

**STAFF REPORT
DOUGLAS COUNTY TRANSPORTATION
31ST ST/FIR AVE STORMWATER SYSTEM OUTFALLS**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: DC Transportation Services, SP-10-01
DATE: March 29, 2010

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit. Douglas County Transportation is constructing a stormwater control component of a larger road project referred to as Eastmont Extension. This application includes the construction of stormwater pipe and stormwater outfall structures within shoreline jurisdiction.

Location: The subject property is located within WSDOT right-of-way in the vicinity of 32nd PI NW. The property is further described as being located within Section 27, Township 23N., Range 20 E., W.M., Douglas County, Washington.

II. SITE INFORMATION

Site Characteristics: The property slopes moderately to steeply down towards the river. The property is crossed by the Apple Capital Loop Trail.

Zoning and Development Standards: The subject property is located within the Low Density Residential (R-L) Zoning District.

The R-L residential low density is a land use classification primarily suited for single family residential living. Uses are limited to residential uses and under certain conditions public and service uses which by their nature as support services or facilities are necessarily better served by locating within the residential sector.

III. COMPREHENSIVE PLAN:

The Greater East Wenatchee Area Comprehensive Plan designates the property as Residential Low Density. The following goals and policies set forth in the comprehensive plan are relevant to this development:

UTILITIES

GOAL 1: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the Area, in a fair and timely manner.

POLICY UT-9: Utility installations and system upgrades shall be done in a manner sensitive to the surrounding land uses, and environmental and hazard area considerations.

STORMWATER

GOAL 5: Provide an efficient surface and stormwater management system that serves community residences and business in a manner that makes efficient use of limited resources and minimizes damage to public and private property from flooding events.

UT-23: Design, construct, and maintain stormwater facilities in a manner that minimizes their impact on adjacent neighborhoods and business.

TRANSPORTATION:

POLICY T-24: All road construction projected shall meet or exceed the minimum requirements for stormwater runoff.

IV. SHORELINE MASTER PROGRAM

The Douglas County Shoreline Master Program classifies this portion of the Columbia River shoreline as an Urban Conservancy. The purpose of the urban conservancy environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

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. 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.

V. ENVIRONMENTAL REVIEW

Douglas County Transportation issued a Determination of Non-significance and Adoption of Existing Environmental Document on January 12, 2009 in accordance with WAC 197-11. The adopted environmental document is the SR 28, Eastside Corridor FEIS.

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
Yakima Tribes	N/R	Chelan County PUD	3/1/10
City of East Wenatchee	N/R	Colville Tribes	2/25/10
Army Corps of Engineers	3/17/10	WA Dept of Arch & Hist Pres	N/R

* N/R = No Reply

Agency comments have been included as Attachment A.

No public comments were received at the writing of this staff report.

VII. PROJECT ANALYSIS

Upon review of the application materials, site plans, public and agency comments, the Greater East Wenatchee Area Comprehensive Plan, and applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

Comprehensive plan consistency:

The maintenance and improvement of the transportation system in Douglas County is the goal of the transportation element. The proposal is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

Utility installation is a permitted activity in the Urban Conservancy shoreline environment.

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.

The project will minimize damage to shoreline and environment. All impacts to the riparian buffer are proposed to be mitigated for.

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;
- 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;
- 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;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- f. Monitoring the impact and the compensating projects and taking appropriate corrective measures.

A discussion of the mitigation sequencing measures is provided in section 7.2 of the critical areas study. The project avoids and minimizes impacts to the greatest extent possible.

4.2 WATER QUALITY

REGULATION 3: Best management practices (BMP's) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control plan, identified in the Stormwater Management Manual for Eastern Washington, as amended.

The project includes a temporary erosion and sediment control plan.

4.3 VEGETATION CONSERVATION

POLICY 1: Native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Disturbance of native plant communities should be avoided. Disturbed areas should be revegetated with native plant species appropriate to the soil and hydrologic conditions.

Native vegetation damage/removal has been minimized to the greatest extent possible.

REGULATION 2: New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the current stormwater management standards. Deviations from these standards may be approved where it can be demonstrated that offsite facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

The project has been designed under current state stormwater standards.

REGULATION 3: Best management practices (BMP's) for control of erosion and sedimentation shall be implemented for all development in shoreline though an approved temporary erosion and sediment control plan, identified in the Stormwater Management Manual for Eastern Washington, as amended.

The project includes a temporary erosion and sediment control plan.

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

Native vegetation damage/removal has been minimized to the greatest extent possible.

4.4 ARCHAEOLOGICAL AND HISTORICAL RESOURCES

POLICY 1: Prevent the destruction of or damage to any site having historic, cultural, scientific, or education value as identified by the appropriate authorities, including affected Indian Tribes, and the Washington State Department of Archaeology and Historic Preservation.

The project will avoid damage to archaeological/cultural sites. The project was redesigned during review to further avoid adjacent archaeological sites. A cultural resources assessment, dated December 10, 2008 performed by Northwest Archaeological Associates Inc. was performed for the project.

REGULATION 1: If archaeological resources are uncovered during excavation, developers and property owners shall immediately stop work and notify the local government, the Washington State Department of Archaeology and Historic Preservation and affected Indian Tribes.

