

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

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Douglas County TLS

Application #: SP-13-06
Administering Agency Douglas County Transportation and Land Services

Type of Permit: Shoreline Substantial Development
Action: Approved Denied

Date of Action: July 19, 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 No. 1
P.O. Box 1231
Wenatchee, WA 98807**

To undertake the following development: An application for a shoreline substantial development permit (SP) to repair and improve the existing swim beach area. The proposal includes removal of the existing concrete mowing strip to relocate it landward of the current location and excavate the uplands to restore the shoreline slope and enhance the gravel beach area, This would entail excavation of the existing lawn grass area and placement of pea gravel above and below the ordinary high water mark (OHWM). The project also includes installation of a 4 foot wide asphalt access trail from the existing restroom to the swim beach area. Approximately 430 square feet of mitigation plantings are proposed.

Upon the following property: The subject property is located off of North Daroga Park Ln within the NE ¼ Section 33, Township 26 N., Range 21 E., W.M., Douglas County, Washington. The shoreline designation is Rural Conservancy. The parcel number for the subject property is 26213310001.

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 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 on file except as amended by the conditions herein.
3. 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.
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 project application shall proceed consistent with the Fish and Wildlife Habitat Management and Mitigation Plan dated April 2013, completed by Grette Associates LLC.
6. 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.
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 April 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.
12. A temporary erosion and sediment control plan consistent with the standards found in the Stormwater Manual for Eastern Washington shall be submitted and approved prior to site work.

FINDINGS OF FACT

1. The applicant is the 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 repair and improve the existing swim beach area. The proposal includes removal of the existing concrete mowing strip to relocate it landward of the current location and excavate the

uplands to restore the shoreline slope and enhance the gravel beach area. This would entail excavation of the existing lawn grass area and placement of pea gravel above and below the ordinary high water mark (OHWM). The project also includes installation of a 4 foot wide asphalt access trail from the existing restroom to the swim beach area. Approximately 430 square feet of mitigation plantings are proposed.

3. The subject property is located off of North Daroga Park Ln within the NE ¼ Section 33, Township 26 N., Range 21 E., W.M., Douglas County, Washington. The shoreline designation is Rural Conservancy.
4. The parcel number for the subject property is 26213310001.
5. Daroga Park was originally permitted in 1988 via a shoreline substantial development permit SP-87-35. At that time, park was also rezoned from Rural Agriculture to Recreation Overlay (R-O) through CPRZ-87-04 via resolution.
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 subject property's underlying zoning district is Rural Recreation (R-REC) which allows for recreation and public access.
8. The Columbia River Shoreline section of the subject property is designated as "Rural Conservancy" by the Douglas County Regional Shoreline Master Program.
9. The proposal is subject to the provisions of the Fish and Wildlife Habitat Conservation areas, Chapter 3 of Appendix H of the RSMP.
10. According to RCW 90.58.030 the Columbia River is a shoreline of statewide significance.
11. 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.
12. 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.
13. The applicant has submitted a Fish and Wildlife Habitat Management and Mitigation Plan dated April 2013, completed by Grette Associates LLC., in order to address the requirements of Chapter 3 of Appendix H of the RSMP.
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. 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.
16. Public Utility District No. 1 of Chelan County issued a DNS under RCW 197-11-340(2) on May 16, 2013.
17. Surrounding property owners were given the opportunity to comment on the proposals.

18. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
19. Comments from reviewing agencies have been considered and addressed where appropriate.
20. The applicant will submit a temporary erosion and sediment control plan prior to construction.
21. The Douglas County Department of Land Services recommended approval of the requested permit(s), subject to the recommended conditions of approval.
22. An open record public hearing after legal notice was held on July 18, 2013. Appearing and testifying at the hearing on behalf of the applicant was Waikele Frantz. Ms. Frantz testified that she was an agent authorized to appear and speak on behalf of the applicant and property owner. Ms. Frantz indicated that she had no objection to any of the proposed conditions of approval, including those contained in Mrs. Gutzwiler's July 16th, 2013 memorandum to the Hearing Examiner.
23. Ms. Frantz explained that Exhibit 1 set forth below was the erosion and sediment control plan as found in the contract for this work. Exhibit 2 are site drawings which include the silt fence and other erosion control measures.
24. No member of the public appeared at the hearing.
25. At the open record public hearing, the entire planning staff file was admitted into the record.
26. Supplemental materials were submitted by Staff at the hearing, including:
 - A. Exhibit 1 which is a string of emails between Marla Gutzwiler and Waikele Frantz along with the erosion and sediment control plan as set forth in the contract.
 - B. Exhibit 2 is an email from Ms. Waikele Frantz to Marla Gutzwiler dated July 17th, 2013 along with drawings that demonstrate the erosion and sediment control features that will be utilized with this project.
27. 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.
28. 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. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.
3. 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.

4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 18 "Zoning" of the Douglas County Code.
7. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

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 19th day of July, 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