

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-14-01
Administering Agency Douglas County Transportation and Land Services

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

Date of Action: June 23, 2014

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:

**Mary Bailey
62 Bailey Way,
Brewster, WA**

To undertake the following development: An application for a shoreline substantial development permit for the installation of a joint use dock, serving 8 lots. The dock will consist of three sections: a 4' x 22' grated pier, a 4' x 36' grated gangway, and two 8' x 20' floats. The dock will extend 60' feet waterward of the OHWM.

Upon the following property: The joint-use dock will serve Lots 1-4 of the Bailey Short Plat and Lots 1-4 of the VMB Short Plat. The subject property is described as being located within the North Half of Section 1, Township 29 N, Range 23 E.W.M., Brewster, Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are: 29230110002, 30233640008, 30233640009, 30233640010, 30233640011, 29230110006, 29230110007, 29230110008, and 29230110009.

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 Conservancy 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 April 10, 2014 except as amended by the conditions herein.

3. The applicant shall comply with all applicable local, state and federal regulations.
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. Prior to the submittal of the building permit, an access easement granting access to all eight Lots (Lots 1-4 of the VMB Short Plat and Lots 1-4 of the Bailey Short Plat) across the Douglas County PUD property to the joint-use dock shall be recorded with the Douglas County Auditor's Office.
6. Concurrent with the submittal of the building permit, a temporary erosion and sediment control plan shall be submitted for approval.
7. The dock shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Documentation shall be provided with the building permit application.
8. The dock and boatlifts shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided with the building permit application.
9. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates, dated October 2012.
10. 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.
11. 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 applicant is Mary Bailey, 62 Bailey Way, Brewster, Washington
2. The proposed dock location is on Douglas County PUD property, parcel number 29230110002. DCPUD has granted permission for this shoreline application to be made for purposed joint-use dock.
3. General Description: An application for a shoreline substantial development permit for the installation of a joint use dock, serving 8 lots. The dock will consist of three sections: a 4' x 22' grated pier, a 4' x 36' grated gangway, and two 8' x 20' floats. The dock will extend 60' feet waterward of the OHWM.
4. The joint-use dock will serve Lots 1-4 of the Bailey Short Plat and Lots 1-4 of the VMB Short Plat. The subject property is described as being located within the North Half of Section 1, Township 29 N, Range 23 E.W.M., Brewster, Douglas County, Washington.

5. The Comprehensive Plan Designation is Commercial Agriculture 10 Acres.
6. The subject property is located in the AC-10 zoning district.
7. The Columbia River shoreline section of the subject property is designated as "Rural Conservancy" 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 fish and wildlife habitat management and mitigation plan dated October 2012 was performed for the project by Grette & Associates.
10. The fish and wildlife habitat management and mitigation plan utilizes a 100 foot Aquatic Habitat Buffer.
11. A deteriorated u-shaped dock with an impact area of approximately 550 square feet was removed in 2010 as part of an agreement between the applicant and the Douglas County PUD.
12. The installation of a dock will impact the aquatic and riparian environment. A fish and wildlife habitat management and mitigation plan has determined that a total of 528 square feet of habitat will be disturbed by the dock. The applicant proposes that the removal of the deteriorated dock at 550 square feet constitutes a greater than 1:1 mitigation ration. As a result, no additional mitigation for aquatic impacts is necessary.
13. A formalized access trail will not be required as the proposed project would not alter the existing condition of the riparian buffer and upland areas. The access trail to the dock would be located within a portion of the riparian buffer that has been historically mowed and maintained as part of an orchard. As a result the trail would not result in any impacts to the buffer area. The applicant proposes to no longer mow the portion of the riparian buffer owned by the Douglas County PUD. No additional mitigation for the riparian and upland impacts is necessary.
14. The proposal for no additional mitigation work is affirmed by comments from the Douglas County PUD, USACE, and WDFW.
15. The mitigation proposed in the Fish and Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
16. Comments from reviewing agencies have been considered and addressed where appropriate.
17. Douglas County issued a Determination of Non-significance on May 15, 2014 in accordance with WAC 197-11-355 (Optional DNS).
18. 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.

19. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
20. 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.
21. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
22. The Douglas County Department of Land Services recommended approval of the requested permit(s), subject to the recommended conditions of approval.
23. An open record public hearing after legal notice was held on June 19, 2014.
24. At the open record public hearing, the entire planning staff file of record was admitted into the record.
25. Appearing and testifying at the hearing 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 applicant and property owner. Mr. Lehman testified that both he and the applicant had reviewed the staff report and proposed conditions of approval. They had no objection to any of the representations contained within the staff report and had no objection to any of the proposed conditions of approval.
26. No member of the public appeared at the hearing.
27. At the open record public hearing, the entire planning staff file was admitted into the record.
28. 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.
29. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

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. As proposed, revised, and conditioned, potential impacts of the project can be mitigated.
4. Public interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.

6. The Hearing Examiner has been granted authority to render this Decision.
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).

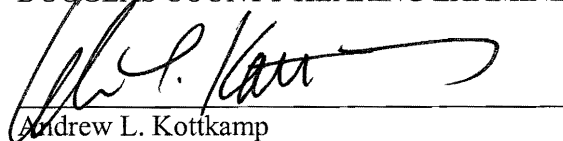
This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

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 June, 2014.

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