

**STAFF REPORT  
BOWMAN/MUNN JOINT USE DOCK AND BOATLIFTS**

TO: Douglas County Hearing Examiner  
FROM: Douglas County Land Services Staff  
RE: SP#07-09 & SCUP#07-05  
DATE: January 17, 2008

**I. GENERAL INFORMATION**

Requested Action: An application submitted by James and Heather Munn and Richard and Dana Bowman for a shoreline substantial development permit and shoreline conditional use permit for the construction of a temporary joint-use dock with two adjoining boatlifts, as well as a restoration and access plan for the subject properties. The proposed dock consists of a 4' x 54' pier, 3' x 42' full-grid aluminum ramp attached to two 8' x 20' floating sections. The dock would extend approximately 99' waterward of the ordinary high water mark. The pier would be anchored to a 4' x 4' concrete shore abutment. The footprint of each boatlift would be 10' x 12.5'. Access to the dock would be a 4' wide access trail extending through the wetland. The dock is proposed to be constructed on the shared property line of Lot 1 of the Plat of Zinfandel #2 and Lot 3 of the Zinfandel Short Plat. The applicant has submitted a wetland habitat mitigation and management plan to address wetland and riparian area impacts. Additionally a restoration plan has been submitted for the wetland buffer and portions of the wetland which would remove noxious weeds and non-native vegetation onsite; restore and enhance native vegetation; and provide a lawn access use corridor to the wetland boundary.

Location: The subject property is located in a portion of Section 6, Township 26 N., Range 22 E., W.M., more particularly described as Lot 1 of the Plat of Zinfandel #2 and Lot 3 of the Zinfandel Short Plat. The site is located in the Rural Resource 5 (RR-5) Zoning District and the Shoreline is designated as Rural by the Douglas County Shoreline Master Program.

**II. SITE INFORMATION**

Site Characteristics: Lot 1 of the Plat of Zinfandel #2 and Lot 3 of the Zinfandel Short Plat are residential cluster lots located within and surrounded by a series of approximately 20 cluster short plats and cluster subdivisions fronting the Columbia River. Historically the parcel and adjacent shoreline areas were farmed in tree fruit. The fruit trees on the property have been removed. The lots consist of a moderately sloped shoreline down to a 6" terrace at the ordinary high water mark. No riverbank exists at the site. Native riparian vegetation is present along the shoreline. The planting plan depicts the locations of existing vegetation. Areas not containing riparian vegetation are described as containing native herbs

and grasses, in addition to tall tumble mustard, red and white clover, white sweet clover and other upland species. A former orchard road is located within the wetland buffer. The wetland onsite was rated as a category IV wetland, with the wetland boundary extending a maximum of 24' landward of the ordinary highwater mark, and the wetland buffer extending an additional 50' landward.

The proposed 4' dock access corridor within the delineated wetland would require the removal of riparian shrubs but was chosen to avoid mature alder trees at the site. Single family homes have been constructed on both lots.

#### Rural Resource 5 (RR-5) Zoning District.

The subject properties are located within the 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. RR-5 districts are often located adjacent to urban growth areas or existing rural development of higher densities, are intended as a transition, and provide a buffer area between commercial agricultural areas or more intense development areas. These areas may be incorporated into the urban area at a future date. 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 provide significant open space corridors and protection of critical areas.

#### Applicable provisions and requirements of D.C.C., Chapter 19.18B, "Wetlands" & D.C.C., Chapter 19.18C, "Fish and Wildlife Habitat Conservation Areas"

The property fronts the Columbia River. The wetland and riparian areas of the Columbia River are designated as critical areas and are regulated under Chapter 19.18B "Wetlands" and Chapter 19.18C "Fish and Wildlife Habitat Conservation Areas". Development, including vegetation removal, occurring within this area and associated buffer areas must develop a wetland management and mitigation plan consistent with the provisions of DCC 19.18B.035. By code, both wetland and riparian habitats are protected by wetland buffer standards.

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

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5. 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 – WETLANDS

GOAL 1: Douglas County's wetlands will be protected to the greatest extent reasonable because they provide important functions that help define the quality of life in Douglas County.

