



Williams Shoreline Substantial Development Permit File Number SD-18-00001

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Proposal (Original) 7/30/2018: Applicant is proposing to construct a new bridge to serve as the primary access for their existing residence. The proposed structure is approximately 840 square feet in size. Construction of the bridge will include enhancement of fish habitat in the associated creek area, and approximately 220' of new 14' wide driveway.

Proposal (Updated) 5/21/2019: Applicant is proposing to construct a new bridge to serve as the primary access for their existing residence. The proposed structure is approximately 960 square feet in size. Construction of the bridge will include enhancement of fish habitat in the associated creek area, and approximately 220' of new 16' wide driveway.

Location: 7501 Manastash Rd Ellensburg, approximately 5 miles Southwest of the City of Ellensburg, located at NW ¼ of section 14, township 17 N, range 17 E, WM in Kittitas County, parcel numbers 825033 & 10685

II. SITE INFORMATION

Total Property Size:	N/A
Number of Lots:	2
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Fire District 2
Irrigation District:	KRD Irrigation District

Site Characteristics:

North: Privately owned land, residential use

South: Privately owned land, residential use

East: Privately owned bare land

West: Privately owned land, residential use

Access: The site is accessed via Manastash Road.

Zoning and Development Standards: The subject properties are located on lands with a zoning designation of Agriculture 20. Kittitas County Code (KCC) 17.15.060.1, allows a single family residence in the zone as a permitted use. As the bridge is an associated structure with the SFR it is also a permitted use.

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”

III. ADMINISTRATIVE REVIEW

Deemed Complete: A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on July 30, 2018. The application was deemed complete on August 8, 2018.

Notice of Application A Notice of Application and SEPA review was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on August 31, 2018. The comment period for this notice ended on October 1, 2018.

During the review of this application Public Works noted that the proposed project did not meet existing road standards. On January 22, 2019 the applicant submitted a road variance application to Public Works, said variance application was denied on March 20, 2019. Pursuant to this decision, the proposed project was revised to meet current road standards and new submittal documentation was received by CDS on May 21, 2019.

IV. ENVIRONMENTAL REVIEW

Kittitas County completed a SEPA review pursuant to KCC 15.04.155. Notice of SEPA review was issued concurrently with the Notice of Application on August 31, 2018. The comment period for this notice ended on October 1, 2018. A Determination of Non significance was issued on June 19, 2019

V. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following are a summary of the substantive comments submitted.

- Department of Ecology provided comment expressing concern around timing of the project and protecting existing habitat.
- Kittitas Valley Fire and Rescue provided comment regarding engineering and fire standards.
- Kittitas County Public Works provided comment concerning the design standards of the proposed bridge and driveway.
- Washington State Dept. of Fish and Wildlife provided comment expressing preservation of endangered species habitat and restoration of the stream where the project is taking place.
- No public comments were submitted

VI. 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 as conditioned meets the requirements of the local shoreline program which was developed in accordance with state shoreline regulations.

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

Staff Response: The Kittitas County Shoreline Master Program Chapter 3 outlines goals and objectives of the program. The proposed project meets the intent of the SMP pursuant to the goals and objectives, and the appropriate permit process procedures have been followed.

- 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: This project has been reviewed and conditioned to ensure that it meets the intent and standards of the Shoreline Management Act and Kittitas County Shoreline Master Program.

The Following Goals and Objectives of the Shoreline Master Program are applicable:

SMP Goals

3.1(A)(4) Promote restoration of shoreline ecological functions and processes.

3.2(A)(1) Consider the use and development of shorelines and adjacent land areas for public and private land uses in relation to the natural environment.

3.2(A)(2) Ensure no net loss of ecological function.

Staff Response: This project has been reviewed and conditioned to ensure that it meets the intent of the above identified SMP Goals. The project takes place on private land currently used for residential purposes and includes habitat restoration and mitigation measures to ensure no net loss of ecological function.

SMP Objectives

3.2(B)(1) Give shoreline use preference to single-family residential uses, ports, shoreline recreational uses, and water-dependent commercial or industrial developments that are consistent with preservation of shoreline ecological functions and processes.

3.2(B)(4) Locate, design, and manage shoreline uses to prevent a net loss of shoreline ecological functions and processes over time. Where adverse impacts are unavoidable, require mitigation to ensure no net loss of shoreline ecological functions.

3.2(B)(5) Ensure proposed residential developments are compatible with or enhance the aesthetic quality of the shoreline area.

Staff Response: As proposed, the project fulfills these Objectives. As described in the application, the new bridge will provide access to a single-family residence. Construction of the bridge and driveway also includes waterway and habitat restoration and a vegetation plan to ensure the existing aesthetics. The project has also been conditioned to ensure no net loss of ecological function through mitigation requirements.

Consistency with the Comprehensive Plan:

Chapter 2 section 5 of the Kittitas County Comprehensive Plan states that “the 2016 Kittitas County Shoreline Master Program goals and policies are adopted by reference into this comprehensive plan.

Staff Consistency Statement: As conditioned, this project meets and conforms to the Shoreline Master Program. Therefor staff finds this project consistent with the comprehensive plan. See “Consistency with the Shoreline Master Program” above.

GPO 8.14C Development shall be located distances from streams, rivers, lakes, wetlands, critical areas determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters.

Staff Consistency Statement: The proposed project has been mitigated accordingly to protect all associated resources and critical areas. Furthermore it meets the requirements of the Shoreline Master Program and KCC Title 17B.

Consistency with KCC 15, Environmental Policy:

Kittitas County completed SEPA review. A Determination of Non-significance was issued on June 19, 2019. In addition a HPA application approved by the Washington State Department of Natural Resources is a condition of approval placed on this permit.

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 designation. 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 project is associated with a Single Family Residence as described in the narrative and the SEPA checklist. This is established as a Permitted use in the Agriculture 20 zoning district. 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.

Consistency with the provision of KCC Title 12, Roads and Bridges:

The proposed project has been reviewed by the Kittitas County Public Works Department and as conditioned it is consistent with the provisions of this title.

Consistency with the Kittitas County Flood Damage Prevention:

The proposed project is subject to all applicable flood permitting requirements. As conditioned it is consistent with these requirements.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

As conditioned, the proposal is consistent with the provisions of KCC Title 20.

VII. FINDINGS OF FACT

1. Mitch Williams is proposing to construct a new bridge to serve as the primary access for an existing residence. The proposed structure is approximately 960 square feet in size. Construction of the bridge will include enhancement of fish habitat in the associated creek area, and approximately 220' of new 16' wide driveway.
2. The proposed site is located at 7501 Manastash Rd Ellensburg, approximately 5 miles Southwest of the City of Ellensburg, located at NW ¼ of section 14, township 17 N, range 17 E, WM in Kittitas County, parcel numbers 825033 & 10685

3. Site Information:

Total Property Size:	N/A
Number of Lots:	2
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Fire District 2
Irrigation District:	KRD Irrigation District

4. Site Characteristics:

North:	Privately owned land, residential use
South:	Privately owned land, residential use
East:	Privately owned bare land
West:	Privately owned land, residential use
Access:	The site is accessed via Manastash Road.

5. The subject properties are located on lands with a zoning designation of Agriculture 20
6. A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on July 30, 2018. The application was deemed complete on August 8, 2018.
7. A Notice of Application and SEPA review was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on August 31, 2018. The comment period for this notice ended on October 1, 2018.
8. On January 22, 2019 the applicant submitted a road variance application to Public Works, said variance application was denied on March 20, 2019. Pursuant to this decision, the proposed project was revised to meet current road standards and new submittal documentation was received by CDS on May 21, 2019.
9. Kittitas County completed a SEPA review pursuant to KCC 15.04.155. Notice of SEPA review was issued concurrently with the Notice of Application on August 31, 2018. The comment period for this notice ended on October 1, 2018. A Determination of Non significance was issued on June 19, 2019.
10. The following agencies provided comments during the comment period: Washington State Department of Ecology, KittitasValley Fire and Rescue, Kittitas County Public Works, Washington State Department of Fish

and Wildlife.

11. No Public Comments were received.
12. The proposal is consistent with the provisions of KCC 17B, Shoreline Master Program as conditioned.
13. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
14. The proposal is consistent with the provisions of KCC 15, Environmental Policy.
15. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
16. The proposal is consistent with the provision of KCC 17.15, Allowed Uses.
17. The proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
18. The proposal is consistent with the provisions of Kittitas County Flood Damage Prevention as conditioned.
19. The proposal is consistent with KCC 20, Fire Life and Safety.

VIII. 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. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 17 Zoning, and Title 17A Critical Areas.

IX. DECISION & CONDITIONS OF APPROVAL

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

1. Development shall occur in substantial conformance with the updated plans and narrative dated May 21, 2019 on file with Kittitas County Community Development Services. 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.
2. An approved HPA through the Department of Fish and Wildlife shall be submitted to CDS prior to issuance of the bridge permit.
3. CDS shall approve a vegetation mitigation plan pursuant to KCC 17B.05.020(b)(2) prior to issuance of the bridge permit.
4. An erosion plan shall be submitted to CDS in accordance with KCC 17B.06.080(15) prior to issuance of the bridge permit.
5. All in-stream construction shall occur from July to September during low flow of Manastash creek.
6. Construction pursuant to this permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130
7. 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.

This decision can be appealed to the Shorelines Hearings Board within 21 days of the date of filing with the Washington State Department of Ecology pursuant to RCW 90.58.180.

Responsible Staff


Chelsea Benner

Planner 1

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7506

Date: June 20, 2019