

BEFORE THE OKANOGAN COUNTY HEARING EXAMINER

IN THE MATTER OF SHORELINE VARIANCE 2019-01)

JASON STORRS)

FINDINGS OF FACT, CONCLUSIONS, AND DECISION

This matter, an application for a shoreline variance was heard by the Okanogan County Hearing Examiner on July 11, 2019.

PROJECT SUMMARY

Construct a single family residence on a .68 acre parcel adjacent to Gold Creek. The applicant seeks a variance from the required 75' setback in order to place the structure 50 feet from the ordinary high water mark. The residence is served by an existing water system Gold Creek Acres Water system, which is backed by a water right. The property is located at 3 North Gold Creek Rd. on parcel no. 5260060000 which is Lot 6 of Gold Creek Acres, a subdivision recorded in 1973.

The request is to construct a 30' x 40' single family residence (1200 square foot building footprint). The property has an existing outbuilding and septic system that was installed prior to adoption of the current Shoreline Master Program (SMP) in anticipation of placing a residence on the property. The prior SMP would not have required the requested variance. This property lies within the Rural Shoreline Designation and requires a 75' setback from the ordinary high water mark for residential structures. The Vegetation Conservation Area for Rural is 50 feet. The residence is proposed 50' from the ordinary high water mark and outside of the Vegetation Conservation Area.

FINDINGS OF FACT

- 1) Erlandsen & Associates submitted an application for a Shoreline Variance on behalf of Jason Storrs to reduce the setback from the ordinary high water mark from 75' to 50' for a single family residence. The application was vested on January 28, 2019.

- 2) The property is located at 3 North Gold Creek Rd on parcel 5260060000 which is lot 6 of Gold Creek Acres recorded in 1973

- 3) The Comprehensive Plan Designation for the property is Methow Valley More Completely Planned Area.

- 4) The zoning designation for the property is R1.

- 5) The property is located on Gold Creek a Shoreline of the State with a Shoreline Designation of Rural under the Shoreline Master Program.
- 6) The Rural Shoreline Designation requires a 75' setback from the ordinary high water mark, of that 50' is a Vegetation Conservation Area. All work on the site will take place above the Ordinary High Water Mark.
- 7) All comments received were included in the record and taken into consideration by the Hearings Examiner in rendering his decision and forming the conditions of approval.
- 8) The entire Planning Staff file was admitted into the record at the public hearing.
- 9) Variance applications are categorically exempt from the State Environmental Policy Act in accordance with WAC 197-11-800(6)(e).
- 10) Notice of the Application and Public Hearing was mailed to adjacent landowners on February 5, 2019.
- 11) Copies of the application, along with notice of the Okanogan County Regional Planning Commission's public hearing, was mailed and emailed to commenting agencies on February 5th and 6th, 2019;
- 12) Notice of the Application and Public Hearing was published in the Methow Valley News on February 6, 2019;
- 13) Notice of the Application and Public Hearing was published in the Gazette Tribune on February 7, 2019;
- 14) Notice was published in the Methow Valley News and Gazette Tribune extending the hearing date to March 28, 2019. The notice published on February 20th and 21st, 2019.
- 15) On March 14, 2019 a staff report was prepared for Storrs Shoreline Variance 2019-01 and sent to the Hearing Examiner.
- 16) On March 28, 2019, the Okanogan County Hearing Examiner conducted a public hearing for this project. At said hearing, the applicant requested the hearing be continued in order to prepare a habitat and management and mitigation plan.
- 17) On June 11, 2019 a Habitat Management and Mitigation Plan was submitted to Okanogan County Planning.
- 18) Notice of Public Hearing was published in the Gazette Tribune on June 20, 2019.
- 19) Notice of Public Hearing was published in the Methow Valley News on June 19, 2019.

- 20) Notice of Public Hearing was mailed to adjacent land owners on June 19, 2019,
- 21) Notice of Public Hearing was emailed to commenting agencies and interested parties on June 19, 2019.
- 22) On July 11, 2019, the Okanogan County Hearing Examiner conducted a public hearing for this project. County staff, the applicant, and the public were given opportunity to enter testimony into the record.
- 23) All testimony was taken under oath.
- 24) The applicant testified that he would comply with the habitat management plan submitted.
- 25) The Hearing Examiner is vested with the authority to hear and rule on this matter.
- 26) At the hearing, Lorah Super, identified as a member of the Methow Citizens' Council testified in favor of the variance.
- 27) No testimony was received in opposition to the proposal.

CONCLUSIONS

- 1) The Hearing Examiner has been granted authority to render this decision.
- 2) As conditioned the proposal is be consistent with the intent, purpose, and regulations of Okanogan County Shoreline Master Program.
- 3) As conditioned the proposal is consistent with applicable federal and state laws and regulations.
- 4) The proposal is consistent with Okanogan county code title 17A Zoning, Title 14.12 critical areas, and 14.04 Environmental Policy.
- 5) As conditioned this proposal is consistent with the shoreline variance criteria of Okanogan County code 14.15.530

DECISION

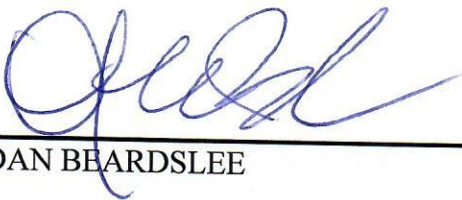
Based upon the information contained in the application materials, and additional information provided at the hearing, SVAR 2019-01 is **APPROVED**, subject to the conditions noted below:

CONDITIONS OF APPROVAL

- 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 applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
- 3) Development shall occur in substantial conformance with the application submitted.
- 4) All work conducted on site shall take place outside the OHWM. The structure shall be placed no closer than 50' from the OHWM as determined by a qualified professional.
- 5) The applicant shall implement the Habitat Management and Mitigation Plan as presented in the report provided by Grette & Associates dated May 21, 2019.
- 6) The applicant shall submit a Riparian Restoration and Monitoring Report consistent with the Habitat Management and Mitigation plan following completion of the riparian plantings.
- 7) All development design and construction shall comply with all Okanogan County Codes and International Building Codes.
- 8) The applicant shall establish a long term Noxious Weed Control Plan and submit same to the Okanogan County Noxious Weed Control Board.

Dated this 12th day of July, 2019.

OKANOGAN COUNTY HEARING EXAMINER



DAN BEARDSLEE