

**SHORELINE MANAGEMENT PERMIT  
ACTION SHEET**

**Application #:** SP-2019-01  
**Administering Agency** Douglas County Transportation and Land Services

**Type of Permit:**           ■ Shoreline Substantial Development Permit  
**Action:**                   ■ Approved       □ Denied

**Date of Action:**           July 18, 2019.

**Date Mailed to DOE/AG**

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

David Dufenhorst of Double D Vineyards, LLC  
1823 Minor Ave., Apt. 3801  
Seattle, WA 98101

To undertake the following development: A shoreline substantial development permit (SP) application submitted by David Dufenhorst of Double D Vineyards, LLC to install a community dock and shoreline access trail to serve Lots 1-6 of the Rocky Reach Estates Cluster Subdivision (P-2017-01). The community dock will extend 185 ft waterward of the Ordinary High Water Mark (OHWM) and provide moorage for a maximum of eight recreational boats or up to sixteen personal watercraft

Upon the following property: The project is located off of Skeels Road and is within the rural conservancy shoreline environment. The subject properties are zoned Commercial Agriculture 10 (AC-10) and Rural Recreation (R-REC) under Douglas County Code and are further described as being located within the NW Quarter of Section 21, Township 26N, Range 21E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are: 84300000003 (Tract C, dock location), 84300000100, 84300000200, 84300000300, 84300000400, 84300000500 and 84300000600.

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

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a Rural Conservancy shoreline designation. The Douglas County Regional Shoreline Master Program is applicable to this development.

## CONDITIONS OF APPROVAL

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

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 project shall proceed in substantial conformance with the plans and application materials on file submitted on April 24, 2019 except as amended by the conditions herein.
3. The applicant shall comply with all applicable local, state and federal regulations.
4. 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.
5. The dock 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 prior to final approval of the building permit.
6. The dock shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided to the County prior to final approval of the building permit.
7. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates, dated January 2019.
8. No disturbance shall occur within the wetland or its buffer, which are identified on Lot 6. Concurrence by the applicant of no disturbance within the wetland or its buffer is stated in the application materials dated April 24, 2019.
9. The applicant must obtain a building permit for the community dock.
10. The dock and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.
11. The width of piers and ramps shall not exceed 4 feet.
12. The bottom of the pier or bottom of the landward edge of a ramp, must be elevated at least two (2) feet above the plane of OHWM.
13. Pier and/or ramp surfaces are to consist of either grating or clear translucent material.
14. Float materials that are in contact with the water must be white or translucent.
15. Flotation materials must be permanently encased to prevent breakup and release of small flotation pieces
16. Decking or surface area of the float must consist of either grating or clear translucent material
17. Floats cannot be located where they could impede fish passage.
18. Pier, ramp, and float construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the USACE.
19. The trail width shall not exceed 4 feet and be made of native materials
20. 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.

21. Mitigation plantings as shown on the mitigation planting plans dated 1/29/2019 shall be planted upon completion of the project.
22. A five year monitoring period shall commence upon placement of the planting materials and irrigation system. An as-built report is due upon completion of mitigation planting.
23. A performance surety agreement in conformance with Title 14 Douglas County Code shall be entered into between the property owner and Douglas County 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.
24. 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.
25. On-site monitoring and monitoring reports shall be submitted to Douglas County 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 January 2019 have been satisfied.
26. 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.
27. 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 USACE, 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.
28. The applicant shall obtain a dock license 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.
29. 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.

## FINDINGS OF FACT

1. The Applicant is: David Dufenhorst, Double D Vineyards, LLC.
2. The Applicant's agent is: Anne Hessburg, Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801.
3. General Description: This is an application for a shoreline substantial development permit to construct a community dock and shoreline access trail to serve the six residential lots of the Rocky Reach Estates Cluster Subdivision (P-2017-01) with the following:
  - 2.1 1,348 sq ft community dock with moorage for 8 boats or 16 personal watercraft.
  - 2.2 400 sq ft fixed pier, access trail and concrete abutment
4. The project is located off of Skeels Road, north of Daroga Park and is within the rural conservancy shoreline environment.
5. Lots 1-4 are zoned Commercial Agriculture 10 (AC-10) and lots 5-6 and Tract C (dock location) are zoned Rural Recreation (R-REC) under Douglas County Code.
6. The project is described as being located within the NW Quarter of Section 21, Township 26N, Range 21E., W.M., Douglas County, Washington.
7. The Douglas County Assessor's Parcel Numbers are: 84300000003 (Tract C, dock location), 84300000100, 84300000200, 84300000300, 84300000400, 84300000500 and 84300000600.
8. 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 or approved for the area.
9. The dock and trail easements are located across Tract C: the open space lot of the Rocky Reach Estates Subdivision.
10. A Fish & Wildlife Habitat Management and Mitigation Plan dated January 2019 was performed for the project by Grette Associates, LLC.
11. A joint-use dock agreement entered into by the applicant is included in the application materials. The applicant, David Dufenhorst, owns all subject properties.
12. The construction of the community dock will impact the aquatic and riparian environments. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 1,748 sq ft of habitat will be disturbed by the dock and trail.
13. The application proposes 4,170 sq ft of mitigation. A planting plan is proposed within the Fish & Wildlife Habitat Management and Mitigation Plan.
14. The mitigation proposed in the Fish & Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
15. Douglas County issued a Determination of Non-Significance on June 5, 2019 in accordance with WAC 197-11-355 (Optional DNS).
16. Agency comments were received from the Chelan County PUD.
17. No comments have been received from private citizens.

18. 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.
19. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
20. 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.
21. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
20. At this hearing, the entire planning staff file of record was admitted into the hearing record.
21. Appearing and testifying at the hearing on behalf of the applicant was Anne Hessburg. Ms. Hessburg testified that she concurred with all representations stated within the staff report and that the applicant had no objection to any of the proposed conditions of approval.
22. No member of the public appeared at the hearing.
23. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

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

**This permit is granted pursuant to the Douglas County Regional Shoreline Master Program, 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.

Approved this 18<sup>th</sup> day of July, 2019.

DOUGLAS COUNTY HEARING EXAMINER

A handwritten signature in blue ink, appearing to read "Andrew L. Kottkamp", is written over a horizontal line.

Andrew L. Kottkamp

**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.**

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**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:

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Department Official