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October 16, 2014

Ms. Stephanie Mifflin
Kittitas County Community
Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: SD-14-00001, WSDOT

Dear Stephanie:

Enclosed please find my recommended decision regarding SD-14-00001.

Should you have any questions, please call.

Sincerely,

ANDREW L. KOTTKAMP

ALK:dn
Enclosures

SHORELINE MANAGEMENT PERMIT RECOMMENDATION

Application #:	SD-14-00001
Administering Agency	Kittitas County Community Development
Type of Permit:	■ Shoreline Substantial Development
Recommendation:	■ Approved ☐ Denied
Date of Action:	**October 16, 2014**

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of the Kittitas County, The Hearing Examiner recommends that a permit be granted to:

WSDOT

2809 Rudkin Rd.

Union Gap, WA 98903-1648

To undertake the following development: WSDOT has submitted an application for a Shoreline Substantial Development permit (SD-14-00001) which is for Phase 2A of the Interstate 90 Snoqualmie Pass East project between MP 59.5 and MP 62. This project includes widening the interstate from two to three lanes in each direction, replacement of deteriorating pavement, rock slope stabilization/cuts, signage an upgrade illumination, installation and realignment of utilities, new chain up areas, new culverts, wildlife bridges/connectivity and restoration to critical areas.

Upon the following property: This proposal is located in a portion of Sections 1 & 12 of Township 21 N., Range 11 E., and Sections 10 & 15 of Township 21N, Range 12 E., W.M. in Kittitas County, Washington. More generally it is located near the southeastern end of Lake Keechelus to approximately exit 62 (MP 59.5 to MP 62) along Interstate 90.

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

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a conservancy shoreline environment designation. The Kittitas County Shoreline Master Program is applicable to this development.

RECOMMENDED CONDITIONS OF APPROVAL

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

1. 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.

2. The project shall proceed in substantial conformance with the plans and application materials on file dated February 18, 2014 except as amended by the conditions herein.

3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

4. The buffers for wetlands shall comply with draft Wetland and Aquatic Resource Mitigation Plan included as attachment F of the shoreline substantial development permit application packet.

5. All work shall take place outside of the OHWM except that work necessary below OHWM 2510 of Keechelus Lake. Work performed within the OHWM 2510 of Keechelus Lake shall be done in conformance with the Water Quality Monitoring and Protection Plan submitted as attachment G of the shoreline substantial development permit application packet.

6. Prior to the operation of an asphalt & concrete plant (temporary or permanent), the applicant shall contact Kittitas County Community Development Services to determine if a zoning conditional use permit will be required.

RECOMMENDED FINDINGS OF FACT

1. WSDOT has submitted an application for a Shoreline Substantial Development permit (SD-14-00001) which is for Phase 2A of the Interstate 90 Snoqualmie Pass East project between MP 59.5 and MP 62. This project includes widening the interstate from two to three lanes in each direction, replacement of deteriorating pavement, rock slope stabilization/cuts, signage an upgrade illumination, installation and realignment of utilities, new chain up areas, new culverts, wildlife bridges/connectivity and restoration to critical areas.

2. This proposal is located in a portion of Sections 1 & 12 of Township 21 N., Range 11 E., and Sections 10 & 15 of Township 21N, Range 12 E., W.M. in Kittitas County, Washington. More generally it is located near the southeastern end of Lake Keechelus to approximately exit 62 (MP 59.5 to MP 62) along Interstate 90.

3. Site Characteristics:
North: Private and Public Vacant land; one private parcel with residence
South: Public land and Lake Keechelus
East: Interstate 90 and Public Vacant land
West: Lake Keechelus, Interstate 90 and Public Vacant land

4. The Comprehensive Plan designation is "Commercial Forest."

5. The subject property is zoned "Commercial Forest," which allows for the proposed transportation improvements.

6. A shoreline substantial development permit was submitted to Community Development Services on February 18, 2014 and was deemed complete on August 6, 2014. Affidavit of site posting in accordance with KCC 15A.03.110 was received by CDS on August 11, 2014. The Notice of Application was issued on September 2, 2014. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on October 2, 2014.

