

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-2021-06 – Adam Brizendine

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:

**Adam Brizendine
630 Valley Mall Pkway #437
East Wenatchee, WA 98802**

1. The applicant/owner is Adam Brizendine, 630 Valley Mall Pkway #437, East Wenatchee, WA 98802. 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-2021-06) submitted by Grette Associates, LLC on behalf Adam Brizendine. The applicant proposes to construct a single-use dock, install a ground-based boatlift, and construct an access trail within the riparian buffer. The proposed dock to provide moorage for a single parcel and up to two (2) recreational boats moorage and up to four (4) personal watercrafts is not consistent with the Douglas County Regional Shoreline Master Program (SM); only a maximum of two (2) moorage facilities (inclusive of docks, swim float, buoys, and/or lifts) are permitted per individual lot.
3. Additionally, orchard debris, concrete, and poison ivy will be removed and restored with native vegetation to provide an improved riparian buffer. The proposed project will result in the disturbance of approximately 1,100 sq. ft. of the riparian buffer and will be replaced with approximately 2,495 sq. feet of native, riparian vegetation to mitigate project (in-water and out-of-water) impacts
4. Location. The properties are located within the Rural Conservancy Shoreline Environment, and is zoned Rural Resource 2 (RR-2) under Douglas County Code. The subject property is addressed as 11 Riverside Place, Rock Island, WA. The property is further described as being located within Tax 49 in Lot 29; AKA PCL B 3241678 and the NW Quarter of Section 26, Township 22N, Range 21E., W.M.. The Douglas County Assessor’s Parcel Numbers are: 41600002901 (applicant/owner) & 41600002203 (Chelan PUD).

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 subject properties have been disturbed from historic agricultural use. The property is approximately 370 ft. wide and the waterward property boundary is approximately 20 ft. landward of the Ordinary High Water Mark (OHWM). The Chelan PUD property is located between the subject property and the OHWM. The existing vegetation and habitat conditions on the property is divided into two distinct area based on slopes and historic use of the properties:
 - 7.1 The first area is located between the OHWM of the river and the top of the bank, which is 35-40 ft. landward of the OHWM. This portion of the property is primarily undisturbed and consists of unmaintained vegetation; and
 - 7.2 The second area is located landward of the top of the bank and is approximately 35-40 ft. landward of the OHWM. This area encompasses the majority of the property and has been significantly impacted by historic agricultural use. The upriver end of the property has an existing dirt orchard road and lacks vegetation.
8. Uses Adjacent to the subject properties:
 - North: Open space, disturbed
 - South: Orchards
 - East: Commercial
 - West: Columbia River
9. Project Proposal: The applicant proposes to construct a permanent single-use dock, install a ground based boatlift, and construct a permanent access trail through the riparian buffer on the shores of the Columbia River. The dock, boatlift, and access trail will be constructed to serve the existing upland parcel # 41600002901 and will be located primarily on Chelan County PUD property, parcel # 41600002203. Orchard debris, concrete, and poison ivy will be removed and restored to enhance the riparian buffer. The proposed project will result in the disturbance of approximately 1,100 sq. ft. and will be replaced with approximately 2,495 sq. feet of native, riparian vegetation to mitigate project (in-water and out-of-water) impacts.
10. The proposed project will result in the minor excavation and grading at the top of the bank to remove concrete and orchard debris. The single-use dock will consist of two (2) sections:
 - 10.1 4 ft. x 40 ft. aluminum gangway with a 100% ambient light grid greater than 60% open space; and
 - 10.2 8 ft. x 20 ft. float with a 6 ft. x 3 ft. float under the gangway to allow for gangway travel.
11. The dock will extend approximately 41 ft. waterward of the OHWM, with the landward edge of the float approximately 33 ft. waterward of the OHWM in a water depth of approximately 16 ft. The proposed dock will be used primarily between the middle of June through the middle of September. The proposed dock will not be constructed with treated piles, paint, or stain to avoid unnecessary impacts to water quality.
12. The boatlift will be installed approximately 23 ft. waterward of the OHMW in a water depth of approximately 11 ft. below the OHWM to minimize the impact on shallow water habitat (i.e.

juvenile fish impediment). The float will be orientated perpendicular to the OHWM and will be located approximately 33 ft. from the OHWM.

