



City of South Bend
Shoreline Substantial Development Permit Case #04-2020
Yellow Deli South Bend, LLC

Case Number: 04-2020

Agency: City of South Bend

Notice of Application: December 16, 2020

Date Approved: January 21, 2021

Type of Action: Substantial Development Permit

Final Order

Pursuant to RCW 90.58, the City of South Bend issues a Shorelines Substantial Development permit to:

Yellow Deli South Bend, LLC
PO Box 151
Raymond, WA 98577

To undertake the following development and activities at 702 Robert Bush Drive, Parcel #71019032004: Construct a 9,656 square foot commercial building for use as a restaurant. Reference site plan and general building design drawings submitted with JARPA submitted by applicant.

Upon the following property: 702 Robert Bush Drive (46°39'52" N, 123°48'30" W); Parcel #71019032004

The project will be within shorelines of statewide significance (RCW 90.58.030). The project will be located within City Waterfront Environment as described in the City of South Bend Shoreline Master Program. The following master program provisions apply to this development:

1. The proposed development is within the shoreline jurisdiction of the Willapa River, a shoreline of statewide significance under the Shoreline Master Program (SMP) (§2.1.3)
2. While the proposed project extends into shoreline jurisdiction, its closest point to the Willapa River OHWM is approximately 145 feet to the north. US 101/Robert Bush Drive and other shoreline structures physically separate the subject property from the river's shoreline.
3. The Environment Designation is City Waterfront Environment Designation (§2.4).
4. "The City Waterfront Environment should provide a mix of water- and nonwater-oriented commercial, industrial, residential, cultural, recreation, and

public access development and uses that serve the everyday needs of residents and provide amenities for tourists.” (§2.4.3)

5. The proposed development is a “water-oriented use” and “water-enjoyment use” as defined in Chapter 8, Definitions.
6. The subject development is a permitted use in the City Waterfront Environment Designation. (§2.6, Table 1)
7. The highest point of the proposed structure is 35 feet above average grade and will not obstruct the view of a substantial number of residences. (§3.7.3.A)
8. The proposed project is consistent with the goals and policies for Shorelines of Statewide Significance. (§3.8)
9. The project will not negatively impact the protection of shoreline ecological functions and critical areas. (§3.3)
10. The proposed project is not in a flood hazard area (§3.5)
11. The proposed project provides public access opportunities to view and enjoy the shorelines consistent with water-enjoyment uses. (§3.6.2A & .D)
12. The proposed project will rely on the city’s stormwater collection system and regulations will protect water quality. (§3.9)

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions: Construction shall proceed in accordance with the JARPA received by the City of South Bend as attached to this permit.

This permit is granted pursuant to the Shoreline Management Act of 1971 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 Shorelines Management Act (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 or conditions thereof.

CONSTRUCTION PURSUANT TO THE PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY AND THE ATTORNEY GENERAL, OR UNTIL ALL REVIEW PROCEEDING INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED.

Dennis Houk, City Supervisor

January 21, 2021