POLICY CA-1: Protection and preservation of wetlands shall be preferred to alteration and mitigation of impacts to wetlands.

POLICY CA-2: Wetlands will be rated consistent with the Washington State Department of Ecology's *Wetlands Rating System for Eastern Washington*.

POLICY CA-3: Wetlands will be identified according to the methodology described in the Washington State Wetlands Identification and Delineation Manual, 1997, publication #96-94, as amended.

Policy CA-5: When classifying and/or assessing a wetland area, historical information on the area in question, as well as the dynamic nature of wetlands, will be recognized and considered.

Policy CA-7: Whenever feasible, innovative techniques that enhance a wetland and promote it as a useful, functioning part of the development will be encouraged during the development review process.

POLICY CA-10: Development proposals that encompass wetland areas will have a site-specific review process required to determine the classification.

POLICY CA-11: Projects containing a wetland should submit a comprehensive wetland mitigation plan that includes sufficient monitoring and contingencies to ensure natural wetland persistence.

POLICY CA-13: A wetland buffer area of adequate width will be maintained between wetlands and adjacent new development to protect the functions and integrity of the wetland. The ultimate width of the established buffer should be based on the function and sensitivity of the wetland, the characteristics of the existing buffer, the potential impacts associated with the adjacent and proposed land use, as well as other existing regulations which may control the proposed activity.

### 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.

POLICY CA-22: 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 Shoreline Master Program classifies this portion of the Columbia River shoreline as a Rural Environment. The Rural Environment is defined as those areas, which because of their physical characteristics and present uses, are suitable for agricultural uses, are recreational uses compatible with the agricultural uses. It is intended to serve as a buffer zone between urban areas and protect these areas from intensive urban expansion. The following goals, policies and requirements of the Master Program address the above referenced activity:

#### **SHORELINE GOALS**

GOAL 4: To encourage the development of diverse, convenient and adequate recreational facilities along the shorelines of Douglas County, for the primary use of Douglas County residents. Also, to encourage the development of recreational facilities to attract and accommodate visitors, thus aiding economic growth.

GOAL 5: To assure that shoreline use and development in Douglas County is such that all uses are in harmony with each other and with the character and physical limitations of the land and water. To promote the best possible use of the shorelines which will maximize the potential without disrupting environmental quality.

GOAL 6: To assure protection of the non-renewable shoreline resources of Douglas County, and to assure continued utilization and sound management of

the renewable shoreline resources, to guarantee their availability in sufficient quality and quantity in the future to meet all foreseeable needs.

GOAL 8: Restoration Goal- To encourage, where feasible and desirable, the restoration of blighted areas along the shorelines of Douglas County to a natural or rehabilitated condition.

## SECTION XXI PIERS AND DOCKS

POLICY A: The use of floating docks should be encouraged in order to not interfere with waterlife currents and recreational boaters and fishermen.

POLICY B: Priority should be given to the use of community piers and docks. In general, encouragement should be given to the cooperative use of piers and docks.

POLICY D: Piers and docks should be designed and constructed so as to minimize damage to the fishery resources and their natural food supply.

### 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.

WAC 173-27-160, establishes minimum review criteria for shoreline conditional use permits. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- That the proposed use is consistent with the policies of RCW 90.58.020, (see enclosed) and the master program;
- That the proposed use will not interfere with the normal public use of public shorelines;
- That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
- That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
- That the public interest suffers no substantial detrimental effect.

WAC 173-27-160(2) states that in the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other development in the area where similar circumstances exist, the total of the

conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

**V. ENVIRONMENTAL REVIEW**

Douglas County issued a Determination of Non-significance on January 4, 2008 in accordance with WAC 197-11-355 (Optional DNS).

**VI. AGENCY AND PUBLIC COMMENTS:**

The following is a brief summary of agency comments. For a complete review of agency comments refer to Appendix A.

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	September 25, 2007	United States Army Corps of Engineers	N/R
WA Department of Fish & Wildlife	N/R	Chelan County PUD	August 28, 2007
NOAA Fisheries	N/R	Douglas County Building Official	September 12, 2007
Colville Confederated Tribes	NR	WA Dept. of Natural Resources	N/R
Yakama Indian Nation	N/R	Dept. of Arch. & Historic Pres.	N/R

\* N/R = No Reply

No public comments were submitted on this proposal at the time of staff review. Conditions have been suggested by staff where appropriate to address submitted comments.

