

**STAFF REPORT
DAROGA STATE PARK
DOCKS & MOORAGE FLOATS REPLACEMENT**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Daroga, SP-12-03
DATE: January 7, 2013

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit for the replacement of the Daroga Park docks and moorage floats. The replacement will result in a total increase in overwater coverage of approximately 538 sq. feet and a decrease of 3 pilings.

Location: The subject property is described as Daroga State Park. The property is further described as being located within Section 33, Township 26N., Range 21 E., W.M., Douglas County, Washington. The shoreline designation is Rural Conservancy. The Douglas County Assessor's Number is 26213310001.

Background:

On January 11, 1988, Douglas County issued SP-87-35 which approved the development of Daroga State Park. This permit included the construction of a dock on the island and a dock and boat launch with moorage float on the mainland. A copy of this permit is included in the planning file.

II. SITE INFORMATION

Site Characteristics: The subject property is developed as an active recreation park. Structure replacement will occur at two separate locations within the park. The north moorage dock located approximately 50 feet east of the existing boat launch and the island moorage dock located within an embayment on the island portion of the park. The north moorage area consists primarily of mowed and maintained lawngress. A narrow strip of mature, native and non-native trees and shrubs exist immediately landward of the OHWM. Adjacent to the island moorage area, a narrow strip of unmaintained vegetation adjacent to the OHWM exists. Landward of this area consists of mowed lawngress. A detailed description of site conditions can be found in Section 3.1 of the Fish and Wildlife Habitat Management and Mitigation Plan.

Zoning and Development Standards: The subject property is located within the Rural Recreation (R-REC) Zoning District. The purpose of the R-REC district is to provide the opportunity for the development, redevelopment, and infill of existing intensely developed rural recreational areas for residential, recreation, and tourist related development consistent with the rural character in the vicinity.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Recreation. The following goals and policies set forth in the comprehensive plan are relevant to this development:

RURAL:

POLICY RD-4: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.

CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

GOAL 2: Protect fish and wildlife habitat areas as an important natural resource for Douglas County, particularly in regard to their economic, aesthetic and quality of life values.

POLICY CA-15: Impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.

POLICY CA-16: The maximum amount of vegetation should be maintained in its natural state and be disturbed only as minimally necessary for the development. Disturbed areas should be re-vegetated with native vegetation as soon as possible. Re-vegetation will be maintained in good growing conditions, as well as being kept free of noxious weeds.

POLICY CA 17: If a development proposal is located in or near a habitat conservation area shown on the reference maps, a consultation and subsequent mitigation measures, if needed, should be encouraged from the WDFW or other appropriate agency.

POLICY CA-20: Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.

POLICY CA-21: Ensure that land uses adjacent to naturally occurring wetlands and other fish and wildlife habitat areas will not negatively impact the habitat areas. If a change in land use occurs, adequate buffers will be provided to the habitat areas.

POLICY CA-22: Activities allowed in fish and wildlife habitat conservation areas and open space will be consistent with the species located there, including all applicable state and federal regulations and/or best management practices for the activity regarding that species.

IV. SHORELINE MASTER PROGRAM

The Douglas County Shoreline Master Program classifies this reach of the Columbia River shoreline as Rural Conservancy. The purpose of the rural conservancy environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities.

A listing of the applicable policies and regulations are found in the analysis section of this staff report.

WASHINGTON ADMINISTRATIVE CODE (WAC)

WAC 173-27 provides updated rules for administering the Shoreline Management Act (RCW 90.58) and the local master program. WAC 173-27-150, establishes minimum review criteria for substantial development permits. This criteria states that a substantial development permit shall be granted only when the proposed development is consistent with:

- The policies and procedures of the Act;
- The provisions of this regulations; and
- The applicable master program adopted or approved for the area.

V. ENVIRONMENTAL REVIEW

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).

VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. The following agencies have been sent copies of the proposal and have commented as indicated below:

Agency Notified	Response Received	Agency Notified	Response Received
WA Department of Ecology	N/R	WA Dept of Fish & Wildlife	N/R
Chelan County PUD	12/18/12	Army Corps of Engineers	N/R
Colville Tribes	N/R	Yakama Tribes	N/R
WA Dept of Parks	N/R	WA Dept of Arch & Hist Preservation	N/R

* N/R = No Reply

Agency comments have been included as Attachment A.

