

**STAFF REPORT
BEEBE RANCH VIOLATION RESOLUTION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Beebe Ranch, SP-06-05A
DATE: February 10, 2014

I. GENERAL INFORMATION

Requested Action: An application for the amendment of an existing shoreline substantial development permit for the resolution of a shoreline violation. Violation activities include fill and grading outside of permitted area, in a drainage way, and on a parcel not included in approved permits; fill placed waterward of OHWM; placement of fill in greater amount than proposed in permit applications; removal of native plants and vegetation outside of permitted area; and possible impacts to cultural resources on Lot 1 Plat of The Beach at Corral Creek.

Location: The subject property is described as Lot 1 Block 4 Plat of Beebe Orchard Tracts and Lot 1 Plat of the Beach at Corral Creek. and located within the NW Quarter of Section 9, Township 27N., Range 23 E., W.M., Douglas County, Washington. The Douglas County Assessors Numbers are 45700400100 and 45800000100.

Background: Douglas County issued the following permits for shoreline development on the subject property; SP-06-05 (dock, beach, and trail), SR-13-01 (relocation of mitigation plantings), and BPC-13-004 (dock). Site development and construction activities were found to be not in compliance with the issued permits. Code enforcement action (CE-13-01) was commenced in regards to the following unauthorized development activities:

- Fill and grading outside of permitted area
- Fill of a ravine/drainage way
- Fill placed waterward of the ordinary high water mark
- Fill/grading onto parcel 45800000100, which was not included on original permits
- Removal of native plants and vegetation outside of permitted area
- Placement of a greater amount of fill than proposed in the permit applications
- Possible impacts to cultural resources on Lot 1 Plat of The Beach at Corral Creek.

A Final Notice and Order was issued on July 31, 2013. This final notice and order was not appealed. The code enforcement action was referred to the Douglas County Prosecuting Attorney on September 18, 2013 for further legal proceedings.

II. SITE INFORMATION

Site Characteristics: The vegetation and habitat conditions at the community lot, where the shoreline access and community dock are located have been significantly disturbed under the original approval of SP-06-05. The permitted to install a community dock as well as grade the entire portion of the parcel located downriver of the dock. The excavation and grading resulted in the complete removal of all existing vegetation. Per

the approved shoreline permit the remainder of the community area upriver of the community dock was to be left undisturbed, in it's existing condition. This area was regarded which disturbed the entire portion of the shoreline upriver of the community dock.

Zoning and Development Standards: The subject property is located within the Rural Resource 5 acres (RR-5) Zoning District. The purpose of the RR-5 rural resource district is to provide an area for a variety of rural lifestyles, hobby farms, densities, and open space, while protecting the rural and resource characteristics in the vicinity. This district provides an opportunity for compatible rural land uses, and is sensitive to the site's physical characteristics. RR-5 districts are often located adjacent to urban growth areas or existing rural development of higher densities, are intended as a transition, and provide a buffer area between commercial agricultural areas or more intense development areas. These areas may be incorporated into the urban area at a future date. This district is also appropriate for areas that currently have a range of rural densities or land parcel sizes generally less than twenty acres in size and/or have adequate rural levels of services available such as roads, schools, and fire protection. Clustering or other innovative techniques for residential lots are encouraged provided that the density does not encourage urban levels of service and provide significant open space corridors and protection of critical areas.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 acres. 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

Douglas County issued a Determination of Non-significance on February 10, 2014 in accordance with WAC 197-11-355 (Optional DNS).

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	12/19/13	Army Corps of Engineers	N/R
Colville Tribes	N/R	Yakama Tribes	N/R
		WA Dept of Arch & Hist Pres	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:

The activity that was performed is inconsistent with the comprehensive plan. The permit proposes work which will mitigate the impacts of the violation activity. Completion of the work proposed is consistent with policy to protect fish and wildlife and wetland areas.

The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

The activity proposed in the application is to correct and mitigate for unpermitted actions taken within shoreline jurisdiction.

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 will mitigate for the damage to shoreline and environment that resulted from the unpermitted activity.

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 unpermitted activity has created an impact. The project proposes to remediate those 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 unpermitted activity has created an impact. The project proposes to remediate those 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;

The unpermitted activity has created an impact. The project proposes to remediate those impacts.

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

The project is proposing mitigation per the adopted mitigation ratios that will compensate for the impact. Suggested conditions of approval require installation of mitigation per the approved plan.

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

Suggested conditions of approval require that the mitigation measures be monitored for 5 years after installation to determine survivability and corrective measures be taken if survivability is not achieved.

