

**STAFF REPORT  
RUSSELL CLARK DOCK,  
BOATLIFTS & TRAIL**

TO: Douglas County Hearing Examiner  
FROM: Douglas County Land Services Staff  
RE: SP-2017-12  
DATE: December 11, 2017

**I. GENERAL INFORMATION**

Requested Action: An application for a shoreline substantial development permit to install a residential joint-use dock, two ground-based boatlifts and access trail on the Columbia River. The current trail is in violation of the Douglas County Regional Shoreline Master Program and is proposed to be resolved with this project.

Location: The project will serve 200 and 202 Vineyard Drive, Orondo, WA. The project area is located within the rural conservancy shoreline environment and is further described as being located within the NW Quarter of Section 6, Township 26N, Range 22E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are 82700000100 and 26220630019.

**II. SITE INFORMATION**

Site Characteristics: The area was historically used as an orchard and subsequently, the majority of the property has been disturbed and is mowed and maintained. The vegetation within this portion of the property consists of two distinct sections, which are separated by the existing dirt access road (located approximately 70-90 ft landward of the Ordinary High Water Mark (OHWM)). The existing vegetation waterward of the dirt orchard road has not been historically disturbed as part of the orchard use of the property. The vegetation landward of the dirt access has been historically mowed and maintained, which has influenced the existing habitat provided by the properties.

Project Proposal: The applicant proposes to construct a permanent joint-use dock, install two (2) ground-based boatlifts and construct a permanent access trail through the riparian buffer. The proposed dock would be located within a new access easement since an access trail already exists. The existing trail was installed without receiving a shoreline exemption and this project is proposed to permit the trail, with modifications to meet the requirements of the Douglas County SMP which are presented in the application materials and suggested conditions of approval.

The dock would consist of three separate sections: a 4ft x 116ft fixed-pile pier, a 4ft x 34ft aluminum ramp, and two 8ft x 20ft floats (or a single 8ft x 40ft float). The proposed dock would result in approximately 900 sq ft of new overwater coverage, although 100 percent of the structure would be a grated surface that allows over 60% light transference. A concrete shore abutment, approximately 4 ft x 4 ft x 4 ft, will be installed to anchor the pier and will be formed and cast in place.

The ground-based boatlifts will be installed at the ends of the floats, approximately 134 ft from the OHWM in a water depth of approximately 11 ft below the OHWM. Each boatlift

would have a maximum footprint of 125 sq ft although the boatlifts consist of open steel framing.

Access to the dock location will be provided by an existing, unpermitted trail that is currently 6 ft wide by approximately 162 ft long. The mitigation and modifications in the application materials will bring the trail into compliance with the Douglas County SMP to be 4 ft wide by approximately 162 ft long. The trail will consist of gravel. Allowing the trail to come into compliance and be mitigated for will avoid further disturbance of the riparian buffer. The existing trail resulted in the disturbance of approximately 972 sq ft of the riparian buffer, which will be assumed to have disturbed native vegetation, for mitigation purposes. The trail will be reduced to 4 ft in width and no additional impacts to the riparian vegetation or habitat will occur through the use and maintenance of the trail. The permanent disturbance of the final trail will be approximately 648 sq ft of the riparian buffer.

A total of 4,642 sq ft of mitigation is required, which will be planted within the riparian buffer on both lots in areas currently devoid of native trees and shrubs.

Zoning and Development Standards: The subject properties are located within the Rural Resource 5 (RR-5) Zoning District. The purpose of the RR-5 district is to provide an area for a variety of rural lifestyles, hobby farms, densities, and open space, while protecting the rural and resource characteristics in the vicinity. This district provides an opportunity for compatible rural land uses, and is sensitive to the site's physical characteristics. Areas may be located adjacent to urban growth areas or existing development of higher densities and, where appropriate, may serve as a transition and buffer area between commercial agricultural areas and other land uses. This district is also appropriate for areas that currently have a range of rural densities or land parcel sizes generally less than twenty acres in size and/or have adequate rural levels of services available such as roads, schools, and fire protection. Clustering or other innovative techniques for residential lots are encouraged; provided, that the density does not encourage urban levels of service and provides significant open space corridors and protection of critical areas.

