

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-2018-12
Administering Agency Douglas County Transportation and Land Services

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

Date of Action: December 26, 2018

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:

**Lance Harvey
10325 Airport Way
Snohomish, WA**

To undertake the following development: An application for a shoreline substantial development permit to install a joint-use dock, two ground-based boatlifts and shoreline access trail to serve three lots on Bundy Place, north of Orondo.

Upon the following property: The subject properties are zoned Rural Resource 5 (RR-5) under Douglas County Code. The properties are located within the Rural Conservancy shoreline environment and are further described as being located within the NW quarter of Section 28, Township 26N, Range 21E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are: 47700000100 (Dixon), 47700000200 (Harvey) and 47700000300 (Babitsky).

Within 200 feet of 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 designation. The Douglas County Shoreline Master Program is applicable to this development.

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

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted on date stamped October 15, 2018 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 dock and boatlifts 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 dock and boatlifts shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided to the County.
6. A new Douglas County Regional Shoreline Master Program compliant easement will be established prior to the issuance of the building permit and/or commencement of activity. The elimination of the existing easement may require a Plat Alteration or other Douglas County approved mechanism. At that time, the relocation of the subsequent new easement may be established.
7. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates, date stamped October 15, 2018.
8. The applicant must obtain a building permit for the joint-use dock.
9. The dock, boatlifts and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.
10. The width of piers and ramps shall not exceed 4 feet.
11. 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.
12. Pier and/or ramp surfaces are to consist of either grating or clear translucent material.
13. Float materials that are in contact with the water must be white or translucent.
14. Flotation materials must be permanently encased to prevent breakup and release of small flotation pieces.
15. Decking or surface area of the float must consist of either grating or clear translucent material.
16. Floats cannot be located where they could impede fish passage.
17. 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 United States Army Corps of Engineers.
18. The trail width shall not exceed 4 feet and be made of native materials.
19. 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.
20. Mitigation planting as shown on the mitigation planting plans date stamped October 15, 2018 shall be planted upon completion of the project.
21. A five year monitoring period shall commence upon placement of the planting materials and irrigation system.
22. 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.
23. 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.

24. 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 March 2018 have been satisfied.
25. 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.
26. 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 Regional Shoreline Master Program, and the Shoreline Management Act.
27. 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.
28. 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 applicants are: Lance Harvey, 10325 Airport Way, Snohomish, WA 98290; Lee Dixon, 8221 Ne 110th Pl, Kirkland, WA 98034; and Robert Babitsky, 64 Skagit Key, Bellevue, WA 98006.
2. The applicant's agent is: Larry Lehman, Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801.
3. General Description: An application for a shoreline substantial development permit to construct a joint-use dock, install two ground-based boatlifts, and install an access trail.
 - 3.1 Dock-528 Sq Ft Joint-Use Dock (Below OHWM)
 - 3.2 Dock-40 Sq Ft Joint-Use Dock (Above OHWM)
 - 3.3 Boatlifts-250 Sq Ft Total (125 Sq Ft Each)
 - 3.4 Access Trail - 56 Sq Ft (Weedy Species)

4. The project will serve three (3) Lots on Bundy Place, Orondo, WA. The dock will be installed on the property boundary between 10 and 16 Bundy Place (Lots 1 and 2 of Columbia View Estates / Parcel 47700000100 and 47700000200).
5. The joint-use dock will serve three lots: 10, 16 and 20 Bundy Place (Lots 1-3 of Columbia View Estates. The properties are further described as being located within the NW quarter of Section 28, Township 26N, Range 21E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are: 47700000100 (Dixon), 47700000200 (Harvey) and 47700000300 (Babitsky).
6. The subject properties are located in the Rural Resource 5 zoning district.
7. The Columbia River Shoreline section of the subject properties is designated as "rural conservancy" by the Douglas County Regional Shoreline Master Program.
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 trail easement is located across Lot 2 and parallels the OHWM (within 10 ft of the OHWM). This location for an access easement does not meet the current standards for access trails within the shoreline master program. Additionally, the slope is steep within this section of the shoreline would result in the installation of an elevated trail and the removal of the existing vegetation located immediately landward of the OHWM.
10. The proposed project includes the reestablishment of a new dock access easement that extends from the dock location to Lot 3 in greater conformance with the Douglas County Regional Shoreline Master Program.
11. A Fish & Wildlife Habitat Management and Mitigation Plan date stamped October 15, 2018 was performed for the project by Grette Associates.
12. The construction of the dock and installation of the two boatlifts will impact the aquatic environment. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 874 sq ft of habitat will be disturbed by the dock, boatlifts and trail.
13. The application proposes 2,026 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 December 6, 2018 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. An Open Record Public Hearing after due legal notice, was held on December 21, 2018.
22. Appearing and testifying on behalf of the applicant was Larry Lehman. Mr. Lehman testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Lehman testified that he agreed with all of the representations set forth within the staff report and that the applicant had no objection to any of the proposed conditions of approval.
23. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
24. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

CONCLUSIONS OF LAW

1. 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.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. As proposed, revised, and conditioned, potential impacts of the project can be mitigated.
4. Public interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
6. The Hearing Examiner has been granted authority to render this Decision.
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).

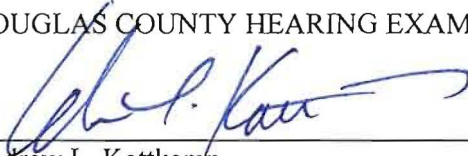
This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

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 26th day of December, 2018.

DOUGLAS COUNTY HEARING EXAMINER



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.

**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