City of Wenatchee

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Public Services Center

1350 McKittrick Street, Suite A
Wenatchee, WA 98801

(509) 888-3200
Fax (509) 888-3201

NOTICE OF FINAL DECISION
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT #SP-15-01

An application was submitted by MJ Neal Associates Architects on behalf of TTS Land Company LLC (owner) for a shoreline substantial development permit to construct a new 13,998 square foot, 3 story general office building with parking and landscaping amenities. The floors include a basement, main floor, and upper floor. A portion of the building footprint is within shoreline jurisdiction being 200' from the ordinary high water mark of the Columbia River. The building will be located at 145 S. Worthen Street. The first phase of the project will be the construction of the shell of the building including the lobby area, utilities, equipment, parking and landscaping. Future phases of the building will be construction of tenant improvements as required.

Detailed project plans and site plans can be found in the JARPA and accompanying materials.

The project site is located near the Columbia River within a portion of Section 03, Township 22 North, Range 20 East, W.M. Identified as Assessor's Parcel Number: 22-20-03-821-135.

The State Environmental Policy Act, the Wenatchee Shoreline Master Program, the Wenatchee Zoning Code, the Wenatchee Comprehensive Plan, and pertinent sections of the Washington State Administrative Code have been reviewed in preparation for reaching a decision on this application. It is the conclusion of the Shoreline Administrator that the application meets the requirements, goals and policies of the aforementioned rules and thereby approves Substantial Development Permit # SP-15-01 based on the following findings of fact, conclusions of law, and conditions of approval.

FINDINGS OF FACT:

1. The applicant is Mark J. Neal, MJ Neal Associates Architects.
2. The owner is Tom Leach, TTS Land Company LLC.
3. The project site is located at 145 S. Worthen Street, identified as Assessor's Parcel Number: 22-20-03-821-135.
4. The Columbia River is defined by WAC 173.18.080 as a "shoreline of statewide significance" where the Shoreline Management Act of 1971, as amended is applicable.
5. A Shoreline Substantial Development Permit is required for any substantial development as defined by RCW 90.58.030(3)(e) occurring within 200 feet of the ordinary high water mark of the Columbia River or its associated wetlands and/or floodplains.
6. The project area is not located within an identified critical area based on the data maps maintained by the Community and Economic Development Department.
7. This application proposes a non-exempt development of which the total cost or fair market value exceeds the amount allowable under WAC 173-27-040 (2)(a).
8. WAC 173-27-140 and 173-27-150 and the Wenatchee Shoreline Master Program (SMP) establish minimum review criteria for Shoreline Substantial Development Permits. This criteria state that a substantial development permit shall be granted only when the development proposed is consistent with the policies and procedures of the Act; the provisions of this regulation; and the applicable master program adopted or approved for the area.
9. A portion of the building will be constructed within the shoreline jurisdiction being 200 feet from the ordinary high water mark of the Columbia River.
10. Based on the Site Plan Diagram dated 02/03/2015, the closest point of the proposed building is approximately 120 feet from the ordinary high water mark with the parking area to be constructed landward of the proposed building outside of the shoreline jurisdiction.
11. The subject property is currently vacant.
12. This project is to construct a new 13,998 square foot, 3 story general office building with parking and landscaping amenities.
13. Fill and excavation on-site appears to be the minimum necessary to accommodate the proposed development. As stated in the environmental checklist submitted by the applicant the new grade will be sloped away from the building and match the grade of the neighboring properties.
14. The Comprehensive Plan Designation is Waterfront Mixed Use.
15. The subject property is within the Waterfront Mixed Use Zoning District which permits business offices.
16. The Wenatchee SMP indicates the subject property is within a High Intensity Shoreline Environment.
17. Nonwater-oriented uses, as defined by the current Shoreline Master Program adopted in 2014, are those uses that are not water-dependent, water-related, or water-enjoyment.
18. Nonwater-oriented uses including commercial development are permitted within the High Intensity Shoreline Environment when the site is physically separated from the shoreline by another property or public right-of-way.

19. The subject property is separated from the shoreline by another property containing a public park and a public right-of-way. The proposed building's shoreline height would be 37' 2" based on the review of the application materials and height standards and applicable definitions in the Wenatchee SMP.
20. The subject property is within the Height Analysis area.
    a. The height is consistent with the underlying zoning height requirements.
    b. The proposed building is located landward of surrounding public properties and there are no residencies within 1,000 feet of the proposed development.
21. The following goals of the Wenatchee SMP are applicable to the proposed application:
    a. Economic Development Element
    b. Shoreline Use Element
    c. Historical/Cultural Element
22. The Wenatchee SMP provides policies and regulations for projects in addition to the General Policies and Regulations provided in Chapter 4. The following Sections are applicable to this application:
    a. Section 5.1 General Upland Shoreline Modification and Use
    b. Section 5.7 Commercial Development
23. Environmental review was completed and a DNS was issued on April 2, 2015.
24. Appropriate notice was mailed to surrounding property owners and posted on the property on March 2, 2015.
25. Appropriate notice was sent to agencies with jurisdiction on March 2, 2015.
26. The agency and public comment period for this application concluded on April 1, 2015.
27. The Confederated Tribes of the Colville Reservation provided comment on March 3, 2015.
28. The Chelan PUD responded with no comment on March 27, 2015.
29. The Washington State Department of Archaeology and Historic Preservation provided comment on April 2, 2015.
30. The Wenatchee SMP (WAC 173.19.120) Section 30.4 authorizes the Administrative Authority to approve, conditionally approve or deny applications for Substantial Development Permits under certain specific conditions.
31. The applicant will be required to obtain building permits for all applicable developments.