4.2 WATER QUALITY

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

Suggested conditions of approval require that a temporary erosion and sediment control plan be implemented through the project and stabilization.

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.

4.7 Restoration

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

A fish and wildlife management and mitigation plan prepared by Grette & Associates was submitted in the application materials. The plan identifies that the project will result in 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.

Suggested conditions of approval require that the mitigation measures be monitored for 5 years after installation to determine survivability and corrective measures be taken if survivability is not achieved.

5.8 Filling, grading and excavation

REGULATION 1: Filling, grading, and excavation shall be minimized to the maximum extent practicable and only authorized along with approved shoreline use and development activities that are consistent with this Program.

The fill, grading, and excavation was performed beyond the limits of existing permitting resulting in the violation on the property. The project proposes to remediate the unpermitted activity.

REGULATION 2: Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support:

- a. Water dependent use,
- b. Public access,

- c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan,
- d. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Department of Natural Resources,
- e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.

The fill material that was placed below OHWM is in a location that was eroded due to a broken irrigation return pipe and subsequent river action.

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 re-vegetated, as applicable.

The grading activity will not result in the need for protective materials to be placed. The fish and wildlife habitat management and mitigation plan identifies that the grading area will be re-vegetated with native species.

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.

At the completion of the project the area will blend physically and visually with the existing topography.

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.

The cut and fill slopes are not steeper than one foot vertical for every three feet horizontal.

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.

Suggested conditions of approval require that a temporary erosion and sediment control plan be implemented through the project and stabilization.

Appendix H, Chapter 3: Critical Areas – Fish and Wildlife Habitat Conservation Areas
An aquatic habitat buffer assessment performed with the development of the Wetland Management and Mitigation plan, dated October 4, 2013, was performed on the subject property pursuant to Appendix H, Section 3.050 of the shoreline master program. The results of the assessment establish a 125 foot buffer on the subject property.

The Beach at Corral Creek Subdivision was recorded on December 21, 2010 and is therefore still within the 7 year vesting period. The 75 foot wetland buffer established with the plat is the applicable buffer for this application.

The unpermitted activity has created impacts to the buffer area. A Wetland management and mitigation plan has been prepared that identifies the unpermitted actions, the actions necessary to correct the unpermitted activity and the measures necessary to mitigate the impacts of these actions. The Wetland Management and Mitigation Plan addresses the impacts to the Fish and Wildlife Habitat Conservation Areas and documents compliance with this section.

The planting plan approved by SP-06-05 includes 22,407 square feet of plantings to mitigate for the dock, grading, community grass area and trail. That plan proposed to install 9,159 square feet of mitigation at the dock/community area and the rest (13,248 sq. ft.) was proposed to be planted in a long narrow strip along the OHWM, downstream of the site.

The unauthorized work resulted in the disturbance of 11,273 sq. ft. of the buffer on the Beebe Community Area and 3,315 sq. ft. of buffer on Lot 1 of the Beach at Corral Creek, adjacent to the community area. Within the disturbed area, the vegetation consisted primarily of upland grasses and weedy species. The project did result in the removal of approximately 951 sq. ft. of native vegetation. The disturbance of native vegetation requires a mitigation ratio of 2:1; while non-native disturbance is 1:1. Therefore, the buffer disturbance on the community lot will require 12,224 sq. ft. of mitigation and Lot 1 of the Beach at Corral Creek will require 3,315 sq. ft.

The mitigation plantings approved in the original permit have not yet been installed. The downriver mitigation site in the original permit was determined at the time to be a suitable location for plant installation. The biologist of record has determined that since the time of original analysis and permitting that the downriver site has eroded, resulting in an over steepened shoreline consisting of gravel and cobble. Over the past several years, the Chelan County PUD has operated water levels above OHWM for several weeks. These high reservoir levels have eroded the shoreline and have reduced the quality of the permitted mitigation planting area.

The biologist is proposing to relocate the mitigation that was originally approved in the downriver location and place it on the site that is the subject of the unpermitted activities. The size of the original downriver mitigation site is 13,248 sq. ft. The total amount of mitigation required by the unpermitted activity on the community lot is 12,224 sq. ft.

Since the mitigation originally proposed for the downstream site has not been installed and that site no longer appears viable; it is appropriate to relocate that original mitigation from the downriver site to the area impacted by the unauthorized activity.

The applicant is proposing to mitigate the entire 3,315 sq. ft of buffer disturbed on Lot 1 of the Beach at Corral Creek.

