

**STAFF REPORT  
MILLER/MCAULIFFE, BERGE  
JOINT USE DOCK**

TO: Douglas County Hearing Examiner  
FROM: Douglas County Land Services Staff  
RE: Miller, Mcauliffe, Berge, SP-08-02  
DATE: June 9, 2008

**I. GENERAL INFORMATION**

Requested Action: Chris Miller, Michael Mcauliffe and Laurie Berge have submitted an application for a shoreline substantial development permit for the construction of a joint-use dock and the installation of lawngrass and native vegetation within the riparian buffer as part of buffer restoration. The proposed dock consists of a 4x90 foot fixed pile pier, a 4x36 foot full-grid aluminum ramp and 2 8x20 foot floats. The dock will extend approximately 128 feet waterward of the Ordinary High Water Mark. The application proposes a 67/33 restoration-use plan that provides for 33% of the wetland buffer to provide for shoreline access and recreation; and 67% of the wetland buffer to include habitat restoration areas. The subject property is identified as Riesling lots 3, 4 and 5 and located within Section 6, Township 26 N., Range 22 E., W.M., Douglas County, Washington. The shoreline designation is Rural. The Douglas County Assessor Numbers for the subject property are 82600000300, 82600000400 and 82600000500.

**II. SITE INFORMATION**

Site Characteristics: The subject properties are located within a cluster subdivision. The site slopes down to the OHWM. The riparian vegetation along the properties consists of a thin strip of native vegetation dominated by poison ivy and horsetail with some alders, hawthorns and red-osier dogwood. The riparian vegetation extends approximately 2-10 feet from the OHWM. There are several natural breaks between the trees. Landward of the riparian vegetation, the riparian buffer is dominated by tall tumble mustard, cheat grass and other upland grasses and weedy species. An access easement has been provided by the Plat of Riesling along the property line between Lots 3 and 4 for the purpose of dock access for Lots 3, 4, and 5.

Zoning and Development Standards: The subject property is located within the Rural Resource 5 acres (RR-5) Zoning District. 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. This district provides an opportunity for compatible rural land uses, and is sensitive to the site's physical characteristics. RR-5 districts are often located adjacent to urban growth areas or existing rural development of higher densities, are intended as a transition, and provide a buffer area between commercial agricultural areas or more intense development areas. These areas may be incorporated into the urban area at a future date. 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 services 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 provide significant open space corridors and protection of critical areas.

Applicable provisions and requirements of D.C.C., Chapter 19.18B, "Wetlands"

The property fronts the Columbia River. The wetland and riparian areas of the Columbia River are designated as critical areas and are regulated under Chapter 19.18B "Wetlands". Development, including vegetation removal, occurring within this area and associated buffer areas must develop a wetland management and mitigation plan consistent with the provisions of DCC 19.18B.035.

Applicable provisions and requirements of D.C.C., Chapter 19.18C, "Fish and Wildlife Habitat Conservation Areas"

The Columbia River is designated as critical areas and is regulated under Chapter 19.18C "Fish and Wildlife Habitat Conservation Areas". Development, including vegetation removal, occurring within this area and associated buffer areas must develop a fish and wildlife habitat management and mitigation plan consistent with the provisions of DCC 19.18C.037.

**III. COMPREHENSIVE PLAN:**

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 acres. The following goals and policies set forth in the comprehensive plan are relevant to this development:

RURAL:

POLICY RD-4: 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.

CRITICAL AREAS – WETLANDS

GOAL 1: Douglas County's wetlands will be protected to the greatest extent reasonable because they provide important functions that help define the quality of life in Douglas County.

POLICY CA-1: Protection and preservation of wetlands shall be preferred to alteration and mitigation of impacts to wetlands.

POLICY CA-2: Wetlands will be rated consistent with the Washington State Department of Ecology's *Wetlands Rating System for Eastern Washington*.

POLICY CA-3: Wetlands will be identified according to the methodology described in the Washington State Wetlands Identification and Delineation Manual, 1997, publication #96-94, as amended.

POLICY CA-4: Wetlands shall include riparian areas from the policies and development regulations. Within Douglas County, the arid climate and vegetation are such that wetlands and riparian areas are so similar, and distinguishable on the landscape that grouping them within the policies and development ordinances is appropriate for the protection of their functions and values.

