

**STAFF REPORT
KIRBY BILLINGSLEY HYDRO PARK
BANK STABILIZATION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Ping, SP-13-02
DATE: May 29, 2013

I. GENERAL INFORMATION

Requested Action: 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.

Location: 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.

II. SITE INFORMATION

Site Characteristics: The proposed project will occur on three separate locations within the subject property (site 0, site 1, and site 2). The majority of the park consists of mowed and maintained lawn grass, which is heavily used for public recreation. Along a majority of the shoreline (~85%) there is a narrow strip of riparian vegetation immediately landward of the OHWM. **Site 0** consists of mowed and maintained lawn grass from the OHWM landward to the loop trail, approximately 8-12 feet landward of the OHWM. The vegetation consists of lawn grass and one immature oak which will be removed. The existing eroded bank is nearly vertical with lawn grass sloughing onto the sand gravel beach area immediately landward of the OHWM. **Site 1** is located immediately upriver of the swim area and contains similar existing conditions to Site 0. The downriver portion of this site (~75 feet) consists primarily of lawn grass. The loop trail is approximately 12-15 feet landward of the OHWM and the upland is virtually flat. The waterward edge of the lawn grass has been significantly eroded and is sloughing onto the narrow beach. The narrow beach consists of sand and gravel that have eroded from the, along with numerous boulders at the toe of the slope. The upriver 75 feet is similar to the downriver section, however without a narrow beach and there is a narrow strip of riparian vegetation. The trail is located between 12 and 40 feet landward of the OHWM. There are 7 mature trees within the upriver portion, with numerous shrubs; all but two of these will be removed. The slope of the shoreline is steep at approximately 4-5 feet above the OHWM. **Site 2** is approximately 190 linear feet and is located

approximately 1,400 linear feet upriver of the swim area. This site is heavily utilized by the public as an access location due to its proximity to the upriver parking area and lack of vegetation. The loop trail is located approximately 45 feet landward of the OHWM and the vegetation between the OHWM and the rail consist primarily of lawn grass. The grass area is moderately sloped. In the downriver portion of the site (~125 feet) the shoreline slope increases to a nearly vertical bank 2-4 feet high. Waterward of the bank there is a sand beach that is 12-15 feet wide that was created by the erosion of the shoreline and heavy use of the area. On the sand beach there are approximately 12 young coyote willows which will be removed. The upriver area (~55 feet) consists of similar slopes. The riparian vegetation extends from the top of the steep slope for approximately 8-12 feet to the OHWM. The top of the bank is located approximately 2-5 feet above the OHWM and is heavily vegetated with willows (~550 square feet) which will be removed.

Zoning and Development Standards: The subject property is located within a Recreation Overlay (R-O) Zoning District. The purpose of the R-O recreational overlay district is to provide for the continuance of public and private parks and other outdoor recreational facilities in order to encourage the development of additional active recreational facilities in Douglas County, and to maintain adequate buffers between recreational developments and surrounding land uses. The R-O district is permitted where approved prior to October 28, 2008.

III. COMPREHENSIVE PLAN

This park was permitted via two shoreline permits SP-81-20 and SP-87-34. The Recreation Overlay (R-O) on this property was created via resolution number C.E. 87-58-87. The following goals and policies set forth in the comprehensive plan are relevant to this development:

GENERAL LAND USE:

POLICY G-14: Promote public access to lakes, rivers, creeks and other water bodies through signage, maps, public information programs, trails, scenic overlooks, picnic areas and other mechanisms.

IV. REGIONAL SHORELINE MASTER PROGRAM

The Douglas County Regional Shoreline Master Program classifies this portion of the Columbia River shoreline as Urban Conservancy. The purpose of the urban conservancy environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. Many of the below items refer to, or are substantively implemented by the 'Douglas County Shoreline Critical Area Regulations ('RSMP Appendix H')', which is available at <http://www.douglascountywa.net/departments/tls/growth/default.asp>. The following goals, policies, objectives and regulations of the Regional Shoreline Master Program are pertinent to the proposed use:

SECTION 2.2 PUBLIC ACCESS ELEMENT

Goal 1: Provide safe, convenient and diversified access for the public to the publicly owned shorelines of Douglas County and assure that public access facilities will recognize the rights of private property owners, will not endanger life, and will not adversely affect fragile natural areas and resources.

Goal 2: Provide the public opportunities to enjoy the physical and aesthetic qualities, including views, of shorelines of the state consistent with the other goals and policies of this Program.

Objective 6: Public access should be located, designed, developed, managed and maintained in a manner that protects shoreline ecological functions and processes.

SECTION 2.4 RECREATION ELEMENT

Goal 1: Provide opportunities and space for diverse forms of water-oriented recreation.

Objective 1: Give priority to water-oriented shoreline recreational development that is primarily related to access, enjoyment and use of the water and shorelines of the state.

Objective 2: Recreational areas should be located, designed, developed, managed, and maintained in a manner that protects shoreline ecological functions and processes.

Objective 5: Location, design and operation of recreational development shall consider measures necessary to establish a high level of compatibility with other uses and activities and avoid negative impacts to the shoreline environment.

SECTION 2.5 SHORELINE USE ELEMENT

Goal 1: Consider the use and development of shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, forestry, natural resources, recreation, education, public buildings and grounds, utilities and other categories of public and private land uses in relation to the natural environment and ensuring no net loss of ecological function.

Objective 1: Shoreline use preference should be given to water-dependent and single family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be allowed only when substantial public benefit is provided with respect to the goals of the Act for public access and ecological restoration.

Objective 2: The location, design, and management of shoreline uses should be balanced to prevent a net loss of shoreline ecological functions and processes over time. Where adverse impacts are unavoidable, require mitigation to ensure no net loss of shoreline ecological functions.

SECTION 2.7 HISTORICAL/CULTURAL ELEMENT

Goal 1: Identify, protect, preserve and, where appropriate, restore sites that have historical, cultural, educational and scientific value and/or significance.

Objective 1: Cultural and historic sites should be protected in collaboration with appropriate tribal, state, federal and local governments. Public agencies and private parties should be encouraged to cooperate in the identification, protection and management of cultural resources.

SECTION 3.5 URBAN CONSERVANCY ENVIRONMENT

Policy 1: The Master Program is the primary guide for the location, type, density, and distribution of uses in the rural conservancy environment designation. Local

comprehensive plans and development regulations also provide guidance and standards for development which occurs within shorelines of the state.

Policy 3: Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the urban conservancy designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

Policy 4: Public access and public recreation objectives should be preferred uses and implemented whenever feasible if significant ecological impacts can be mitigated.

SECTION 3.10 TABLE 1 USE MATRIX

Section 3.10 establishes that recreation may be permitted in the Urban Conservancy Environment via a shoreline substantial development permit.

SECTION 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.

Policy 2: In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts shall be identified and evaluated.

Policy 3: Development standards for density, lot frontage, setbacks, lot coverage, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. Review of shoreline development should consider potential impacts associated with proposed shoreline development when assessing compliance with this policy.

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. 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; 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; d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Regulation 2: The provisions of this section and Appendix H shall apply to any use, alteration or development within shoreline jurisdiction, whether or not a shoreline permit or written statement of exemption is required.

Regulation 3: Unless otherwise stated, critical area buffers shall be protected and/or enhanced pursuant to Appendix H and all other applicable provisions of this Program.

Regulation 5: The cumulative effects of individual development proposals shall be identified and evaluated to assure that no net loss standards are achieved.

SECTION 4.2 WATER QUALITY

Policy 1: The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long-term.

Policy 3: Appropriate buffers along all wetlands, streams, and lakes should be provided and maintained in a manner that avoids the need for chemical treatment for vegetation management and be consistent with critical areas ordinances and best management practices.

Regulation 3: Best management practices (BMP's) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control plan, identified in the Stormwater Management Manual for Eastern Washington, as amended.

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.

SECTION 4.3 VEGETATION CONSERVATION

Policy 1: Native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Disturbance of native plant communities should be avoided. Disturbed areas should be revegetated with native plant species appropriate to the soil and hydrologic conditions.

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 in 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.

Regulation 4: Native vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.

Regulation 6: Vegetation removal not associated with a development permit application requires the submittal and approval of a management and mitigation plan prepared by a qualified biologist, and must be consistent with the provisions of Section 4.1, Ecological Protection and Critical Areas.

Regulation 7: Filling, clearing and grading in vegetated shoreline areas shall be in conformance with the provisions of Section 5.8, Filling, Grading, and Excavation; in addition to Section 4.1, Ecological Protection and Critical Areas, and the provisions of this Program.

SECTION 4.4 ARCHAEOLOGICAL AND HISTORICAL RESOURCES

Policy 1: Prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including

affected Indian Tribes, and the Washington State Department of Archaeology and Historic Preservation.

Regulation 1: If archaeological resources are uncovered during excavation, developers and property owners shall immediately stop work and notify the local government, the Washington State Department of Archaeology and Historic Preservation and affected Indian tribes.

