

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-14-09
Administering Agency Douglas County Transportation and Land Services

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

Date of Action: November 24, 2014

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 98807**

To undertake the following development: An application for a shoreline substantial development permit to address the problems of beach erosion and ADA Compliance at the swim beach at Lincoln Rock State Park. Beach improvements proposed include: an ADA access ramp, concrete stair extension, boulder sill, gravel beach fill, and wading line modification.

Upon the following property: The proposed project will serve Lincoln Rock State Park. The subject property is described as being located at 13253 State Route 97, 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. The Douglas County Assessor's parcel numbers is: 24203510001.

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 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 of file submitted on September 3, 2014 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 project application shall proceed consistent with the Erosion and Sediment Control Plan (TESC) received with application.
6. 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. 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.
7. 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.
8. 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.
9. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Hatch Associates, dated August, 2014.
10. 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.
11. Mitigation planting as shown on the mitigation planting plan sheets 8-10 of 10, dated 12/13/13 shall be planted upon completion of the swim beach improvements.
12. 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.
13. A five year monitoring period shall commence upon placement of the planting materials and irrigation system.
14. 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 Hatch Associates, dated August, 2014 have been satisfied.

15. 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.
16. 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 (Chelan PUD), PO Box 1231, Wenatchee, WA 98807
2. General Description: An application for a shoreline substantial development permit to address the problems of beach erosion and ADA Compliance at the swim beach at Lincoln Rock State Park. Beach improvements proposed include: an ADA access ramp, concrete stair extension, boulder sill, gravel beach fill, and wading line modification.
3. The swim beach improvements will serve Lincoln Rock State Park. The subject property is described as being located at 13253 State Route 97, 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. The proposed project is a permitted use within the R-EPF district.
9. 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.
10. An erosion and sediment control plan was performed for the project.
11. A fish and wildlife habitat management and mitigation plan dated August 2014 was performed for the project by Hatch Associates Consultants, Inc.

12. The fish and wildlife habitat management and mitigation plan utilizes the 150 foot riparian buffer as determined by the Rural Conservancy shoreline designation.
13. The development of the ADA access ramp, concrete stair extension, boulder sill, gravel beach fill, and wading line modification will impact the riparian and aquatic environments. A fish and wildlife habitat management and mitigation plan has determined that approximately 11,400 sq. ft. of impact, of which only 416 sq. ft. of will result in impact to the riparian buffer and aquatic environment which will require mitigation. The application proposes 1,850 sq. ft. of mitigation. A planting plan is proposed in Sheets 8-10 of 10 in the Fish & Wildlife Habitat Management and Mitigation Plan Sheets.
14. The mitigation proposed in the Fish and Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
15. Comments from reviewing agencies have been considered and addressed where appropriate.
16. Chelan County PUD issued a Determination of Non-significance, as the lead agency, on August 19, 2014 in accordance with WAC 197-11-350(3).
17. 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.
18. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
19. 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.
20. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
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 November 20, 2014. 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 testified that the applicant agreed with the staff report and had no objection to the proposed conditions of approval.
23. No member of the public appeared at the hearing.
24. At the open record public hearing, the entire planning staff file was admitted into the record.
25. 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.

26. 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 meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan and the Douglas County Shoreline Master Program.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As proposed, revised, and conditioned, potential impacts of the project can be mitigated.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
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 24th day of November, 2014.

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