POLICY CA-6: Wetlands will be protected as much as reasonable from alterations due to land use changes that may create adverse impacts to the wetland.

POLICY CA-10: Development proposals that encompass wetland areas will have a site-specific review process required to determine the classification.

POLICY CA-11: Projects containing a wetland should submit a comprehensive wetland mitigation plan that includes sufficient monitoring and contingencies to ensure natural wetland persistence.

POLICY CA-13: A wetland buffer area of adequate width will be maintained between wetlands and adjacent new development to protect the functions and integrity of the wetland. The ultimate width of the established buffer should be based on the function and sensitivity of the wetland, the characteristics of the existing buffer, the potential impacts associated with the adjacent and proposed land use, as well as other existing regulations which may control the proposed activity.

## CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

GOAL 2: 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.

POLICY CA-15: 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.

POLICY CA-16: 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.

POLICY CA-17: If a development proposal is located in or near a habitat conservation area shown on the reference maps, a consultation and subsequent mitigation measures, if needed, should be encouraged from the WDFW or other appropriate agency.

POLICY CA-20: Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.

POLICY CA-21: 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.

POLICY CA-22: 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.

## **IV. SHORELINE MASTER PROGRAM**

The Douglas County Shoreline Master Program classifies this portion of the Columbia River shoreline as an Rural Environment. The Rural Environment is defined as those areas, which because of their physical characteristics and present uses, are suitable for agricultural uses, are recreational uses compatible with the agricultural uses. It is intended to serve as a buffer zone between urban areas and protect these areas from intensive urban expansion. The following goals, policies and requirements of the Master Program address the above referenced activity:

## SHORELINE GOALS

GOAL 4: To encourage the development of diverse, convenient and adequate recreational facilities along the shorelines of Douglas County, for the primary use of Douglas County residents. Also, to encourage the development of recreational facilities to attract and accommodate visitors, thus aiding economic growth.

GOAL 5: 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.

GOAL 6: To assure protection of the non-renewable shoreline resources of Douglas County, and to assure continued utilization and sound management of the renewable shoreline resources, to guarantee their availability in sufficient quality and quantity in the future to meet all foreseeable needs.

## SECTION XXI PIERS AND DOCKS

POLICY A: The use of floating docks should be encouraged in order to not interfere with waterlife currents and recreational boaters and fishermen.

POLICY B: Priority should be given to the use of community piers and docks. In general, encouragement should be given to the cooperative use of piers and docks.

POLICY D: Piers and docks should be designed and constructed so as to minimize damage to the fishery resources and their natural food supply.

## WASHINGTON ADMINISTRATIVE CODE (WAC)

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. This criteria states that a substantial development permit shall be granted only when the proposed development is consistent with:

- The policies and procedures of the Act;
- The provisions of this regulations; and
- The applicable master program adopted or approved for the area.

## **V. ENVIRONMENTAL REVIEW**

Douglas County issued a Determination of Non-significance on May 12, 2008 in accordance with WAC 197-11-355 (Optional DNS).

## VI. AGENCY AND PUBLIC COMMENTS:

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	United States Army Corps of Engineers	N/R
WA Department of Fish & Wildlife	N/R	Chelan County PUD	4/16/08
NOAA Fisheries	N/R	Douglas County Building Official	3/26/08
US Fish & Wildlife	N/R		

\* N/R = No Reply

Agency comments have been included as Attachment A. No public comments were submitted on this proposal at the time of staff review.

## VII. PROJECT ANALYSIS

Upon review of the application materials, site plans, mitigation plans, public and agency comments, the Douglas County Comprehensive Plan, and applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

### Columbia River Access

The subject parcels are separated from the OHWM by Lot 6 of the Plat of Pinot Noir. (See Attachment B). The property owner of Lot 6 of the Plat of Pinot Noir has granted lots 1-5 of the Plat of Pinot Noir and Lots 1-5 of the Plat of Riesling an easement to construct, install, use, maintain, repair and replace docks, buoys, and lifts for boats and other watercraft. (See Attachment C)

### Comprehensive plan consistency:

Residential development and recreational opportunities in shoreline areas of the Rural Resource 5 land use designation can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently addressed.