A condition has been proposed that will require stop work and notification if cultural or archaeological resources are uncovered during work.

5.17 UTILITIES

POLICY 2: Utilities should be located and designed to avoid adverse impacts to public recreation and public access areas and significant natural, historic, archaeological or cultural resources.

The system must discharge to the Columbia River. The 31st St outfall is routing the existing Canyon A drainage through the developed area. The Fir Ave outfall is an emergency outfall for the retention facility and will operate only under an emergency overflow situation. The stormwater system is designed to avoid adverse impacts to the greatest extent possible. Project design was amended during review to avoid cultural resource impacts.

POLICY 3: Utilities should be located, designed, constructed and operated to result in no net loss of shoreline ecological functions and processes.

The project will minimize damage to shoreline and environment. All impacts to the riparian buffer are proposed to be mitigated for.

REGULATION 1: All applicants shall document that the facility cannot be feasibly located outside of shoreline jurisdiction due to the uses served or the need to cross shorelands to connect to specific end points. An analysis of alternatives may be required. New or expanded public or private utilities should be located inland from the water, preferably out of shoreline jurisdiction.

The system must discharge to the Columbia River. The 31st St outfall is routing the existing Canyon A drainage through the developed area. The Fir Ave outfall is an emergency outfall for the retention facility and will operate only under an emergency overflow situation.

REGULATION 2: All applicants shall document that the proposed facilities comply with critical area regulations in Section 4.1, Ecological Protection and Critical Areas.

See Section 4.1 analysis above.

REGULATION 3: Applicants shall document how the location, design and use achieved no net loss of shoreline ecological functions and incorporates appropriate mitigation.

The critical areas study provides an analysis of the impacts to ecological function and documents that with mitigation, there will be no net loss.

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

Agency comments:

Agency comments from the Chelan County PUD, Army Corps of Engineers, and WA Dept. of Archaeology and Historic Preservation have identified mitigation or project design required for the shoreline permit. These comments have been included as conditions of approval to address these agency concerns.

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 Greater East Wenatchee Area Comprehensive Plan, and the Douglas County Shoreline Master Program. Staff recommends approval of SP#10-01, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicant is Douglas County Transportation Services, 140 19th St NW, East Wenatchee WA.
2. General Description: An application for a shoreline substantial development permit. Douglas County Transportation is constructing a stormwater control component of a larger road project referred to as Eastmont Extension. This application includes the

construction of stormwater pipe and stormwater outfall structures within shoreline jurisdiction.

3. The subject property is located within WSDOT right-of-way in the vicinity of 32nd PI NW. The property is further described as being located within Section 27, Township 23N., Range 20 E., W.M., Douglas County, Washington.
4. The Comprehensive Plan Designation is Residential Low Density.
5. The subject property is located in the R-L zoning district.
6. The Columbia River Shoreline section of the subject property is designated as "Urban Conservancy" by the Douglas County Shoreline Master Program.
7. 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.
8. A critical areas study dated January 2010 was performed for the project by HDR Engineering Inc.
9. A cultural resources assessment, dated December 10, 2008 was performed for the project by Northwest Archaeological Associates Inc.
10. A critical areas study dated January 2010 was submitted for the project. The study determined that wetlands are not present in the project area. The study also determined that the Fir Ave site has a 125 foot buffer and the 31st Street site has a 150 foot buffer.
11. The critical areas study determined that a total of 928 square feet of plantings would be necessary to mitigate the impact to the riparian buffer. A planting plan is proposed in Section 7.2.2.2 of the critical areas study.
12. Comments from reviewing agencies have been considered and addressed where appropriate.
13. Douglas County Transportation issued a Determination of Non-significance and Adoption of Existing Environmental Document on January 12, 2009 in accordance with WAC 197-11. The adopted environmental document is the SR 28, Eastside Corridor FEIS.
14. 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.
15. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
16. 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.
17. 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 Greater East Wenatchee Area Comprehensive Plan and the Douglas County 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 17 "Zoning" EMMC as adopted by Douglas County 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 of file submitted on January 13, 2010 and February 16, 2010 except as amended by the conditions herein.
2. Prior to building permit issuance, the applicant shall obtain all necessary permits from agencies with jurisdiction. 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.
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 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. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation, the County planning office and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the Douglas County Coroner, State Physical Anthropologist, Department of Archaeology and Historic Preservation, the County planning office and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources and human remains is required.
6. The riparian buffer area shall be temporarily fenced between the excavation activity and the buffer with a highly visible and durable protective barrier to prevent access and to protect the buffer from erosion and siltation.
7. The project application shall proceed consistent with the Critical Areas Study prepared by HDR Engineering, dated January 2010.
8. Riparian planting as shown on the mitigation planting plan, Section 7.2.2 Compensatory Mitigation, dated January 2010 shall be planted upon completion of the installation of the stormwater facility.
9. The mitigation site shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall ensure 80% survival during the 5 year monitoring period 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.
10. A five year monitoring period shall commence upon placement of the planting materials.

11. 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 critical areas study performed by HDR engineering, dated January 2010 have been satisfied.
12. 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.
13. 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 the permit shall terminate five (5) years from the filing date of the permit.

Respectfully Submitted,

Curtis Lillquist, A.I.C.P.
Senior Planner

Attachments