

**STAFF REPORT  
DEAN RETAINING WALL**

TO: Douglas County Hearing Examiner  
FROM: Douglas County Land Services Staff  
RE: Dean, SP-15-02  
DATE: August 31, 2015

**I. GENERAL INFORMATION**

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

Location: 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.

**II. SITE INFORMATION**

Site Characteristics: The property is moderately sloped upland. The vegetation within the upland is predominated by a mixture of grasses and native shrubs. A pile of excavated material is located immediately waterward of the residence.

Zoning and Development Standards: The subject property is located within the Rural Service Center (RSC) zoning district. The purpose of the RSC district is to preserve the multi-use function and mixed land use pattern in the historic and unincorporated communities in Douglas County, as identified in the comprehensive plan. The RSC district is significant in that it provided support to the surrounding area by offering limited commercial services, lands for resource-based commercial and industrial activities and services for the traveling public. Rural service centers also provide, to a much smaller degree, limited serviced such as rest areas, fuel emergency serviced and convenience goods to the general public traveling on rural, federal, state and county road between urban areas. Rural levels of service provide limits to the density and intensity of uses and constrain the size of rural service centers so that they do not adversely impact surrounding resource based uses transportation system or the natural environment.

**III. COMPREHENSIVE PLAN:**

The Douglas County Countywide Comprehensive Plan designates this property as Rural Service Center. The following goals and policies set forth in the comprehensive plan are relevant to this development:

RURAL:

POLICY RD-4: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.

## CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

GOAL 2: Protect fish and wildlife habitat areas as an important natural resource for Douglas County, particularly in regard to their economic, aesthetic and quality of life values.

POLICY CA-15: Impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.

POLICY CA-16: The maximum amount of vegetation should be maintained in its natural state and be disturbed only as minimally necessary for the development. Disturbed areas should be re-vegetated with native vegetation as soon as possible. Re-vegetation will be maintained in good growing conditions, as well as being kept free of noxious weeds.

POLICY CA-17: If a development proposal is located in or near a habitat conservation area shown on the reference maps, a consultation and subsequent mitigation measures, if needed, should be encouraged from the WDFW or other appropriate agency.

POLICY CA-20: Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.

POLICY CA-21: Ensure that land uses adjacent to naturally occurring wetlands and other fish and wildlife habitat areas will not negatively impact the habitat areas. If a change in land use occurs, adequate buffers will be provided to the habitat areas.

## **IV. SHORELINE MASTER PROGRAM**

The Douglas County Shoreline Master Program classifies this reach of the Columbia River shoreline as Shoreline Residential. The purpose of the shoreline residential environment is to accommodate residential development and accessory structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

A listing of the applicable policies and regulations are found in the analysis section of this staff report.

### WASHINGTON ADMINISTRATIVE CODE (WAC)

WAC 173-27 provides updated rules for administering the Shoreline Management Act (RCW 90.58) and the local master program. WAC 173-27-150, establishes minimum review criteria for substantial development permits. This criteria states that a substantial development permit shall be granted only when the proposed development is consistent with:

- The policies and procedures of the Act;
- The provisions of this regulations; and
- The applicable master program adopted or approved for the area.

## **V. ENVIRONMENTAL REVIEW**

Douglas County issued a Determination of Non-significance on August 31, 2015 in accordance with WAC 197-11-355 (Optional DNS).

## VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. The following agencies have been sent copies of the proposal and have commented as indicated below:

Agency Notified	Response Received	Agency Notified	Response Received
WA Department of Ecology	N/R	WA Dept of Fish & Wildlife	N/R
Chelan County PUD	3/9/15	Douglas County Building Official	N/R
		Chelan Douglas Health District	N/R

\* N/R = No Reply

Agency comments have been included as Attachment A.

No public comments were received at the writing of this staff report.