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

Agency Comments

Chelan County PUD

The PUD commented that their project boundary "G-Line" is based on an elevation (724.5' USC&GS). Since the violation included grading waterward of the G-Line; the PUD requested survey data detailing where on the property the 724.5' line is based on the grading activity that occurred.

The applicant provided a survey exhibit showing the change in the 724.5 line resulting from the grading. (See Attachment B). After review, the PUD commented that they accepted the minor relocation of the g-line elevation.

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#06-05A, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicant is Beebe Ranch Gary Piro, 3234 S Lakeshore Rd, Chelan WA.
2. General Description: An application for the amendment of an existing shoreline substantial development permit for the resolution of a shoreline violation. Violation activities include fill and grading outside of permitted area, in a drainage way, and on a parcel not included in approved permits; fill placed waterward of OHWM; placement of fill in greater amount than proposed in permit applications; removal of native plants and vegetation outside of permitted area; and possible impacts to cultural resources on Lot 1 Plat of The Beach at Corral Creek.
3. The subject property is described as Lot 1 Block 4 Plat of Beebe Orchard Tracts and Lot 1 Plat of the Beach at Corral Creek. and located within the NW Quarter of Section 9, Township 27N., Range 23 E., W.M., Douglas County, Washington. The Douglas County Assessors Numbers are 45700400100 and 45800000100.
4. Douglas County issued the following permits for shoreline development on the subject property; SP-06-05 (dock, beach, and trail), SR-13-01 (relocation of mitigation plantings), and BPC-13-004 (dock).
5. The Comprehensive Plan Designation is Rural Resource 5 acres.
6. The subject property is located in the RR-5 zoning district.
7. The Columbia River Shoreline section of the subject property is designated as "Rural Conservancy" by the Douglas County Shoreline Master Program.
8. 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.

9. Site development and construction activities were found to be not in compliance with the issued permits. Code enforcement action (CE-13-01) was commenced in regards to the following unauthorized development activities:
 - Fill and grading outside of permitted area
 - Fill of a ravine/drainage way
 - Fill placed waterward of the ordinary high water mark
 - Fill/grading onto parcel 45800000100, which was not included on original permits
 - Removal of native plants and vegetation outside of permitted area
 - Placement of a greater amount of fill than proposed in the permit applications
 - Possible impacts to cultural resources on Lot 1 Plat of The Beach at Corral Creek.
10. A Final Notice and Order was issued on July 31, 2013. This final notice and order was not appealed. The code enforcement action was referred to the Douglas County Prosecuting Attorney on September 18, 2013 for further legal proceedings.
11. An aquatic habitat buffer assessment performed with the development of the Wetland Management and Mitigation plan, dated October 4, 2013, was performed on the subject property pursuant to Appendix H, Section 3.050 of the shoreline master program. The results of the assessment establish a 125 foot buffer on the subject property.
12. The Beach at Corral Creek Subdivision was recorded on December 21, 2010 and is therefore still within the 7 year vesting period. The 75 foot wetland buffer established with the plat is the applicable buffer for this application.
13. A Wetland Management and Mitigation plan dated October 4, 2013 was performed for the project by Grette & Associates. This plan includes analysis and recommendations for compliance with the SMP, Appendix H, Chapter 3 Fish and Wildlife Conservation Areas.
14. The planting plan approved by SP-06-05 includes 22,407 square feet of plantings to mitigate for the dock, grading, community grass area and trail. That plan proposed to install 9,159 square feet of mitigation at the dock/community area and the rest (13,248 sq. ft.) was proposed to be planted in a long narrow strip along the OHWM, downstream of the site.
15. The mitigation plantings approved in the original permit have not yet been installed. The downriver mitigation site in the original permit was determined at the time to be a suitable location for plant installation. The biologist of record has determined that since the time of original analysis and permitting that the downriver site has eroded, resulting in an over steepened shoreline consisting of gravel and cobble. Over the past several years, the Chelan County PUD has operated water levels above OHWM for several weeks. These high reservoir levels have eroded the shoreline and have reduced the quality of the permitted mitigation planting area.
16. The Wetland Management and Mitigation Plan has determined that the buffer disturbance on the community lot will require 12,224 sq. ft. of mitigation and Lot 1 of the Beach at Corral Creek will require 3,315 sq. ft.
17. The Wetland Management and Mitigation Plan proposes to relocate the mitigation that was originally approved in the downriver location and place it on the site that is the subject of the unpermitted activities. The size of the original downriver mitigation site is 13,248 sq. ft. The total amount of mitigation required by the unpermitted activity on the community lot is 12,224 sq. ft. A planting plan is proposed on page 6 of 8 thru 8 of 8 in the diagrams in the Wetland Management and Mitigation Plan.

18. Since the mitigation originally proposed for the downstream site has not been installed and that site no longer appears viable; it is appropriate to relocate that original mitigation from the downriver site to the area impacted by the unauthorized activity.
19. The applicant is proposing to mitigate the entire 3,315 sq. ft of buffer disturbed on Lot 1 of the Beach at Corral Creek.
20. The mitigation proposed in the Wetland Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
21. Comments from reviewing agencies have been considered and addressed where appropriate.
22. At the request of the Chelan County PUD; the applicant provided a survey exhibit which detailed the original 724.5' elevation line (G Line) and the new 724.5' elevation line which resulted from the grading activity. After review, The Chelan County PUD the minor relocation of the g-line elevation.
23. Douglas County issued a Determination of Non-significance on February 10, 2014 in accordance with WAC 197-11-355 (Optional DNS).
24. 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.
25. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
26. 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.
27. 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

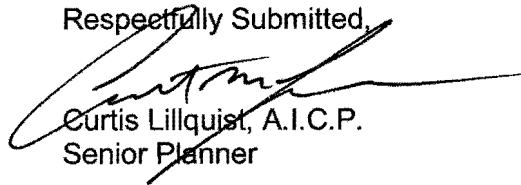
1. The project shall proceed in substantial conformance with the plans and application materials of file submitted on October 4, 2013 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal regulations and is responsible for securing any and all state and federal agency permits, as may be required.

3. The applicant shall obtain all necessary permits from agencies with jurisdiction and provide copies of the permit approvals to Douglas County. This may include, but is not limited to: Washington State Department of Fish and Wildlife (Hydraulic Project Approval), the United States Army Corps of Engineers Regulatory Branch (Section 10 &/or 404), the Washington State Department of Ecology (Section 401 Water Quality Certification), Washington State Department of Natural Resources Aquatic Use Authorization.
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. Mitigation plantings and revegetation plantings for the violation shall be installed and the installation report from the biologist of record shall be submitted to the County by May 31, 2014.
6. A temporary erosion and sediment control plan shall be implemented throughout project work and until the shoreline has been stabilized.
7. The temporary erosion and sediment control plan shall be implemented and maintained until the site has been stabilized.
8. The project application shall proceed consistent with the Wetland Management and Mitigation Plan prepared by Grette & Associates, dated October 4, 2013.
9. 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 vegetation.
10. 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.
11. A five year monitoring period shall commence upon placement of the planting materials and irrigation system. A performance surety agreement in conformance with Title 14 of Douglas County Code shall be entered into between the property owner and Douglas County Transportation and Land Services. Douglas County must approve quotes for the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and 3 monitoring visits and reports by a qualified biologist, and the quotes shall include Washington State sales tax.
12. 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 October 4, 2013 have been satisfied.
13. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the management and mitigation plan. Release of funds may occur in increments of 1/3 for substantial conformance with the plan and conditions of approval. If the standards that are not met are only minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the County may choose to

consider a partial release of the scheduled increment. Non-compliance can result in one or more of the following actions: carry over of the surety amount to the next review period; use of funds to remedy the nonconformance; scheduling a hearing with the Douglas County Hearing Examiner to review conformance with the conditions of approval and to determine what actions may be appropriate.

14. 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.
15. 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,



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

Attachments

ATTACHMENT A

Curtis Lillquist (x6588)

From: Graves, Lisa <lisa.graves@chelanpud.org>
Sent: Thursday, December 19, 2013 4:18 PM
To: Curtis Lillquist (x6588)
Subject: Comment on Beebe Ranch - SP-0605A

Curtis,

The location of the project boundary for the District's Rocky Reach hydroelectric project at the location of this shoreline violation was established at a contour elevation of 724.5' USC&GS datum. The application materials indicate the violation includes minor grading and filling of a channel created by an irrigation break. Please request the applicant contact me. The District will ask the applicant to have a surveyor map the project boundary and the current 724.5' USC&GS contour. Should the current 724.5' USC&GS contour elevation vary from the District's project boundary as licensed with the Federal Energy Regulatory Commission, the District may require the restoration of the original 724.5' USC&GS contour prior to the restoration and mitigation proposed in this application. The District will not be able to provide final comment on this application until it has had an opportunity to review the requested map.

