

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP#07-19
Administering Agency Douglas County Transportation and Land Services

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

Date of Action: May 23, 2008

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:

**Joshua Corning
130 Riverview Drive
E. Wenatchee, WA 98802**

To undertake the following development: For the construction of a 2 party joint use dock on the Columbia River, as well as a proposed restoration and access plan for the subject properties. The dock is proposed to be constructed on Lot 2 with an access trail from Lot 1 of the Sheep's Draw Plat. The dock would consist of three sections: a 4 ft x 47 ft gangway and two 8 ft x 20 ft floats (Sheets 1-6). The dock would extend approximately 48 ft waterward of the OHWM, with the landward end of the floats located approximately 40 ft waterward of the OHWM, at a water depth of approximately 14.5 ft. Access is proposed by a 5' wide path extending along the edge of the wetland buffer, then through the wetland and buffer perpendicular to the shoreline;

Upon the following property: The subject property is located in a portion of Section 10, Township 27 N., Range 23 E., W.M. more particularly described as Lot one and Lot two of Sheep's Draw plat, parcel numbers 27231010003 and 27231010004. The site is located in the Rural Resource 20 (RR-20) Zoning District and the Shoreline is designated as Rural by the Douglas County Shoreline Master Program;

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 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. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
3. The Applicant shall comply with all federal, state and local laws and regulations.
4. Construction shall proceed substantially as shown on the application materials on file with the Douglas County Transportation and Land Services Department, except as modified by conditions below.
5. Prior to site work commencing, the applicant shall submit a dust control plan for review and approval by Douglas County Land Services. Approval of this dust control plan shall take into consideration the remote location of the project and the limited scope of the project.
6. Prior to site work commencing, the biologist of record shall verify that the boundaries of site disturbance have clearly been demarcated by silt fencing or straw bales. Written verification from the biologist of record shall be required prior to site operations commencing.
7. The means of irrigation shall be installed for the mitigation plantings that is designed by a professional meeting the requirements of Title 20 Douglas County Code. Said design should address the specific needs of riparian and shrub steppe vegetation. The applicant has submitted an alternative irrigation system due to special site considerations, no power or water system, therefore the applicant will provide a report on the plantings every other month during the growing season for the first year after planting to show that the irrigation system is functioning and that the plantings are surviving. The letter reports will include a photo of the mitigation planting area.
8. Monitoring reports must include verification that the planting areas have less than 20% total non-native/invasive plant cover consisting of exotic and/or invasive species. Exotic and invasive species may include any species on the state noxious weed list which may be referenced on the web at, www.wa.gov/agr and www.nwcb.wa.gov, or considered as a noxious or problem weed by the Natural Resources Conservation Services Department or local conservation districts.
9. Mitigation planting survival will be 100% for the first year, and 80% of the approved mitigation planting plan for the 4 years following.
10. All mitigation must be installed within the next growing season falling after the completion of the dock installation. A five year monitoring period shall commence upon placement of the planting materials and irrigation system. A performance surety agreement in conformance with Title 14 of Douglas County Code shall be entered into between the property owner and Douglas County Transportation and Land Services prior to the issuance of a building permit for the joint use dock and prior to any site work commencing. 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.

11. 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 wetland management and mitigation plan submitted by Grette and Associates dated November 2007.
12. Mitigation sites shall be maintained to ensure that the mitigation and management plan objectives are successful. Maintenance 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.
13. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the mitigation and management 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. Site monitoring visits shall be completed between the time periods of August 1-September 15th
15. A copy of this permit and attached conditions shall be kept on-site and 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.
16. The conditions of approval apply to the shoreline substantial development permit of record.
17. The project shall be in compliance with the Shoreline Management Act (RCW 90.58), the Washington Administrative Code, the Douglas County Shoreline Master Program and the Douglas County Code.
18. The applicant shall comply with all applicable local, state and federal regulations and the applicant is responsible for securing any and all state and federal agency permits, as may be required.
19. The dock access corridor within the wetland boundary shall not exceed 4' in width. The trail shall consist of either native grasses, crushed rock or gravel material.

20. Prior to building permit issuance, the applicant shall obtain all necessary permits from agencies with jurisdiction and provide copies of the permit approvals to Douglas County. This may include, but is not limited to: the Washington State Department of Fish and Wildlife (Hydraulic Project Approval), the United States Army Corps of Engineers Regulatory Branch (Section 10 &/or 404) the Washington State Department of Ecology (Section 401 Water Quality Certification), Washington State Department of Natural Resources Aquatic Use Authorization.
21. Prior to building permit issuance, the applicant shall provide a copy of the approved District Dock Permit signed by both the applicant and the Chelan County PUD.
22. Prior to entering the project area, all equipment shall be checked for leaks and cleaned free of any external petroleum products, hydraulic fluid, machinery coolant, dirt, weeds both aquatic and terrestrial, weed seeds, and/or any other deleterious materials.
23. Except as amended herein, the project application shall proceed consistent with the Wetland Management and Mitigation Plan prepared by Grette Associates, LLC, dated November 2007.
24. 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 Shoreline Master Program, and the Shoreline Management Act.
25. A water barge shall be required for placement, unless it can be demonstrated that a truck mounted crane can access the site and not disturb existing habitat in the buffer or wetland.
26. A joint use maintenance and operation agreement for the joint use dock shall be submitted for review and approval which benefits the property owners. An approved agreement must be recorded prior to building permit issuance for the dock facility.

