



**KOTTKAMP  
YEDINAK  
& ESWORDY**

435 Orondo Ave. | Wenatchee, WA 98801  
January 29, 2020

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Kittitas Co. CDS

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**Re: SC-19-00002**

Dear Mr. Johnson:

Enclosed is the Kittitas County Land Use Hearing Examiner Decision for SC-19-00002 that was heard on January 23, 2020.

Sincerely,

*Not signed to expedite mailing*

ANDREW L. KOTTKAMP  
Hearing Examiner for Kittitas County

ALK:tp

**SHORELINE CONDITIONAL USE PERMIT**

**ACTION SHEET**

**Application #:** SC-19-00002  
**Administering Agency** Kittitas County Community Development Services  
**Type of Permit:**  Shoreline Conditional Use Permit  
**Action:**  Approved  Denied  
**Date of Action:** January 23, 2020

**Date Mailed to DOE/AG**

Pursuant to Chapter 36.70A.480(1) and the Kittitas County Shoreline Master Program, the following permit is hereby approved:

Grant County PUD  
Shoreline Conditional Use Permit

To undertake the following development: This is an application for a shoreline conditional use permit. The applicant proposes installation of 250-300 yards of rip-rap as part of shoreline stabilization effort along the Columbia River near the Wanapum Dam.

Upon the following property: East of Huntzinger RD. SEC 20; TWP 16; RGE 23, WM in Kittitas County; Parcel number 724833, Assessor's map number 16-23-20000-0001.

Within 200 feet of Columbia River and/or its associated wetlands.

The project would be within a shoreline of statewide significance (RCW 90.58.030). The project will be located within a Rural Conservancy Shoreline designation.

The following Shoreline Master Program provisions are applicable to this development: Sections 3, 4.5, 6.15, and Kittitas County Code Titles 17A, 17B, 12, 14 and 20.

**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.**

## 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. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated October 15, 2019 and subsequent information included in the complete file index except as amended by the conditions herein.
2. Applicant must meet all applicable local, state and federal permitting requirements and regulations.
3. The applicant shall comply with all conditions established with WDFW through the HPA approval.
4. The applicant shall create an Inadvertent Discovery Plan to limit the possibility of destruction of cultural resources and submit a copy of this plan to Kittitas County CDS, prior to any ground disturbing activities.

## FINDINGS OF FACT

1. The applicant proposes installation of 250-300 yards of rip rap as part of shoreline stabilization effort along the Columbia River near the Wanapum Dam.
2. Site Information:

Total Property Size:	120 Acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Fire District 4 (Vantage)
Irrigation District:	N/A
3. Site Characteristics:

North:	A mix of Federal and privately-owned lands
South:	A mix of Federal and privately-owned lands
East:	Columbia River
West:	Primarily Federal lands
4. Access: The site is accessed from Huntzinger Road, approximately 5 miles south of I-90 Vantage interchange.
5. The SMP shoreline designation of the site is Rural Conservancy.
6. The project is within the Forest and Range zoning designation.
7. A shoreline conditional use permit application for the Grant County PUD Shoreline Stabilization (SC-19-00002) was submitted to Kittitas County Community Development Services department on October 15, 2019. The application was deemed complete on November 8, 2019. CDS received

an affidavit of posting from the applicant in accordance with KCC 15A.03.110 on November 25, 2019.

8. A notice of application for the Grant County PUD Shoreline Stabilization (SC-19-00002) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on November 27, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).
9. Grant County PUD issued a Mitigated Determination of Nonsignificance (MDNS) for this Shoreline Stabilization project on October 7, 2019. The determination was not appealed. For purposes of processing this application, CDS has adopted the determination issued by Grant County through a letter dated November 25, 2019. No further environmental review is required.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above, the following Comprehensive Plan Goals and Objectives apply to this proposal: SMP 3.2(A)(1), SMP 3.2(A)(2), SMP 3.2(B)(1), and SMP 3.2(B)(4).
11. The following agencies provided comments during the comment period: Washington State Department of Archeological and Historical Preservation (DAHP) and Washington State Department of Transportation.
12. No public comments were received during the comment period.
13. The proposal is consistent with the goals and policies of the Kittitas County Shoreline Master Program.
14. The proposal is consistent with Kittitas County Review Criteria KCC 17B.07.060(3), as described in section VIII "Project Analysis" of this determination. Shoreline Stabilization is permitted in the Rural Conservancy Zone with a shoreline conditional use permit.
15. This proposal is consistent with the provisions of KCC Title 17B, Shorelines, and meets the criteria of 17B.06.150(B), Shoreline Stabilization Regulations.
16. This proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
17. This proposal is consistent with the provisions of KCC Title 14, Buildings and Construction.
18. This proposal, as conditioned, is consistent with the provisions of KCC 17A, Critical Areas.
19. This proposal is consistent with KCC 20, Fire Life and Safety.
20. The project parcel is zoned Forest and Range within a Rural Working Land Use designation. The parcel abuts the Columbia River which is designated as a shoreline of statewide significance and has a shoreline designation of Rural Conservancy. The proposed project is classified as a "Shoreline Stabilization." Kittitas County Code permits Shoreline Stabilization as a Shoreline Conditional Use under KCC 17B.04.090.1 in a Rural Conservancy zone. The purpose of the rural conservancy environment is to protect ecological functions, natural resources, and valuable

