



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### WSDOT Shorelines Substantial Development Permit

File Number SD-17-00002

### FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

#### I. GENERAL INFORMATION

**Requested Action:** WSDOT is proposing a Deck Rehabilitation project on the Cle Elum Bridges East of Cle Elum. The project will include the temporary decommissioning of the both the East and West bound bridges. A temporary bridge will be installed in between the two existing bridges to accommodate traffic flow doing the restoration. Once both deck restorations are complete the temporary bridge will be removed.

**Location:** I-90 Cle Elum Bridges, located at SW  $\frac{1}{4}$  of section 31, township 20 N, range 16 E, WM and the SE  $\frac{1}{4}$  of section 36, township 20N, range 15E., W.M., in Kittitas County

#### II. SITE INFORMATION

Total Property Size:	N/A
Number of Lots:	N/A
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Fire District 7
Irrigation District:	KRD Irrigation District

#### Site Characteristics:

**North:** Rural and Forest and Range land owned by the City of Cle Elum

**South:** Privately owned Forest and Range land

**East:** Private land zoned Rural

**West:** Forest and Range land owned by the City of Cle Elum

**Access:** The site is accessed by car via I-90.

**Zoning and Development Standards:** The subject property is located on the Yakima River East of the City of Cle Elum and is located on lands with a zoning designation of Forest and Range. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. Kittitas County Code (KCC). 17.15.060.1, allows public facilities in the zone as permitted administrative uses.

#### Shoreline Master Program

KCC 17B.07.060 provides the criteria for approving a Shorelines Substantial Development permit:

- “2. Substantial development permits. A substantial development permit shall be granted only when the applicant demonstrates all of the following:
- a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;
  - b. That the proposal is consistent with the policies and procedures of the Master Program; and
  - c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program”

The proposed use is also subject to portions of KCC:

Title 15 Environmental Policy  
Title 17 Zoning  
Title 17A Critical Areas

### III. ADMINISTRATIVE REVIEW

Notice of Application: A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on July 13, 2017. The application was deemed complete on August 2, 2017. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project and required by KCC17B.07.070 , as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcel on August 15, 2017.

### IV. PROJECT ANALYSIS

In review of this proposal the Kittitas County Shorelines Master Program, the Goals, Policies and Objectives (GPO) of the Comprehensive Plan, Kittitas County Code, public and agency comments, any identified environmental concerns and state and federal requirements were considered. Identified below is planning staff's analysis and consistency review for the subject application.

#### Consistency with the Kittitas County Shoreline Master Program

In compliance with the Shorelines Management Act, Kittitas County has adopted Title 17B Shorelines. KCC 17B.07.060 requires that the applicant must demonstrate:

- a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;

#### Staff Response

The proposal is consistent with both RCW 90.58 and WAC 173-27. The project will repair and maintain existing Interstate 90 highway bridge infrastructure which were constructed in the 1960's prior to RCW 90.58, Shoreline Management Act adoption. The application contained JARPA and SEPA assessments addressing “project effects on ecological functions” as required in RCW 90.58.140 (A). The project is designed to minimize impacts to the shoreline and aquatic resources and the temporary bridge will only require minimal fill on the shoreline between the existing bridges for equipment access and bridge abutments. The shoreline is currently armored with riprap and sparsely vegetated with



woody species. Placing the temporary bridge between the existing bridges would result in less shoreline disturbance than placing it up or downstream of the interstate.

- b. That the proposal is consistent with the policies and procedures of the Master Program;

Staff Response

The Kittitas County Shoreline Master Program 3.6 outlines objectives relevant to circulation. These include:

SMP 3.6(A)(1) Create and maintain a comprehensive circulation system which provides for the safe, convenient, economic, and diversified movement of people, goods, and services, with minimum disruption to the shoreline area and environment.

SMP 3.6 (B)(2) Locate, design, develop, manage and maintain transportation systems in a manner that protects shoreline ecological functions and processes. Minimize and mitigate unavoidable impacts.

As proposed, the project fulfills both of these objectives. Restoration of the bridge decks is a necessary component to “maintain a comprehensive circulation system which provides for the safe, convenient, economic, and diversified movement of people, goods, and services, with minimum disruption to the shoreline area and environment.” The application includes SEPA and JARPA determinations that “protects shoreline ecological functions and processes” through specific mitigation processes addressing potential impacts.

- c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program.

Staff Response

The Rural Conservancy SMP designation states, “New shoreline stabilization, flood control measures, vegetation removal, and other *shoreline modifications should be designed and managed to ensure protection of natural shoreline function and consistency with planned restoration.*” SMP (4.5)(B)(8)

The application as proposed takes appropriate measures to mitigate shoreline impacts both during and after the deck rehabilitation project. SEPA and JARPA determinations submitted outline potential environmental impacts and the corresponding mitigation being proposed.

