

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-15-02
Administering Agency Douglas County Transportation and Land Services
Type of Permit: ■ Shoreline Substantial Permit
Action: ■ Approved □ Denied
Date of Action: September 14, 2015

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:

**Michael Dean
335 Lakeview Avenue
Orondo, WA**

To undertake the following development: An application for a shoreline substantial development permit to construct a 14 ft. high by 78 ft. long retaining wall, pool, and outbuilding.

Upon the following property: The subject property is described as being located at 335 Lakeview Avenue, Orondo and is further described as being located within the Southeast Quarter of Section 11, Township 26N, Range 21EWM, Douglas County, Washington. The Douglas County Assessor's parcel numbers is: 67501301500.

Within 200 feet of the **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** 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 Feb 6, 2015 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 excavation, the temporary erosion and sediment control plan shall be implemented.
6. Prior to issuance of the building permit at detailed site plan shall verify that the retaining wall is located outside of the 150 foot default buffer and that the pool and outbuilding is outside of 165 feet from the OHWM. If this cannot be obtained then the applicant has the option to hire a biologist to perform an aquatic habitat buffer assessment to determine if the 150 foot buffer can be reduced.
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 applicant is Michael Dean, 335 Lakeview Avenue, Orondo WA.
2. General Description: An application for a shoreline substantial development permit to construct a 14 ft. high by 78 ft. long retaining wall, pool, and outbuilding. The applicant proposes all grading activities will result in a balance of cut/fill (no soils will be imported or exported), and the total grading is estimated at less than 250 cubic yards.
3. The subject property is described as being located at 335 Lakeview Avenue, Orondo and is further described as being located within the Southeast Quarter of Section 11, Township 26N, Range 21EWM, Douglas County, Washington. The Douglas County Assessor's parcel numbers is: 67501301500.
4. The Comprehensive Plan Designation is Rural Service Center.
5. The subject property is located in the RSC zoning district.
6. The Columbia River Shoreline section of the subject property is designated as "Shoreline Residential" by the Douglas County Shoreline Master Program.
7. 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.
8. The project appears to be located outside of the default aquatic buffer of 150 feet from the OHWM.
9. The proposed structures appear to blend physically and visually with existing topography whenever possible, so as not to interfere with long-term appropriate use including lawfull access and enjoyment of scenery.
10. Comments from reviewing agencies have been considered and addressed where appropriate.

11. Douglas County issued a Determination of Non-significance on August 31, 2015 in accordance with WAC 197-11-355 (Optional DNS).
12. 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.
13. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
14. 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.
15. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
16. The Douglas County Department of Land Services recommended approval of the requested permit(s), subject to the recommended conditions of approval.
17. An open record public hearing after legal notice was held on September 10, 2015.
18. At the open record public hearing, the entire planning staff file was admitted into the record.
19. The applicant did not appear at the hearing. The applicant was given proper written notice of the date, place and time of the hearing. The applicant communicated with staff that the applicant would not be at the hearing because he was unavailable. However, the applicant did not request a continuance of the hearing. The applicant was provided a copy of the staff report and recommendations and was aware of the staff report and recommendations prior to contacting staff.
20. 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.
21. 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 14th day of September, 2015.

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