**VII. PROJECT ANALYSIS**

Upon review of the application materials, site plans, mitigation 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:

**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.

The project site contains a wetland/riparian habitat area which extends a maximum of 24' landward of the ordinary highwater mark. Appendix B depicts the locations of existing riparian vegetation and proposed mitigation. Landward of the delineated wetland boundary, the vegetation primarily consists of non-native grasses, and native herbs and grasses with very limited riparian shrubs. Riparian vegetation removal proposed is limited to the 4' wide access trail. Mitigation proposed for aquatic water coverage, the access trail and concrete pad is consistent with county code requirements, at a ratio of 1:1. Mitigation for the lawn access area is proposed at a ratio of 2:1. No other vegetation removal is proposed adjacent to the shoreline in the wetland.

A home has been built on each residential lot. Residential use of these lots absent this proposal would likely result in additional impacts to the existing vegetation in a half hazard manner as there would be no trail system to funnel access or limit impacts to the shoreline. Land owners often view existing vegetation as something that needs to be cleared or removed, as brush or weeds. In most cases, there are noxious weeds on the site. Over time, enforcement of wetland buffers absent use and access corridors has proven problematic. Maintenance of existing degraded areas in buffers or wetlands may also be of minimal benefit, given the limited functions they may provide. On a day to day basis there is a desire by the shoreline lot owner to use and enjoy the shoreline. In many cases this use may inadvertently impact habitat onsite.

Critical area policies place preference on the protection of and preservation of wetlands over the alteration and mitigation of impacts to wetlands. In this circumstance, the applicant's proposal has the potential to provide for greater habitat values than currently exist on the property given the past orchard practices. The comprehensive plan recognizes that past practices along the shoreline should be factored into critical areas analysis for development proposals. The planting of native vegetation on the site may be seen as more of a yard feature to be protected by the property owner vs. brush or weeds to be removed from the site. The proposed lawn feature provides an access corridor and use area within the shoreline. The comprehensive plan encourages innovative techniques to promote wetlands as a useful functioning part of developments. This approach has the potential to improve recreational opportunities on the shoreline while enhancing habitat values on the site.

As conditioned, the proposal is consistent with the provisions of the Douglas County Countywide Comprehensive Plan.

**Consistency with the provisions of the RR-5 Zoning District, Chapter 18.30, D.C.C.:**

The proposal is consistent with the provisions of this chapter.

**Critical Areas, D.C.C., Chapter 19.18B, "Wetlands" & D.C.C., Chapter 19.18C, "Fish and Wildlife Habitat Conservation Areas":**

The applicant has submitted a wetland management and mitigation plan prepared by a qualified biologist to address impacts to the wetland and wetland buffer area from the proposed joint use dock, boat lifts, and access trail (A), & the access/use corridor and habitat restoration area (B).

**A. Proposed Joint Use Dock:** A wetland delineation and rating was performed for both of the subdivisions. The wetland assessment for the shoreline is listed as a type IV wetland. DCC Chapter 19.18.050(B)(7) establishes a 50' buffer area for a type IV wetland as measured from the edge of the wetland, which in this case begins a maximum of 24' landward of the ordinary high water mark of the Columbia River.

The construction of a joint-use dock will have impacts to the wetland and associated buffer. Development within wetlands or associated buffers must develop a wetland management and mitigation plan meeting the requirements of Chapter 19.18B, D.C.C. The applicant submitted a wetland management and mitigation plan dated June 2007, a revised wetland management and mitigation plan, on November 26, 2007, and revised planting plan on December 14, 2007, completed by Grette Associates, LLC. These reports analyze the impacts of the project and propose mitigation at a ratio of 1:1 for overwater construction, the concrete pad and the 4' wide access trail extending through the native riparian vegetation. Correspondence from Larry Lehman, dated November 5, 2007, clarifies that all improvements satisfactorily meet mitigation standards. Mitigation proposed meets the Department of Ecology recommendation for a 1:1 ratio of mitigation, and County mitigation ratios for the wetland located landward of the ordinary high water mark.