FINDINGS OF FACT

1. The proposal is located in an area designated as a Rural Resource 20 land use designation by the Douglas County Countywide Comprehensive Plan.
2. The proposal is located in the Rural Resource 20, (RR-20), Zoning District. Single family dwellings and associated site improvements are permitted in all rural zoning districts and envisioned by the Douglas County Comprehensive Plan when consistent with critical area and shoreline policies and requirements.
3. The proposal is located within 200 feet of the ordinary high water mark of the Columbia River, a shoreline of statewide significance. The project can proceed only after a Shoreline Management Substantial Development Permit is issued.

4. The Douglas County Shoreline Master Program designates this area as a “Rural” Shoreline Environment.
5. Public notice of application for this proposal and notice of the public hearing was provided in conformance with Title 14 Douglas County Code and the provisions of the Douglas County Shoreline Master Program.
6. No public were submitted for the subject application. Comments were received from the Chelan County PUD and Douglas County Building Official
7. The subject property is located on the shoreline of the Columbia River and contains riparian and wetland areas regulated under the provisions of Chapter 19.18B Critical Areas-Wetlands.
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. When classifying and/or assessing a wetland area, the Douglas County Comprehensive Plan establishes that historical information on the area in question, as well as the dynamic nature of the wetlands will be recognized and considered. The comprehensive plan further establishes that innovative techniques that enhance a wetland and promote it as a useful, functioning part of the development will be encouraged during the development review process.
10. Policy CA-15 of the Douglas County Comprehensive Plan states impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and /or enhancement of habitats.
11. Chapter 19.18B, Wetlands, Douglas County Code, establishes standards of review that wetland management and mitigation plans must meet for project proposals. Plans must demonstrate that when implemented, there shall be no net loss of the ecological function or acreage of the wetland; and that the monitoring and contingency actions for continued maintenance of the wetland would be in place.
12. The applicant has submitted a wetland mitigation and management plan prepared by Grette and Associates, dated November 2007. The mitigation and management plan provides mitigation at a ratio of 1:1 for overwater coverage; and 1:1 within the wetland buffer, landward of the ordinary highwater mark.
13. On May 5, 2008, Douglas County Transportation and Land Services issued a Determination of Non-significance in accordance with WAC 197-11-355 (Optional DNS Process), and RCW 43.21C.
14. Goal 5 of the Douglas County Shoreline Master Program states: Shoreline Use Goal- to assure that shoreline use and development in Douglas County is such that all uses are in

harmony with each other and with the character and physical limitations of the land and water. To promote the best possible use of the shorelines which will maximize the potential without disrupting environmental quality.

15. Goal 8 of the Douglas County Shoreline Master Program states: Restoration Goal- To encourage, where feasible and desirable, the restoration of blighted areas along the shorelines of Douglas County to a natural or rehabilitated condition.
16. Policy D, Section XII Residential Development of the Douglas County Shoreline Master Program states: Residential developers should be required to preserve shore vegetation and control erosion during construction.
17. Erosion control measures during and following excavation have not been incorporated into project design.
18. Noxious/non-native weed control plans have not been incorporated into project design.
19. The wetland rating for the site has been identified as a Type IV Wetland with a 50' buffer. The delineated wetland boundary is at the ordinary high water mark of the Columbia River.
20. The Douglas County Department of Land Services recommended approval of the requested permits, subject to the recommended conditions of approval.
21. An open record public hearing after legal notice was held on May 15, 2008. Appearing and testifying at the hearing on behalf of the applicant were Larry Lehman, authorized agent of applicant, and Josh Corning. No members of the public appeared at this hearing.
22. At the open record public hearing, the entire planning staff file was admitted into the record. Also admitted was Exhibit 1 which were sheets 3 and 4 of dock plans revised 3/31/08.
23. Public agencies with potential jurisdiction over this project were given an opportunity to review the proposal. Agencies that responded with comments were admitted into the record and considered by the Hearing Examiner in rendering this Decision.
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 given authority to render this Decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan and the Douglas County Shoreline Master Program.
3. Public interests will be served by approval of this proposal.

4. As conditioned, the proposal is consistent with Title 18 “Zoning” and Title 19 “Environment” of the Douglas County Code.
5. Sufficient erosion control measures during and following excavation can be incorporated into project design.
6. As proposed, success of the mitigation plan could be hampered by noxious/non-native weed control.
7. As conditioned, professional monitoring and surety agreement requirements will establish a commitment for implementation of the plans and project design.
8. As conditioned, potential impacts of the project can be mitigated.
9. The project is consistent with the review criteria of WAC 173-27-150, in that the project proposed is consistent with the policies and procedures of the Act; the rules for administrating shoreline master programs established by WAC 173-27; and the Douglas County Shoreline Master Program.
10. As conditioned, the proposal will not detrimentally affect the public health, safety and general welfare.
11. The proposal is an innovative technique that provides enhancement of a wetland buffer and promotes it as a useful, functioning part of the development.
12. The proposal provides for the restoration and enhancement of an altered portion of the shoreline.
13. 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 Shoreline Master Program of Douglas County, 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).

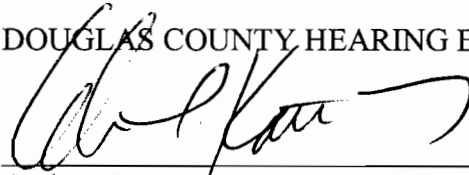
This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

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 23rd day of May, 2008.

DOUGLAS COUNTY HEARING EXAMINER

A handwritten signature in black ink, appearing to read 'A. L. Kottkamp', written over a horizontal line.

Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the “date of filing” as defined in WAC 461-08-305 and RCW 90.58.140(6) to file a petition for review with the Shorelines Hearings Board as provided for in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board.

**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