## VII. PROJECT ANALYSIS

Upon review of the application materials, site plans, public and agency comments, the Douglas County Countywide Comprehensive Plan, and applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

The subject property is removed from the shoreline. The waterward property line is at least 150 feet from the Ordinary High Water Mark. The default buffer for the Aquatic Environment is 150 feet. Therefore it appears that the proposal will be outside of the default buffer. The Shoreline Master Program requires that there be a 15 foot structural setback from the Aquatic Buffer. Portions of the project will be within this 15 foot structural setback. Retaining walls and patios can be located within the structural setback. Therefore the only components that must be at least 165 feet from the OHWM will be the pool and outbuilding. These setbacks will have to be confirmed during the building permit review. If the setbacks cannot be achieved during the detailed construction plan review then two options are available; 1) there appears to be room to shift the pool and outbuilding back towards the house, and 2) the applicant can retain a biologist to do a site specific analysis to determine if the 150 foot default buffer can be reduced. The buffer reduction is a common analysis that is done administratively during building permit review.

### Comprehensive plan consistency:

Residential development and recreational opportunities in shoreline areas of the Rural Service Center land use designation can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently

addressed. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS

POLICY 1: Shoreline use and development should occur in a manner that assures no net loss of existing ecological functions and processes and protects critical areas. Uses should be designed and conducted to avoid, minimize, or to fully mitigate in so far as practical, any damage to the ecology and environment.

*The subject property line is outside of the default buffer of 150 feet from OHWM therefore the proposed construction will be outside of the aquatic habitat buffer.*

REGULATION 1: Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;

*The subject property line is outside of the default buffer of 150 feet from OHWM therefore the proposed construction will be outside of the aquatic habitat buffer.*

- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

*Impacts will be minimized by the proposed location outside of the buffer and the erosion control plan implementation to protect the buffer from any erosion or siltation during construction.*

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

*The project, as proposed, will not have any impact on the critical area therefore rectifying is not necessary.*

- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

*The project, as proposed, will not have any impact on the critical area therefore reducing or eliminating the impact is not necessary.*

- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

*The project, as proposed, will not have any impact on the critical area therefore compensating for the impact is not necessary.*

- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

*The project, as proposed, will not have any impact on the critical area therefore monitoring is not necessary.*

#### 4.2 WATER QUALITY

**REGULATION 3:** Best management practices (BMP's for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control plan, identified in the Stormwater Management Manual for Eastern Washington as amended.

*The applicant has provided a temporary erosion control and sediment control plan.*

#### 4.3 VEGETATION CONSERVATION

**REGULATION 4:** Native vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.

*Native vegetation clearing will be the minimum necessary. Much of the proposed clearing area appears to be excavation spoils from the construction of the residence.*

**REGULATION 7:** Filling, clearing and grading in vegetated shoreline areas shall be in conformance with the provisions of Section 5.8, Filling, Grading, and Excavation; in addition to Section 4.1, Ecological Protection and Critical Areas, and the provisions of this program.

*As discussed in the relevant sections, the project is consistent with Section 5.8 and Section 4.1.*

#### 5.8 Filling, grading and excavation

**REGULATION 1:** Filling, grading, and excavation shall be minimized to the maximum extent practicable and only authorized along with approved shoreline use and development activities that are consistent with this Program.

*The applicants' agent has provided responses to the filling, grading and excavation section of the SMP. These responses are included in the application materials. The amount of grading is the minimum necessary to facilitate the project.*

REGULATION 4: Filling, grading or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.

*The applicants' agent has provided responses to the filling, grading and excavation section of the SMP. The stabilization (retaining wall) is not necessary for the grading activity but to provide a level platform for the proposed pool.*

REGULATION 5: Filling, grading, beach nourishment and excavation shall be designed 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.

*The applicants' agent has provided responses to the filling, grading and excavation section of the SMP. The applicant has provided photographs the location and a graphic depiction of the proposed retaining wall. Due to the distance from the water, the construction should appear to blend in with the existing residence. On the upstream side, the wall will be primarily shielded by the existing residence. On the downstream side the subject property is bordered by a large US Bureau of Reclamation parcel which will remain undeveloped. The nearest shoreline use on this side is over 700 feet away and the project will appear to blend in visually from that distance. The project appears to blend in physically and visually and will not interfere with the existing lawfull access and enjoyment of scenery.*

REGULATION 6: Cut and fill slopes shall generally be no steeper than one foot vertical for every three feet horizontal unless a specific engineering analysis has been provided certifying that the proposed slope is stable, and the Administrator determines that the fill blends physically and visually with existing topography.