**B. Access/use corridor and habitat restoration area:** As discussed in the comprehensive plan consistency analysis, the proposal provides for an innovative technique to balance long term shoreline use with habitat protection and enhancement. Planning staff review of the proposal has identified several issues which should be conditioned to provide for the successful long term implementation of the proposal and prevent impacts to surrounding properties and the environment. These issues include the following:

Erosion control: The applicant has proposed a native seedmix for the areas which will be cleared for planting and a monitoring protocol for its growth. In the interim period of grubbing the site with mechanical equipment, the potential exists for sediment to runoff into the water during rain events. Additionally, the use of mechanical equipment during a dry period may provide for dust control issues for neighbors and impacts to aquatic habitat. A dust control plan should be submitted for review and approval prior to site disturbance. Straw bales or silt fencing should be in place prior to site disturbance, and remain in place until the seeding has established itself as an effective means to prevent onsite erosion.

Protection of onsite native vegetation: Mechanical grubbing by contractors has the potential to unintentionally disturb existing native vegetation. Contractors are typically not trained to demarcate native vegetation zones which should not be disturbed. Prior to site work commencing, the biologist of record should verify that the boundaries of site disturbance have clearly been demarcated by silt fencing or straw bales. Written verification from the biologist of record should be required prior to site operations commencing.

Mitigation: Larry Lehman a biologist with Grette and Associates has indicated that, " This native vegetation planting area will compensate for disturbances to the riparian buffer from clearing and grubbing, grass planting, and access to the dock, and will greatly improve riparian habitat by planting native trees, shrubs and groundcover where currently non native grasses and shrubs." As proposed, no native vegetation would be disturbed by the restoration/access proposal, with the exception of some native grasses interspersed between the predominant non-native invasive species. No lawn is proposed within the delineated wetland. An analysis of restoration/mitigation is discussed further below.

The comprehensive plan places a preference on the avoidance of impacts to habitat areas. County code establishes further that mitigation plans shall:

- A wetland management and mitigation plan shall be required when impacts to a wetland are unavoidable during project development.
- The wetland management and mitigation plan shall demonstrate, when implemented, that there shall be no net loss of the ecological function or acreage of the wetland.

Mitigation plans must also provide a discussion of the following mitigation alternatives as they relate to a proposal:

- Avoiding the impact altogether by not taking a certain action or parts of an action,
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts,

- Rectifying the impact by repairing, rehabilitating or restoring the affected environment,
- Compensating for the impact by replacing, enhancing or providing substitute resources or environments;

Mitigation plans must also explain how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:

- Establishment of buffer zones,
- Preservation of critically important plants and trees,
- Limitation of access to the wetland area,
- Seasonal restriction of construction activities,
- Establishment of a monitoring program within the plan;
- Drainage and erosion control techniques.

County code establishes mitigation ratios for development within wetlands, when impacts cannot be avoided. The mitigation ratios by wetland type are:

Wetland Type I- 6:1  
Wetland Type II- 3:1  
Wetland Type III- 2:1  
Wetland Type IV- 1.5:1

Douglas County Code establishes that, "Except as otherwise allowed, buffers shall be retained in their natural condition. Any habitat created, restored or enhanced as compensation for approved wetland alterations shall have the standard buffer required for the category of the created, restored or enhanced wetland." County policy, as established in the comprehensive plan sets that historic use of the land and the current state of the critical area be reviewed in the development proposal. County policy further encourages innovative techniques for habitat protection and restoration. The project site contains an existing wetland/riparian area and an upland area in the buffer that has been degraded by agricultural use and has very limited functions. If the proposal is not approved, use of the site for residential development has the potential to further degrade existing habitat and convert to non-permitted residential landscape over time. This is a frequent occurrence and challenge for the County in protecting habitat resources on the shoreline.