historic and cultural areas in order to provide for sustained resource use, natural flood plain processes, and recreational opportunities.

21. A shoreline conditional use permit application for the Grant County PUD Shoreline Stabilization (SC-19-00002) was submitted to Kittitas County Community Development Services department on October 15, 2019. The application was deemed complete on November 8, 2019. CDS received an affidavit of posting from the applicant in accordance with KCC 15A.03.110 on November 25, 2019.
22. A notice of application for the Grant County PUD Shoreline Stabilization (SC-19-00002) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & applicable agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on November 27, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).
23. The Kittitas County Shoreline Master Program is designated as part of the Comprehensive Plan under RCW 36.70A.480(1). The purpose and intent of the SMP is to “promote the public health, safety and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of shorelines within Kittitas County.” The following Goals and Objectives from the Shoreline Master Program have been identified as applicable to this application:
  - 23.1 SMP 3.2(A) Goals:
    - 23.1.1 Consider the use and development of shorelines and adjacent land areas for public and private land uses in relation to the natural environment.
    - 23.1.2 Ensure no net loss of ecological function.
    - 23.1.3 Staff Consistency Statement: The proposed project will control erosion along a section of the Wanapum Dam area to protect an avian tower and link the unprotected section of shoreline with established rock revetments north and south of the proposed site. The project will result in a consistent shoreline stabilization strategy of rock revetment along the Wanapum Dam and prevent further erosion of ecological functions in the impacted area. The project proposal is consistent with the goals of the SMP.
  - 23.2 SMP 3.2(B) Objectives:
    - 23.2.1 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 processes and functions.
    - 23.2.2 Locate, design, and manage shoreline uses to prevent a net loss of shoreline ecological functions and process over time. Where adverse impacts are unavoidable, require mitigation to ensure no net loss of shoreline ecological functions.

23.2.3 Staff Consistency Statement: The proposed project will address current loss of ecological function due to erosion and protect an established avian tower. Completing the rock revetment strategy initiated as an emergency action in 2018 will provide cohesive shoreline stabilization along the Wanapum Dam.

24. This application is consistent with the goals and objectives of the Kittitas County Shoreline Master Program as outlined above.
25. Grant County PUD issued a Mitigated Determination of Nonsignificance (MDNS) for this Shoreline Stabilization project on October 7, 2019 . The determination was not appealed. For purposes of processing this application, CDS has adopted the determination issued by Grant County through a letter dated November 25, 2019. No further environmental review is required.
26. Critical areas on the project site include some hazardous slope, a type 9 stream and a category IV wetland associated with the shoreline. The hazardous slope and type 9 stream are located more than 1,500 feet from the project site, substantially exceeding buffer requirements. Due to fluctuations in river flow the proposed revetment will limit any additional erosion of the shoreline and limit danger to an avian tower in the area. The establishment of rip-rap revetment will provide shoreline stabilization consistency and in turn reduce ecological impacts due to erosion. The applicant has obtained an HPA from the Department of Fish and Wildlife for the project. Mitigation strategies and a subsequent monitoring plan have been established with the Department of Fish and Wildlife. KCC 17B.05.020I-1 requires a 1.5:1 replacement ratio for mitigation through creation of a category IV wetland. The mitigation plan submitted with the application will utilize vegetative plantings through a 46 acre section of land upland of the project site. The project site will potentially impact approximately 1.5 acres of a shoreline category IV wetland. This plan exceeds Kittitas County wetland mitigation standards and is consistent with the wetland compensatory mitigation requirements established in KCC 17B.05.020I.
27. 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.
  - 27.1 Washington State Department of Archeological and Historical Preservation (DAHP) submitted two comment letters. On December 11, 2019 DAHP submitted comments requesting an Archeological survey of the project site. On December 16, 2019 DAHP revised their comments and withdrew the request for a survey, but requested that an Inadvertent Discovery Plan be required to ensure protection of potential archeological resources.
  - 27.2 Washington State Department of Transportation submitted comment clarifying requirements associated with use of WSDOT rights-of-way for load transport and project dust/debris control.
  - 27.3 No public comments were submitted during the comment period.
28. In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

