

**AQUATICA**  
Environmental Consulting, LLC  
P.O. Box 308  
Duvall, Washington 98019

April 4, 2024

#21-373

King County  
Department of Permitting and Environmental Review  
919 Southwest Grady Wy suite 300  
Renton, WA 98057

**SUBJECT:** Shoreline Conditional Use Narrative  
**REFERENCE:** Schweithale Property

To Whom It May Concern:

The proposed project includes the construction of a cabin and on-site septic system (OSS) adjacent to Denny Creek Road, west of Snoqualmie Pass. The parcel is partially located within the shoreline jurisdiction of the South Fork of the Snoqualmie River and is designated a Forestry Shoreline. The shoreline jurisdiction extends 200 feet from the river. The property is constrained by the South Fork of the Snoqualmie River that flows along the south edge of the property which requires 165-foot buffers, and two additional streams that flow from north to south through the property that require 65-foot buffers. In addition, steep slopes are also present on the property. The entire property is constrained by streams, the river, buffers, and steep slopes.

Single family residential uses are a conditional use in the forestry shoreline designation per 21A25.200(B)(22), which requires a shoreline conditional use permit. Per this code section, single detached dwelling units are required to be located outside of the aquatic area buffer and set back from the ordinary high water mark to the maximum extent practical. The proposed cabin is located outside of the 200' shoreline aquatic area zone. It is within the buffer of the Type N stream just beyond the shoreline jurisdiction and the project is pursuing a Critical Areas Alteration Exception for this placement as the entire property is constrained by critical areas. The only location on the property where a drainfield can be located is in the 100-165-foot zone of the Type S aquatic area buffer. This proposed location will also require the project to obtain a shoreline conditional use permit.

RCW 90.58.020 exists to allow coordinated planning of permitted prioritized uses that minimize damage to the ecology and environment of the shoreline area and public's use of the water. This RCW states that Single-Family developments and their appurtenances are a prioritized use. This project demonstrates that the project design and proposed mitigation will preserve the natural

character of the shoreline, results in a long-term benefit, and protects the resources and ecology of the shorelines. Without shoreline conditional use for the OSS, there is no way to build a cabin on the site. The granting of a conditional use permit with the demonstrated environmental sequencing and mitigation measures is consistent with the public interest. The intent of this RCW is to protect the public interest, including the opportunity to enjoy the physical and aesthetic qualities of the natural shoreline, the control of pollution and prevention of damage to the natural environment, while fostering all reasonable and appropriate developments. This proposal addresses all of these goals.

The proposed single-family residence is within the category of prioritized uses along the state's shorelines, and the decision to allow reasonable and appropriate development is also respectful of private property rights. While the public use of a private property is not provided on the subject site or implied, the protection and enhancement of the shoreline environment benefits the public as a whole directly and indirectly and helps preserve the network of natural features that notably characterize the neighborhood, region, and State. The project has demonstrated that it will achieve no net loss of ecological functions in the shoreline through extensive project planning that avoids and minimizes impacts, along with the development of a mitigation plan.

### **Shoreline Conditional Use**

KCC 21A.44.100 allows for conditional use of shorelines when the review criteria in WAC 173-27-160 have been met, which is addressed below. Single family residential uses are an allowed use in the forestry zoning designation and a conditional use in a forestry shoreline. The dwelling unit will be located outside of the shoreline aquatic area buffers with the only project component in the shoreline is the drainfield. Extraordinary circumstances due to the extensive buffers and streams will preclude reasonable use of the property in a manner consistent with the use regulations of the K.C.C. Chapter 21A.25. As detailed in the Environmental Sequencing section of the mitigation report, there is no other place on the property for the on-site septic system drainfield except in the outer portion of the aquatic area buffer. Reasonable use of the property would be denied without this allowance. The WAC 173-27-160 review criteria for conditional use permits follows in bold text with how the project will meet them in italicized text.

### **WAC 173-27-160**

**(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:**

**(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;**

### **RCW 90.58.020**

**(1) Recognize and protect the statewide interest over local interest;**

*There is no known statewide interest of this private parcel that the proposed drainfield in the aquatic area buffer will be adversely impacting.*

**(2) Preserve the natural character of the shoreline;**

*The OSS system will be installed in a low impact manner will little impact to the natural vegetation thus preserving the natural character of the shoreline. Flexibility in the drainfield lines is possible to prevent tree removal and root damage. Restoration of installation impacts with native vegetation is proposed.*

**(3) Result in long term over short term benefit;**

*The long term benefit to the aquatic resource of an intact forested buffer will remain in this area, thus protecting the resources and ecology of the shoreline. The proposed project will leave the 200-foot shoreline zone in a natural condition. While a very small portion will include a drainfield, this is a low impact design that will result in minimal site disturbance that can be restored. This will provide a better long term benefit than remaining in a forestry use. Per WAC 222-30-021, in Western Washington, there is only a 50-foot no harvest zone for Type S and F waters. Tree harvesting is allowed to varying degrees in the outer 50-200-foot shoreline zone. In contrast, this project will have a notice on title that protects not only the shoreline zone nearly in its entirety, but also the remainder of the property beyond the cabin and driveway in perpetuity.*

**(4) Protect the resources and ecology of the shoreline;**

*As previously described, the only portion of the shoreline that will be disturbed is the area of the OSS. For a drainfield in an aquatic area buffer, the primary interest is water quality and vegetation disturbance. It will be designed to meet health department standards and setbacks to prevent adverse water quality impacts, and impacts will be restored and mitigated.*

**(5) Increase public access to publicly owned areas of the shorelines;**

**(6) Increase recreational opportunities for the public in the shoreline;**

*While the public access and use of a private property is not provided on the subject site or implied as required by the policy, the protection and enhancement of the shoreline environment benefits the public as a whole directly and indirectly and helps preserve the network of natural features that notably characterize the Neighborhood, City, Region, and State. This particular parcel has steep slopes adjacent to the River and would not provide suitable public access opportunities regardless of ownership.*

**(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.**

*No other elements of RCW 90.58.100 are applicable to the project that have not been addressed by the mitigation plan and project design.*

**(b) That the proposed use will not interfere with the normal public use of public shorelines;**

*There is currently no public use of the shoreline from this property and this will not change as a result of this project. This property is surrounded by private parcels with the exception of a small isolated sliver of federal land adjacent to the river south of the property that is isolated from all other federal parcels.*

**(c) 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 shoreline master program;**

*There are no known incompatible uses planned. Interstate 90 is located to the north adjacent to Denny Creek Road. The proposed project would have no impact on this land use. A large private parcel is located to the south of the river. The proposed home is 200 feet from the river and will not be visible from this property with the proposed addition of screening vegetation proposed in the mitigation plan. The proposed use and design of the 1,540 sf proposed cabin is similar and compatible with other single family homes on lots to the east and west. The size of the proposed home is slightly smaller than the 1,672 sf average of the four other nearby homes on Denny Creek Road. These homes are noted below and a picture is provided where available.*

*66015 Denny Creek Road – 1,970 sf*



*Parcel 072211-9012 – 1,100 sf*



182211-9024 – 580 sf (No Picture Available)

66527 Denny Creek Road- 3,040 sf



**(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and**

*The only impact to the shoreline environment will be a drainfield installed with low impact techniques that should not require the removal of trees or cause any other impacts that would be adverse to the shoreline environment. The health department has approved the design which meets all health and safety requirements and minimum distances from streams. The health department has determined what minimum distance from water is necessary and the project meets these requirements.*

**(e) That the public interest suffers no substantial detrimental effect.**

*The project will not have a detrimental effect to the public interest. No impacts to access, water quality, recreation, or aesthetics to the shoreline are anticipated.*

**(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.**

*This situation is somewhat unique, in that the surrounding area is a private inholding surrounded by thousands of acres of public land. There are 11 privately owned parcels along the river. Of these 11 properties four are already developed with homes and unlikely to need a shoreline conditional use permit (see following figure for developed parcels with a residence). Four of the parcels are large parcels between 17 and 77 acres in size and thus unlikely to need a conditional use permit due to their large size, which would allow the flexibility to site project improvements out of the shoreline zone. This leaves three small, constrained parcels, including the subject of this report, which could potentially be constrained enough to request a similar permit. The extent of critical areas on these properties is unknown, although it is unlikely that they would have the same combination of streams and steep slopes. There are approximately seventeen river miles between the Cascade crest and the City of North Bend and the situation on this parcel and the adjoining ones are in are unique, uncommon, and a similar allowance for a low impact drainfield design with mitigation would not cumulatively be inconsistent with the policies of RCW90.58.020.*

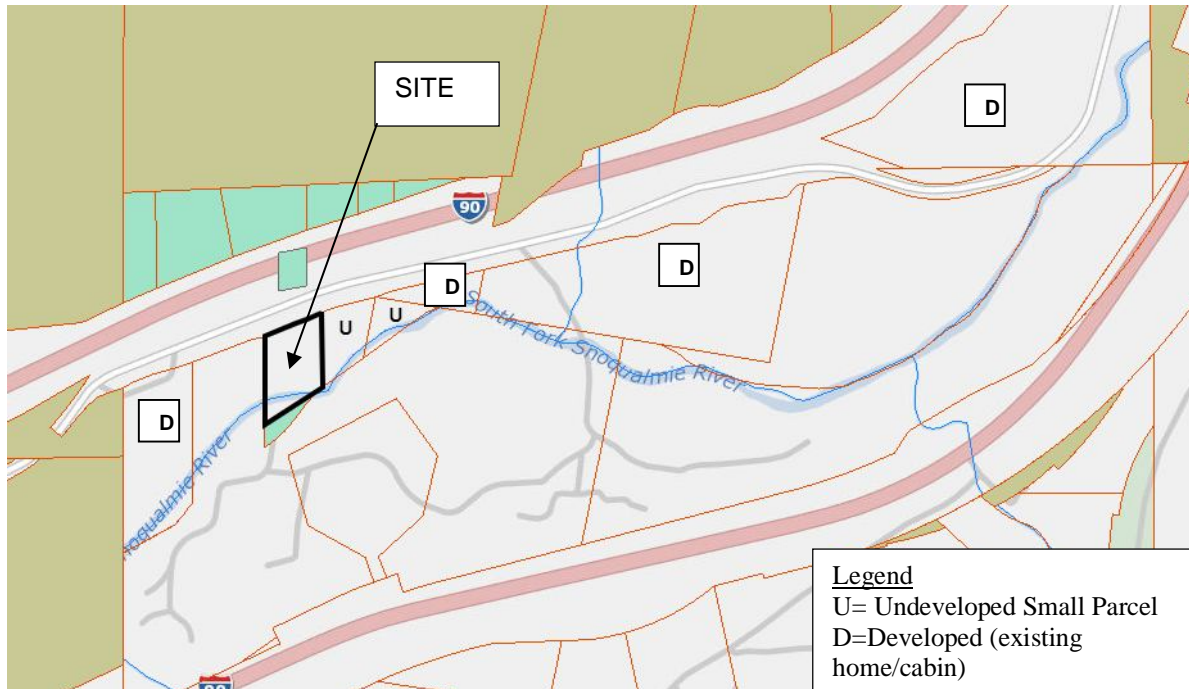


Figure depicting land use on surrounding parcels adjacent to the South Fork of the Snoqualmie.

**(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.**

*Not applicable*

**(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.**

*Residential uses are a conditional use in the forestry shoreline and are not specifically prohibited by the master program.*

Our proposal contributes to the goals set forth in County's Shoreline Master Plan by preserving, protecting, and enhancing the ecology and environment of the shoreline by retaining existing vegetation, increasing and restoring diversity in woody and native plant species; and by meeting performance standards with the proposed single-family home to minimize negative impacts to the critical areas on a heavily constrained site. The result is an appropriate development coordinated with the State and County code and responsive to WAC 173-27-160 that limits the alteration of the natural conditions of the site, is mindful of the public interest, and meets the needs of the single-family primary residence.

Thank you for your review and consideration of our request; please let us know if we can provide any additional information or materials.

Sincerely,

Aquatica Environmental Consulting, LLC

A handwritten signature in black ink, appearing to read "Teresa Opolka". The signature is written in a cursive, flowing style.

Teresa Opolka, PWS  
Principal



