

**SHORELINE MANAGEMENT PERMIT  
ACTION SHEET**

**Application #:** SP-10-04  
**Administering Agency** Douglas County Transportation and Land Services

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

**Date of Action:** June 11, 2010

**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:

**Col Park LLC  
PO Box 1509  
Wenatchee, WA 98807-1509**

To undertake the following development: For a shoreline substantial development permit for the installation of mitigation measures to mitigate code violation activities along the shoreline. Mitigation measures include grading to remove a unpermitted boat launch and revegetation of riparian and wetland buffer areas;

Upon the following property: The subject property is located at 5630 Nature Shores Drive. The property is further described as being located in Sections 25 and 26, Township 22N., Range 21 E., W.M., Douglas County, Washington;

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 General Industrial (I-G) Zoning District, Rock Island Municipal Code as adopted by Douglas County, 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 project shall proceed in substantial conformance with the plans and application materials of file submitted on February 19, 2010 and amended on May 14, 2010 except as amended by the conditions herein.
3. Prior to building permit issuance, the applicant shall obtain all necessary permits from agencies with jurisdiction. 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.
4. The applicant shall comply with all applicable local, state and federal regulations.
5. 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.
6. The erosion control fencing shall remain in place and be maintained until the installed vegetation has taken hold to protect the buffer from erosion and siltation.
7. The project application shall proceed consistent with the Wetland Management and Mitigation Plan prepared by Grette & Associates, dated February 2010, revised May 14, 2010.
8. A permanent 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.
9. Mitigation planting as shown on the mitigation planting plan sheets, dated May 14, 2010 shall be planted upon completion of the excavation and fill.
10. A performance surety agreement in conformance with Title 14, D.C.C. shall be entered into between the property owner and Douglas County Transportation and Land Services prior to commencing work. 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.
11. 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, 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 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. 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. 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 & Associates, dated May 14, 2010 have been satisfied.
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. If at the conclusion of the 5 year monitoring period, 80% survivability is not achieved, then corrective actions as outlined in Condition #8 shall be taken and yearly monitoring shall continue until 80% survivability can be demonstrated from the previous year.
16. 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.
17. 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 the permit shall terminate five (5) years from the filing date of the permit.

#### **FINDINGS OF FACT**

1. The applicant is Col Park LLC, PO Box 1509, Wenatchee WA.
2. General Description: An application for a shoreline substantial development permit for the installation of mitigation measures to mitigate code violation activities along the shoreline. Mitigation measures include grading to remove a unpermitted boat launch and revegetation of riparian and wetland buffer areas.

3. The subject property is located at 5630 Nature Shores Drive. The property is further described as being located in Sections 25 and 26, Township 22N., Range 21 E., W.M., Douglas County, Washington.
4. The property is located within the Town of Rock Island Urban Growth Area.
5. The Comprehensive Plan Designation is General Industrial.
6. The subject property is located in the I-G zoning district RIMC as adopted by Douglas County.
7. The Columbia River Shoreline section of the subject property is designated as "High Intensity" by the Douglas County Shoreline Master Program.
8. WAC 173-27-150 establishes minimum review criteria for Shoreline Management Substantial Development Permits. This criteria states that a substantial development permit shall be granted only when the development proposed is consistent with the policies and procedures of the Act; the provisions of this regulation; and the applicable master program adopted or approved for the area.
9. A notice of code violation (file # CE-09-116) was issued for the property on October 15, 2009 for the construction of a boatramp and riparian vegetation removal within the shoreline jurisdiction without first obtaining a valid shoreline substantial development permit.
10. A fish and wildlife habitat management and mitigation plan dated February 2010, Revised May 14, 2010 was performed for the project by Grette & Associates.
11. Grette & Associates performed a Habitat conservation Area/Zone 1 Aquatic Habitat Buffer analysis as required by the Douglas County Regional Shoreline Master Program. This analysis determined that the Zone 1 buffer and a 25 foot Zone 2 buffer is applicable to this property. The total buffer width from OHWM is 125 feet.
12. The fish and wildlife habitat management and mitigation plan determined that a total of 11,115 square feet of riparian buffer and riverbed has been disturbed by excavation, grading and vegetation clearing. The plan proposes 2,865 square feet of riparian vegetation plantings, 7,650 square feet of native seeding and to allow the 600 square feet of boulders to be placed to mitigate the impact to the riparian buffer. A planting plan is proposed on page 5 of 5 of the diagrams in the Fish & Wildlife Habitat Management and Mitigation Plan.
13. The mitigation proposed in the Fish and Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
14. Comments from reviewing agencies have been considered and addressed where appropriate.
15. Douglas County issued a Determination of Non-significance on May 26, 2010 in accordance with WAC 197-11-355 (Optional DNS).

16. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
17. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
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.
19. The Douglas County Department of Land Services recommended approval of the requested permit, subject to the recommended conditions of approval.
20. An open record public hearing after legal notice was held on June 10, 2010. Appearing and testifying at the hearing on behalf of the applicant was Ryan Walker. Mr. Walker testified that he is an agent authorized to appear and speak on behalf of the applicant/property owner. Mr. Walker indicated that the applicant/property owner agreed that the violation exists. He further testified that the applicant agreed with all of the proposed conditions of approval.
21. No member of the public testified at the hearing.
22. At the open record public hearing, the entire planning staff file was admitted into the record.
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 granted authority to render this Decision.
2. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
3. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Rock Island Area Comprehensive Plan and the Douglas County Shoreline Master Program.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. As proposed, revised, and conditioned, potential impacts of the project can be mitigated.

6. Public interests will be served by approval of this proposal.
7. As conditioned, the proposal is consistent with Title 17 "Zoning" of the Rock Island Municipal Code as adopted by Douglas County and Title 19 "Environment" of the Douglas County Code.
8. 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).**

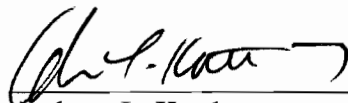
This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

**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 11<sup>th</sup> day of June, 2010.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the "date of receipt" as defined in RCW 43.21B.001 to file a petition for review with the Shorelines Hearings Board as provided for in Washington law.**

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE OR VARIANCE PERMIT**

Date received by the Department \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

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\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Department Official