

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-2019-02
Administering Agency Douglas County Transportation and Land Services

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

Date of Action: April 22, 2019

Date Mailed to DOE/AG

Pursuant to Chapter 90.58 RCW and the Douglas County Regional Shoreline Master Program, a permit is hereby granted to:

Washington State Parks and Recreation Commission
270 9th Street NE, Suite 200
East Wenatchee, WA 98802

To undertake the following development: An application for a shoreline substantial development permit to construct covered shelters and/ or bike racks at existing concrete outlook points along the Rocky Reach Trail in Douglas County WA.

Upon the following property: The subject properties are located in areas zoned Residential Low Density (R-L), Commercial Agriculture 5 (AC-5), and Commercial Agriculture 10 (AC-10). The properties are located within natural shoreline environment and are further described as being located along the NE side of the Rocky Reach Trail in Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are: 4040000205, 23201510010, 23201120028, and 23200210016.

Within 200 feet of the Columbia River and/or its associated wetlands.

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The subject properties are located within the Residential Low Density (R-L) district, the Commercial Agriculture 5 (AC-5) district, and the Commercial Agriculture 10 (AC-10) district. The subject properties are also along the shoreline and fall within the "Natural" shoreline environmental designation.

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

CONDITIONS OF APPROVAL

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials on file submitted on date stamped February 05, 2019 except as amended by the conditions herein.
3. The applicant shall comply with all applicable local, state and federal regulations.
4. A copy of this permit and attached conditions shall be kept on-site and 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.
5. The Douglas County Land Services Director shall have discretion to allow for project redesign consistent with the approvals granted by agencies; if the redesign can be found consistent with the Douglas County Code, the Shoreline Master Program, and the Shoreline Management Act.
6. Per the March 19, 2019 comment from the Colville Confederate Tribes (CCT) the applicant must perform a pedestrian survey with shovel probes at all locations and submit a cultural resource survey report, except as modified by the CCT.
7. Construction of the project for which this permit has been granted must be commenced within two (2) years of the effective date of this permit. Authorization to conduct development activities granted by the permit shall terminate five (5) years from the filing date of the permit.
8. Applicant must obtain a building permit for the construction of the covered shelters.

FINDINGS OF FACT

1. The applicants are: Washington State Parks and Recreation Commission, 270 9th Street NE, Suite 200, East Wenatchee, WA 98802
2. General Description: An application for a shoreline substantial development permit to construct covered shelters and/ or bike racks at existing concrete outlook points along the Rocky Reach Trail in Douglas County WA.
3. The project will serve users of the Rocky Reach Trail. The covered shelters/ bike racks will be installed on the portion of the trail between Odabashian Bridge and Lincoln Rock State Park
4. The subject properties are located in the Residential Low Density (R-L), Commercial Agriculture 5 (AC-5) and Commercial Agriculture 10 (AC-10) zoning districts.
5. The Columbia River shoreline section of the subject properties is designated as "natural" by the Douglas County Regional Shoreline Master Program.
6. 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.
7. The construction of the covered shelters and the bike racks will not have an impact on the aquatic environment.

8. Washington State Parks and Recreation Associate assumed Lead Agency role in this project. State Parks issued a categorical exemption for SEPA under WAC 197-11-800(2)(d)(ix) Other minor new construction.
9. Agency comments were received from the Colville Confederate Tribes (Attachment A).
10. No comments were received from private citizens.
11. 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.
12. 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.
13. An open record public hearing after due legal notice was held on April 18, 2019.
14. At this hearing, the entire planning staff file of record was admitted into the hearing record.
15. The Applicant did not send a representative to this hearing. The Applicant was given written notice of the date, place and time of the hearing.
16. No member of the public testified at this hearing.
17. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

CONCLUSIONS OF LAW

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan, Greater East Wenatchee Area 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, 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.

This permit is granted pursuant to the Douglas County Regional Shoreline Master Program, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit.

Approved this 22nd day of April, 2019.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the “date of receipt” as defined in RCW 43.21B.001 to file a petition for review with the Shorelines Hearings Board as provided for in Washington law.

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A
CONDITIONAL USE OR VARIANCE PERMIT**

Date received by the Department _____

Approved _____

Denied _____

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

Date

Signature of Authorized Department Official