities will occur landward of the shoreline buffer for the creek. If vegetation removal is required for compliance with the IDROD for wildfire mitigation, it will be the minimum necessary and will be focused directly adjacent to the residence. No existing vegetation waterward of the proposed residential structure within the existing effective shoreline buffer will

be removed or altered as a result of the proposed project and no-net-loss of ecological value or function will occur. As such, no mitigation is required.

21.4.1.4.2. Finding of Fact: The shoreline designation is 'natural.' The 'natural' designation permits single-family residences with appropriate permit applications.

21.4.1.4.3. Conclusion: The proposed residence is consistent with the 'natural' shoreline designation and would cause no unreasonable adverse effects to Icicle Creek.

21.4.1.5. How will the public interest suffer no substantial detrimental effect?

21.4.1.5.1. Applicant Statement: The proposed project is the construction of a single-family residence on a privately-owned parcel within rural Chelan County. As such, it will not cause substantial detrimental effect to the public interest. All public lands within the vicinity of the site, including the aquatic environment of Icicle Creek, will remain unchanged from existing conditions after the construction of the proposed project is completed.

21.4.1.5.2. Finding of Fact: The construction of a single-family residence is allowed by the CCSMP and is similar to other permitted residential structures along Icicle Creek. The proposed residence would be located on private property.

21.4.1.5.3. Conclusion: The proposed residence is for private use, placed on private property; therefore, the public interest is not anticipated to suffer substantial detrimental effect.

21.4.2. 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.

21.4.2.1. Applicant Statement: Cumulative impacts are addressed in Section 3.1.3 of the Shoreline Technical Memorandum. There is very little opportunity for additional development in the Icicle Creek Valley and within the vicinity of the subject parcel. A majority of the land in this part of the county is publicly owned forest land and cannot be developed with residential uses. The construction of a single-family residence within the upland of the subject parcel will not adversely impact the natural functions of the shoreline environment along this section of the creek. This parcel is zoned Commercial Forest Lands. As such the parcel may be developed with a single-family residence per Chelan County Code Chapter 11.04 District Use Chart.

21.4.2.2. Finding of Fact: The CCSMP allows for residential use of private property. The cumulative impact of proposed residence appears to be minimal. The proposed location of the residence would result in no net loss of ecological value or function of Icicle Creek and its associated riparian buffer.

21.4.2.3. Conclusion: As conditioned, the cumulative impact for the proposed residence would be comparable to other similar permitted residential structures allowed on private property along Icicle Creek and would not be anticipated to result in a substantial adverse effect to the natural shoreline environment.

21.5. Department Analysis and Recommendation: The subject property is zoned as Commercial Forest Lands and as described, the proposed residence would be consistent with the

Chelan County Comprehensive Plan as well as the CCSMP. As conditioned, the proposed residence would be consistent with the criteria for the approval of a Conditional Use Permit pursuant to the CCSMP, CCC Title 11, and per the Icicle Valley Design Review guidelines as outlined in Chapter 11.72. Environmental and critical area review has been completed, demonstrating that construction of the proposed residence, as amended, does not have a probable significant adverse impact on critical areas.

22. An open record public hearing after due legal notice was held via Zoom on July 17, 2024.
23. The following exhibits were entered into the record:
 - 23.1. Ex. A Site Plans of Record dated May 10, 2024
 - 23.2. Ex. B Inadvertent Discovery Plan
 - 23.3. Ex. C Staff Report.
 - 23.4. Ex. D Remainder of Planning File.
24. Appearing and testifying on behalf of the applicant was Ryan Walker. Mr. Walker testified that he was the agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Walker testified that they had reviewed the staff report and agreed with all of the representations therein and had no objection to any of the proposed Conditions of Approval.
25. No member of the public testified at the hearing.
26. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
27. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

III. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. Referral agency comments were received and considered in the review of this proposal.
3. The Hearing Examiner finds that the project, as conditioned, is consistent with the Comprehensive Plan.
4. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

Approved this 24 day of July, 2024.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This Shoreline Conditional Use Permit Amendment, and Shoreline Substantial Development 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 Conditional Use Permit Amendment, and 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 CONDITIONAL USE PERMIT AMENDMENT, AND 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.

Anyone aggrieved by this Shoreline Conditional Use and Shoreline Substantial Development Permit 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.

Anyone aggrieved by this CUPA decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.

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:
