

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-2019-03
Administering Agency Douglas County Transportation and Land Services

Type of Permit: Shoreline Substantial Development Permit
Action: Approved Denied

Date of Action: April 21st, 2020

Date Mailed to DOE/AG

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of Douglas County, a permit is hereby granted to:

Greg Zeller
25402 39th Pl. S.
Kent, WA 98032

Brad Pihlstrom
11626 23rd Ave SW
Seattle WA 98146

I. FINDINGS OF FACT

1. The applicants are Greg Zeller, 25402 39th Pl. S, Kent, WA 98032 and Brad Pihlstrom, 11626 23rd Ave SW, Seattle WA 98146.
2. The applicant's agent is: Larry Lehman, Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801
3. The subject property consists of two adjacent lots of land along the Columbia River. The lots consist of a very gradually sloping upland leading to the Columbia River, at which a joint use dock serving the two properties exists. The vegetation within the subject properties has been significantly impacted by the historic orchard use of the property, previous permit actions, and recreational use of the properties. The vegetation within 100 feet of the Columbia River consists of a narrow strip of native riparian vegetation, an area of shoreline restoration, and lawn grass. The narrow strip of native vegetation extends approximately 10 feet landward of the Ordinary High Water Mark (OHWM) and extends nearly the entire length of the property. There is currently an existing access trail for the joint-use dock. Immediately landward of this strip of vegetation, the buffer has been modified as part of a permitted shoreline restoration action completed as part of the dock permitting. This restoration action extends from the landward edge of the native riparian vegetation to the historic 50 foot riparian buffer. The restoration action consisted of the installation of native vegetation and lawn grass within the riparian buffer. At the time of the permitting of the restoration action, the disturbed area was identified as the portion of the 50 foot riparian buffer that was historically used as orchard. The portion of buffer that was planted with native vegetation consisted of a mix of riparian and shrub steppe vegetation. The restoration action occurred over 5 years ago and has matured. At this time a portion of the restoration area is dominated by native riparian vegetation (coyote willow) and a portion of the restoration area is dominated by upland and shrub steppe vegetation (upland grass, woods rose,

gray rabbit brush, currant, and biserbrush. The remainder of the previous 50 foot riparian buffer consists of lawn grass. Likewise lawn grass is present from the previous 50 foot riparian buffer to just over 100 ft. from the OHWM. Overall, majority of the riparian buffer is dominated by lawn grass.

4. The applicants propose to replace two (2) existing pile, install one (1) ground based boatlift, and one (1) mooring buoy adjacent to the existing permitted joint use dock on the property boundary of 218 & 220 Vineyard Drive (Lots 1 & 2 of the Chardonnay Short Plat #03-11). The proposed project will also result in the installation of native riparian vegetation as part of the mitigation measures for the impacts to the Columbia River
5. Zoning and Development Standards: The subject properties are located within the Rural Resource 5 (RR-5) Zoning District. The purpose of the RR-5 district is to provide an area for a variety of rural lifestyles, hobby farms, densities, and open space, while protecting the rural and resource characteristics in the vicinity. This district provides an opportunity for compatible rural land uses, and is sensitive to the site's physical characteristics. Areas may be located adjacent to urban growth areas or existing development of higher densities and, where appropriate, may serve as a transition and buffer area between commercial agricultural areas and other land uses. This district is also appropriate for areas that currently have a range of rural densities or land parcel sizes generally less than twenty acres in size and/or have adequate rural levels of services available such as roads, schools, and fire protection. Clustering or other innovative techniques for residential lots are encouraged; provided, that the density does not encourage urban levels of service and provides significant open space corridors and protection of critical areas.
6. Comprehensive Plan: The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 (RR-5). The following goals and policies set forth in the comprehensive plan are relevant to this development:
7. Rural Development:
 - 7.1 POLICY RD-4: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.
 - 7.2 POLICY RD-7: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and sections of the comprehensive plan, including but not limited to, the Resource Lands Element and Resource and Critical Areas Conservation Element.
8. Fish and Wildlife Habitat Conservation Areas:
 - 8.1 Protect fish and wildlife habitat areas as an important natural resource for Douglas County, particularly in regard to their economic, aesthetic and quality of life values.
 - 8.2 Impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.
 - 8.3 The maximum amount of vegetation should be maintained in its natural state and be disturbed only as minimally necessary for the development. Disturbed areas should be re-vegetated with native vegetation as soon as possible. Re-vegetation will be maintained in good growing conditions, as well as being kept free of noxious weeds.
 - 8.4 If a development proposal is located in or near a habitat conservation area shown on the reference maps, a consultation and subsequent mitigation measures, if needed, should be encouraged from the WDFW or other appropriate agency.

- 8.5 Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.
- 8.6 Ensure that land uses adjacent to naturally occurring wetlands and other fish and wildlife habitat areas will not negatively impact the habitat areas. If a change in land use occurs, adequate buffers will be provided to the habitat areas.
- 8.7 Activities allowed in fish and wildlife habitat conservation areas and open space will be consistent with the species located there, including all applicable state and federal regulations and/or best management practices for the activity regarding that species.

9. Shoreline Master Program. The Douglas County Regional Shoreline Master Program classifies this reach of the Columbia River shoreline as rural conservancy. The purpose of the rural conservancy environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities.

9.1 WASHINGTON ADMINISTRATIVE CODE (WAC)

WAC 173-27 provides updated rules for administering the Shoreline Management Act. (RCW 90.58) and the local master program. WAC 173-27-150 establishes minimum review criteria for substantial development permits. The criteria states that a substantial development permit shall be granted only when the proposed development is consistent with:

- 9.1.1 The policies and procedures of the Act;
- 9.1.2 The provisions of these regulations; and
- 9.1.3 The applicable master program adopted or approved for the area.

10. Environmental Review. Douglas County issued a Determination of Non-significance on 03/26/2020 in accordance with WAC 197-11-355 (Optional DNS).

11. Agency and Public Comments: Applicable agencies have been given the opportunity to review this proposal. The following agencies have been sent copies of the proposal and have commented as indicated below:

Agency Notified	Response Received	Agency Notified	Response Received
WA Department of Ecology	N/R	WA Dept. of Fish & Wildlife	N/R
Chelan County PUD	03/09/2019	Army Corps of Engineers	N/R
Dept. of Natural Resources – Rivers Dist.	N/R		* N/R = No Reply

12. Upon review of the application materials, site plans, agency comments, the Douglas County Countywide Comprehensive Plan, the Douglas County Regional Shoreline Master Program and other applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

- 12.1 Comprehensive Plan consistency: Residential development and recreational opportunities in shoreline areas of the Rural Resource 5 land use designation can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently addressed. Critical area policies place preference on the protection of and preservation of wetlands over the alteration and mitigation of impacts to wetlands. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.
- 12.2 Consistency with the Douglas County Shoreline Master Program
- 12.2.1 Joint-use docks, watercraft lifts (boatlifts), and buoys are permitted uses in the rural conservancy shoreline designation. (Pursuant to SMP 3.10 Table 1. Use matrix). These uses are consistent with this regulation.
- 12.2.2 Pursuant to SMP 5.11 Recreation, (5) Recreational uses and facilities shall be designed and located to ensure no net loss of critical areas and shoreline ecological functions
13. Ecological Protection And Critical Areas.
- 13.1 Shoreline use and development should occur in a manner that assures no net loss of existing ecological functions and processes and protects critical areas. Uses should be designed and conducted to avoid, minimize, or to fully mitigate in so far as practical, any damage to the ecology and environment.
- 13.2 The project cannot avoid impacts to the aquatic environment, and the applicant states the project will not affect water quality, water supply, recreation or aesthetics of the Columbia River. The project has been designed to minimize damage and to fully mitigate per the standards set forth by the United States Army Corp of Engineers, Washington Department of Fish & Wildlife and County adopted mitigation ratios.
- 13.3 Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:
- 13.3.1 Avoiding the impact altogether by not taking a certain action or parts of an action;
- 13.3.2 The project is located in the aquatic environment and therefore cannot avoid impacts, although it is designed to minimize impacts.
- 13.3.3 Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- 13.3.4 Analysis: Potential impacts to fish and aquatic life will be sufficiently minimized by the conformance with the Army Corps and Douglas County’s conservation measures. There will be not further disturbance from the pile replacement and minimal disturbance for the boatlift and buoy. Native riparian vegetation will be installed to mitigate for the impacts associated with the increase in in-water structure, which will improve the riparian habitat at the property. The proposed boatlift and mooring buoy will result in approximately 325 sq. ft. of impact to the aquatic environment. The proposed boatlift will result in approximately 125 sq. ft. of new in water structure, although the boatlift is open in nature. The Corps requires that impacts of a ground based boatlifts located in a high quality riparian zone (in greater than 11 ft. of water) must be mitigated at a 2.44:1 ratio (using out-of-kind mitigation—riparian planting), which equals 305 sq. ft. (125 sq. ft. x 2.44 = 305 sq. ft. *The mooring buoy will be mitigated by installing 248 sq. ft. of*

riparian planting, which is based on the USACE mitigation ration for a buoy (1.24:1). In total, the proposed project will result in the installation of 553 sq. A of native vegetation. The compensatory mitigation for the project will be installed within the existing riparian buffer. The existing riparian buffer contains a large amount of native vegetation along the shoreline and the compensatory mitigation will be installed within portions of the buffer that are currently devoid of native vegetation. The existing vegetation within the proposed mitigation planting areas consists of lawngrass. Overall, the proposed mitigation plantings will increase the amount and diversity of native vegetation and will increase the level of riparian habitat functions and values.

14. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
 - 14.1 Rectifying the impact is not possible. The new boatlift and buoy have been designed following mitigation sequencing. See the above description for detailed information on the restoration associated with the impacts of the proposal.
15. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - 15.1 The project includes maintenance of the existing Dock to replace piles. This will reduce the need for any further impact to the environment by avoiding alternative development.
16. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
 - 16.1 The proposed boatlift and buoy have been designed following the mitigation sequence set forth by the Corps, WDFW, and local jurisdiction. Specifically, a project must first avoid and minimize impacts to habitat and species to the extent practicable prior to proposing compensatory mitigation for impacts. The maintenance of the existing dock will not cause any further disturbance to the riparian buffer or the aquatic habitat and will remove the need for any other moorage or docking facility. Suggested conditions of approval require installation of mitigation per the approved plan.
17. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
 - 17.1 To ensure the success of the planting areas, a five-year monitoring plan will be conducted to determine percent survival of the installed mitigation. During the first two years after planting 100 percent survival will be required within each planting area. During years three through five after planting 80 percent survival will be required, within each planting area. The plantings must be allowed to remain as long as the dock is present. Individual plants that do not survive must be replaced with an individual of the same species, or a similar species with approval from Douglas County. A Riparian Restoration Monitoring Report will be completed and submitted to the permitting agencies annually following completion of the riparian plantings. The applicant will be responsible for ensuring that the Riparian Restoration Monitoring Reports are submitted on the schedule and that success measures are met.
 - 17.2 Upon completion of the mitigation plantings, an as-built mitigation report would be sent to Douglas County, the Corps, and NMFS, which would include as-built drawings and photographs, the location and size of the mitigation planting area, and the species and quantity of the mitigation plantings.

- 17.3 Suggested conditions of approval require that the mitigation measures be monitored for 5 years after installation to determine survivability and corrective measures be taken if survivability is not achieved.
18. Water Quality. All building materials that may come in contact with water shall be constructed of untreated wood, cured concrete or steel. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants. Wood treated with creosote, arsenate compounds, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.
- 18.1 The piles, boatlifts and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.
19. Vegetation Conservation. Where impacts to buffers are permitted under Section 4.1, Ecological Protection and Critical Areas, new developments shall be required to develop and implement a management and mitigation plan. When required, management and mitigation plans shall be prepared by a qualified biologist and shall be consistent with the requirements of Appendix H. Management and mitigation plans shall describe actions that will ensure no net loss of ecological functions. Vegetation shall be maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the County Auditor.
- 19.1 A Fish & Wildlife Management and Mitigation Plan prepared by Grette Associates was submitted in the application materials (date stamped April 3, 2019).
20. Restoration. Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.
- 20.1 A Fish & Wildlife Management and Mitigation Plan date stamped April 3, 2019 prepared by Grette Associates was submitted in the application materials. The plan identifies that the project will result in no net loss of ecological function through proper mitigation.
21. Moorage: Docks, Piers, Watercraft Lifts, Mooring Buoys, Floats. Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to navigation and other water-oriented activities such as fishing, swimming and pleasure boating, as well as property rights of adjacent land owners.
- 21.1 The replacement of existing pile, addition of a boatlift, and addition of a mooring buoy will not pose a hazard to any of the previously mentioned water oriented activities.
- 21.2 Moorage should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length, width and height of piers and docks should be no greater than necessary for safety and functional use.
- 21.3 The moorage is the minimum sizes necessary for safety and requirements established by the USACE.
- 21.4 Moorage facilities shall be the minimum size necessary to meet the needs of the proposed water-dependent use and shall observe the following criteria:
- 21.4.1 If allowed, only one private dock with one accessory float, and two watercraft lifts (the combination of one boat and one jet ski or other watercraft together) shall be permitted on a shoreline lot owned for residential or private recreational use.
- 21.5 The proposed project includes the addition of a boatlift and mooring buoy. Both of these forms of moorage are permitted and within the allowed quantity for shoreline developments. Larry Lehman, of Grette Associates, supplied an analysis demonstrating that the amount of moorage involved in the project was in compliance with the

regulations of the Douglas County Shoreline Master Program. As a part of the analysis, it is stated that the property owners of parcel 2622220640009 give up the ability to install a boatlift on the property. The analysis also states that if a boatlift is desired in the future on that property, the property owner will be required to remove the existing buoy prior to applying for a permit for the boatlift.

- 21.5.1 Docks with or without a float shall be the minimum required to provide for moorage. Commercial docks shall be the minimum length necessary to serve the type of vessel served. Exceptions to these length standards are addressed below.
- 21.6 The proposed project is the minimum required to provide for moorage.
 - 21.6.1 Docks on the Columbia River that exceed 100 feet in length or docks which exceed 50 feet in length on a lake or sites with unique characteristics that may create navigational safety hazards shall prepare a navigational safety study.
 - 21.6.2 Analysis: The existing dock adheres to these standards. There will be no extension to the existing dock.
 - 21.6.3 Moorage shall be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.
 - 21.6.4 Analysis: The location does not indicate the need for maintenance dredging.
- 21.7 Piers and docks shall use pile supports unless engineering studies demonstrate that pile supports are insufficient to ensure public safety. Rip-rapped or bulk-headed fills may be approved only as a conditional use and only when demonstrated that no feasible alternative is available. Mitigation shall be provided to ensure no net loss of shoreline ecological functions and processes.
 - 21.7.1 The project proposes to utilize pile supports, two of which will be replaced as part of the project.
- 21.8 Moorage facilities shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally non-reflective.
 - 21.8.1 Suggested conditions of approval require that boatlift, and buoy, be marked with reflectors or otherwise identified.
- 21.9 Moorage facilities shall be constructed and maintained so that no part of a facility creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.
 - 21.9.1 The boatlift and buoy are designed and secured so that they will not damage shoreline property or natural features.
- 21.10 All moorage facilities must permanently mark all of the components with name, address, telephone number and date of installation.
 - 22.10.1 Suggested conditions of approval require that the boatlift and buoy be permanently marked for identification.
- 21.11 Moorage facilities shall avoid locations that will adversely impact shoreline ecological functions or processes.
 - 21.11.1 See above, project will not adversely impact the existing shoreline ecological function.

22. Fish and Wildlife Habitat Conservation Areas. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that there will be approximately 325 sq. ft. of impact from the buoy and boatlift installation. The plan proposes a total of 553 sq. ft. of riparian vegetation plantings to meet the mitigation for disturbance of the entire project. 305 sq. ft. of mitigation will be installed on the Zeller Parcel (26220640008) and the remaining 248 sq. ft. will be installed on the Pihlstrom parcel (26220640009). The mitigation planting areas will be located within portions of the buffer that are currently devoid of native trees and shrubs. The Douglas County Regional Shoreline Master Program requires a minimum mitigation ratio of 1:1 for development within aquatic habitat. The more restrictive mitigation ratios determined by the USACE and NMFS are used for this project. A planting plan is proposed within the Fish & Wildlife Habitat Management and Mitigation Plan.
23. Consistency with WAC 173-27 and RCW 90.58: As conditioned below, the project appears consistent with the requirements and criteria of the Shoreline Management and Enforcement Procedures, and the Shoreline Management Act.
24. The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a Rural Conservancy designation. The Douglas County Regional Shoreline Master Program is applicable to this development.
25. General Description: An application to replace two (2) existing pile, install one (1) ground based boatlift, and one (1) mooring buoy adjacent to the existing permitted (NWS 2008 697 CRC) joint-use dock on the property boundary of 218 & 220 Vineyard Drive (Lot 1 & 2 of the Chardonnay Short Plat #03-11).
26. The existing joint-use dock currently serves two lots: 218 and 220 Vineyard Drive. (Lots 1 and 2 of the Chardonnay Short Plat. The properties are further described as being located within the SW quarter of Section 6, Township 26N, Range 22E. W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are: 26220640008 (Zeller) and 262220640009 (Pihlstrom).
27. The boatlift will be located on the downriver side of the existing joint use dock. The proposed mooring buoy will be located on the upriver side of the existing joint use dock.
28. The subject properties are located in the Rural Resource 5 zoning district.
29. The Columbia River Shoreline section of the subject properties is designated as "rural conservancy" by the Douglas County Regional Shoreline Master Program.
30. WAC 173-27-150 establishes minimum review criteria for Shoreline Management Substantial Development Permits. This criteria states 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.
31. A Fish & Wildlife Habitat Management and Mitigation Plan date stamped April 3rd, 2019 was submitted for the project by Grette Associates.
32. The pile replacement and construction of the boatlift and installation of the buoy will impact the aquatic environment. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 325 sq. ft. of habitat will be disturbed.
33. The application proposes 553 sq. ft. of mitigation. A planting plan is proposed within the Fish & Wildlife Habitat Management and Mitigation Plan.
34. The mitigation proposed in the Fish & Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.

35. Douglas County issued a Determination of Non-Significance on March 26th, 2019 in accordance with WAC 197-11-355 (Optional DNS).
36. Agency comments were received from the Chelan County PUD.
37. No comments have been received from private citizens.
38. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
39. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at the open record public hearing held on April 16, 2020.
40. WAC 173-27-090 requires that construction must be commenced within 2 years of the effective date of the shoreline permit and that authorization for construction shall terminate 5 years after the effective date of the shoreline permit.
41. Per the moorage analysis submitted by Grette Associates, the property owners of 220 Vineyard Dr. (Parcel #2622220640009) give up their ability to install a boatlift until such time that the proposed mooring buoy is removed.
42. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
43. An open record public hearing after legal notice was held on April 16th, 2020. Appearing and testifying on behalf of the applicant at the hearing was Larry Lehman. Mr. Lehman testified that he was an agent and authorized to appear and talk on behalf of the owner and applicant. Mr. Lehman stated that he had reviewed all of the proposed Conditions of Approval and had no objection to any of them.
44. No member of the public appeared at the hearing.
45. At the open record public hearing, the entire planning staff file was admitted into the record.
46. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS

1. The Hearing Examiner has been granted authority to render this Decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan and the Douglas County Regional Shoreline Master Program.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As proposed, revised, and conditioned, potential impacts of the project can be mitigated.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code, and the Douglas County Shoreline Mater Program.