No public comments were received at the writing of this staff report.

VII. PROJECT ANALYSIS

Upon review of the application materials, site plans, public and agency comments, the Douglas County Countywide Comprehensive Plan, and applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

Comprehensive plan consistency:

Recreational opportunities in shoreline areas of the Rural Recreation land use designation can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently addressed. Critical area policies place preference on the protection of and preservation of wetlands over the alteration and mitigation of impacts to wetlands. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

Docks are a permitted use in the Rural Conservancy shoreline designation.

4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS

POLICY 1: Shoreline use and development should occur in a manner that assures no net loss of existing ecological functions and processes and protects critical areas. Uses should be designed and conducted to avoid, minimize, or to fully mitigate in so far as practical, any damage to the ecology and environment.

The project cannot avoid impact to the aquatic environment. However, the project has been designed to reduce the level of impact from what exists as a result of the current dock structures.

REGULATION 1: Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;

The project is located in the aquatic environment and therefore cannot avoid impacts.

- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

The project is designed to minimize impacts by utilizing current state and federal dock design.

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

The project is for replacement structures to be located in the aquatic environment. The new structures will have less impact to the affected environment than the current structures.

- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

The project is for replacement structures to be placed in the aquatic environment. The replacement structures will have less impact to the aquatic environment.

- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

The project proposes new structures that foster a better aquatic environment around the structure.

- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

The compensation proposed is for new structures that foster a better aquatic environment, therefore no monitoring is necessary.

4.2 WATER QUALITY

REGULATION 5: All building materials that may come in contact with water shall be constructed of untreated wood, cured concrete or steel. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants. Wood treated with creosote, arsenate compounds, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.

The float framing is proposed to be constructed of aluminum. Decking and structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.

4.3 VEGETATION CONSERVATION

REGULATION 2: Where impacts to buffers are permitted under Section 4.1, Ecological Protection and Critical Areas, new developments shall be required to develop and implement a management and mitigation plan. When required, management and mitigation plans shall be prepared by a qualified biologist and shall be consistent with the requirements of Appendix H. Management and mitigation plans shall describe actions that will ensure no net loss of ecological functions. Vegetation shall be maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the County Auditor.

A fish and wildlife management and mitigation plan prepared by Grette & Associates was submitted in the application materials.

5.10 Moorage: docks, piers, watercraft lifts, mooring buoys, floats

POLICY 4: Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to navigation and other water-oriented activities such as fishing, swimming and pleasure boating, as well as property rights of adjacent land owners.

The project proposes to locate the docks in the same location as the existing structures. The docks will not pose a hazard to navigation.

POLICY 5: Moorage should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length, width and height of piers and docks should be no greater than necessary for safety and functional use.

The project proposes moorage structures that are the minimum size necessary.

REGULATION 6: New and substantially expanded piers and docks shall be constructed of materials that are approved by applicable federal and state agencies for use in water to avoid adverse effects on water quality or aquatic plants and animals in the long-term for both submerged portions of the dock and decking and other components. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited.

The construction materials proposed will be approved by the applicable federal and state agencies for use in water.

REGULATION 7: Moorage facilities shall be the minimum size necessary to meet the needs of the proposed water-dependent use and shall observe the following criteria:

b. Docks with or without a float shall be the minimum required to provide for moorage. Commercial docks shall be the minimum length necessary to serve the type of vessel served. Exceptions to these length standards are addressed below.

The proposed docks are the minimum size necessary for the level of use.

c. Docks on the Columbia River that exceed 100 feet in length or docks which exceed 50 feet in length on a lake or sites with unique characteristics that may create navigational safety hazards shall prepare a navigational safety study.

The proposed North Moorage dock is 110 feet out from OHWM. The Island Moorage dock is 70 feet out from the OHWM. Neither dock will create a navigational safety hazard.

d. Moorage shall be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.

The location does not indicate the need for maintenance dredging.