*The applicants' agent has provided responses to the filling, grading and excavation section of the SMP. The project includes a retaining wall which will be steeper than one foot vertical for every three feet horizontal. However, the International Building Code requires that a wall of this size be designed by a professional engineer. Engineering has been provided with the construction plans.*

REGULATION 7: A temporary erosion and sediment control (TESC) plan, consistent with the standards found in the Stormwater Manual for Eastern Washington, shall be provided for all proposed filling, grading and excavation activities.

*The applicant has provided a temporary erosion control and sediment control plan.*

Consistency with WAC 173-27 and RCW 90.58:

As conditioned below, the project appears consistent with the requirements and criteria of the Shoreline Management and Enforcement Procedures, and the Shoreline Management Act

## VIII. RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 and 19 of the Douglas County Code, the Douglas County Countywide Comprehensive Plan, and the Douglas County Shoreline Master Program. Staff recommends approval of SP#15-02, subject to the following findings of fact and conditions:

### Suggested 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 lawful 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.

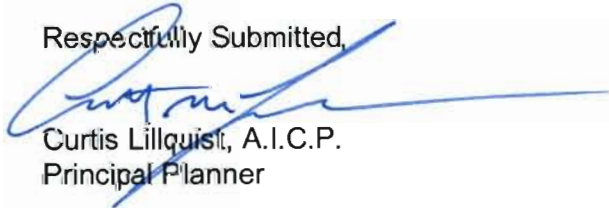
Suggested Conclusions:

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.

Suggested Conditions of Approval

1. 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.
2. The applicant shall comply with all applicable local, state and federal regulations.
3. 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.
4. Prior to excavation, the temporary erosion and sediment control plan shall be implemented.
5. 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.
6. 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.

Respectfully Submitted,



Curtis Lillquist, A.I.C.P.  
Principal Planner

Attachments



**ATTACHMENT A**

## Jack Heide (x6544)

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**From:** Graves, Lisa <lisa.graves@chelanpud.org>  
**Sent:** Monday, March 09, 2015 8:23 AM  
**To:** Jack Heide (x6544)  
**Cc:** Nordentoft, Victoria  
**Subject:** Dean - SP-14-09

Mr. Heide,

Chelan County PUD does not have any questions or concerns with this application as the subject property is outside of the District's Rocky Reach project boundary and the District does not have any facilities that would be impacted by this project.

Thank you for providing an opportunity to review.

*Lisa*

**Lisa Graves**

Real Estate Specialist

PUD No. 1 of Chelan County | Wenatchee, Washington

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## Chelan-Douglas Health District

200 Valley Mall Parkway, East Wenatchee, WA 98802  
Personal Health: 509/886-6400 • FAX 886-6478  
Environmental Health: 509/886-6450 • FAX 886-6449  
Maternal Child Health: 509/886-6400 • FAX 886-6436

### Referral

**TO:** Jack Heide, Douglas County Transportation & Land Services  
**FROM:** Dean Butz, R.S., Chelan-Douglas Health District  
**DATE:** 2/25/2015  
**RE:** Referral Comments for Michael Dean's SP-14-09

I have reviewed the above development, and recommend approval with the following conditions:

#### Septic System

- Owner of the existing septic system needs to ensure there is adequate space for a 3 bedroom replacement reserve area as required per today's guidelines.

#### Additional Information:

Fees for review of land-use applications have been established by the Chelan-Douglas Health District Board of Health. The District will bill the applicant upon receipt of the application.

Project	CDHD 2015 fees
Pre-Application Review	\$47
Served by public sewer	\$47
Short Plats (plus \$91/hr over first ½ hr...assessed at Blue Lines)	\$100
Major plats, PDs, BSPs, etc. with on-site sewage systems, up to 20 lots	\$549
+ Per lot beyond 20	\$31
Other (CUPs, Zone Changes, etc.)	\$91
Site Evaluation Application (first lot)	\$413
+ Per lot beyond the first lot	\$184
Public Water System (new or expansion)	call

These and additional forms, applications, and information can be found from the Chelan-Douglas Health District website at <http://www.cdhd.wa.gov/FormsandDocuments.htm>