29. Consistency with the Shoreline Master Program:
- 29.1 The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above, the following Comprehensive Plan Goals and Objectives apply to this proposal: SMP 3.2(A)(1), SMP 3.2(A)(2), SMP 3.2(B)(1), and SMP 3.2(B)(4).
30. Provided the applicant follows and maintains the Goals and Objectives, they shall be in compliance with the Kittitas County Shoreline Master Program. The applicant is proposing a rip rap revetment along approximately 300 yards of shoreline which is a conditional use within the Rural Conservancy zone in accordance with KCC17B.04.090.1. Therefore, the project is in compliance with the Kittitas County Shoreline Master Program.
31. Consistency with the provisions of KCC 17B.07.060(3), Review Criteria:
- 31.1 KCC 17B.07.060 (3) provides the following review criteria to be considered in a shoreline conditional use analysis:
- 31.1.1 That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;
- 31.1.2 Applicant Response: Yes, proposed use is consistent with the policies of RCW 90.58.020 and the Master Program.
- 31.1.3 Staff Response: Staff has reviewed the proposal for consistency with the RCW 90.58.020 and the Kittitas County Shoreline Master Program (SMP). The Kittitas County SMP is managed through the development regulations established in KCC 17B, which allows for shoreline revetment in a Rural Conservancy zone with a conditional use permit. As conditioned, the proposal is consistent with the Kittitas County Shoreline Master Program and RCW 90.58.020.
- 31.2. That the proposed use will not interfere with the normal public use of public shorelines;
- 31.2.1 Applicant Response: Slope stabilization is located on Grant County PUD lands and therefore will not interfere with the normal public use of public shorelines.
- 31.2.2 Staff Response: The proposal location is not utilized for public use and is not anticipated to impact any adjacent shoreline uses.
- 31.3 That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;
- 31.3.1 Applicant Response: Rip-rap is present along the shoreline both upstream and downstream of the proposed project location.
- 31.3.2 Staff Response: The proposal site is along the Columbia River and the Wanapum Dam. Rip-rap revetment has been commonly used for shoreline stabilization in this area. The project will establish a more complete shoreline stabilization system along the Wanapum Dam.

- 31.4 That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
- 31.4.1 Applicant Response: No significant adverse effects to the shoreline environment are anticipated as a result of this project.
- 3.4.2 Staff Response: The proposal involves shoreline stabilization techniques that are consistent with the area. The project, as conditioned, will have no significant adverse impact on the shoreline environment.
- 31.5 That the public interest suffers no substantial detrimental effect;
- 31.5.1 Applicant Response: Protecting the shoreline will help preserve lands and will not impact public access to shorelines. Therefore, no detrimental effects are anticipated as a result of this project.
- 31.5.2 Staff Response: CDS agrees that the proposed project is not likely to be detrimental to the public interest in any way.
- 31.6 That if conditional use permits were granted for other developments in the area where similar circumstances exist, the cumulative impact of such uses would remain consistent with the policies of RCW 90.58.020 and not produce substantial adverse effects to the shoreline environment.
- 31.6.1 Applicant Response: No substantial adverse effects to the shoreline environment are anticipated due to the cumulative impact from the surrounding rip-rap along the shoreline.
- 31.6.2 Staff Response: The use of rip-rap revetment is a common shoreline stabilization measure in the area. Rip-rap revetment shoreline stabilization is used both upstream and downstream of the project site with no indication of adverse effects.
- 31.7 That the proposed use has been appropriately conditioned to prevent undesirable effects of the proposed use and to assure consistency of the project with the Act and the local Master Program.
- 31.7.1 Applicant Response: No undesirable effects of the rip-rap installation are anticipated as a result of this project.
- 31.7.2 Staff Response: The project, as conditioned, ensures consistency with the Shoreline Management Act and the Kittitas County Shoreline Master program. As such no undesirable effects are anticipated.
- 31.8 When converting from one nonconforming use to a different nonconforming use, the applicant must demonstrate that no reasonable alternative conforming use is practical and that the proposed use will be at least as consistent with the policies and provisions of the Act and the Master Program and as compatible with the uses in the area as the pre-existing use.



