

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-13-04
Administering Agency Douglas County Transportation and Land Services
Type of Permit: ■ Shoreline Substantial Development
Action: ■ Approved □ Denied
Date of Action: April 23, 2013

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:

**Geoff Ping
2117 N Western Ave.
Wenatchee, WA 98801**

To undertake the following development: An application for a shoreline substantial development permit (SP) for a ground based boatlift. The boatlift footprint would be approximately 10x12.5 feet. Approximately 422 square feet of mitigation plantings are proposed to for overwater impact;

Upon the following property: The subject property is located off of Dewie Drive within the North ½ of the Northwest ¼ of Section 32, Township 25 N., Range 21 E., W.M., Douglas County, Washington. The site is located in the Rural Service Center (RSC) Zoning District and the shoreline designation is Shoreline Residential. The parcel number for the subject property is 25213210045;

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 Shoreline Residential 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 on file except as amended by the conditions herein.
3. 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.

4. 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.
5. The boatlift shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night.
6. The project application shall proceed consistent with the Fish and Wildlife Habitat Management and Mitigation Plan dated January 2013, completed by Grette Associates LLC.
7. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are 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.
8. A performance surety agreement in conformance with Chapter 7 of the RSMP shall be entered into between the property owner and Douglas County Transportation and Land Services **prior to site work** commencing.
9. Onsite monitoring and monitoring reports shall be submitted to Douglas County Transportation and Land Services in conformance with the timelines and standards of Section 3.037(I) of Appendix H of the RSMP.
10. Implementation of onsite mitigation must be in conformance with the approved Fish and Wildlife Habitat Management and Mitigation plan dated January 2013, and the performance standards of Section 3.037(I) of appendix H of the RSMP.
11. Mitigation must be installed no later than the next growing season after completion of site improvements
12. 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.
13. Construction of the project for which this permit has been granted must be commenced within two (2) years of the effective 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 applicants are Geoff Ping, 2117 N Western Ave., Wenatchee, WA 98801.
2. Geoff Ping has submitted an application for application for a shoreline substantial development permit (SP) for a ground based boatlift. The boatlift footprint would be approximately 10x12.5 feet. Approximately 422 square feet of mitigation plantings are proposed to for overwater impact.

3. The subject property is located off of Dewie Drive within the North ½ of the Northwest ¼ of Section 32, Township 25 N., Range 21 E., W.M., Douglas County, Washington.
4. The parcel number for the subject property is 25213210045.
5. The Comprehensive Plan Designation is Rural Service Center.
6. The subject property is located in the Rural Service Center (RSC) Zoning District which allows for single family residences and their accessory structures.
7. The Columbia River Shoreline section of the subject property is designated as “Shoreline Residential” by the Douglas County Regional Shoreline Master Program.
8. The proposal is subject to the provisions of the Fish and Wildlife Habitat Conservation areas, Chapter 3 of Appendix H of the RSMP.
9. According to RCW 90.58.030 the Columbia River is a shoreline of statewide significance.
10. 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.
11. The subject property is located on the shoreline of the Columbia River and contains fish and wildlife habitat and aquatic habitat regulated under the Douglas County Regional Shoreline Master Program.
12. Multiple agencies have permitting standards, requirements or limitations for the use and development of moorage facilities. Many of these agencies have specific ownership or easement rights. The county and cities should coordinate with federal, tribal, state and local agencies during the review of shoreline permits. The granting of a shoreline permit does not relieve a project from compliance with the standards of other agencies.(RSMP Section 5.10, Policy 9)
13. No comments have been submitted by state or federal agencies for the proposal indicating that the project will result in a net loss of functions and values and cumulative impacts.
14. The applicant has submitted a Fish and Wildlife Habitat Management and Mitigation Plan dated January 3013, completed by Grette Associates LLC., in order to address the requirements of Chapter 3 of Appendix H of the RSMP.
15. Douglas County issued a Determination of Non-significance on April 5, 2013.
16. Surrounding property owners were given the opportunity to comment on the proposals.
17. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
18. Comments from reviewing agencies have been considered and addressed where appropriate.
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 April 17, 2013.
21. Appearing and testifying on behalf of the applicant was Larry Lehman of Grette Associates. Mr. Lehman testified that he was an agent authorized to appear and speak on behalf of the property owner. Mr. Lehman indicated that he and his client had reviewed the proposed conditions of approval and had no objection to any of those proposed conditions of approval.
22. No member of the public appeared at the hearing.
23. At the open record public hearing, the entire planning staff file was admitted into the record.
24. Admitted into the record as Exhibit 1 was a May 17, 2013, memorandum from Marla Gutzwiler of Douglas County Transportation with an attached April 11, 2013, email from Larry Lehman to Marla Gutzwiler.
25. 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.
26. 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 Countywide Comprehensive Plan and the policies and regulations of the Douglas County Regional Shoreline Master Program.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 18 "Zoning" of the Douglas County Code.
6. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
7. 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 April, 2013.

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:

Date

Signature of Authorized Department Official