### **III. COMPREHENSIVE PLAN:**

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 (RR-5). The following goals and policies set forth in the comprehensive plan are relevant to this development:

#### RURAL DEVELOPMENT:

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.

POLICY RD-7: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and sections of the comprehensive plan, including but not limited to, the Resource Lands Element and Resource and Critical Areas Conservation Element.

## CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

GOAL 1: 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-14: 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-15: 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 16: 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-19: Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.

POLICY CA-20: 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.

POLICY CA-21: Activities allowed in fish and wildlife habitat conservation areas and open space will be consistent with the species located there, including all applicable state and federal regulations and/or best management practices for the activity regarding that species.

### **IV. SHORELINE MASTER PROGRAM**

The Douglas County Regional Shoreline Master Program classifies this reach of the Columbia River shoreline as rural conservancy. The purpose of the rural conservancy environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities.

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. The 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 these regulations; and
- The applicable master program adopted or approved for the area.

### **V. ENVIRONMENTAL REVIEW**

Douglas County issued a Determination of Non-significance on December 4, 2017 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
WA Department of Ecology - Shorelines	N/R	Army Corps of Engineers	N/R
Chelan County PUD	11-13-2017	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.	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, agency comments, the Douglas County Countywide Comprehensive Plan, the Douglas County Regional Shoreline Master Program and other applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

Comprehensive Plan consistency:

Residential development and recreational opportunities in shoreline areas of the Rural Resource 5 land use designation can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently addressed. Critical area policies place preference on the protection of and preservation of wetlands over the alteration and mitigation of impacts to wetlands. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

*Joint-use docks, watercraft lifts and trails are permitted uses in the rural conservancy shoreline designation.*

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.

*Analysis: The project cannot avoid damage to the aquatic environments, and the applicant states the project will not affect water quality, water supply, recreation or aesthetics of the Columbia River. The project has been designed to minimize damage and to fully mitigate per the standards set forth by the United States Army Corp of Engineers, Washington Department of Fish & Wildlife and County adopted mitigation ratios.*

**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;

*Analysis: The project is located in the riparian and aquatic environments and therefore cannot avoid impacts, although it is designed to minimize impacts.*

- 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;

*Analysis: The project is designed to minimize impacts by utilizing current state and federal dock and boatlift design.*

- 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;

*Analysis: The project includes only new structures to be placed in the riparian and aquatic environments, therefore rectifying the impact is not possible. The new dock, boatlifts and trail have been designed following mitigation sequencing.*

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

*Analysis: The project includes new structures to be placed in the riparian and aquatic environments, therefore reducing or eliminating the impact over time via this permit is not possible. The possibility does exist that future designs would reduce impacts, however, implementation of that new design would require a future permit and analysis.*

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

*Analysis: The project is proposing mitigation per the USACE and NMFS mitigation ratios that will compensate for the impacts. Suggested conditions of approval require installation of mitigation per the approved plan.*

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

*Analysis: Suggested conditions of approval require that the mitigation measures be monitored for 5 years after installation to determine survivability and corrective measures be taken if survivability is not achieved.*

#### 4.2 WATER QUALITY

**REGULATION 5:** All building materials that may come in contact with water shall be constructed of untreated wood, cured concrete or steel. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants. Wood treated with creosote, arsenate compounds, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.

*Analysis: The dock, boatlifts and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.*

#### 4.3 VEGETATION CONSERVATION

**REGULATION 2:** Where impacts to buffers are permitted under Section 4.1, Ecological Protection and Critical Areas, new developments shall be required to develop and implement a management and mitigation plan. When required, management and mitigation plans shall be prepared by a qualified biologist and shall be consistent with the requirements of Appendix H. Management and mitigation plans shall describe actions that will ensure no net loss of ecological functions. Vegetation shall be maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the County Auditor.

