

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SCUP-2022-01 – Bauer’s Landing Lodge Association

Administering Agency Douglas County Transportation and Land Services

Type of Permit: Shoreline Conditional Use Permit

Action: Approved Denied

Date of Action: December 26, 2023

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:

Bauer’s Landing Lodge

1. The applicant is the Bauer’s Landing Lodge Association – Belinda Martinez-Arens. The property owner is the Bauers Landing Lodge.
2. This is an application for a shoreline conditional use permit to conduct maintenance activities on the Bauer’s Landing Community Beach property. The purpose of the project is to restore longshore sediment transport, improve use of the existing boat launch, restore beachfront, and stabilize portions of the shoreline. Actions associated with the project include: excavation/dredging of material, removal of manmade features (two peninsulas), restoration of southwest shoreline, installation of bioengineered shoreline stabilization upriver, installation of edge protection along sides of the boat launch, and replacement of existing handling floats, gangway, and concrete abutment. The subject property is located in the shoreline residential environmental designation per the Douglas County Regional Shoreline Master Program.
3. Location. The subject property is located north of River View Drive, Orondo, WA. The property is further described as being located in Section 15, Township 26N, Range 21E W.M. Douglas County Assessor’s Parcel Number: 45600000000.
4. The Comprehensive Plan Designation for the subject property is Rural Recreation.
5. The subject property is located in the Rural Recreation (R-REC) zoning district.
6. The subject property is located in the Shoreline Residential Environmental Designation.
7. The subject property is within 200 ft. of the Columbia River.
8. Initial application materials reviewed by Douglas County Transportation and Land Services include:

- 8.1 JARPA prepared by the applicant, submitted on November 9, 2022.
 - 8.2 SEPA Checklist prepared by the applicant, submitted on November 9, 2022.
 - 8.3 Habitat Management and Mitigation Plan prepared by Grette Associates, Submitted November 9, 2022.
 - 8.4 Project Narrative/ WAC response prepared by Grette Associates, Submitted November 9, 2022.
9. The Colville Confederate Tribes (CCT) provided comment on the proposal. Per CCT, the proposed project falls within high probability for the potential presence of cultural resources according to the Washington State Department of Archaeology and Historic Preservations (DAHP) statewide predictive model. However, as the project will primarily be removing recent sedimentation and man-made components along the shoreline, CCT recommends the proponent have a completed Inadvertent Discovery Plan on hand prior to any ground disturbing activities occurring.
 10. The Chelan County PUD (CCPUD) provided comment on the proposal. Per CCPUD, The District's Rocky Reach project boundary crosses the subject parcel at an elevation of 719 above sea level USCGS datum. The District finds the proposed project acceptable conditioned that the existing project boundary contour is not modified. The applicant may contact Lisa Graves (CCPUD) if additional information is needed to determine compliance with this. Should the project receive approvals from all other agencies, the District requests the final approval be conditioned upon the applicant receiving a District license for the boat launch and new handling float.
 11. Surrounding property owners were given the opportunity to comment on the proposal, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
 12. One comment was received from a member of the public. The comment provides a background on uses of the site and existing conditions. The comment also includes concerns regarding impacts to fish and wildlife habitat.
 13. A comment was received from David Finch dated September 23, 2023 regarding the control of stormwater drainage on a parcel adjacent to the property.
 14. Comments from reviewing agencies and the public have been considered and addressed where appropriate.
 15. Proper legal requirements were met and surrounding property owners, affected agencies, and interested parties were given the opportunity to comment on the proposal at a public hearing.
 16. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
 17. The Douglas County Comprehensive Plan designates this property as Rural Recreation. The following goals and policies set forth in the comprehensive plan are relevant to this development:
 18. GENERAL LAND USE:
 - 18.1 POLICY G-13: Promote public access to lakes, rivers, creeks and other water bodies through signage, maps, public information programs, trails, scenic overlooks, picnic areas and other mechanisms.
 - 18.2 Policy G-14: Encourage efforts to maintain scenic open space, cultural, historic and heritage resources.
 - 18.3 Policy G-15: Encourage the operation of rural commercial businesses, natural resource related industries, recreation and tourism activities, cottage industries, small scale business, and home occupations that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.

- 19. **RURAL DEVELOPMENT:**
 - 19.1 **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.
 - 19.2 **POLICY RD-6:** Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and sections of this comprehensive plan, including but not limited to, the Resource Lands Element and Resource and Critical Areas Conservation Element.

20. Environmental Review. Douglas County issued a Determination of Non-Significance on December 7, 2023 in accordance with WAC 197-11-355.

21. Agency And Public Comments: Applicable agencies have been given the opportunity to review this proposal. These agencies have identified mitigation or project design requirements for the project that have been included as conditions of approval where appropriate.

Agency Notified	Response Received	Agency Notified	Response Received
Chelan County PUD	09/27/2023	Colville Confederate Tribes	09/20/2023
WA Dept. of Archeology and Historic Preservation	N/R	WA State Dept. of Ecology	N/R
Douglas County Planning	12/04/2023	WA Dept. of Fish and Wildlife	N/R
WA Dept. of Natural Resources	N/R	US Army Corps of Engineers	N/R

22. Comprehensive Plan consistency: The project is designated *Rural Recreation* by the Douglas County Comprehensive Plan. The proposal is supported by multiple policies related to general land use and rural development. The Comprehensive Plan also puts emphasis on promotion of recreational opportunities and conservation of protected critical areas such as the shoreline. All activities associated with the project will utilize BMPs to ensure the protection of terrestrial and aquatic habitat while conducting necessary maintenance activities to ensure safe and continued use of the site.

