

SHORELINE MANAGEMENT PERMIT

ACTION SHEET

Application #: SP 2014-06
CUP 2086-01C

Administering Agency Douglas County Department of Community Development

Type of Permits: Shoreline Substantial Development Permit
 Conditional Use Permit

Action: Approved Denied

Date of Action: October 22, 2014

Date Mailed to DOE/AG

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

Public Utility District No. 1 of Chelan County
PO Box 1231
Wenatchee, WA 98807

To undertake the following development: An application for a shoreline substantial development permit and amendment to a conditional use permit for the installation of 8 deluxe cabins, 3 full hook-up RV sites, parking stalls, a group camp, new access road, and 2,136 feet of new trails.

Upon the following property:

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

The project will be within a shoreline of statewide significance (RCW 90.58.030). The project will be located within a Rural Conservancy shoreline environment designation.

The following Shoreline Master Program provisions are applicable to this development: Sections 7, 9, 11, 16, 21, 27 and 29.

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.

CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials of file submitted on August 8, 2014 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal regulations.
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. Erosion and Sediment Control Plan received with application shall be included in the commercial building permit.
5. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates, dated August, 2014.
6. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are designed by a landscape architect or equivalent professional. Said design shall meet the specific needs of riparian and shrub steppe vegetation.
7. Mitigation planting as shown on the mitigation planting plan sheets P1 – P6, dated 7/30/2014 shall be planted upon completion of the project structures and interpretive trail construction.
8. 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.
9. A five year monitoring period shall commence upon placement of the planting materials and irrigation system.
10. 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 fish & wildlife habitat management and mitigation plan submitted by Grette & Associates, dated August, 2014 have been satisfied.
11. 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.
12. 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.

Additional Conditions of Approval for Conditional Use Permit, CUP#86-01C:

13. The project shall proceed in substantial conformance with the plans and application materials of file submitted on August 8, 2014 except as amended by the conditions herein.
14. The applicant shall comply with all applicable local, state and federal regulations.
15. Prior to building permit issuance, the applicant shall obtain all necessary permits from agencies with jurisdiction.
16. 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.
17. Erosion and Sediment Control Plan received with application shall be included in the commercial building permit.
18. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates, dated August, 2014.
19. In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, the proponent or authorized agent shall cease work immediately within 200 ft. of the find and take steps to protect the find from further damage or disruption. Then they shall contact the THPO at (509) 634-2695 to report the find. No further work shall be allowed on the project until an approved plan for managing or preserving the remains or items is in place.
20. In the event that prehistoric artifacts (i.e., arrowheads, spear points, mortars, pestles, other ground stone tools, knives, scrapers, or flakes from the manufacture of tools, fire pits, peeled trees, etc.) or historic-period artifacts or features (i.e., fragments of old plates or ceramic vessels, weathered glass, dumps old cans, cabins, root cellars, etc.) are found during project implementation, the proponent or authorized agent shall cease work immediately within 200 ft. of the find. Then they shall contact the THPO at (509) 634-2695. No further work shall be allowed on the project until an approved plan for managing or preserving the artifacts or features is in place.
21. Activities that have the potential to disturb cultural resources outside the specified project area should not proceed prior to a cultural resources review of potential adverse effects in the new area.
22. The applicant is responsible for compliance with applicable state regulations including but not limited to acquisition of the Department of Ecology, Construction Stormwater Permit, and registration of UIC facilities, prior to construction.

FINDINGS OF FACT

1. The applicant is Public Utility District No. 1 of Chelan County (Chelan PUD), PO Box 1231, Wenatchee, WA 98807

2. General Description: An application for a shoreline substantial development permit and amendment to a conditional use permit for the installation of 8 deluxe cabins, 3 full hook-up RV sites, parking stalls, a group camp, new access road, and 2,136 feet of new trails.
3. Cabin Loop & Interpretive Trail will serve Lincoln Rock State Park. The subject property is described as being located at 13253 Lincoln Rock State Park Rd, East Wenatchee. The subject property is further described as being located within the East Half of Section 35, Township 24 N, Range 20 EWM, Douglas County, Washington.
4. The Douglas County Assessor's parcel numbers is: 24203510001.
5. The Comprehensive Plan Designation is Rural Essential Public Facilities.
6. The subject property is located in the R-EPF district.
7. The Columbia River Shoreline section of the subject property is designated as Rural Conservancy by the Douglas County Shoreline Master Program.
8. DCC 18.80 "Conditional Uses" establishes minimum review criteria for recreational vehicle parks and campgrounds.
9. The proposed project is a permitted conditional use within the R-EPF district pursuant to DCC 18.80.230.
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. An erosion and sediment control plan was performed for the project.
12. A traffic impact analysis indicated that the project will add 8 additional vehicular trips per day during the camping season. The additional vehicular trips per day is minimal and will have no impact on existing transportation facilities.
13. A Fish and Wildlife Habitat Management and Mitigation Plan dated August 2014 was prepared for the project by Grette & Associates.
14. The Fish and Wildlife Habitat Management and Mitigation Plan utilizes a 100 foot riparian buffer as determined by the Riparian Buffer Assessment completed by Grette Associates, date August 2014.
15. The development of the cabins, RV sites, and interpretive trail will impact the riparian environment. A Fish and Wildlife Habitat Management and Mitigation Plan has determined that approximately 2,329 sq. ft. of impact to the riparian buffer. The application proposes 2,640 sq. ft. of mitigation. A planting plan is proposed in Attachment B, Sheet P1 - P6 in the Fish & Wildlife Habitat Management and Mitigation Plan Sheets.
16. The mitigation proposed in the Fish and Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.

17. A cultural resource survey was completed by Archaeological Investigations Northwest. The survey was submitted to the Washington Department of Archaeology & Historic Preservation and the Confederated Tribes of the Colville Reservation. The survey resulted in no evidence of archaeological or potential cultural resources.
18. Comments from reviewing agencies have been considered and addressed where appropriate.
19. Chelan County PUD issued a Determination of Non-significance, as the lead agency, on August 20, 2014 in accordance with WAC 197-11-340(2).
20. 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.
21. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
22. WAC 173-27-090 requires that construction of projects receiving shoreline substantial development permits 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.
23. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
24. An open record public hearing after legal notice was provided was held on October 16, 2014.
25. The File of Record, Douglas County Department of Community Development Staff Report, and exhibits were received, admitted into the record and considered by the Hearing Examiner.
26. Appearing and testifying 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. Ms. Frantz indicated that the applicant concurred with the staff report findings and conclusions. The applicant had no objection to any of the proposed conditions of approval.
27. No member of the public testified at the hearing.
28. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
29. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS

1. The Hearing Examiner has authority to render this Decision.
2. Referral agency comments were received and considered in the review of this proposal.

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.

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 22nd day of October, 2014.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the "date of filing" as defined in WAC 461-08-305 and RCW 90.58.140(6) to file a petition for review with the Shorelines Hearings Board as provided for in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board.

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A
CONDITIONAL USE AND/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:
