

**SHORELINE MANAGEMENT PERMIT  
ACTION SHEET**

**Application #:** SP-14-08  
**Administering Agency** Douglas County Transportation and Land Services

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

**Date of Action:** October 22, 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:

**Trout – Blue Chelan  
Magi Inc. (Chelan Fruit)  
P.O. Box 669  
Chelan, WA 98816**

To undertake the following development: An application for a shoreline substantial development permit to expand and enclose the existing covered and uncovered concrete storage areas located on the west side of the existing main building. The expansion of the storage area will result in the construction of a new 2,750 sq. ft. addition.

Upon the following property: The addition will be located at 80 McNeil Canyon Road, Orondo. The property is further described as located in the Southwest Quarter of Section 21, Township 27N, Range 23 EWM, Douglas County, Washington. The Douglas County Assessor's numbers is 27232110001.

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 August 29, 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. 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.
7. 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 Rick Lancaster, Director of Operations, Trout – Blue Chelan – Magi Inc. (Chelan Fruit), P.O. Box 669, Chelan, WA 98816
2. General Description: An application for a shoreline substantial development permit to expand and enclose the existing covered and uncovered concrete storage areas located on the west side of the existing main building. The expansion of the storage area will result in the construction of a new 2,750 sq. ft. addition.
3. The addition will be located at 80 McNeil Canyon Road, Orondo. The property is further described as located in the Southwest Quarter of Section 21, Township 27N, Range 23 EWM, Douglas County, Washington.
4. The Douglas County Assessor's numbers is 27232110001.
5. The Comprehensive Plan Designation is Rural Resource 5 Acres.
6. The subject property is located in the RR-5 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. The project utilizes the default 150 ft. riparian buffer for the Rural Conservancy shoreline designation.

10. The project would increase the size of the existing building by approximately 2,750 sq. ft. This will not result in the increase of impervious surfaces or disturbance at the site, as the increase would occur within an area already developed. As no new impact is proposed in the riparian buffer or aquatic environment, the Douglas County Regional Shoreline Master Program does not require any mitigation for the project.
11. As proposed the project addition is outside of the 150 ft. default buffer and the 15 ft. structural setback from the buffer as required by the Rural Conservancy shoreline designation.
12. Comments from reviewing agencies have been considered and addressed where appropriate.
13. Douglas County issued a Determination of Non-significance on September 30, 2014 in accordance with 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. 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.
17. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
18. The Douglas County Department of Land Services recommended approval of the requested permit(s), subject to the recommended conditions of approval.
19. An open record public hearing after legal notice was held on October 16, 2014. 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 of the applicant, authorized to appear and speak at the hearing. Mr. Lehman testified that the applicant had no objection to any of the proposed conditions of approval.
20. No member of the public appeared at the hearing.
21. At the open record public hearing, the entire planning staff file was admitted into the record.
22. 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.
23. 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 22<sup>nd</sup> day of October, 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