13. A 4 ft. wide, 82 ft. long gravel, access trail will be established and utilized to access the dock. The trail will be located within the riparian buffer and extend from the concrete abutment up the slope to the existing top of bank. The top of the bank is located approximately 35 ft. landward of the OHWM. Due to the steep slope of the shoreline, the access trail will be located on an angle down slope and will require minimum excavation.
14. The final element of the project will entail the removal of concrete and orchard debris from within the riparian buffer. The removal of the debris will occur from the top of the bank, between 40 ft. landward of the OHWM to approximately 20 ft. landward of the OHWM.
15. The length of the proposed dock and the location of boatlift are based on the current federal mitigation requirements. The U.S. Army of Core of Engineers requires that impacts of a ground-based boatlift located in a moderate 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 plantings) and the dock at a 2.35:1 mitigation ratio. Critical areas per Douglas County requires a 1:1 ratio for disturbance as a result of the dock and access trail. See Table 1 for mitigation details. The mitigation planting area for the dock and boatlift will be located as close to the OHWM as possible in order to provide the highest level of riparian habitat functions and values.

Structure	Mitigation Ratio	Disturbance* (Sq. Ft).	Total Mitigation (Sq. Ft)
Boatlift	2.44:1	125	305
Dock	2.35:1	300 (below OHWM)	705
Access Trail/Pier	1:1	385 (above OHWM)	385
Debris Removal	1:1	1,100	1,100
TOTAL			2,495

*-1,395 sq. ft. will be installed in an area dominated by upland/grasses/weedy species/poison oak
 -1,100 sq. ft. will be installed where the debris will be removed/road restored

16. Zoning and Development Standards: The subject property is located within the Rural Resource 2 (RR-2) zoning district under Douglas County Code. The purpose of the RR-2 zoning district is to provide an area for low density, rural residential lifestyles that require only rural levels of service for utilities and infrastructure.
17. The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 2 (RR-2). The following goals and policies set forth in the comprehensive plan are relevant to this development:
 - 17.1 RURAL DEVELOPMENT:
 - 17.1.1 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.
 - 17.2 CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

- 17.2.1 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.
- 17.2.2 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.
- 17.2.3 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.
- 17.2.7 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.

- 18. 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.
- 19. 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:
 - 19.1 The policies and procedures of the Act;
 - 19.2 The provisions of these regulations; and
 - 19.3 The applicable master program adopted or approved for the area.
- 20. Douglas County issued a Determination of Non-significance on March 22, 2022 in accordance with WAC 197-11-355 (Optional DNS).
- 21. 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	02/15/2022 and 03/22/2022	Army Corps of Engineers	N/R
Chelan County PUD	01/21/2022	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		
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22. No public comments were received.
23. 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.
24. Comprehensive Plan consistency: Residential development and recreational opportunities in shoreline areas of the R-REC 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.
25. Consistency with the Douglas County Shoreline Master Program:
- 25.1 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).
- 25.2 Analysis: Residential moorage for individual lots is permitted in subdivisions legally established prior to February 20, 1975, where shared moorage is has not already been developed or required.
- 25.3 As conditioned, the proposal is consistent with the Douglas County Shoreline Master Program; moorage facilities cannot exceed a maximum of two (2).
- 25.4 3.4 RURAL CONSERVANCY ENVIRONMENT
- 25.4.1 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.
- 25.4.1.1 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 on January 4, 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.
- 25.5 3.9 AQUATIC ENVIRONMENT
- 25.5.1 POLICY 6: Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- 25.5.1.1 Analysis: Mitigation proposed is adequate to meet federal, state, and local regulatory requirements Five (5) years of subsequent monitoring and reporting to ensure compliance with success ratios (80% by year 5) is proposed. Refer to the HMMP submitted by Grette Associates, LCC (received on December 21, 2021) for specific details regarding mitigation ratios, planting areas, methodologies, and best management practices to protect the aquatic environment.
- 25.6 4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS

- 25.6.1 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.
- 25.6.1.1 Analysis: The project cannot avoid damage to the riparian buffer, 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 avoid and/or minimize damage. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements Refer to the HMMP submitted by Grette Associates, LCC (received on December 21, 2021) for specific details regarding mitigation ratios, planting area, methodologies, and best management practices to protect critical areas.
- 25.6.2 REGULATION 1: Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:
- 25.6.2.1 Avoiding the impact altogether by not taking a certain action or parts of an action;
- 25.6.2.1.1 Analysis: The project is located in the riparian buffer and cannot avoid impacts to this habitat type. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements.
- 25.6.2.2 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;
- 25.6.2.2.1 Analysis: Potential impacts to fish and aquatic life will be sufficiently minimized via mitigation proposed in the riparian buffer. See the HMMP submitted by Grette Associates, LLC in the application materials (received December 21, 2021) for specific details regarding mitigation ratios, planting area, methodologies, and best management practices to protect critical areas. 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.
- 25.6.2.3 Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- 25.6.2.3.1 Analysis: Rectifying the impact is possible via appropriate mitigation. The tree removal process will be followed up with appropriate mitigation by installing native, riparian plant species up to a 2.44:1 ratio.
- 25.6.2.4 Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- 25.6.2.4.1 Analysis: A minimum of 2,495 sq. ft. of native, riparian plantings will be installed to mitigate impacts associated with the installation of a single-use dock, ground-based boatlift, access trail, and debris removal. Mitigation