23. Douglas County Shoreline Master Program consistency: The subject property is located in the Shoreline Residential Environmental Designation. The purpose of the shoreline residential environment is to accommodate residential development and accessory structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses. The proposed project would maintain and improve the overall condition of the existing permitted use. All activities associated with the project are permitted uses within the shoreline residential environmental designation. Dredging is permitted via a conditional use permit within the shoreline residential environmental designation. All impacts from the project will be appropriately mitigated for via enhancements to the aquatic habitat and planting of native vegetation within the riparian buffer.

25. Consistency with RCW 90.58.020:
- 25.1 (1) Recognize and protect the statewide interest over local interest
 - 25.1.1 Neither statewide nor local interests will be affected by this project. The project will be implemented on privately-owned property owned and maintained by the Bauers Landing Lodge and serving the entire development. The proposed project would maintain the existing structure and restore the original permitted use. This would not result in an increase or change of use from the existing conditions.
 - 25.2 Preserve the natural character of the shoreline
 - 25.2.1 The proposed project would repair and maintain the existing launch and shoreline use of the property. The existing shoreline is already fully developed with a launch, lawn grass, and parking area, all of which will be modified to ensure continued safe use of the existing shoreline use. The proposed project would not result in any change to the existing character of the shoreline. The proposed installation of native vegetation will result in an overall lift of the shoreline/riparian habitat on the property and the conversion of uplands to aquatic habitat will eliminate areas of lawn grass within the shoreline. Overall, the proposed project will result in an overall increase in habitat functions and values on the property.
 - 25.3 Result in long term over short term benefit
 - 25.3.1 The short and long term benefits of this project will be increased recreational utilization of the subject property.
 - 25.4 Protect the resources and ecology of the shoreline
 - 25.4.1 Increased use of the action area by boats, swimmers, and other watercraft will not occur following the project as it will restore the existing permitted use. Thus, the proposed project would not contribute to the cumulative effect of greater overall use of the Columbia River. Therefore, this project will not contribute to a cumulative negative effect on the ecology of the shoreline.
 - 25.5 Increase public access to publicly owned areas of the shoreline
 - 25.5.1 This project will not affect public access to publicly owned area of the shoreline, as the property is in a residential area in which there is no public shoreline access.
 - 25.6 Increase recreational opportunities for the public in the shoreline
 - 25.6.1 This project will not affect public recreational opportunities in shoreline. The proposed project would ensure the continued safe use of the existing recreational uses provided to the Bauers Landing Lodge. Additionally, the shoreline is privately owned, and thus afford no public recreational opportunities. Public recreation opportunities do exist in nearby city and state parks.
 - 25.7 Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary
 - 25.7.1 RCW 90.58.100 addresses the establishment of local Shoreline Master Programs.
 - 25.7.2 This dock is consistent with the Douglas County Shoreline Master Program.
26. An open record public hearing after legal notice was held on December 21, 2023.
27. At the open record public hearing, the entire planning staff file was admitted into the record.
28. 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. Mr.

Lehman also stated that the drainage referenced by the public comments and testimony was not on the project site and was not related to or impacted by this project.

29. Speaking from the public were the following individuals:

29.1 David Finch. Mr. Finch owns property south of the proposed launch area. He shares a drainage easement that he indicates is owned by Douglas County. He testified as to the problem regarding this drainage in the form of debris and lack of maintenance.

29.2 Bill Patterson. Mr. Patterson is a long-time resident of Bauer's Landing. He had no disagreement with the removal of the sand/sediment, but believes that the enormity of the project is not necessary. Including, but not limited to the removal of the cottonwood tree and the degradation of the current beach area. He believes that the proposal as submitted will only result in a short-term of the correction of the sediment problems.

30. 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 Comprehensive Plan and Douglas County Shoreline Master Program, and Shoreline Management Act.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 18 "Zoning", Title 19 "Environment", and Title 20 "Development Standards" 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 of file except as amended by the conditions herein.
2. The applicant, and site operators, are responsible for compliance with all applicable local, state and federal rules and regulations and shall acquire all applicable permits.
3. All future modifications to the project shall be reviewed by Douglas County Land Services Department.
4. The project shall proceed consistent with the Fish and Wildlife Habitat Management and Mitigation Plan dated as received on November 9, 2022 completed by Grette Associates, LLC.
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. All activities shall be consistent with the policies and provisions of the Shoreline Management Act, and the Douglas County Regional Master Program.
7. Best Management Practices will be employed to reduce the potential for construction-related impacts on critically protected areas such as the shoreline of the Columbia River.
8. All dredging activities shall be consistent with Chapter 5.5 – Dredging, of the Douglas County Shoreline Master Program.
9. The project shall not modify the Chelan County PUD's existing project boundary contour.
10. The applicant shall obtain a District License from the Chelan County PUD for the boat launch and new handling float.
11. Mitigation plantings shall be installed in the most feasible growing season in which the project is completed.
12. A performance surety agreement, in conformance with DCC Title 14, shall be entered into between the property owner and Douglas County Transportation & Land Services within 30 days of the issuance of this permit or prior to commencing work. Douglas County must approve quotes for the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and 3 monitoring visits and reports by a qualified biologist, and the quotes shall include Washington State sales tax.
13. The mitigation site shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall ensure 80% survival during the 5 year monitoring period and shall include corrective actions to rectify problems, including 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.
14. Onsite mitigation 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 fish and wildlife habitat management and mitigation plan prepared by Grette Associates.
15. 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.

APPROVED this 26th day of December, 2023.

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