The existing site primarily contains upland or invasive weedy species, such as tall tumble mustard, cheat grass, knapweed and Poison Ivy. Future use of these two lots for residences absent this proposal would most likely result in impacts to the existing vegetation in a haphazard manner. Land owners often view existing vegetation as something that needs to be cleared or removed, as brush and weeds. In many cases, there are noxious weeds on the site. Over time, enforcement of wetland buffers absent

use and access corridors has proven problematic. Maintenance of existing degraded buffers may also be of minimal benefit, given the limited functions they provide.

Critical area policies place preference on the protection of and preservation of wetlands over the alteration and mitigation of impacts to wetlands. In this circumstance, the applicant's proposal has the potential to provide for greater habitat values than currently exist on the property. The comprehensive plan recognizes that past practices along the shoreline should be factored into critical areas analysis for development proposals. The planting of native vegetation on the site may be seen as more of a yard feature to be protected by the property owner vs. brush or weeds to be removed. The proposed lawn feature provides an access corridor and area for shoreline use. This approach has the potential to improve recreational opportunities on the shoreline while restoring and enhancing habitat values on a site which currently contains degraded habitat functions. Additionally, the creation of an established shoreline access and use area will funnel human activity into one area and reduce the potential for human activity and degradation of the habitat areas. The comprehensive plan encourages innovative techniques to promote wetlands as a useful functioning part of developed areas.

The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the provisions of the RR-5 Zoning District, Chapter 18.30, D.C.C.:  
Single family residences and their accessory structures are a permitted use in the RR-5 zoning district. The proposal is consistent with the provisions of this chapter.

Consistency with the provisions and requirements of D.C.C., Chapter 19.18B, "Wetlands":

The wetland rating and delineation was performed for Riesling Plat by Graham Bunting & Associates. The wetland assessment for the shoreline is listed as Category Type III wetland. DCC Chapter 19.18.050(B)(7) establishes a 75 foot buffer area for Type III wetlands as measured from the edge of the wetland.

The construction of a joint-use dock and access path will have impacts to the wetland and associated buffer. Development within wetlands or associated buffers must develop a wetland management and mitigation plan meeting the requirements of Chapter 19.18B, D.C.C. The applicant has submitted a Wetland Management and Mitigation Plan, dated November 2007, completed by Grette Associates, LLC.

Proposed Joint Use Dock

The construction of a joint-use dock will have impact to the wetland and associated buffer. The wetland management and mitigation plan details the disturbance and impacts to the wetland and proposes a total 800 square feet of mitigation for overwater construction to be located by placing 200 square feet on Lot 3 and 30 square feet each on lots 4 and 5. The Department of Ecology recommends that mitigation for overwater construction be at a 1:1 ratio. Douglas County Code also requires mitigation for impacts to wetlands and buffers.

Access/use corridor and habitat restoration area:

The proposal provides for an innovative technique to balance long term shoreline use with habitat protection and restoration.

The applicant has provided a proposed mitigation plan to address the requirements of DCC 19.18B.035 Wetland management and mitigation plan.

Douglas County Code established that, "Except as otherwise allowed, buffers shall be retained in their natural condition. Any habitat created, restored or enhanced as compensation for approved wetland alterations shall have the standard buffer required for the category of the created, restored or enhanced wetland." County policy, as established in the comprehensive plan sets that historic use of the land and the current state of the critical areas be reviewed in the development proposal. County policy further encourages innovative techniques for habitat protection and restoration. The existing site is clearly degraded and contains very limited habitat functions. If the proposal is not approved, the future use of the site for residential development has the potential to degrade existing limited function and convert to a non-permitted residential landscape over time. While this is speculative, it is a frequent occurrence and challenge for the County in protecting habitat resources on the shoreline.

The proposal would funnel access and recreational use of the shoreline into a corridor. Restoration and enhancement would provide for a three tier habitat component on the site with native ground cover, shrubs and trees which do not currently exist. The proposal includes planting 0.13 acre of lawn within the buffer. The mitigation plan proposes to plant 0.26 square feet of native shrub-steppe species. This amount provides a 2:1 ratio.

This concept of developing a lawn use area and corridor within the buffer area has been applied for and reviewed by the County and the Hearing Examiner on previous occasions. The Wetland Biologist in this application has proposed a buffer mitigation to a ratio of 2:1. Planning staff believes that the 2:1 ratio is appropriate in this instance.