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

III. CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted on date stamped October 15, 2018, and April 3, 2019, except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal regulations.
3. A copy of this permit and attached conditions shall be kept on-site and be 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.
4. The boatlift, and buoy, shall be marked with reflectors to prevent unnecessarily hazardous conditions for water surface users during day or night. Documentation shall be provided to the County.
5. The boatlift and buoy shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided to the County.
6. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates, date stamped April 3, 2019.
7. The pile, boatlift, buoy, and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.
8. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that is designed by a landscape architect or equivalent professional. Said design shall meet the specific needs of riparian and shrub steppe vegetation.
9. Mitigation planting as shown on the mitigation planting plans date stamped April 3rd, 2019 shall be planted upon completion of the project.
10. A five year monitoring period shall commence upon placement of the planting materials and irrigation system.
11. A performance surety agreement in conformance with Title 14 Douglas County Code shall be entered into between the property owner and Douglas County Transportation and Land Services upon approval of the shoreline permit and prior to construction and/or soil / vegetation disturbance. Douglas County must approve quotes for the cost of installation, delivery, plant material, soil amendments, irrigation, seed mix and necessary monitoring visits and reports by the biologist of record and Washington State sales tax.
12. The mitigation site shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall ensure 100% survival for the first year and 80% survival for each of the 4 years following and shall include corrective actions to rectify problems, include rigorous, as-needed elimination of undesirable plants; protection of shrubs and small trees from competition by grasses and herbaceous plants, and repair and replacement of any dead plants.

13. Onsite monitoring and monitoring reports shall be submitted to Douglas County Transportation and Land Services 1 year after mitigation installation; 3 years after mitigation installation; and 5 years after mitigation installation. Monitoring reports shall be submitted by a qualified biologist, as defined by Douglas County Code. The biologist must verify that the conditions of approval and provisions in the Habitat Management and Mitigation Plan submitted by Grette Associates, dated April 2019, have been satisfied.
14. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the management and mitigation plan. Release of funds may occur in increments of 1/3 for substantial conformance with the plan and conditions of approval. If the standards that are not met are only minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the County may choose to consider a partial release of the scheduled increment. Non-compliance can result in one or more of the following actions: carry-over of the surety amount to the next review period; use of funds to remedy the nonconformance; scheduling a hearing with the Douglas County Hearing Examiner to review conformance with the conditions of approval and to determine what actions may be appropriate.
15. Where a condition imposed herein may be found inconsistent with the requirements of the Washington State Department of Fish and Wildlife, HPA Permit, or permitting issued by the United States Army Corps of Engineers, the Douglas County Land Services Director shall have discretion to allow for project redesign consistent with the approvals granted by said agencies; if the redesign can be found consistent with the Douglas County Code, the Shoreline Master Program, and the Shoreline Management Act.
16. The applicant shall obtain a license for the improvements from the Chelan County PUD prior to construction; and prior to installation of the project, copies of approval from applicable agencies, including the Chelan County PUD, must be submitted to the County.
17. If a boatlift is desired on 220 Vineyard Dr. (Parcel #26220640009), the property owners are required to remove the proposed/ permitted mooring buoy prior to installation of the boatlift.
18. Construction of the project for which this permit has been granted must be commenced within two (2) years of the effective date of this permit. Authorization to conduct development activities granted by the permit shall terminate five (5) years from the filing date of the permit.

APPROVED this 22nd day of April, 2020.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This permit is granted pursuant to the Shoreline Master Program of Douglas 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 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 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. Anyone aggrieved by this decision has twenty-one (21) days from the "date of receipt" as defined in RCW 43.21B.001 to file a petition for review with the Shorelines Hearings Board as provided for in Washington law.

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A
CONDITIONAL USE 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:

Date

Signature of Authorized Department Official