REGULATION 9: In order to minimize impacts on near shore areas and avoid reduction in ambient light level:

a. Pier and ramp construction must meet the following standards:

- 1) The width of piers and ramps shall not exceed 4 feet for single or joint-use docks. Greater widths may be permitted for community, public or commercial docks where use patterns can justify the increase;
 - 2) The bottom of the pier or bottom of the landward edge of a ramp, must be elevated at least 2 feet above the plan of OHWM;
 - 3) Pier and/or ramp surfaces are to consist of either grating or clear translucent material; and
 - 4) Pier and ramp construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.
- b. Float construction must meet the following standards:
- 1) Any float materials that are in contact with the water must be white or translucent;
 - 2) Floatation materials must be permanently encased to prevent breakup and release of small flotation pieces;
 - 3) Decking or surface area of the float must consist of either grating or clear translucent material;
 - 4) Floats cannot be located where they could impede fish passage; and
 - 5) Float construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.

Proposed design meets the above listed construction standards.

REGULATION 11: Piers and docks shall use pile supports unless engineering studies demonstrate that pile supports are insufficient to ensure public safety. Rip-rapped or bulkheaded fills may be approved only as a conditional use and only when demonstrated that no feasible alternative is available. Mitigation shall be provided to ensure no net loss of shoreline ecological functions and processes.

The project proposes to utilize pile supports.

REGULATION 15: Moorage facilities shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally non-reflective.

Suggested conditions of approval require that the dock be marked with reflectors or otherwise identified.

REGULATION 16: Moorage facilities shall be constructed and maintained so that no part of a facility creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.

The dock is designed and secured so that it will not damage shoreline property or natural features.

REGULATION 21: All moorage facilities must permanently mark all of the components with name, address, telephone number and date of installation.

Suggested conditions of approval requires that the dock be permanently marked for identification.

REGULATION 23: Moorage facilities shall avoid locations that will adversely impact shoreline ecological functions or processes.

The dock is proposed to be located in the most appropriate shoreline location on the subject property.

Appendix H, Chapter 3: Critical Areas – Fish and Wildlife Habitat Conservation Areas

The installation of a dock will impact the aquatic environment. 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.

As conditioned, the proposal is consistent with this section.

Consistency with WAC 173-27 and RCW 90.58:

As conditioned below, the project appears consistent with the requirements and criteria of the Shoreline Management and Enforcement Procedures, and the Shoreline Management Act

VIII. RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 and 19 of the Douglas County Code, the Douglas County Countywide Comprehensive Plan, and the Douglas County Shoreline Master Program. Staff recommends approval of SP#12-03, subject to the following findings of fact and conditions:

Suggested 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 Daroga Park dock and moorage floats. The replacement will result in a total increase in overwater coverage of approximately 538 sq. feet and a decrease of 3 pilings.
3. The subject property is described as Daroga State Park. The property is further described as being located within Section 33, Township 26N., Range 21 E., W.M., Douglas County, Washington. The Douglas County Assessor's Number is 26213310001.
4. The Comprehensive Plan Designation is Rural Recreation.
5. The subject property is located in the R-REC 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. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

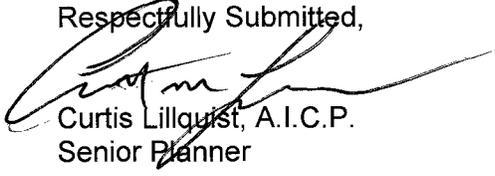
Suggested Conclusions:

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

Suggested Conditions of Approval

1. 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.
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. The dock 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.
5. The dock shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided with the building permit application.
6. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates, dated September 2012.
7. 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.
8. 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.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Curtis Lillquist", written over the typed name.

Curtis Lillquist, A.I.C.P.
Senior Planner

Attachments

ATTACHMENT A

Curtis Lillquist (x6588)

From: Graves, Lisa <lisa.graves@chelanpud.org>
Sent: Tuesday, December 18, 2012 1:30 PM
To: Curtis Lillquist (x6588)
Subject: Request for comment on CCPUD Daroga Park dock, SP-12-03

Mr. Lillquist,
The District does not have a comment for this District project. Thank you.

Lisa

Lisa Graves | Real Estate Specialist | PUD #1 of Chelan County
(509) 661-4196 | lisa.graves@chelanpud.org