31.8.1 Applicant Response: N/A

31.8.2 Staff Response: The project is not proposing a change in use and the use of shoreline stabilization is not a nonconforming use under the Kittitas County Shoreline Master Program.

31.8.3 Staff Conclusions: As conditioned, the proposed shoreline stabilization project is consistent with the provisions of KCC 17B.07.060(3) as described above.

32. Consistency with the provisions of 17B.06.150(B) Shoreline Stabilization: Regulations.

32.1 KCC 17B.07.060(3) provides the following regulations to be considered in a shoreline stabilization analysis:

32.1.1 New uses and developments shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.

32.1.2 Staff Response: The proposed project proposes rip-rap revetment in the Wanpaum Dam area. Similar revetment exists both upstream and downstream of the project area and is a common method for shoreline stabilization in the area.

32.2 Subdivision of land should not create lots that will require shoreline stabilization in order for reasonable use or development to occur.

32.2.1 Staff Response: The proposed project does not involve any subdivision of land.

32.3 New uses and developments on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

32.3.1 Staff Response: The proposed shoreline stabilization is intended to stabilize the shoreline in an effort to prevent further erosion that could endanger a pre-existing avian tower. No new uses are being proposed.

32.4 New uses and developments that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

32.4.1 Staff Response: The proposed shoreline stabilization would protect an existing avian tower and is not anticipated to create any significant impacts on adjacent or down-current properties.

32.5 New structural stabilization measures shall only be allowed for the following instances, and then only when necessity is demonstrated based on criteria included in this Section:

32.5.1 When necessary to protect an existing primary structure;

32.5.2 In support of new non-water-dependent development, including single-family residence;

- 32.5.3 In support of new water-dependent development; and
  - 32.5.4 To protect projects for the restoration of ecological functions or hazardous substance remediation projects.
  - 32.5.5 Staff Response: The proposed project will complete a rip-rap shoreline stabilization strategy to protect the Wanapum Dam and associated avian tower.
- 32.6. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, are permitted only if there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by stream processes or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
- 32.6.1 Staff Response: Emergency shoreline stabilization took place in May of 2018 to protect the avian tower following the high spring run-off flows of 2018. The proposal would complete this shoreline stabilization effort by installing rip-rap in an associated area that was not part of the initial emergency action. A letter provided by Grant PUD geotechnical engineer, Zach Ruby, describes the need for shoreline rip-rap revetment on the project site.
- 32.7 New structural stabilization for new non-water-dependent development, including single-family residences, is permitted only if it can be demonstrated that:
- 32.7.1 The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
  - 32.7.2 Nonstructural measures, such as placing the proposed use or development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
  - 32.7.3 The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report that states damage was caused by natural processes, such as stream processes or waves.
  - 32.7.4 Staff Response: The proposed project is not part of a non-water-development. The primary use of the property is the Wanapum Dam, which cannot be moved.
- 32.8 New structural stabilization for water-dependent development is permitted only if it can be demonstrated that:
- 32.8.1 The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
  - 32.8.2 Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and

- 37.8.3 The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
- 37.8.4 Staff Response: Due to the heavy Columbia River flows, nonstructural shoreline stabilization measures would be insufficient to protect the shoreline from further erosion, as demonstrated by the necessity of emergency rip-rap shoreline stabilization efforts in 2018.
- 37.9 New structural stabilization to protect projects for the restoration of ecological functions or hazardous substance remediation projects is permitted only if it can be demonstrated that nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- 37.9.1 Staff Response: Due to the heavy Columbia River flows, nonstructural shoreline stabilization measures would be insufficient to protect the shoreline from further erosion, as demonstrated by the necessity of emergency rip-rap shoreline stabilization efforts in 2018.
- 37.10 An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect primary uses or structures or public facilities from erosion caused by stream undercutting or wave action.
- 37.10.1 Staff Response: The proposal does not include the replacement of an existing structure.
- 37.11 Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM, provided a geotechnical analysis documents that alternative solutions are not feasible or do not provide sufficient protection.
- 37.11.1 Staff Response: The project, as proposed, would include rip-rap revetment landward of the OHWM and does include soft shoreline stabilization.
- 37.12 Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- 37.12.1 Staff Response: The project, as proposed, would include rip-rap revetment landward of the OHWM and does not include replacement walls or bulkheads.
- 37.13 All new, expanded, or replacement shoreline stabilization shall be permitted only if it can be demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the proposed measures will not result in a net loss of shoreline ecological functions.
- 37.13.1 Staff Response: The proposed project area is historically disturbed due to the project site being contained completely within the Wanapum Dam secured area.

