

**STAFF REPORT
HARNEY SINGLE-USE DOCK,
BOATLIFT & TRAIL**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2019-04
DATE: September 19, 2019

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit to install a single-use dock, one ground-based boatlift and access trail

Location: The property is located at 22031 C US Hwy 97, just north of Daroga Park. The project is located within the rural conservancy shoreline environment and is zoned Rural Recreation (R-REC) under Douglas County Code. The property is further described as being located within the NW Quarter of Section 33, Township 26N, Range 21E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Number is: 26213320002.

II. SITE INFORMATION

Site Characteristics: The existing conditions on the property are separated into three main sections. The first section is located immediately landward of the Ordinary High Water Mark (OHWM) and extends between 15-30 ft landward. This section is steeply sloped (2 4H :1V) and virtually undisturbed. The majority of the steeply sloped shoreline is devoid of trees and shrubs; however, it is completely vegetated with a combination of upland grasses, weedy species, small shrubs, and sparse trees. A portion of the steeply sloped section of shoreline (towards the top of the bank) is mowed and maintained. The second section is located above the top of the bank and consists primarily of flat to gently sloped lawn grass and landscaped areas. The residence is within this section and is located approximately in the center of the property. In the northern portion of the property, a dirt/gravel access road (driveway) is located immediately landward of the top of the bank. The driveway is located within approximately 50 ft of the OHWM. The remainder of the property (the third section) is gradually sloped and is currently in agricultural use. Because of that use the majority of the property has been disturbed and lacks native vegetation and is mowed and maintained.

Overall, due to the presence of mature vegetation located immediately landward of the OHWM the shoreline is providing a moderate level of habitat functions and values.

Project Proposal: The applicant proposes to construct a permanent single-use dock, install a ground-based boatlift, and construct a permanent access trail through the riparian buffer. The proposed project will also result in the installation of native riparian vegetation as part of the mitigation measures for the impacts to the Columbia River and riparian buffer.

The single-use dock will be installed on the downriver end of the property and will consist of three sections: a 4 ft x 44 ft gangway, a 4 ft x 5 ft landing float and one 8 ft x

20 ft float encompassing approximately 305 sq ft of overwater coverage. The dock will extend approximately 56 ft waterward of the OHWM, with the landward edge of the float located approximately 35 ft waterward of the OHWM at a water depth greater than 11 ft at the landward edge. The float will be oriented perpendicular to shore.

The boatlift will be installed on the upriver edge of the float and will be installed approximately 30 ft waterward of the OHWM at a water depth of ~11 ft below the OHWM.

The access trail will be ~4 ft wide by 37 ft long, extending from the concrete abutment to the existing grass area adjacent to the residence. The project is proposed to include three (3) timber or rock steps immediately landward of the concrete abutment to provide safe access on the steeper portion of the shoreline.

Zoning and Development Standards: The subject property is located within the Rural Recreation (R-REC) Zoning District. The purpose of the R-REC district is to provide the opportunity for the development, redevelopment, and infill of existing intensely developed rural recreational areas for residential, recreation, and tourist-related development consistent with the rural character in the vicinity. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Douglas County. These areas are clearly identifiable as existing intensely developed rural recreational developments where a logical boundary can be delineated and as set by the built environment. Such boundary shall not permit or encourage a new pattern of sprawling low density. The predominate parcel size is generally less than one acre in size. Uses may include intensification of existing residential development or new development of residential, small scale recreational or tourist uses, provided uses rely on a rural location and do not encourage urban type development or services.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Recreation (R-REC). 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 (SMP) 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.

The SMP allows permitting for private moorage on individual legal lots of record, not part of an approved subdivision, per SMP 5.10 *Regulations* (2).

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 September 4, 2019 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	N/R	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.	N/R		

* N/R = No Reply

No agency comments have been received at the writing of this staff report.

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

Single-use docks (on non-platted properties), 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 (USACE), Washington Department of Fish & Wildlife (WDFW) 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 designs.

- 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, boatlift 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 National Marine Fisheries Service (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, boatlift 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 430 sq ft of the aquatic environment and 184 sq ft of the riparian buffer. Impacts will be mitigated through the installation of riparian mitigation in an area of the riparian buffer currently devoid of native trees. Mitigation requirements for the entire project are detailed on sheet 6 of 6 of the JARPA.