*Analysis: A Fish & Wildlife Management and Mitigation Plan prepared by Grette Associates was submitted in the application materials.*

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

*Analysis: Above the OHWM the project will affect approximately 648 sq. ft. of the riparian buffer and some existing native vegetation. Impacts will be mitigated through the installation of riparian mitigation sites on both lots, in areas of the riparian buffer currently devoid of vegetation. The original, unpermitted trail disturbed approximately 891 sq ft. Mitigation requirements for the entire project, including remediation of the additional trail width, are detailed on sheet 3 of 7 of the application materials.*

#### 4.7 RESTORATION

**POLICY 2:** Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.

*Analysis: A Fish & Wildlife Management and Mitigation Plan prepared by Grette Associates was submitted in the application materials. The plan identifies that the project will result in no net loss of ecological function through proper mitigation.*

## 5.10 MOORAGE: DOCKS, PIERS, WATERCRAFT LIFTS, MOORING BUOYS, FLOATS

**POLICY 4:** Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to navigation and other water-oriented activities such as fishing, swimming and pleasure boating, as well as property rights of adjacent land owners.

*Analysis: The proposed joint-use dock will have a net increase in overwater coverage of 900 sq ft and be constructed of open aluminum or steel framing. The addition of the dock will not pose a hazard to navigation.*

*The two proposed ground-based boatlifts will have a maximum footprint of approximately 125 sq ft each and be constructed of open steel framing. The addition of the two boatlifts will not pose a hazard to navigation.*

**POLICY 5:** Moorage should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length, width and height of piers and docks should be no greater than necessary for safety and functional use.

*Analysis: The project proposes a dock and two boat lift structures that are the minimum sizes necessary for safety and requirements established by the USACE.*

**REGULATION 1:** Shared moorage to serve new residential development shall be limited to the amount of moorage needed to serve lots within the development.

*Analysis: The dock size is designed to serve the two adjoining lots.*

**REGULATION 6:** New and substantially expanded piers and docks shall be constructed of materials that are approved by applicable federal and state agencies for use in water to avoid adverse effects on water quality or aquatic plants and animals in the long-term for both submerged portions of the dock and decking and other components. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited.

*Analysis: The construction materials proposed will be approved by the applicable federal and state agencies for use in water.*

**REGULATION 7:** Moorage facilities shall be the minimum size necessary to meet the needs of the proposed water-dependent use and shall observe the following criteria:

- a. If allowed, only one private dock with one accessory float, and two watercraft lifts (the combination of one boat and one jet ski or other watercraft together) shall be permitted on a shoreline lot owned for residential or private recreational use.

*Analysis: The proposed project is for a joint-use dock to serve 2 lots.*

- b. Docks with or without a float shall be the minimum required to provide for moorage. Commercial docks shall be the minimum length necessary to serve the type of vessel served. Exceptions to these length standards are addressed below.

*Analysis: The proposed project is for two 8 ft x 20 ft floats or one 8 ft x 40 ft float.*

- c. Docks on the Columbia River that exceed 100 feet in length or docks which exceed 50 feet in length on a lake or sites with unique characteristics that may create navigational safety hazards shall prepare a navigational safety study.

*Analysis: The proposed dock will extend approximately 152 ft waterward of the OHWM, with the landward edge of the float located approximately 144 ft waterward of the OHWM.*

*The applicant has acknowledged that addressing navigational safety will be part of their federal permits.*

- d. Moorage shall be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.

