

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-2022-02 – Mike St. Jean

Administering Agency Douglas County Transportation and Land Services

Type of Permit: ■ Shoreline Substantial Development Permit

Action: ■ Approved □ Denied

Date of Action: April 21, 2022

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:

**Mike St. Jean
68 Orchard Place
Orondo, WA 98843**

1. The applicant/owner is Mike St. Jean, 68 Orchard Place, Orondo, WA 98843. The applicant’s agent is Larry Lehman, with Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801.
2. This is an application for a shoreline substantial development permit (SP-2022-02) submitted by Grette Associates, LLC on behalf of Mike St. Jean. The applicant proposes to install a ground-based boatlift. Due to the configuration of the existing joint-use dock, the boatlift can’t be installed without significantly impacting the use of the dock by three (3) other joint-use dock partners. The proposed boatlift will be installed approximately 15 ft. waterward of the Ordinary High Water Mark (OHWM) in the upriver portion of the property.
3. The proposed ground-based boatlift will result in 125 sq. ft. of new in-water coverage. A minimum of 305 sq.ft. of native plantings will be installed within the riparian buffer and adjacent to the existing dock on the upriver portion of the property to mitigate impacts to comply with USACE mitigation ratio requirements (2.44:1). It is anticipated the proposed mitigation plantings will provide improved native vegetation diversity and increase the level of riparian habitat functions and values beyond what currently exists.
4. Location. The project is located within the Rural Conservancy Shoreline Environment, and is zoned Rural Resource (RR-5) under Douglas County Code. The subject property is addressed as 68 Orchard Place, Orondo, WA 98843. The property is further described as being located in Braeburn Short Plat #2003-13 Lot 1, within the Twin W’s subdivision and the NW Quarter of Section 12, Township 26N, Range 21E., W.M. The Douglas County Assessor’s Parcel Number is: 26211210012.

5. The Columbia River Shoreline section of the subject properties is designated as “Rural Conservancy” by the Douglas County Regional Shoreline Master Program.
6. The project is located within 200 feet of the **Columbia River** and/or its associated wetlands.
7. Site Characteristics: The property is located in the Twin W’s subdivision, which was historically used as an orchard; majority of the property has been disturbed and lacks native vegetation. As part of a previous shoreline permit action (SP-13-10), an access trail and shoreline cutback was completed that resulted in the excavation of material to provide a safe and gradual trail to the river. Vegetation on the majority of the property has been disturbed from historical agricultural use. The agricultural use of the property extended within the 200 ft. shoreline zone; the majority of the riparian buffer is undisturbed. Vegetation consists primarily of non-native and weedy species and is dominated by cheatgrass, tumble mustard, and thistle.
8. Uses Adjacent to the subject properties:
North: Residential
South: Residential
East: Orchard Place Road; Double D Vineyards, LLC
West: Columbia River
9. Zoning and Development Standards: The subject property is located within the Rural Resource (RR-5) zoning district under Douglas County Code. The purpose of the RR-5 rural resource 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. The district provides an opportunity for compatible rural land uses, and is sensitive to the site’s physical characteristics. Areas may be located adjacent to the urban growth areas or existing development of higher densities and, where appropriate, may serve as a transition and buffer 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 service 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.
10. The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource. The following goals and policies set forth in the comprehensive plan are relevant to this development:
 - 10.1 RURAL DEVELOPMENT:
 - 10.1.1 POLICY RD-3: 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.
 - 10.2 CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS
 - 10.2.1 GOAL 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.
 - 10.2.2 POLICY CA-15: 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.

- 10.2.3 POLICY CA-20: 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.
- 10.2.7 POLICY CA-21: 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.

- 11. 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.
- 12. 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:
 - 12.1 The policies and procedures of the Act;
 - 12.2 The provisions of these regulations; and
 - 12.3 The applicable master program adopted or approved for the area.
- 13. Douglas County issued a Determination of Non-significance on March 28, 2022 in accordance with WAC 197-11-355 (Optional DNS). The comment period started on January 21, 2022 and ended on February 21, 2022 (30 day comment period).
- 14. 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
WA Department of Ecology - Shorelines	02/17/2022	Army Corps of Engineers	N/R
Chelan County PUD	01/24/2022	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.	N/R	WA Department of Archaeology and Historic Preservation	N/R
Colville Tribe	January 26, 2022		

- 15. No public comments were received.
- 16. 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, the Hearing Examiner offers the following findings for the subject application.

17. Comprehensive Plan consistency: Residential development and recreational opportunities in shoreline areas of the RR5 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 wetland. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan. As conditioned, the proposal is consistent with the Comprehensive Plan for Douglas County, specifically Chapter 10 Critical Areas Element.

18. Consistency with the Douglas County Shoreline Master Program:
 - 18.1 Analysis: Installation of a single-use dock, piers, floats, access trails and restoration are permitted uses in the Rural Conservancy Shoreline Designation (Pursuant to SMP 3.10 Table 1. Use matrix, restoration and general).
 - 18.2 As conditioned, the proposal is consistent with the Douglas County Shoreline Master Program.
 - 18.3 3.4 RURAL CONSERVANCY ENVIRONMENT
 - 18.3.1 POLICY 2: Uses in the rural conservancy environment should be limited to those that sustain the shoreline physical and biological resources and uses of a temporary nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
 - 18.3.1.1 Analysis: Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.
 - 18.4 3.9 AQUATIC ENVIRONMENT
 - 18.4.1 POLICY 6: Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
 - 18.4.1.1 Analysis: Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.
 - 18.5 4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS
 - 18.5.1 POLICY 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.
 - 18.5.1.1 Analysis: The proposed installation of one (1) ground-based boatlift cannot avoid in-water coverage impacts and damage to the riparian buffer. The applicant states the project will not affect water quality,

water supply, recreation or aesthetics of the Columbia River. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