7. WSDOT acted as the lead agency for the SEPA/NEPA determination and issued an FEIS (Final Environmental Impact Statement) in August 2008 for the entire Interstate 90 Snoqualmie Pass Improvement project. A copy of the FEIS may be obtained from Kittitas County or Washington State Department of Transportation, South Central Region.

8. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.

9. This proposal is consistent with the Kittitas County Zoning Code 17.57.

10. Staff conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located along the northern to eastern shoreline of Lake Keechelus which is a Shoreline of the State. The applicant provided a draft wetland & aquatic resource mitigation plan as attachment F to their shoreline substantial development permit application packet. Kittitas County agrees with the protective measures outlined in the document. The related environmental documents address the need for this project and efforts to conserve and/or restore the identified critical areas.

11. The Conservancy Shoreline designation allows for this proposed work as long as an alternative is not available, which is not an option in this proposal. The related environmental documents address the need for this project. As conditioned, the proposal is consistent with the Shoreline Master Program.

12. This proposal is consistent with Kittitas County Zoning Code 17.57. Rock crushing and Mining and Excavation are permitted out right in this zone. Asphalt and concrete plants are not permitted in this zone regardless if they are temporary or permanent. Asphalt and concrete plants (permanent or temporary) are allowed as a conditional use in a zoning classification of Forest and Range. If the applicant wishes to operate asphalt and/or concrete plants in this zone, they will be required to obtain a conditional use permit prior to beginning operations.

13. No agency comments were received as of the time of staff review and completion of the staff report regarding the proposal.

14. No comments from the public were received as of the time of staff review and completion of the staff report regarding this proposal.

15. An open record public hearing after legal notice was held on October 9, 2014. Appearing and testifying at the hearing on behalf of the applicant was Bill Saurion. Mr. Saurion is an environmental manager for the south central region of the WSDOT. He testified that he was an agent authorized to appear and speak on behalf of the applicant. He testified that the project will comply with all of the FEIS requirements. He testified that all of the proposed conditions of approval were acceptable.

16. No members of the public appeared at this hearing.

17. The entire planning staff file was admitted into the record.

18. Admitted into the record were the following exhibits:

    18.1 Exhibit 1: Application submittal packet– 2/18/14 & 7/29/14
    18.2 Exhibit 2: KC application fees receipt – 6/19/14
    18.3 Exhibit 3: Deem Complete Letter – 8/6/14
    18.4 Exhibit 4: Affidavit of Posting – 8/11/14
    18.5 Exhibit 5: Staff review info (gis maps)
    18.6 Exhibit 6: Notice of Application & Public Hearing – 9/2/14
    18.7 Exhibit 7: Affidavit of Mailing & Publication – Notice of Application – 9/2/14
    18.8 Exhibit 8: Returned Notice of Application – USA DOA

18.9 Exhibit 9: Daily Record Affidavit of Publication – Notice of App and Public Hearing
18.10 Exhibit 10: Hearing Examiner Staff Report
18.11 Exhibit 11: Hearing Examiner Agenda
18.12 Exhibit 12: Staff Power Point Presentation

19. Public agencies with potential jurisdiction over this project were given an opportunity to review the proposal.

20. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

RECOMMENDED DECISION

As conditioned below, the Hearing Examiner finds that the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 17.57, & Title 17A of the Kittitas County Code, the Kittitas County Comprehensive Plan and the Kittitas County Shoreline Master Program. The Hearing Examiner recommends approval of the WSDOT I-90 Phase 2A Shoreline Substantial Development Permit application, subject to the findings of fact and conditions.

RECOMMENDED CONCLUSIONS OF LAW

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.

2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

3. Public use and interest will be served by approval of this proposal.

4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, and the Kittitas County Shoreline Master Program.

5. The Hearing Examiner has been granted authority to render this Recommended Decision.

6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

Recommended this 16th day of October, 2014.

KITTITAS HEARING EXAMINER

Andrew L. Kottkamp

THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A CONDITIONAL USE 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:

_____

_____

_____

_____

_____ _____

Date Signature of Authorized Department Official