Planning staff review of the proposal has identified two issues which should be conditioned to provide for the successful long term implementation of the proposal and prevent impacts to surrounding properties and the environment. These issues include the following:

Erosion Control:

The applicant has proposed a native seedmix and planting plan for the areas which will be cleared for planting and a monitoring protocol for its growth. In the interim period of grubbing the site, the potential exists for sediment to runoff into the water during rain events. The use of mechanical equipment during the dry period may provide for dust control issues for neighbors and impacts to aquatic habitat. A dust control plan should be in place prior to site disturbance. Straw bales silt fencing should be in place between the area to be cleared and grubbed and around the construction area for the stairs, and remain in place until the seeding has established itself as an effective means to prevent onsite erosion.

Monitoring: County code requires a detailed discussion of on-going management practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs. Planning staff has several recommended conditions which have assisted with the successful implementation of mitigation sites.

Planning staff agrees that the degraded nature of this site lends itself to the approach proposed. A similar approach would not be appropriate for a buffer area that contained a healthy riparian or shrub steppe community, as it would not avoid impacts to existing habitat. As conditioned the proposal appears consistent with the requirements of this chapter.

Consistency with the provisions and requirements of D.C.C., Chapter 19.18C, “Fish and Wildlife Habitat Conservation Areas”:

The applicant has submitted a Wetland Management and Mitigation Plan, dated November 2007, completed by Grette & Associates. This plan details the disturbance and impacts to the wetland area for the dock and proposes 800 square feet of mitigation plantings. Additionally, the plan proposes a planting plan within the buffer of 0.13 acre of lawngrass and 0.26 acre of native plantings. The plan meets the requirements of Chapter 19.18C, DCC. As conditioned the proposal appears to meet the requirements of this chapter.

Consistency with the Douglas County Shoreline Master Program

The Douglas County Shoreline Master Program goals and policies allow the construction of docks and piers in rural shoreline environments provided that priority is given to “community piers and docks” and that docks do not impede navigation or public safety. The SMP also requires that docks and piers be constructed to “minimize damage to the fishery resources and their natural food supply.” The identified wetland buffer areas will protect the water and shoreline characteristics. The proposal is for a joint use dock which reduces shoreline impacts. The proposed vegetation alteration would accommodate the potential for residential shoreline use and access without disrupting environmental quality or the character of the shoreline. The mitigation plan will rectify impacts to the shoreline previously incurred by historic agricultural practices and re-establish natural habitat features. The proposed development appears consistent with the goals, policies and regulations found in the Douglas County Shoreline Master Program.

Consistency with WAC 173-27 and RCW 90.58:

As conditioned below, the proposed dock appears consistent with the requirements and criteria of the Shoreline Management and Enforcement Procedures, and the Shoreline Management Act.

Agency comments:

Agency comments from the Douglas County Land Services – Building and the Chelan County PUD have identified mitigation or project design required for the shoreline permit. These comments have been included as conditions of approval to address these agency concerns.

## **VIII. RECOMMENDATION**

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 Shoreline Master Program. Staff recommends approval of SP#08-02, subject to the following findings of fact and conditions:

#### Suggested Findings of Fact

1. The applicants are Chris Miller – 7203 180<sup>th</sup> St. SE Snohomish WA, Michael Mcauliffe – 18807 109<sup>th</sup> Ave SE Snohomish WA, and Laurie Berge – 18616 71<sup>st</sup> Ave W. Lynnwood WA.
2. General Description: Chris Miller, Michael Mcauliffe and Laurie Berge have submitted an application for a shoreline substantial development permit for the construction of a joint-use dock and the installation of lawngrass and native vegetation within the riparian buffer as part of buffer restoration. The proposed dock consists of a 4x90 foot fixed pile pier, a 4x36 foot full-grid aluminum ramp and 2 8x20 foot floats. The dock will extend approximately 128 feet waterward of the Ordinary High Water Mark. The application proposes a 67/33 restoration-use plan that provides for 33% of the wetland buffer to provide for shoreline access and recreation; and 67% of the wetland buffer to include habitat restoration areas.
3. The subject property is identified as Lots 3, 4 and 5 of the Plat of Riesling and located within Section 6, Township 26 N., Range 22 E., W.M., Douglas County, Washington. The shoreline designation is Rural. The Douglas County Assessor Numbers for the subject property are 82600000300, 82600000400, and 82600000500.
4. The Comprehensive Plan Designation is Rural Resource 5 acres.
5. The subject property is located in the RR-5 zoning district which allows for single family residences and their accessory structures.
6. Lot 6 of the Plat of Pinot Noir is located between the subject properties and the Columbia River.
7. The subject properties are the benefited properties of an easement recorded under AFN 3122072 which authorizes the owners of the subject properties to construct, install, use, maintain, repair, and replace docks, buoys, and lifts for boats and other watercraft on those portions of Lot 6 of the Plat of Pinot Noir immediately waterward of the subject properties.
8. The Columbia River Shoreline section of the subject property is designated as “Rural Environment” by the Douglas County Shoreline Master Program.
9. 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.
10. 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.
11. The Douglas County Shoreline Master Program Section XXI states that priority should be given to the use of community piers and docks.
12. Comments from reviewing agencies have been considered and addressed where appropriate.
13. Douglas County issued a Determination of Nonsignificance on May 12, 2008 pursuant to WAC 197-11-355 (Optional DNS).

14. 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.
15. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
16. 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.
17. Policy CA-11 of the Douglas County Comprehensive Plan states that projects containing a wetland should submit a comprehensive wetland mitigation plan that includes sufficient monitoring and contingencies to ensure natural wetland persistence.
18. 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.
19. Policy CA-17 of the Douglas County Comprehensive Plan states that if a development proposal is located in or near a habitat conservation area shown on the reference maps, a consultation and subsequent mitigation measures, if needed, should be encouraged from the WDFW or other appropriate agency.
20. The wetland assessment for the shoreline is listed as Category Type III wetland. DCC Chapter 19.18.050(B)(7) establishes a 75 foot buffer area for Type III wetlands as measured from the edge of the wetland.
21. The applicant has submitted a Wetland Management and Mitigation Plan prepared by Grette & Associates, dated November 2008, in order to address the requirements of D.C.C. 19.18B.035.
22. The Management and Mitigation Plan submitted by Grette and Associates dated November 2007, states that vegetation within the riparian buffer is comprised almost entirely of invasive weedy species.
23. 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.
24. Goal 5 of the Shoreline Master Program states that 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.
25. Goal 8 of the Shoreline Master Program states: To encourage, where feasible and desirable, the restoration of blighted areas along the shorelines of Douglas County to a natural or rehabilitated condition.
26. Removal of onsite grasses and weeds in the planting areas may cause dust and/or erosion if not mitigated.
27. 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.
28. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

### Suggested Conclusions:

1. 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.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. 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 administering shoreline master programs established by WAC 173-27; and the Douglas County Shoreline Master Program.
4. As proposed, revised, and conditioned, potential 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.

### Suggested Conditions of Approval

1. The project shall proceed in substantial conformance with the plans and application materials of file date stamped February 14, 2008 except as amended by the conditions herein.
2. 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.
3. The applicant shall comply with all applicable local, state and federal regulations.
4. 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.
5. 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.
6. 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.
7. The project application shall proceed consistent with the Wetland Management and Mitigation Plan prepared by Grette Associates, LLC, dated November 2007.
8. A silt fence and/or straw bales shall be located on the edge of the bank prior to grubbing activities commencing on site and shall remain in place until the applied native seed mix has grown to a sufficient height for erosion control.
9. A dust control plan shall be submitted to and approved by the County prior to approval of the building permit.
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 building permit issuance. Douglas County must approve quotes for the cost of installation, delivery, plant material, soil amendments, irrigation, seed mix and 3 monitoring visits and reports by the biologist or record and Washington State sales tax.

11. 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.
12. The mitigation site shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall ensure 100% survival after the first year and 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.
13. If at the conclusion of the 5 year monitoring period, 80% survivability is not achieved, then corrective actions as outlined in Condition #12 shall be taken and yearly monitoring shall continue until 80% survivability can be demonstrated from the previous year.
14. 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 have been satisfied.
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.
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.

Respectfully Submitted,

Curtis Lillquist, A.I.C.P.  
Senior Planner

Attachments