

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-12-04
Administering Agency Douglas County Transportation and Land Services

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

Date of Action: January 25, 2013

Date Mailed to DOE/AG

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

**Public Utility District No. 1 of Chelan County
PO Box 1231
Wenatchee, WA**

To undertake the following development: An application for a shoreline substantial development permit for the replacement of the Lincoln Rock Park dock and moorage floats. A total of 8 docks/floats are proposed for replacement under this permit. There are 5 overnight docks which will result in an increase of 732 square feet and one piling. One Day Use moorage dock which will result in a decrease of 53 square feet of overwater coverage and one piling. Two Boat Launch Moorage Floats which will result in a 247 square foot increase of overwater coverage and a reduction of 3 pilings. In total, the replacements will result in an increase in overwater coverage of approximately 926 sq. feet and a decrease of 3 pilings;

Upon the following property: The subject property is described as Lincoln Rock State Park. The property is further described as being located within Section 35, Township 24N., Range 20 E., W.M., Douglas County, Washington. The shoreline designation is Rural Conservancy. The Douglas County Assessor's Number is 24203510001;

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

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a Rural Conservancy designation. The Douglas County Shoreline Master Program is applicable to this development.

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

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 of file submitted on November 15, 2012 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 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 docks shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Documentation shall be provided with the building permit application.
6. The docks shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided with the building permit application.
7. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates, dated September 2012.
8. 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.
9. 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.

FINDINGS OF FACT

1. The applicant is Public Utility District No. 1 of Chelan County, PO Box 1231, Wenatchee WA.
2. General Description: An application for a shoreline substantial development permit for the replacement of the Lincoln Rock Park dock and moorage floats. A total of 8 docks/floats are proposed for replacement under this permit. There are 5 overnight docks which will result in an increase of 732 square feet and one piling. One Day Use moorage dock which will result in a decrease of 53 square feet of overwater coverage and one piling. Two Boat Launch Moorage Floats which will result in a 247 square foot increase of overwater coverage and a reduction of 3 pilings. In total, the replacements will result in an increase in overwater coverage of approximately 926 sq. feet and a decrease of 3 pilings.
3. The subject property is described as Lincoln Rock State Park. The property is further described as being located within Section 35, Township 24N., Range 20 E., W.M., Douglas County, Washington. The Douglas County Assessor's Number is 24203510001.
4. The Comprehensive Plan Designation is Rural Essential Public Facilities.
5. The subject property is located in the R-EPF zoning district.

6. The Columbia River Shoreline section of the subject property is designated as “Rural 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 fish and wildlife habitat management and mitigation plan dated September 2012 was performed for the project by Grette & Associates.
9. The fish and wildlife management and mitigation plan identifies that the current dock structures are constructed of dimensional lumber and encapsulated Styrofoam. This design prevents light from penetrating underneath the structures. The lack of light penetration results in little habitat below the structures and create a condition favorable for predators. The proposed structures will be ESA compliant and will result in less impact. Nearly 100 percent of the proposed floats will be decked with grating with greater than 60 percent open area. Ample light will then reach the river bottom and reduce the impacts associated with the structures. The proposed structures will result in an increase in habitat conditions under and immediately adjacent. The biologist of record has determined that even though the overall overwater coverage associated with the replacement of the existing structures will increase; the actual impacts of each structure will be reduced. This reduction in impacts to the aquatic environment meets the requirement that compensatory mitigation shall restore, create, rehabilitate or enhance equivalent or greater ecological functions. Therefore mitigation planting are not required for this project.
10. The mitigation proposed in the Fish and Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
11. Comments from reviewing agencies have been considered and addressed where appropriate.
12. Chelan County PUD is SEPA Lead Agency for this project and has issued a Determination of Nonsignificance in accordance with WAC 197-11-340(2).
13. 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.
14. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
15. 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.
16. The Douglas County Department of Land Services recommended approval of the requested permit, subject to the recommended conditions of approval.
17. An open record public hearing after legal notice was held on January 17, 2013. Appearing and testifying at the hearing on behalf of the applicant was Weikele Frantz. Ms. Frantz testified that she was an agent authorized to appear and speak on behalf of the applicant. Ms. Frantz indicated that

she had no objection to any of the proposed conditions of approval. She indicated that she had questions about proposed Condition of Approval No. 4 relating to whether or not there was any established standard for the reflectors. Staff indicated that there were no specific standards. Ms. Frantz also had a question about proposed Condition of Approval No. 5. She asked whether or not all of the individual floats needed to have the identification markings or just one for the entire group. Staff indicated that all floats needed to be marked.

18. No member of the public testified at the hearing.
19. At the open record public hearing, the entire planning staff file was admitted into the record.
20. Public agencies with potential jurisdiction over this project were given an opportunity to review the proposal. Agencies that responded with comments were admitted into the record and considered by the Hearing Examiner in rendering this Decision.
21. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

CONCLUSIONS

1. The Hearing Examiner has been granted authority to render this Decision.
2. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
3. 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.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. As proposed, revised, and conditioned, potential impacts of the project can be mitigated.
6. Public interests will be served by approval of this proposal.
7. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
8. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

This permit is granted pursuant to the Shoreline Master Program of Douglas County, 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 25th day of January, 2013.

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