

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

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JUN 17 2013
Douglas County TLS

Application #: SP-13-02
Administering Agency Douglas County

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

Date of Action: June 14th, 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:

Chelan County Public Utility District #1
PO Box 1231
Wenatchee, WA 98807

To undertake the following development: An application for substantial development permit (SP) to use bioengineered bank stabilization techniques to repair approximately 500 linear feet of shoreline within the Kirby Billingsley Hydro Park (KBHP). The proposed shoreline stabilization will occur at three separate locations. The design of the shoreline stabilization will secure and stabilize the shoreline with natural and bioengineered materials to eliminate further erosion, eliminate the public safety hazard created from a near vertical shoreline and increase the quality and quantity of the riparian and aquatic habitats.

Upon the following property: The subject property is located South of SR 28 within the Southwest and Southeast ¼ of Section 19, Township 22 N., Range 21 E., W.M., Douglas County, Washington. The site is located in a Recreation Overlay and the shoreline designation is Urban Conservancy. The parcel number for the subject property is 41000002305.

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 project will be located within an Urban conservancy designation. The following Shoreline Master Program provisions are applicable to this development:

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

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
2. 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.
3. 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.
4. The project application shall proceed consistent with the Fish and Wildlife Habitat Management and Mitigation Plan dated January 2013, completed by Grette Associates LLC.
5. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are 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.
6. Should any archaeological resources be discovered during grading/construction, all work that would affect the discovered resources must be stopped until the proper authorities have been notified and appropriate steps taken to protect the resources.
7. Onsite monitoring and monitoring reports shall be submitted to Douglas County Transportation and Land Services in conformance with the timelines and standards of Section 3.037(I) of Appendix H of the RSMP.
8. Implementation of onsite mitigation must be in conformance with the approved Fish and Wildlife Habitat Management and Mitigation plan dated January 2013, and the performance standards of Section 3.037(I) of appendix H of the RSMP.
9. Mitigation must be installed no later than the next growing season after completion of site improvements.
10. 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.
11. 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 applicants are Chelan County Public Utility District No. 1, PO Box 1231, Wenatchee, WA 98807.
2. Chelan County PUD has submitted an application for a shoreline substantial development permit (SP) to use bioengineered bank stabilization techniques to repair approximately 500 linear feet of shoreline within the Kirby Billingsley Hydro Park (KBHP). The proposed shoreline stabilization will occur at three separate locations. The design of the shoreline stabilization will secure and stabilize the shoreline with natural and bioengineered materials to eliminate further erosion, eliminate the public safety hazard created from a near vertical shoreline and increase the quality and quantity of the riparian and aquatic habitats.
3. The subject property is located South of SR 28 within the Southwest and Southeast ¼ of Section 19, Township 22 N., Range 21 E., W.M., Douglas County, Washington. The site is located in a Recreation Overlay and the shoreline designation is Urban Conservancy.
4. The parcel number for the subject property is 41000002305.
5. Kirby Billingsley Hydro Park (KBHP) was originally permitted in 1981 via a shoreline substantial development permit SP-81-20. In 1987 the park was expanded by 50 acres via SP-87-34. At that time, the park was also rezoned from Suburban Residential (SR) to Recreation Overlay (R-O) by CPRZ-87-03 and Resolution C.E. 87-58-87.
6. The subject property is located in the Rural Overlay (R-O) Zoning District which allows for recreation and public access. The R-O zoning district is permitted where approved prior to October 28, 2008.
7. The Columbia River Shoreline section of the subject property is designated as “Urban Conservancy” by the Douglas County Regional Shoreline Master Program.
8. The proposal is subject to the provisions of the Fish and Wildlife Habitat Conservation areas, Chapter 3 of Appendix H of the RSMP.
9. According to RCW 90.58.030 the Columbia River is a shoreline of statewide significance.
10. 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.
11. The subject property is located on the shoreline of the Columbia River and contains fish and wildlife habitat and aquatic habitat regulated under the Douglas County Regional Shoreline Master Program.
12. The applicant has submitted a Fish and Wildlife Habitat Management and Mitigation Plan dated January 3013, completed by Grette Associates LLC., in order to address the requirements of Chapter 3 of Appendix H of the RSMP.

13. The applicant has submitted a Biological Assessment, dated December 2012, completed by Grette Associates LLC.
14. Multiple agencies have permitting standards, requirements or limitations for the use and development of moorage facilities. Many of these agencies have specific ownership or easement rights. The county and cities should coordinate with federal, tribal, state and local agencies during the review of shoreline permits. The granting of a shoreline permit does not relieve a project from compliance with the standards of other agencies.(RSMP Section 5.10, Policy 9)
15. The Washington State Department of Archaeology & Historic Preservation commented on March 4, 2013 requesting a professional archaeological survey. The applicant submitted an Archaeological Assessment of the Kirby Billingsley Hydro Park Bank Stabilization Project, Dated April 22, 2013. The Department of Archaeology and The Confederated Tribes and Bands of the Yakama Nation requested minor changes to the report, and those changes were made. A revised Archeological Assessment of the Kirby Billingsley Hydro Park Bank Stabilization Project was submitted to include requested changes.
16. An Archaeological Assessment of the Kirby Billingsley Hydro Park Bank Stabilization Project was submitted, dated May 30, 2013. The assessment includes the Determination of No Historic Properties Affected.
17. The Department of Archaeology submitted comment dated May 2, 2013 concurring with the Determination of No Historic Properties Affected.
18. No comments have been submitted by state or federal agencies for the proposal indicating that the project will result in a net loss of functions and values and cumulative impacts.
19. Public Utility District No. 1 of Chelan County issued a DNS under RCW 197-11-340(2) on January 11, 2013.
20. Surrounding property owners were given the opportunity to comment on the proposals.
21. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
22. Comments from reviewing agencies have been considered and addressed where appropriate.
23. Douglas County recommended approval of the requested permits, subject to the recommended conditions of approval.
24. An open record public hearing after legal notice was held on June 13, 2013. Appearing and testifying at the hearing on behalf of the applicant was Casey Hall, construction manager for Chelan County PUD and Jennifer Burns, environmental coordinator for Chelan County PUD. Both Mr. Hall and Ms. Burns testified that they were agents authorized to appear and speak on behalf of the applicant. Mr. Hall testified that all the proposed conditions of approval were acceptable. Ms. Burns testified that they are currently engaged in excavation activities and there will be archeological monitoring

during all phases involving excavation. No members of the public appeared at this hearing.

25. At the open record public hearing, the entire planning staff file was admitted into the record.
26. 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.
27. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

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 policies and regulations of the Douglas County Regional Shoreline Master Program.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public interests will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Title 18 "Zoning" of the Douglas County Code.
5. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
6. The Hearing Examiner has been granted authority to render this Decision.
7. 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 14 day of June, 2013.

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