

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-14-02
Administering Agency Douglas County Transportation and Land Services

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

Date of Action: July 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:

**Turtle Rock Associates, LLC
5840 East Dakota Road,
Hereford, Arizona 85615**

To undertake the following development: An application for a shoreline substantial development permit for the resolution of a shoreline violation. The remediation includes the modification and expansion of an existing permanent single-use dock to bring the dock into substantial conformance with current Columbia River dock standards. The dock will consist of an 8'x24' fixed-pile pier, 4'x93' grated fixed pier section, 4'x38' grated gangway, and an 8'x20' grated float. The dock will extend 171' feet waterward of the OHWM.

Upon the following property: The single-use dock serves 621 Turtle Rock Road, East Wenatchee. The subject property is zoned Rural Recreation (R-REC). The subject property is described as being located within Section 25, Township 24 N, Range 20 EWM, Douglas County, Washington. The Douglas County Assessor's Parcel Number is 68000001303.

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 of file submitted on May 08, 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. Concurrent with the submittal of the building permit, a temporary erosion and sediment control plan shall be submitted for approval.
6. 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.
7. The dock shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided with the building permit application.
8. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates, dated March, 2013.
9. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are designed by a landscape architect or equivalent professional. Said design shall meet the specific needs of riparian and shrub steppe vegetation.
10. Mitigation planting as shown on the mitigation planting plan sheet 7 of 7, dated 8/28/2013 shall be planted upon completion of the dock.
11. 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 issuance of the building permit. 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.
12. 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.
13. 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.
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 Fish & Wildlife Habitat Management and Mitigation Plan submitted by Grette & Associates, dated March, 2013 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 and/or 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 so long as the redesign can be found consistent with the Douglas County Code, the Shoreline Master Program, and the Shoreline Management Act.

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 Turtle Rock Associates, LLC, 5840 East Dakota Road, Hereford, Arizona 85615
2. The Douglas County Assessor's Parcel Number is 68000001303.
3. General Description: An application for a shoreline substantial development permit for the resolution of a shoreline violation. The remediation includes the modification and expansion of an existing permanent single-use dock to bring the dock into substantial conformance with current Columbia River dock standards. The dock will consist of an 8'x24' fixed-pile pier, 4'x93' grated fixed pier section, 4'x38' grated gangway, and a 8'x20' grated float. The dock will extend 171' feet waterward of the OHWM.
4. The single-use dock serves 621 Turtle Rock Road, East Wenatchee. The subject property is zoned Rural Recreation (R-REC). The subject property is described as being located within Section 25, Township 24 N, Range 20 EWM, Douglas County, Washington.
5. The Comprehensive Plan Designation is Rural Recreation.
6. The subject property is located in the R-REC zoning district.
7. The Columbia River Shoreline section of the subject property is designated as "Shoreline Residential" 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. The subject property is under a current code enforcement violation, Douglas County CE-11-107, for re-decking the existing dock without a permit, and for placing unauthorized material within the Shoreline of the Columbia River.
10. The application for this shoreline substantial development permit is part of the remediation process for CE-11-107.
11. Approval of the shoreline substantial development permit would bring the subject property into compliance with Douglas County Code and Shoreline Management Program, and close the code enforcement violation, CE-11-107.
12. A Fish and Wildlife Habitat Management and Mitigation Plan dated March, 2013 was performed for the project by Grette & Associates.
13. The Fish and Wildlife Habitat Management and Mitigation Plan utilizes a 100 foot riparian buffer due to existing conditions that do not warrant 50 ft. Zone 2 buffer.
14. 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 384 square feet of aquatic habitat will be disturbed by the dock, after in-kind mitigation with the removal of the existing float and gangway, -278 sq. ft. There is no impact to the riparian buffer area. The application proposes 1,044 square feet of mitigation. A planting plan is proposed on sheet 7 of 7 of the diagrams in the Fish & Wildlife Habitat Management and Mitigation Plan.
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 June 20, 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 July 17, 2014. Appearing and testifying at the hearing on behalf of the applicant was Jay Dirks of Grette Associates. Mr. Dirks testified that he was an agent authorized to appear and speak on behalf of the property owner. Mr. Dirks testified that all of the proposed conditions of approval were acceptable to the applicant.
24. No member of the public appeared at the hearing.
25. At the open record public hearing, the entire planning staff file was admitted into the record.
26. 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.
27. 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 Douglas County Shoreline Master Program.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
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.
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 July, 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