Regulation 2: An archaeological resource site inspection and/or evaluation is required by a professional archaeologist in coordination with affected Indian tribes where known archaeological resources are present. Properties near a site known to contain a historic, cultural or archaeological resource(s) shall require a cultural resource site assessment.

Regulation 3: If a cultural resource site assessment identifies the presence of significant historic or archaeological resources, a cultural resource management plan shall be prepared by a professional archaeologist or historic preservation professional. In addition, a permit or other requirements administered by the Washington State Department of Archaeology and Historic Preservation pursuant to RCW 27.44 and RCW 27.53 may apply.

SECTION 4.6 PUBLIC ACCESS

Policy 9: Assure that public access improvements result in no net loss of shoreline ecological functions.

Policy 14: Recreational development should place a priority for public use and access to the water.

Regulation 12: Access improvements shall not result in a net loss of shoreline ecological functions and values.

Regulation 22: Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

SECTION 4.7 RESTORATION

Policy 1: Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.

Policy 2: Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.

Policy 7: Ensure that long-term maintenance and monitoring of restoration sites is included in the original permitting of the project.

SECTION 5.5 DREDGING

Policy 1: Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

Policy 6: Minor dredging as part of ecological restoration or enhancement, beach nourishment, public access or public recreation should be permitted if consistent with this Program.

Regulation 1: Dredging shall only be permitted for the following activities:

- a. Development of new or expanded wet moorages where there are no feasible alternatives or other alternatives may have a greater ecological impact.

- b. Development of water dependent industries of economic importance to the region only where there are no feasible alternatives.
- c. Development of essential public facilities when there are no feasible alternatives.
- d. Maintenance dredging for the purpose of restoring a lawfully established development.
- e. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.
- f. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
- g. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
 - (1) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.
 - (2) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
 - (3) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
 - (4) Mitigation is implemented, as appropriate, pursuant to Section 4.1 Ecological Protection and Critical Areas.
- h. Dredging for the purpose of obtaining landfill material is prohibited, except that permitted under Section 5.9 Mining.
- i. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
- j. Maintenance dredging of established navigation channels and basins.

Regulation 4: Dredge material disposal:

- a. Dredge material disposal on land away from the shoreline is permitted under the following conditions:
 - (1) Shoreline ecological functions and processes will be preserved, including protection of surface and ground water.
 - (2) Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.
 - (3) Sites will be adequately screened from view of local residents or passersby on public right-of-ways.
- b. Dredge material disposal is prohibited on lake shorelines or beds, and in streams; except that, dredge spoil may be used in approved projects for the restoration or enhancement of shoreline ecological functions and processes.
- c. Dredge material disposal in open waters may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA); and when found to meet one or more of the following conditions:
 - (1) Land disposal is infeasible, less consistent with this Master Program, or prohibited by law.
 - (2) Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.
 - (3) Offshore habitat will be protected, restored, or enhanced.

(4) Adverse effects on water quality or biologic resources from contaminated materials will be mitigated.

(5) Shifting and dispersal of dredge material will be minimal.

(6) Water quality will not be adversely affected.

Regulation 5: The following information shall be required for all dredging applications:

- a. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this Program will be achieved.
- b. A detailed description of the existing physical character, shoreline geomorphology and the biological resources that are provided by the area proposed to be dredged, including:
 - (1) A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry depths and have data points at a minimum of 2-foot depth increments.
 - (2) Habitat surveys, critical area studies, and mitigation plans as required by Section 4.1 Ecological Protection and Critical Areas.
 - (3) Information on stability of bedlands adjacent to proposed dredging and dredge material disposal areas.
- c. A detailed description of the physical, chemical and biological characteristics of the dredge material to be removed including:
 - (1) Physical analysis of material to be dredged: material composition and amount, grain size, organic materials present, source of material, etc.
 - (2) Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.
 - (3) Biological analysis of material to be dredged.
- d. A description of the method of dredging including
 - (1) Facilities for settlement and movement.
 - (2) Dredging procedure: length of time it will take to complete dredging, method of dredging and amount of materials removed.
 - (3) Frequency and quantity of project maintenance dredging.
- e. Detailed plans for dredge material disposal, including specific land disposal sites and relevant information on the disposal site, including but not limited to:
 - (1) Dredge material disposal area:
 - (a) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
 - (b) Size and capacity of disposal site;
 - (c) Means of transportation to the disposal site;
 - (d) Proposed dewatering and stabilization of spoils;
 - (e) Methods of controlling erosion and sedimentation; and
 - (f) Future use of the site and conformance with land use policies and regulations.
 - (2) Total initial dredge material volume expected.
 - (3) Plan for disposal of maintenance dredge material for at least a fifty (50) year period, if applicable.
- f. The Administrator may require hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging.