*Analysis: The location does not indicate the need for maintenance dredging.*

**REGULATION 9:** In order to minimize impacts on near-shore areas and avoid reduction in ambient light level:

- a. Pier and ramp construction must meet the following standards:
- 1) The width of piers and ramps shall not exceed 4 feet for single or joint-use docks. Greater widths may be permitted for community, public or commercial docks where use patterns can justify the increase;
  - 2) The bottom of the pier or bottom of the landward edge of a ramp, must be elevated at least two (2) feet above the plane of OHWM;
  - 3) Pier and/or ramp surfaces are to consist of either grating or clear translucent material; and
  - 4) Pier and ramp construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.
- b. Float construction must meet the following standards:
- 1) Any float materials that are in contact with the water must be white or translucent;
  - 2) Flotation materials must be permanently encased to prevent breakup and release of small flotation pieces;
  - 3) Decking or surface area of the float must consist of either grating or clear translucent material;
  - 4) Floats cannot be located where they could impede fish passage; and
  - 5) Float construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.

*Analysis: The proposed design meets the above listed construction standards.*

**REGULATION 10:** Private docks shall not encroach into the required side yard setbacks for residential development (both onshore and offshore); provided that, a shared Moorage may be located adjacent to or upon a side property line of the affected properties upon filing of an easement agreement or other legal instrument by the affected property owners.

*Analysis: The proposed dock is shared moorage and is proposed to be located on Lot 1 of the Red Delicious #2 short plat (200 Vineyard Drive) in a new easement to be recorded prior to submittal of a building permit application for the dock.*

**REGULATION 11:** Piers and docks shall use pile supports unless engineering studies demonstrate that pile supports are insufficient to ensure public safety. Rip-rapped or bulk-headed fills may be approved only as a conditional use and only when demonstrated that no feasible alternative is available. Mitigation shall be provided to ensure no net loss of shoreline ecological functions and processes.

*Analysis: The project proposes to utilize pile supports*

**REGULATION 15:** Moorage facilities shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally non-reflective.

*Analysis: Suggested conditions of approval require that the dock and boatlifts be marked with reflectors or otherwise identified.*

**REGULATION 16:** Moorage facilities shall be constructed and maintained so that no part of a facility creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.

*Analysis: The dock and boatlifts are designed and secured so that they will not damage shoreline property or natural features.*

**REGULATION 21:** All moorage facilities must permanently mark all of the components with name, address, telephone number and date of installation.

*Analysis: Suggested conditions of approval require that the dock and boatlifts be permanently marked for identification.*

**REGULATION 23:** Moorage facilities shall avoid locations that will adversely impact shoreline ecological functions or processes.

*Analysis: The proposed dock would be located within a new access easement instead of the one established in the Red Delicious short plat. The new dock location was selected based on the fact that an unpermitted trail has already been established by the applicant and its path avoided impacts to the mature native trees and shrubs located within the platted easement. Permitting and mitigation for the existing trail will not result in further impact to vegetation in the riparian buffer. The dock is proposed to be located at 200 Vineyard Drive and will be positioned to minimize shadows cast over shallow waters and the boatlifts will be placed adjacent to the dock at a depth required by the USACE.*

#### Appendix H, Chapter 3: Critical Areas – Fish and Wildlife Habitat Conservation Areas

The Fish & Wildlife Habitat Management and Mitigation Plan has determined that the riparian buffer will not be adversely affected by the modification of the existing trail, or by the proposed pier and gangway above the OHWM and the dock and ground-based boatlifts below the OHWM.

A Fish & Wildlife Habitat Management and Mitigation Plan has determined that there will be approximately 2,041 sq ft of impact from the dock, trail and boatlifts to the riparian and aquatic environments. The project will impact approximately 1,150 sq ft of the aquatic environment and approximately 891 sq ft of the riparian environment. The plan proposes approximately 4,642 sq ft of riparian vegetation plantings to meet the mitigation for disturbance of the entire project.

In order to compensate for the placement of the proposed boatlifts in a water depth greater than 11 feet, the proposed project will require the installation of a 610 sq. ft. mitigation planting area. The 610 square foot mitigation planting area will entail the installation of native riparian trees and shrubs, based on the USACE mitigation ratio for boatlifts (2.44:1) proposed to be installed at a water depth of greater than 11 feet. The proposed boatlifts will be installed at approximately 11 feet below OHWM.