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 single-use dock will have a net increase in overwater coverage of 305 sq ft and be constructed of open aluminum or steel framing. The addition of the dock will not pose a hazard to navigation.

The proposed ground-based boatlift would have a maximum footprint of approximately 125 sq ft and be constructed of open steel framing. The addition of the boatlift would 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 one boatlift structure that are the minimum sizes necessary for safety and requirements established by the USACE.

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 single-use dock and one boatlift to serve one lot.

- 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 one 8 ft x 20 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 only extend approximately 56 ft waterward of the OHWM.

- 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. Please also reference Sheets 3-5 in the JARPA.

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 boatlift 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 boatlift 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 boatlift 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 and trail would be located within a new access easement, to be recorded. It will be positioned to minimize shadows cast over shallow waters and the boatlift 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 proposed pier and gangway above the OHWM nor by the dock and ground-based boatlift below the OHWM.

A Fish & Wildlife Habitat Management and Mitigation Plan has determined that there will be approximately 614 sq ft of impact from the dock, trail and boatlift to the riparian and aquatic environments. The project will impact approximately 430 sq ft of the aquatic environment and approximately 184 sq ft of the riparian environment. The plan proposes approximately 1,206 sq ft of riparian vegetation plantings to meet the mitigation for disturbance of the entire project.

The mitigation for the project will be installed next to the OHWM on an down river portion of the property currently devoid of native trees. A planting plan is proposed on Sheet 6 of 6 in the JARPA and 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-2019-04, subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is Patrick Harney, 18595 Mountain View Dr. SW, Normandy Park, WA 98166
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 single-use dock, one ground-based boatlift and access trail.
4. The project will serve 1 non-platted lot.
 5. The property's legal description is: tax 8 in lot 1 ly n of gully; a/k/a pcl B of BLA 293575. And is further described as being located within the NW Quarter of Section 33, Township 26N, Range 21E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Number is: 26213320002.
6. The subject property is located in the Rural Recreation (R-REC) zoning district.
7. The Columbia River Shoreline section of the subject properties is designated as "rural conservancy" by the Douglas County Regional 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. A Fish & Wildlife Habitat Management and Mitigation Plan dated April 2019 was performed for the project by Grette Associates.
10. The installation of the dock, boatlift and trail will impact the aquatic and riparian environments. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 614 sq ft of aquatic and riparian habitat will be disturbed by the dock, boatlift and trail.
11. The application proposes 1,206 sq ft of mitigation. A planting plan is proposed on Sheet 6 of 6 of the diagrams in the JARPA and the Fish & Wildlife Habitat Management and Mitigation Plan.
12. The mitigation proposed in the Fish & Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
13. Douglas County issued a Determination of Non-Significance on September 4, 2019 in accordance with WAC 197-11-355 (Optional DNS).
14. No agency comments were received.
15. No public comments have been received.
16. Surrounding property owners were given the opportunity to comment on the proposal, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
17. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
18. 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.
19. 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 June 12, 2019 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 boatlift 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 boatlift 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 April 2019.
7. The applicant must obtain a building permit for the single-use dock. Name plates and reflectors must be installed and verified prior to final inspection of the dock building permit.
8. A new easement, compliant with the Douglas County Shoreline Master Program, must be established and recorded prior to issuance of the building permit.
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 JARPA mitigation planting plan sheet 6 of 6, dated 3/27/2019 shall be planted upon completion of the project.
11. The dock, boatlift and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.
12. The width of piers and ramps shall not exceed 4 feet.
13. 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.
14. Pier and/or ramp surfaces are to consist of either grating or clear translucent material.
15. Float materials that are in contact with the water must be white or translucent.

16. Flotation materials must be permanently encased to prevent breakup and release of small flotation pieces
17. Decking or surface area of the float must consist of either grating or clear translucent material
18. Floats cannot be located where they could impede fish passage.
19. Pier, ramp, and float construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, Natural Resources and the United States Army Corps of Engineers.
20. The trail width shall not exceed 4 feet; and shall be made of native materials.
21. 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.
22. 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.
23. 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.
24. 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 April 2019 have been satisfied.
25. 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.
26. 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.

27. Prior to installation of the project, copies of approval from applicable agencies must be submitted to the County.
28. 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