SECTION 5.8 FILLING, GRADING AND EXCAVATION

Policy 2: Filling, grading and excavation in water bodies, floodways, and/or wetlands should not be permitted for creation of new uplands, unless it is part of an approved ecological restoration activity. Fill should be permitted in limited instances to restore uplands where recent erosion has rapidly reduced upland area, to build beaches and protective berms for shore stabilization or recreation, to restore or enhance degraded shoreline ecological functions and processes, or to moderately elevate low uplands to make such uplands more suitable for purposes consistent with this Program.

Regulation 3: Excavation that occurs either waterward of the OHWM or within wetlands shall be considered dredging for purposes of this Program.

Regulation 4: Filling, grading or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.

Regulation 5: Filling, grading, beach nourishment and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long-term appropriate use including lawful access and enjoyment of scenery.

Regulation 6: Cut and fill slopes shall generally be no steeper than one foot vertical for every three feet horizontal unless a specific engineering analysis has been provided certifying that the proposed slope is stable, and the Administrator determines that the fill blends physically and visually with existing topography.

Regulation 7: A temporary erosion and sediment control (TESC) plan, consistent with the standards found in the Stormwater Manual for Eastern Washington, shall be provided for all proposed filling, grading and excavation activities.

Regulation 8: Excavation and grading for the primary purpose of restoration of shoreline habitat and the natural character of the shoreline must demonstrate the following:

- a. A net increase in ecological function within the project boundaries
- b. The site is currently degraded and provides limited ecological function
- c. The project complies with the provisions of Section 4.1 Ecological Protection and Critical Areas.

SECTION 5.14 SHORELINE STABILIZATION

Policy 4: New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, vegetation planting, or on site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.

Regulation 2: New, expanded or replacement shoreline stabilization shall not be permitted unless it can be demonstrated that the proposed measures will not result in a net loss of shoreline ecological functions.

Regulation 6: Where shoreline stabilization is allowed, it shall consist of “soft”, flexible, and/or natural materials or other bioengineered approaches unless a geotechnical analysis demonstrates that such measures are infeasible.

Regulation 11: New or expanded shoreline stabilization may be permitted to protect projects with the primary purpose of enhancing or restoring ecological functions, or hazardous substance remediation permits pursuant to RCW 70.105D, Hazardous Waste Cleanup, when non-structural approaches, such as vegetation planting, and/or onsite drainage improvements are not feasible or do not provide sufficient protection.

Regulation 12: Proposed designs for new or expanded shoreline stabilization shall be designed and certified by a qualified engineer and a qualified biologist.

Regulation 14: The size of shore stabilization measures shall be limited to the minimum necessary to provide protection for the primary structure or use it is intended to protect.

Regulation 15: Public access shall be provided for publicly financed shoreline erosion control measures consistent with the requirements of WAC 173-26-231(3)(a)(iii)(E).

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. These 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

Public Utility District No. 1 of Chelan County issued a DNS under RCW 197-11-340(2) on January 11, 2013.

VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Attachment A. No public comments were submitted on this proposal at the time of staff review.

VII. PROJECT ANALYSIS

The proposed project intends to use bioengineered bank stabilization techniques to repair approximately 500 linear feet of shoreline within the Kirby Billingsley Hydro Park (KBHP). The project is separated into three sites (site 0, site 1, and site 2), where varying degrees of stabilization, restoration, and mitigation plantings are proposed as described within the project application. 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. The R-O district is permitted where approved prior to October 28, 2008 meaning no new R-O zones can be created. The park can be maintained under its original permits so long as it is consistent with applicable codes and regulations.

Upon review of the application materials, site plans, mitigation 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 can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently addressed. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the provisions of the R-O Zoning District, Chapter 18.46, D.C.C.:

Recreation is permitted in the R-O Zoning District. The proposal is consistent with the provisions of this chapter.

Consistency with the Douglas County Regional Shoreline Master Program:

The Douglas County Regional Shoreline Master Program (RSMP) goals, policies and regulations allow for slope stabilization and restoration provided that standards are met. The RSMP also requires that there is “no net loss of existing ecological functions and processes” and to protect critical areas.