CONCLUSIONS:

1. This application proposes development of a value and nature and is in a location that requires a Shoreline Substantial Development Permit.
2. The procedural and regulatory circumstance represented by this application empowers the Shoreline Administrator to assume jurisdiction to act on this request.
3. The Administrative Authority concludes that this proposal, completed as proposed and conditioned by this decision, will be consistent with the Wenatchee SMP.

4. The approval of the Substantial Development Permit, as conditioned, is consistent with and furthers the purpose, intent, goals and policies of the Shoreline Management Act of 1971, as amended.
5. This application is consistent, as conditioned, with the intent and requirements of Wenatchee City Code, Title 10 Zoning, as amended and does not require the issuance of a conditional use permit or a variance.
6. As conditioned, the application is consistent with the goals and policies of the Wenatchee Urban Area Comprehensive Plan.
7. Public interests will be served by approval of this proposal.
8. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
9. With respect to the State Environmental Policy Act of 1971, as amended, a threshold determination of environmental non-significance was issued for this proposal on April 2, 2015 by City of Wenatchee.

CONDITIONS:

1. The project shall be completed in substantial conformance with the JARPA application and associated materials of record on file with the City of Wenatchee and attached to this decision.
2. A copy of this permit and attached conditions shall be kept on-site and provided to the contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall have read this permit and attached conditions and shall follow its conditions at all times.
3. Stormwater for the new development is required to be managed consistent with the regulations provided in section 4.6.2 of the Wenatchee SMP.
4. Building mechanical equipment shall be incorporated into the building architectural feature to the maximum extent possible and where it cannot be incorporated, a visual screen shall be provided to obstruct views consistent with section 5.1.2(A) of the Wenatchee SMP.
5. Lighting shall be designed consistent with the requirements of section 5.1.2(F) of the Wenatchee SMP.
6. A sign permit will be required for any proposed signs and shall be consistent with Wenatchee City Code (WCC) Section 10.50.030 and Wenatchee SMP Section 5.1.2(G).
7. An alternative landscape plan meeting all the applicable requirements of WCC Chapter 10.62 must be submitted for review and approval with the commercial building permit application.
8. Changes or alterations to the approved plan are not authorized. All changes or alterations to the approved project shall be reviewed and approved by the City of Wenatchee and all agencies with jurisdiction prior to commencement of any related work.
9. All utility systems shall be underground except where the presence of bedrock or other obstructions makes undergrounding prohibited.
10. Developers and property owners shall immediately stop work and notify the City of Wenatchee, the Washington State Department of Archaeology and Historic

Preservation, and affected Indian tribes if archaeologic resources are uncovered during excavation.

11. It shall be the responsibility of the Developer to notify the Colville Confederated Tribes and the Yakama Indian Nation by certified mail fifteen (15) days prior to any construction, grading, and or utility placement within the proposed areas of site preparation or excavation.
12. Observers from the Tribes and/or state shall be allowed to monitor the site during clearing, grading, and construction of the site.
13. Should any archaeological resources be discovered during grading/construction, all work that would affect the discovered resources must be stopped until proper authorities have been notified and appropriate steps have been taken to protect the resources in accordance with applicable laws.
14. The applicant shall comply with all applicable local, state and federal regulations and the applicant is responsible for securing any and all state and federal agency permits, as may be required.
15. Construction pursuant to this permit shall not begin and is not authorized until 21 days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated with 21 days from the date of receipt of the decision, except as provided in RCW 90.58.140(5)(a) and (b). The date of receipt for a Substantial Development Permit means the date the applicant receives written notice from Ecology that it has received the decision.
16. Construction undertaken pursuant to this permit is at the applicant's own risk until the expiration of the appeals deadline.

Kirsten Larsen
Shoreline Administrator

4-7-15
Date

An appeal by the applicant or any aggrieved party must be filed with the State Shorelines Hearing Board within 21 days of receipt of the final decision by the Washington State Department of Ecology. Copies of the appeal must also be filed with the Department of Ecology, the Attorney General, and the Administrative Authority.