The proposal would funnel access and recreational use of the shoreline into a corridor. Restoration and enhancement would provide for enhanced three tier habitat components on the site with native ground cover, shrubs and trees. The applicant's biologist has provided a planting plan with a mitigation ratio of 2:1, greater than the 1:1 mitigation ratio required for the type IV wetland on the subject properties. Planning staff agrees that the degraded components of the wetland and wetland buffer lend themselves to the approach proposed. If the

applicant had proposed the lawn and restoration areas within the existing delineated wetland/riparian habitat areas, staff would not support the proposal, as the applicant would not have demonstrated an avoidance of impacts in design of the project. The plan submittal demonstrates a commitment to avoiding impacts and restoration on the site. As conditioned the proposal appears consistent with the provisions of this Chapter.

**Shoreline Master Program:**

The Douglas County Shoreline Master Program goals and policies allow the construction of docks and piers in rural shoreline environments provided that priority is given to “community piers and docks” and that docks do not impede navigation or public safety. The SMP also requires that docks and piers be constructed to “minimize damage to the fishery resources and their natural food supply.” The identified wetland buffer areas will protect the water and shoreline characteristics. The proposal is for a joint use dock which reduces shoreline impacts. The shoreline location is not located on a point or cove and the length of the proposed dock facility is typical of others in the area.

Boat lifts are not specifically addressed under the provisions of the Douglas County Shoreline Master Program. As such they are considered a shoreline conditional use. The applicant’s biologist has responded to the cumulative impact analysis of the proposed boatlifts. Project mitigation for the boatlifts has been incorporated into the project consistent with the Department of Ecology recommendations. Project design for the joint use dock and boat lifts appears consistent with the goals, policies and regulations found in the Douglas County Shoreline Master Program.

The restoration/access proposal would accommodate the potential for residential shoreline use and access without disrupting environmental quality or the character of the shoreline. The mitigation plan will rectify impacts to the shoreline previously incurred by historic agricultural practices and enhance natural habitat features and components consistent with the goals, policies and requirements of the Douglas County Shoreline Master Program.

**WAC 173-27 and RCW 90.58:**

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

**Agency comments:**

Recommended conditions and project design address applicable agency comments.

## 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#07-09 & SCUP#07-05, subject to the following findings of fact and conditions:

**This recommendation is supported by the following suggested findings of fact:**

### Suggested Findings of Fact

1. The applicants are James and Heather Munn and Richard and Dana Bowman
2. The Comprehensive Plan Designation is Rural Resource 5.
3. The proposal is located in the Rural Resource 5, (RR-5), Zoning District. Single family dwellings and associated site improvements are permitted in all rural zoning districts and envisioned by the Douglas County Comprehensive Plan when consistent with critical area and shoreline policies and requirements.
4. The Columbia River Shoreline section of the subject property is designated as "Rural Environment" by the Douglas County Shoreline Master Program.
5. The proposal is located within 200 feet of the ordinary high water mark of the Columbia River, a shoreline of statewide significance. The project can proceed only after a Shoreline Management Substantial Development Permit is issued.
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. WAC 173-27-160 states that a conditional use permit shall be granted only when the proposed development is consistent with:
  - That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
  - That the proposed use will not interfere with the normal public use of public shorelines;

- That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
  - That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - That the public interest suffers no substantial detrimental effect.
- Additionally the SCUP criteria requires that consideration shall be given to the cumulative impact of additional requests for like actions in the area.
8. Goal 5 of the Douglas County Shoreline Master Program states: Shoreline Use Goal- to assure that shoreline use and development in Douglas County is such that all uses are in harmony with each other and with the character and physical limitations of the land and water. To promote the best possible use of the shorelines which will maximize the potential without disrupting environmental quality.
  9. The Douglas County Shoreline Master Program Section XXI states that priority should be given to the use of community piers and docks.
  10. Goal 8 of the Douglas County Shoreline Master Program states: Restoration Goal- To encourage, where feasible and desirable, the restoration of blighted areas along the shorelines of Douglas County to a natural or rehabilitated condition.
  11. Policy D, Section XII Residential Development of the Douglas County Shoreline Master Program states: Residential developers should be required to preserve shore vegetation and control erosion during construction.
  12. Comments from reviewing agencies have been considered and addressed where appropriate.
  13. Douglas County issued a Determination of Nonsignificance on January 4, 2008 pursuant to WAC 197-11-355 (Optional DNS).
  14. Surrounding property owners were given the opportunity to comment on the proposals.
  15. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
  16. The subject property is located on the shoreline of the Columbia River and contains riparian and wetland areas regulated under the provisions of Chapter 19.18B Critical Areas-Wetlands.
  17. Policy CA-1 of the Douglas County Comprehensive Plan states that protection of and preservation of wetlands shall be preferred to alteration of impacts to wetlands.
  18. Policy CA-5 of the Douglas County Comprehensive Plan states that wetlands will be protected as much as reasonable from alterations due to land use changes that may create adverse impacts to the wetland.
  19. Policy CA-10 of the Douglas County Comprehensive Plan states that projects containing a wetland should submit a comprehensive wetland