Increased erosion potential due to conditions inherently associated with the operation of a Dam is to be expected. The proposed project is not anticipated to have any additional impact on ecological functions.

37.14 For purposes of this Section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

37.14.1 Staff Response: Pursuant to this definition the proposal is an addition to an existing shoreline stabilization measure as it is completing rip-rap revetment stabilization established to the north and south of the project site.

37.15 Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. Hard armoring solutions should not be authorized except when a geotechnical report confirms that there is a significant possibility that the primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three (3) years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.

37.15.1 Staff Response: Kittitas County CDS received a letter from a Grant PUD Geotechnical Engineer, Zach Ruby on January 13, 2020 describing the necessity for rip-rap revetment at the project location. The letter expresses the opinion that a full geotechnical report would be excessive and unnecessary for a project of this size in which hard armoring stabilization is already established on either side of the proposed stabilization site. Kittitas County CDS agrees that a full report would be unnecessary under these circumstances and would not be consistent with the intention of this provision.

37.16 When structural shoreline stabilization measures are demonstrated to be necessary, the following provisions shall apply:

37.16.1 The size of stabilization measures shall be limited to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions;

37.16.2 Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses; and

37.16.3 Publicly financed or subsidized shoreline erosion control measures should not restrict appropriate public access to the shoreline except where such access is not feasible because of incompatible uses, safety, security, or harm to ecological functions. See KCC 17B.05.040 Public access. Where feasible, incorporate ecological restoration and public access improvements into the project.

- 37.16.4 Staff Response: The proposed revetment is the minimum necessary to establish a cohesive shoreline stabilization measure along the Wanapum Dam shoreline. No soft stabilization efforts are described in the application. Public Access to the project site is already restricted due to the nature of the use.
- 37.17 Breakwaters, jetties, groins, and weirs shall:
- 37.17.1 Be located waterward of the OHWM and shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes; and
- 37.17.2 Require a conditional use permit; except for those structures installed to protect or restore ecological functions.
- 37.17.3 Staff Response: No breakwaters, jetties, groins, and weirs are being proposed in this application.
- 37.18 Shoreline stabilization projects shall be designed to protect critical areas and shall avoid and reduce significant ecological impacts by providing for mitigation according to the sequence in KCC 17B.05.020(B)(2).
- 37.18.1 Staff Response: Critical areas on the project site include some hazardous slope, a type 9 stream and a category IV wetland associated with the shoreline. The hazardous slope and type 9 stream are located more than 1,500 feet from the project site, substantially exceeding buffer requirements. Due to fluctuations in river flow the proposed revetment will limit any additional erosion of the shoreline and limit danger to an avian tower in the area. The establishment of rip-rap revetment will provide shoreline stabilization consistency and in turn reduce ecological impacts due to erosion. The applicant has obtained an HPA from the Department of Fish and Wildlife for the project (See Index #10). Mitigation strategies and a subsequent monitoring plan have been established with the Department of Fish and Wildlife. KCC 17B.05.020I-1 requires a 1.5:1 replacement ratio for mitigation through creation for a category IV wetland. The mitigation plan submitted with the application will utilize vegetative plantings through a 46 acre section of land upland of the project site (See Index #6). The project site will potentially impact approximately 1.5 acres of a shoreline category IV wetland. This plan exceeds Kittitas County wetland mitigation standards and is consistent with the wetland compensatory mitigation requirements established in KCC 17B.05.020I.
- 37.19 Public access shall be required as part of publically-financed shoreline erosion control measures.
- 37.19.1 Staff Response: The project site is contained within a secured area of the Wanapum Dam. No public access is allowed.
- 37.20 Shoreline stabilization projects shall be designed and constructed to avoid or minimize impacts to sediment transport.
- 37.20.1 Staff Response: The project will utilize a common stabilization technique for high flow areas. No significant sediment transport changes are anticipated.

37.20.2 Staff Conclusion: This proposal, as conditioned, is consistent with Kittitas County Code 17B.07.060(3), as described above.