18.5.2 REGULATION 1: Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:

18.5.2.1 Avoiding the impact altogether by not taking a certain action or parts of an action;

18.5.2.1.1 Analysis: The proposed installation of one (1) ground-based boatlift is located in the Columbia River and riparian buffer, the proposed project elements cannot avoid impacts to this habitat type. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

18.5.2.2 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;

18.5.2.1.2 Analysis: Potential impacts to fish and aquatic life will be sufficiently minimized via mitigation proposed to occur within the riparian buffer. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

18.5.2.3 Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

18.5.2.3.1 Analysis: Rectifying the impact is possible via appropriate mitigation. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

18.5.2.4 Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

18.5.2.4.1 Analysis: A minimum of 350 sq. ft. of native, riparian plantings will be installed to mitigate impacts associated

with the installation one (1) ground-based boatlift to an existing joint-use dock (SR-16-01). Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

18.5.2.5 Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

18.5.2.5.1 Analysis: Species to be installed consist of water birch (*Betula occidentalis*), red osier dogwood (*Cornus sericea*), coyote willow (*Salix exigua*), nootka rose (*Rosa nutkana*) and common snowberry (*Symphoricarpos albus*). The trees would be planted at a spacing of 10 ft. on-center and the shrubs would be planted at a spacing of 3-5 ft. on-center. The installation of the native riparian vegetation will increase the ecological function of the riparian habitat and will offset the impacts associated with the increase in inwater coverage. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

18.5.2.6 Monitoring the impact and the compensation projects and taking appropriate corrective measures.

18.5.2.6.1 Analysis: To ensure the success of the planting areas, a five-year (5-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. 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 Douglas County annually following completion of the native, riparian plantings. The applicant will be responsible for ensuring that the Riparian Restoration Monitoring Reports are submitted on schedule and that success measures are met

18.6 4.3 VEGETATION CONSERVATION

18.6.1 REGULATION 2: 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.

18.6.2 Analysis: A HMMP prepared by Grette Associates, LLC was submitted in the application materials as required describing how to mitigate impacts (received January 2022).

18.6.3 **REGULATION 4**: Native vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.

18.6.4 Analysis: Mitigation requirements for the entire project are detailed within the HMMP prepared by Grette Associates, LLC, JARPA, and SEPA checklist (received January 2022).

18.7 4.7 RESTORATION

18.7.1 **POLICY 2**: Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.

18.7.2 Analysis: A HMMP prepared by Grette Associates, LLC was submitted in the application materials (received January 2022). The planned project will result in no net loss of ecological function through proper mitigation per a minimum of 350 sq. ft. of native, riparian plantings within the riparian buffer.

18.7.3 As conditioned, the proposal is consistent with the Regional Shoreline Master Program for Douglas County.

18.8 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.

19. As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 and 19 of the Douglas County Code, the Douglas County Countywide Comprehensive Plan, and the Douglas County Regional Shoreline Master Program.

20. An open record public hearing after legal notice was held on April 21, 2022.

21. At the open record public hearing, the entire planning staff file was admitted into the record.

22. Appearing and testifying at the hearing was Larry Lehman. Mr. Lehman testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Lehman indicated that the property owner had no opposition to any of the proposed Conditions of Approval, and that the Applicant's agreed with all representations set forth in the staff report.

23. No member of the public appeared at the hearing.

24. 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. The installation of the one (1) ground-based boatlift/mitigation plantings/monitoring reports 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. The proposed project, as designed, is consistent with applicable federal, state and local laws and regulations.
4. Public interests will be served by approval of this proposal.
5. The proposed project, as designed, is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
6. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted January 2022 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal laws and 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 project application shall proceed consistent with the HMMP prepared by Grette Associates, LLC (received January 2022), which includes accessing the site from an existing dirt road and staging equipment in the proposed project area/mitigation area.
5. Upon completion of the mitigation plantings, an as-built mitigation report shall be sent to Douglas County including as-built drawings and photographs, the location and size of the mitigation planting area, and the species and quantity. The report would be submitted by the first January 31 following permit issuance.
6. Best Management Practices shall be developed and implemented to avoid and/or control erosion such as but not limited to silt curtains, watering exposed areas, and replanting with semi-mature vegetation in staging areas occurring inside/outside of the riparian buffer.
7. All equipment used for temporary work are required to have an Ecology approved spill kit on-site.
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.
9. A five year monitoring period shall commence upon placement of the planting materials and irrigation system; plantings must be installed within 3 months of the installation of the boat lifts if weather conducive (i.e. not during winter months). Onsite monitoring and monitoring reports shall be submitted to Douglas County 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 HMMP submitted by Grette Associates, LLC (received January 2022) have been satisfied. The applicant shall be responsible for ensuring that

the Riparian Restoration Monitoring Reports are submitted on the schedule and that success measures are met.

10. After the mitigation plantings have been installed, year 2, the applicant shall contact the County to schedule a site inspection to confirm mitigation has been successful.
11. 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.
12. 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.
13. 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.
14. The applicants will attach to the property deed a copy of the mitigation planting plan approved by the County. The applicants will provide proof to the County, that the mitigation information has been recorded on the property deed prior to construction/installation.
15. 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. A Chelan County PUD license for the ground-based boatlift is required prior to the commencement of the proposed project.
17. The applicant shall ensure the Inadvertent Discovery Plan is on-site during the installation of the ground-based boatlift and the installation of mitigation plantings.
18. 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.

APPROVED this 22 day of April, 2022.

DOUGLAS COUNTY HEARING EXAMINER


Andrew L. Kottkamp

This permit is granted pursuant to the Regional Douglas County 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. 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