- mitigation plan that includes sufficient monitoring and contingencies to ensure natural wetland persistence.
20. Policy CA-14 of the Douglas County Comprehensive Plan states that 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.
  21. Policy CA-15 states that the maximum amount of vegetation should be maintained in its natural state and be disturbed only as minimally necessary for the development.
  22. When classifying and/or assessing a wetland area, the Douglas County Comprehensive Plan establishes that historical information on the area in question, as well as the dynamic nature of the wetlands will be recognized and considered. The comprehensive plan further establishes that innovative techniques that enhance a wetland and promote it as a useful, functioning part of the development will be encouraged during the development review process.
  23. Chapter 19.18B, Wetlands, Douglas County Code, establishes standards of review that wetland management and mitigation plans must meet for project proposals. Plans must demonstrate that when implemented, there shall be no net loss of the ecological function or acreage of the wetland; and that the monitoring and contingency actions for continued maintenance of the wetland would be in place.
  24. The wetland assessment for the shoreline is listed as Category Type IV wetland. DCC Chapter 19.18.050(B)(7) establishes a 50 foot buffer area for Type IV wetlands as measured from the edge of the wetland.
  25. The applicant has submitted a wetland mitigation and management plan prepared by Grette and Associates, dated June 2007, a revision submitted on November 26, 2007, and a revised planting plan submitted on December 14, 2007, in order to address the requirements of D.C.C. 19.18B.035. Erosion control measures during and following excavation have not been incorporated into project design.
  26. Noxious/non-native weed control plans have not been incorporated into project design.
  27. Larry Lehman a biologist with Grette and Associates has indicated that, "This native vegetation planting area will compensate for disturbances to the riparian buffer from clearing and grubbing, grass planting, and access to the dock, and will greatly improve riparian habitat by planting native trees, shrubs and groundcover where currently non native grasses and shrubs."

#### 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. Public interests will be served by approval of this proposal.
3. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
4. Sufficient erosion control measures during and following excavation can be incorporated into project design.
5. As proposed, success of the mitigation plan could be hampered by noxious/non-native weed control.
6. The National Academy of Sciences (2004) issued a report evaluating the success of compensatory mitigation to achieve no net loss of functions in the nation's wetland resources. The conclusion of the report was that "The goal of no net loss of wetlands is not being met for wetland functions by the mitigation program." Recommendations within this report further stated that, "A critical element for determining the success and compliance of a mitigation project is to formally identify the purpose of the project (goals), the steps required to accomplish that purpose (objectives), and identify measurable indicators to determine that the purpose has been accomplished (performance standards)."
7. As conditioned, professional monitoring and surety agreement requirements will establish a commitment for implementation of the plans and project design.
8. As conditioned, potential impacts of the project can be mitigated.
9. Agency comments were considered in the attachment of conditions to the proposal.
10. The project is consistent with the review criteria of WAC 173-27-150, in that the project proposed is consistent with the policies and procedures of the Act; the rules for administering shoreline master programs established by WAC 173-27; and the Douglas County Shoreline Master Program.
11. As conditioned, the proposal will not detrimentally affect the public health, safety and general welfare.
12. The proposal is an innovative technique that provides enhancement of a wetland buffer and promotes it as a useful, functioning part of the development.
13. The proposal provides for the restoration and enhancement of a degraded portion of the shoreline.

**Staff is recommending approval of SP #07-09 & SCUP #07-05 subject to the following conditions:**

1. Construction shall proceed substantially as shown on the application materials on file with the Douglas County Transportation and Land Services Department, except as modified by conditions below.
2. Prior to site work commencing, the applicant shall submit a dust control plan for review and approval by Douglas County Land Services.