Absent site mitigation, the shoreline stabilization may have impacts to the fish and wildlife habitat areas. However, compensatory mitigation is proposed to address potential impacts; in the long term the site will have increased habitat functions and values. Because restoration of the site includes planting with native vegetation, the site will be more available for habitat use. The method of stabilization includes “soft”, flexible, and/or natural materials and other bioengineered approaches. Stabilization of the site will prevent further erosion into the Columbia River and provide stable recreation along the shoreline.

A small portion of the project includes excavation/fill waterward of the OWHM to stabilize, restore and enhance the site. Excavation that occurs either waterward of the OWHM or within wetlands shall be considered dredging for purposes of this Program. Disturbed areas will be immediately stabilized and revegetated, as applicable. This minor dredging is part of ecological restoration and enhancement of the site, public access and public recreation. This would be considered maintenance dredging for the purpose of restoring a lawfully established development. Restoration or enhancement of shoreline ecological functions and processes will benefit water quality and fish and wildlife habitat. Dredge material will be disposed of landward of 200 feet from the OWHM.

The site was previously permitted to contain public access and recreation. Slope stabilization and repair using bioengineered techniques increases public safety, while mitigation plantings increase the functions and values onsite.

The applicant has been in contact with the tribes and the department of Archeology and has submitted an Archaeological Assessment of the Kirby Billingsley Hydro Park Bank Stabilization Project, dated April 22, 2013. The assessment has determined that no evidence for intact archeological deposits or features was encountered. There has been a condition of approval added that if resources are found, work will be required to halt while the proper authorities are contacted.

The proposal is designed and constructed to minimize and mitigate any damage to the ecology and environment. Native plant communities will be avoided as much as

possible and when impact occurs, mitigation plantings will occur. Mitigation plantings with native plant species and buffers will be protected and/or enhanced pursuant to Appendix H and all other applicable provisions of the RSMP. The native seeding and planting will mitigate any impacts. Development within shoreline buffers must develop a Fish and Wildlife Habitat management and mitigation plan meeting the requirements of the RSMP and Douglas County Shoreline Critical Area Regulations ('RSMP Appendix H'). The applicant submitted a Fish and Wildlife Habitat Management and Mitigation Plan dated January 2013, prepared by Grette Associates, LLC. This plan details the disturbance and impacts to all three areas and proposes mitigation of the shoreline violation impacts, which includes a total of 2,526 square feet, vegetated with mitigation plantings including native trees, shrubs, grasses and forbes.

The applicant's qualified biologist submitted application materials which include the required components of the RSMP and Appendix H Shoreline Critical Area Standards. Impacts to the watershed have been considered; the proposal contains permitted uses by the program; project design has addressed mitigation sequencing; the Biologist has considered cumulative and site impacts and determined that there is no net loss of functions and values given proposed mitigation; site mitigation increases riparian functions and values for the shoreline which assists with implementation of the RSMP restoration plan; performance standards have been included to address site monitoring and successful implementation of mitigation. As conditioned the proposal is consistent with the applicable policies and standards of the RSMP.

Consistency with WAC 173-27 and RCW 90.58:

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

Comments:

The Washington State Department of Archaeology & Historic Preservation commented on March 4, 2013. In this comment was a request for a professional archaeological survey. The applicant then submitted an Archaeological Assessment of the Kirby Billingsley Hydro Park Bank Stabilization Project, Dated April 22, 2013. The applicant mailed this report to the Department of Archaeology, Colville and Yakama Tribes, and Chelan PUD. These agencies had a 30 day comment period. The Department of Archaeology submitted a new comment dated May 2, 2013 concurring with the Determination of No Historic Properties Affected. They did request a minor change within the report. The Confederated Tribes and Bands of the Yakama Nation submitted a comment dated May 20, 2013 requesting some minor changes to the report. A revised Archeological Assessment of the Kirby Billingsley Hydro Park Bank Stabilization Project was submitted to include requested changes, dated May 30 2013.

No public comments have been received at the time of this staff report.

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 Regional Shoreline Master Program. Staff recommends approval of SP-13-05, subject to the following findings of fact and conditions:

Suggested 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 30, 2013, 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.

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 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.

Suggested 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.

Respectfully Submitted,

Marla Gutzwiler
Senior Planner

Attachments

The Regional Shoreline Master Program, Chapters 1-9 can be accessed at:
http://www.douglascountywa.net/departments/tls/growth/pdf/Chapter_1-9_Final_8-27-09.pdf

The Regional Shoreline Master Program, Appendix H, can be accessed at:
http://www.douglascountywa.net/departments/tls/growth/pdf/Appendix_A-H_Final_8-27-09.pdf.