38. Consistency with the provisions of the KCC Title 17A, Critical Areas:

38.1 Critical areas on the project site include some hazardous slope, a type 9 stream and a category IV wetland associated with the shoreline. The hazardous slope and type 9 stream are located more than 1,500 feet from the project site, substantially exceeding buffer requirements. Due to fluctuations in river flow the proposed revetment will limit any additional erosion of the shoreline and limit danger to an avian tower in the area. The establishment of rip-rap revetment will provide shoreline stabilization consistency and in turn reduce ecological impacts due to erosion. The applicant has obtained an HPA from the Department of Fish and Wildlife for the project (See Index #10). Mitigation strategies and a subsequent monitoring plan have been established with the Department of Fish and Wildlife. KCC 17B.05.020I-1 requires a 1.5:1 replacement ratio for mitigation through creation for a category IV wetland. The mitigation plan submitted with the application will utilize vegetative plantings through a 46 acre section of land upland of the project site (See Index #6). The project site will potentially impact approximately 1.5 acres of a shoreline category IV wetland. This plan exceeds Kittitas County wetland mitigation standards and is consistent with the wetland compensatory mitigation requirements established in KCC 17B.05.020I.

39. Consistency with the provisions of the KCC Title 14.04, Building Code:

39.1 The proposal is consistent with the provisions of Title 14.04. No building permits will be required for this project.

40. Consistency with the provisions of KCC Title 12, Roads and Bridges:

40.1 As conditioned, the proposal is consistent with the provisions of KCC Title 12.

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

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

42. The following agencies provided comments during the comment period:

42.1 Washington State Department of Archeology and Historic Preservation (DAHP)

42.2 Washington State Department of Transportation.

43. No public comments were received during the comment period.

44. The application materials were submitted on October 15, 2019.

45. A Determination of Completeness was issued on November 8, 2019.

46. The Notice of Application was provided on November 27, 2019.

47. The Notice of Public Hearing was provided on November 27, 2019.

48. An open record public hearing was held on January 23, 2020.

49. The following exhibits were entered into evidence:

- 49.1 Ex. 1: Pre-Application
- 49.2 Ex. 2: Application
- 49.3 Ex. 3: Project Narrative
- 49.4 Ex. 4: Shoreline Narrative
- 49.5 Ex. 5: Maps/Site Plan
- 49.6 Ex. 6: Mitigation Plan
- 49.7 Ex. 7: SEPA MDNS
- 49.8 Ex. 8: SEPA Mailer
- 49.9 Ex. 9: SEPA Checklist
- 49.10 Ex. 10: HPA Approval
- 49.11 Ex. 11: Receipt
- 49.12 Ex. 12: Deemed Complete
- 49.13 Ex. 13: CDS Staff Maps
- 49.14 Ex. 14: Affidavit of Posting
- 49.15 Ex. 15: KC Adoption of MDNS
- 49.16 Ex. 16: Notice of Application
- 49.17 Ex. 17: Affidavit of Publishing and Mailing
- 49.18 Ex. 18: WSDOT Comments
- 49.19 Ex. 19: Original DAHP Comments
- 49.20 Ex. 20: Updated DAHP Comments
- 49.21 Ex. 21: Transmittal of Comments
- 49.22 Ex. 22: Request for Additional Information (RFI) Letter
- 49.23 Ex. 23: Updated RFI Letter
- 49.24 Ex. 24: Geotech Engineer Letter
- 49.25 Ex. 25: Grant PUD Correspondence
- 49.26 Ex. 26: CDS Staff Report
- 49.27 Ex. 27: Powerpoint Presentation

50. Appearing and testifying on behalf of the applicant was Brandon Little. Mr. Little testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Little testified that the applicant agreed with all representations set forth within the staff report and that all of the proposed conditions of approval were acceptable. Upon questioning from the Hearing Examiner, Mr. Little testified that the mitigation planting next to the “airport” relates to a rural primitive airport that is no longer active.

51. No member of the public testified at this hearing.

52. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.

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

## **CONCLUSIONS OF LAW**

1. The Hearing Examiner has authority to render this Decision.

2. As conditioned, the development meets the goals, objectives and implementation recommendations as set forth in the Kittitas County Shoreline Master Program.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 17B Shorelines, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.
6. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference

**This Shoreline Conditional Use Permit is granted pursuant to the Shoreline Master Program of Kittitas 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 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 SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).**

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit.

Approved this 29 day of January, 2020.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the “date of receipt” as defined by Washington Law to file a petition for review with the Shorelines Hearings Board (for the shoreline permit and two shoreline conditional use permits) as provided for in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board.**



The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Kittitas County Community Development Services. Their address is 411 N. Ruby St., Ste. 2, Ellensburg, WA 98926. Their telephone number is (509) 962-7506.

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**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:

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