3. Prior to site work commencing, the biologist of record shall verify that the boundaries of site disturbance have clearly been demarcated by silt fencing or straw bales. Written verification from the biologist of record shall be required prior to site operations commencing.
4. A permanent means of irrigation shall be installed for the mitigation plantings that is designed by a professional meeting the requirements of Title 20 Douglas County Code. Said design should address the specific needs of riparian and shrub steppe vegetation.
5. Monitoring reports must include verification that the planting areas have less than 20% total non-native/invasive plant cover consisting of exotic and/or invasive species. Exotic and invasive species may include any species on the state noxious weed list which may be referenced on the web at [www.wa.gov/agr](http://www.wa.gov/agr) and [www.nwcb.wa.gov](http://www.nwcb.wa.gov), or considered as a noxious or problem weed by the Natural Resources Conservation Services Department or local conservation districts.
6. All mitigation for Lot 1 of the Plat of Zinfandel #2 and Lot 3 of the Zinfandel Short Plat must be installed within the next growing season falling after the completion of the grubbing on-site or dock installation. 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 of Douglas County Code shall be entered into between the property owner and Douglas County Transportation and Land Services prior to the issuance of a building permit for the joint use dock and prior to any site work commencing. Douglas County must approve quotes for the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and 3 monitoring visits and reports by a qualified biologist, and the quotes shall include Washington State sales tax.
7. 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 wetland management and mitigation plan submitted by Grette and Associates dated June 2007, including the amendment submitted on November 26, 2007, and revised planting plan dated December 14, 2007, have been satisfied.
8. Mitigation sites shall be maintained to ensure that the mitigation and management plan objectives are successful. Maintenance 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.

9. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the mitigation and management 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.
10. Site monitoring visits shall be completed between the time periods of August 1-September 15th
11. 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.
12. The conditions of approval apply to the shoreline substantial development permit of record.
13. The project shall be in compliance with the Shoreline Management Act (RCW 90.58), the Washington Administrative Code, the Douglas County Shoreline Master Program and the Douglas County Code.
14. The applicant shall comply with all applicable local, state and federal regulations and the applicant is responsible for securing any and all state and federal agency permits, as may be required.
15. The dock access corridor extending through the existing riparian vegetation within the wetland buffer and wetland shall not exceed 4' in width. The trail shall consist of either native grasses, crushed rock or gravel material.
16. Prior to building permit issuance, the applicant shall obtain all necessary permits from agencies with jurisdiction and provide copies of the permit approvals to Douglas County. This may include, but is not limited to: the Washington State Department of Fish and Wildlife (Hydraulic Project Approval), the United States Army Corps of Engineers Regulatory Branch (Section 10 &/or 404) the Washington State Department of Ecology (Section 401 Water Quality Certification), Washington State Department of Natural Resources Aquatic Use Authorization.
17. Prior to building permit issuance, the applicant shall provide a copy of the approved District Dock Permit signed by both the applicant and the Chelan County PUD.

18. Prior to entering the project area, all equipment shall be checked for leaks and cleaned free of any external petroleum products, hydraulic fluid, machinery coolant, dirt, weeds both aquatic and terrestrial, weed seeds, and/or any other deleterious materials.
19. Except as amended herein, the project application shall proceed consistent with the Wetland Management and Mitigation Plan prepared by Grette Associates, LLC, dated June 2007, including the amendments submitted on November 26, 2007, and revised planting plan dated December 14, 2007.
20. 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.
21. A water barge shall be required for placement and yearly removal of the temporary float system, unless it can be demonstrated that a truck mounted crane can access the site and not disturb existing habitat in the buffer or wetland.
22. A joint use maintenance and operation agreement for the joint use dock shall be submitted for review and approval which benefits the property owners of Lot 1 of the Plat of Zinfandel #2 and Lot 3 of the Zinfandel Short Plat. An approved agreement must be recorded prior to building permit issuance for the dock facility.

Respectfully Submitted,



Glen A. DeVries, A.I.C.P.  
Planning Manager