The dock below OHWM will require the installation of approximately 2,250 sq. ft. of native riparian plantings. The 2,250 sq. ft. mitigation planting areas will entail the installation of native riparian trees and shrubs, based on the USACE and NMFS mitigation ratios for a joint-use dock (2.5:1 below OHWM) and (2:1 above OHWM).

All mitigation would be located adjacent to the existing trail and within other areas devoid of vegetation in the riparian buffer. The trail is currently 6 feet in width, which exceeds the maximum authorized width established in the Douglas County SMP by 2 feet. The extra 2 feet will be raked over, some rocks removed and will be replanted with native vegetation along the entire length of the trail (162 feet).

The Douglas County Regional Shoreline Master Program requires a minimum mitigation ratio of 1:1 for development within aquatic habitat. The more restrictive mitigation ratios determined by the USACE and NMFS are used for this project. A planting plan is proposed on Sheet 7 of 7 of the diagrams in the Fish & Wildlife Habitat Management and Mitigation Plan Sheets.

As conditioned, the proposal is consistent with this section.

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 Regional Shoreline Master Program. Staff recommends approval of SP-2017-12, subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is Russell Clark, 13122 NE 20<sup>th</sup> St. Ste. 200, Bellevue, WA 98005

2. The applicant's agent is: Larry Lehman, Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801
3. General Description: An application for a shoreline substantial development permit for a joint-use dock, two ground-based boatlifts and access trail.
4. An unpermitted access trail currently exists on the two properties. This proposal will bring it into compliance with the Douglas County SMP.
5. The project will serve 200 and 202 Vineyard Dr., Orondo, WA. The properties are described as being Lot 2 of the Red Delicious Short Plat and Lot 1 of the Red Delicious #2 short plat. The properties are further described as being located within the NW Quarter of Section 6, Township 26N, Range 22E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are 82700000100 and 26220630019.
6. The Comprehensive Plan Designation is Rural Resource 5 (RR-5).
7. The subject properties are located in the Rural Resource 5 zoning district.
8. The Columbia River Shoreline section of the subject properties is designated as "rural conservancy" by the Douglas County Regional Shoreline Master Program.
9. 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.
10. A Fish & Wildlife Habitat Management and Mitigation Plan dated August 2017 was performed for the project by Grette Associates.
11. The installation of the dock, boatlifts and trail will impact the aquatic and riparian environments. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 2,041 square feet of aquatic and riparian habitat will be disturbed by the dock, boatlifts and trail.
12. The application proposes 4,642 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.
13. The mitigation proposed in the Fish & Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
14. The dock and access trail will be located within a new easement, to be recorded prior to building permit submittal.
15. Douglas County issued a Determination of Non-Significance on December 4, 2017 in accordance with WAC 197-11-355 (Optional DNS).
16. Agency comments were received from the Chelan County PUD.
17. No comments have been received from private citizens.
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.

#### 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 Regional 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 on file submitted on September 14, 2017 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 be 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. The dock and boatlifts shall be marked with reflectors to prevent unnecessarily hazardous conditions for water surface users during day or night. Documentation shall be provided to the County.
5. The dock and boatlifts shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided to the County.
6. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates, dated August 2017.
7. The applicant must obtain a building permit for the joint-use dock.
8. Concurrent with submittal of the building permit application for the joint-use dock, the applicant must provide a recorded easement document for the new joint-use dock and access trail.
9. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that is 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 08/03/17 shall be planted upon completion of the project.
11. 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 Douglas County Code shall be entered into between the property owner and Douglas County Transportation and Land Services upon approval of the shoreline 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 100% survival for the first

year and 80% survival for each of the 4 years following 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. 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 Habitat Management and Mitigation Plan submitted by Grette Associates, dated August 2017 have been satisfied.
14. 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; 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.
15. 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.
16. Prior to installation of the project, copies of approval from applicable agencies, including the Chelan County PUD, must be submitted to the County.
17. 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,



Suzanne Austin  
Associate Planner