**Consistency with the Comprehensive Plan:**

The Kittitas County Comprehensive Plan’s Transportation element addresses the importance of working with State and Federal agencies to ensure maintenance of the Counties transportation systems. Goals, policies, and objectives were developed to identify existing and future needs within the County.

GPO 4.21 Kittitas County shall consider the environmental impacts of any proposed transportation decisions by

proposing alternative transportation improvements which minimize environmental impacts, by complying with all application federal, state, and local environmental rules, and by integrating environmental review through the transportation decision making process.

GPO 4.23 Kittitas County shall develop and maintain a transportation system, which provides access to and from centers identified in the comprehensive plans.

GPO 4.6 Kittitas County shall strive to maintain an arterial system that can accommodate legal weights year-round by developing a program for identifying and prioritizing maintenance and reconstruction projects for roads, which are used primarily for freight and good movement.

GPO 4.8 Kittitas County shall work with WSDOT, cities and neighboring counties to develop and maintain a system of arterials, collectors and local access roads that forms an interconnected network for the efficient movement of goods and people, by prioritizing arterials improvements and maintenance activities based on the function a facility serves, by providing for local vehicular access to arterials while minimizing conflicts with through traffic, and by participating in regional coordination efforts such as QuadCo RTPO.

#### Staff Response

This proposal is found by Community Development planning staff to be consistent with applicable GPO's of the Kittitas County Comprehensive Plan. Ecological concerns have been adequately addressed with appropriate mitigation measures through the SEPA and JARPA application processes. Interstate 90 is an important element in the County transportation system. The rehabilitation of the bridge decks proposed in this application will ensure continuity in the overall transportation infrastructure of Kittitas County.

#### Consistency with KCC 15, Environmental Policy

As the lead agency on the project, Washington State Department of Transportation completed SEPA review. Determination of Non significance was issued on May 13, 2017. In addition a JARPA application was approved by the Washington State Department of Natural Resources on July 10, 2017.

#### Consistency with the provisions of KCC 17A, Critical Areas:

An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. The site falls within the Shorelines of the State under the Rural Conservancy and Aquatic designations. In order to address concerns related to Critical Areas, the applicant has applied for a Shorelines Substantial Development Permit.

Based upon the critical areas analysis and report, the proposed use is consistent and in compliance with the Critical Areas Ordinance (and code) of Kittitas County (KCC 17A).

#### Consistency with the provision of KCC 17.15, Allowed Uses:

This proposal as described in the narrative and the SEPA checklist is defined and established as a Permitted Administrative use in all zoning districts of Kittitas County. Based upon this assessment, the proposed use is consistent and in compliance with the criteria and requirements within the Allowed Use Chapter of Kittitas County Code.

#### **Staff Conclusions:**

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. The proposal meets the criteria outlined in KCC 17B Shorelines.
4. Conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 13 Water and Sewer, Title 14.04 Building and Construction, Title 17 Zoning, and Title 17A Critical Areas.

**V. ENVIRONMENTAL REVIEW**

As the lead agency on the project, WSDOT performed SEPA review. A Determination of Non-Significance was issued on May 13, 2017. JARPA determination was made by the Washington State Department of Natural Resources on July 10, 2017.

**VI. AGENCY AND PUBLIC COMMENTS**

**Agency Comments:**

No Agency comments were submitted for this application.

**Public Comments:**

No public comments were submitted for this application

**VII. DECISION & CONDITIONS OF APPROVAL**

From these conclusions and findings, the proposed Shorelines Substantial Development Permit is approved with the following conditions:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated July 13, 2017.
2. Environmental and statutory review shall be required for all future development, construction, and improvements; the applicant is responsible for compliance with all applicable local, state, and federal rules, codes, and regulations, and must obtain all appropriate permits and approvals. Failure to do so may result in the revocation of the shorelines substantial development permit.
3. Development shall occur in substantial conformance with the Site Plan and narrative provided on July 13, 2017 to Kittitas County in the substantial Shoreline Development application. Any alterations to this site plan shall be reviewed by Kittitas County prior to construction to ensure it still meets the requirements of all applicable regulations.

**This decision can be appealed to the Shorelines Hearings Board within 21 days of the date the Washington Department of Ecology issues notice to the applicant of complete review.**

**Responsible Official**



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Dan Carlson, AICP

Director, Community Development Services

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**Date:**

October 18, 2017