proposed is adequate to meet federal, state, and local regulatory requirements. See the HMMP submitted by Grette Associates, LLC in the application materials, including the JARPA (received December 21, 2021).

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

25.6.2.5.1 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. These plantings will exceed the 1:1 mitigation replacement ratio required by Douglas County Code. See the HMMP submitted by Grette Associates, LLC in the application materials, including the JARPA (received December 21, 2021).

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

25.6.2.6.1 Analysis: To ensure the success of the planting areas, a (5) 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. 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. See the HMMP submitted by Grette Associates, LLC in the application materials, including the JARPA (received December 21, 2021)..

25.7 4.3 VEGETATION CONSERVATION

25.7.1 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.

- 25.7.2 Analysis: A HMMP prepared by Grette Associates, LLC was submitted in the application materials as required describing how to mitigate impacts (received December 21, 2021).
- 25.7.3 REGULATION 4: Native vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.
- 25.7.4 Analysis: Mitigation requirements for the entire project are detailed within the HMMP prepared by Grette Associates, LLC, JARPA, and SEPA checklist (received December 21, 2021).

- 25.8 4.7 RESTORATION
 - 25.8.1 POLICY 2: Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.
 - 25.8.2 Analysis: A HMMP prepared by Grette Associates, LLC was submitted in the application materials (received December 21, 2021). The plan identifies that the project will result in no net loss of ecological function through proper mitigation per a minimum of 2,495 sq. ft. of native, riparian plantings within the riparian buffer.
 - 25.8.3 As conditioned, the proposal is consistent with the Regional Shoreline Master Program for Douglas County.

- 25.9 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.

- 26. 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.

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

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

- 29. 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. Staff and the Applicant had a discussion as to the intent of proposed Condition of Approval No. 4. At the end of that discussion it was understood that the dock one moorage facility would be one moorage facility and a personal watercraft lift would be a second moorage facility. However, it could be more than one boat on the dock moorage facility.

- 30. Also testifying for the Applicant was Adam Brizendine. Mr. Brizendine testified that he is the property owner and the Applicant. He indicated that the address is a Rock Island address and not an Orondo address.

- 31. No member of the public appeared at the hearing.

- 32. 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 proposed project 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, state and local laws and regulations.
4. As conditioned, potential habitat 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.

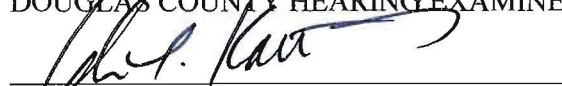
CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted December 21, 2021 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal laws and regulations.
3. The applicant shall obtain approval from the Chelan Public Utility District (Attachment A) to the staff report.
4. A maximum of two (2) moorage facilities (inclusive of docks, swim buoys, and/or lifts) permitted per individual lot; of this allowed moorage, a maximum of one (1) dock is permitted.
5. 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.
6. The project application shall proceed consistent with the geotechnical assessment prepared by Anderson Geological Consulting (received March 21, 2022).
7. The project application shall proceed consistent with the HMMP prepared by Grette Associates, LLC (received December 21, 2021), which includes accessing the site from an existing dirt road and staging equipment in the proposed project area/mitigation area; all disturbed areas including the existing road shall be mitigated via the installation of native plantings.
8. 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.
9. Best Management Practices (BMPs) 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.

10. All equipment used for temporary work are required to have an Ecology approved spill kit on-site.
11. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that is designed by a landscape architect or equivalent professional.
12. A five (5) year monitoring period shall commence upon placement of the planting materials and irrigation system; plantings must be installed within 3 months of the proposed project.
13. 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.
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. 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.
16. 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 December 21, 2021) 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.
17. 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.
18. After the mitigation plantings have been installed, year 2, the applicant shall call the County to schedule a site inspection to confirm mitigation has been successful.

APPROVED this 21 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