I look forward to working cooperatively with the applicant to resolve the District's concerns. I may be reached at 661-4196, or lisa.graves@chelanpud.org.

Thank you.

Lisa

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

Curtis Lillquist (x6588)

From: Graves, Lisa <lisa.graves@chelanpud.org>
Sent: Tuesday, February 04, 2014 9:16 AM
To: Curtis Lillquist (x6588)
Subject: Beebe Ranch - SP-06-05A

Curtis,

The District is satisfied with this application for resolution and mitigation of the applicant's shoreline violation. As illustrated in the maps provided by the applicant, the District will accept the minor upland relocation of the g-line elevation.

Unless different information becomes available or the project changes, you may consider these the District's final comments.

Thank you.

Lisa

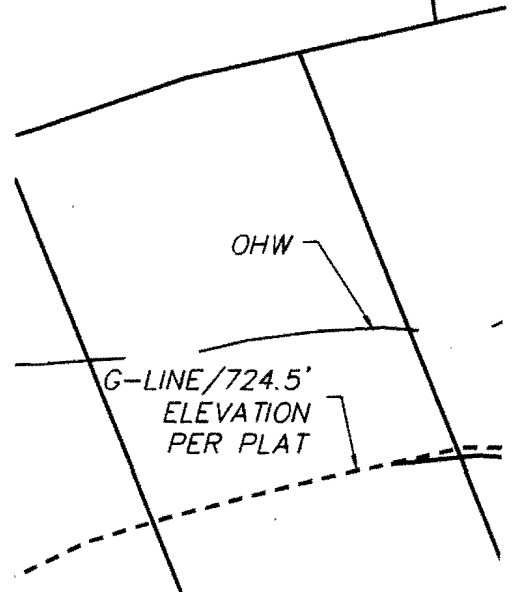
Lisa Graves
Real Estate Specialist
PUD No. 1 of Chelan County | Wenatchee, Washington

(509) 661-4196 | lisa.graves@chelanpud.org

ATTACHMENT B

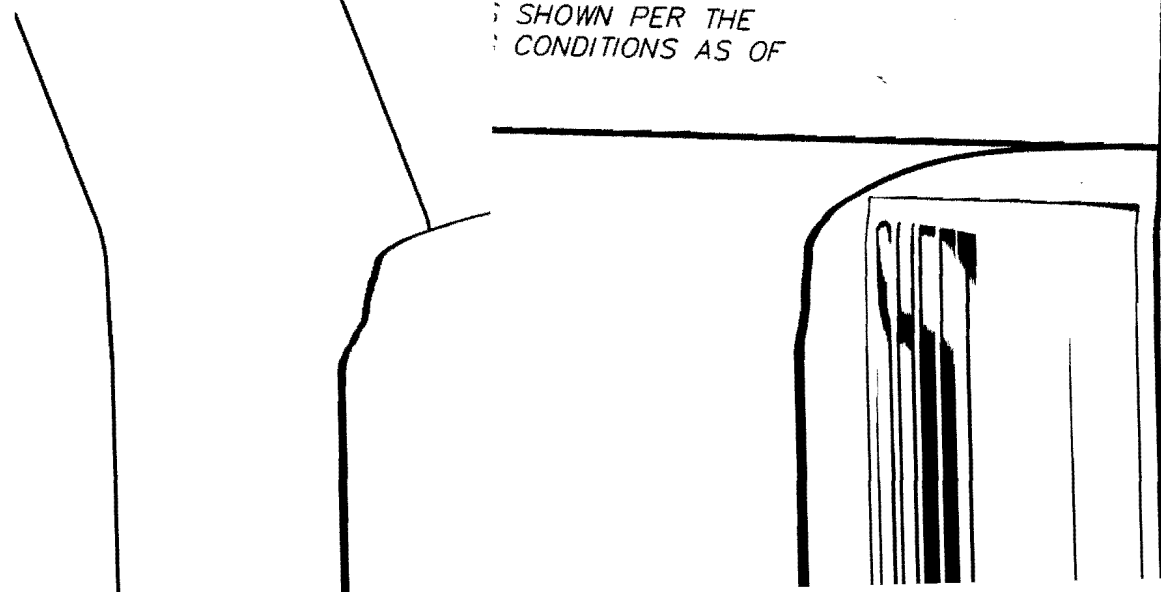
THE RANCH NEW G-LINE ELEVATION EXHIBIT

COLUMBIA RIVER



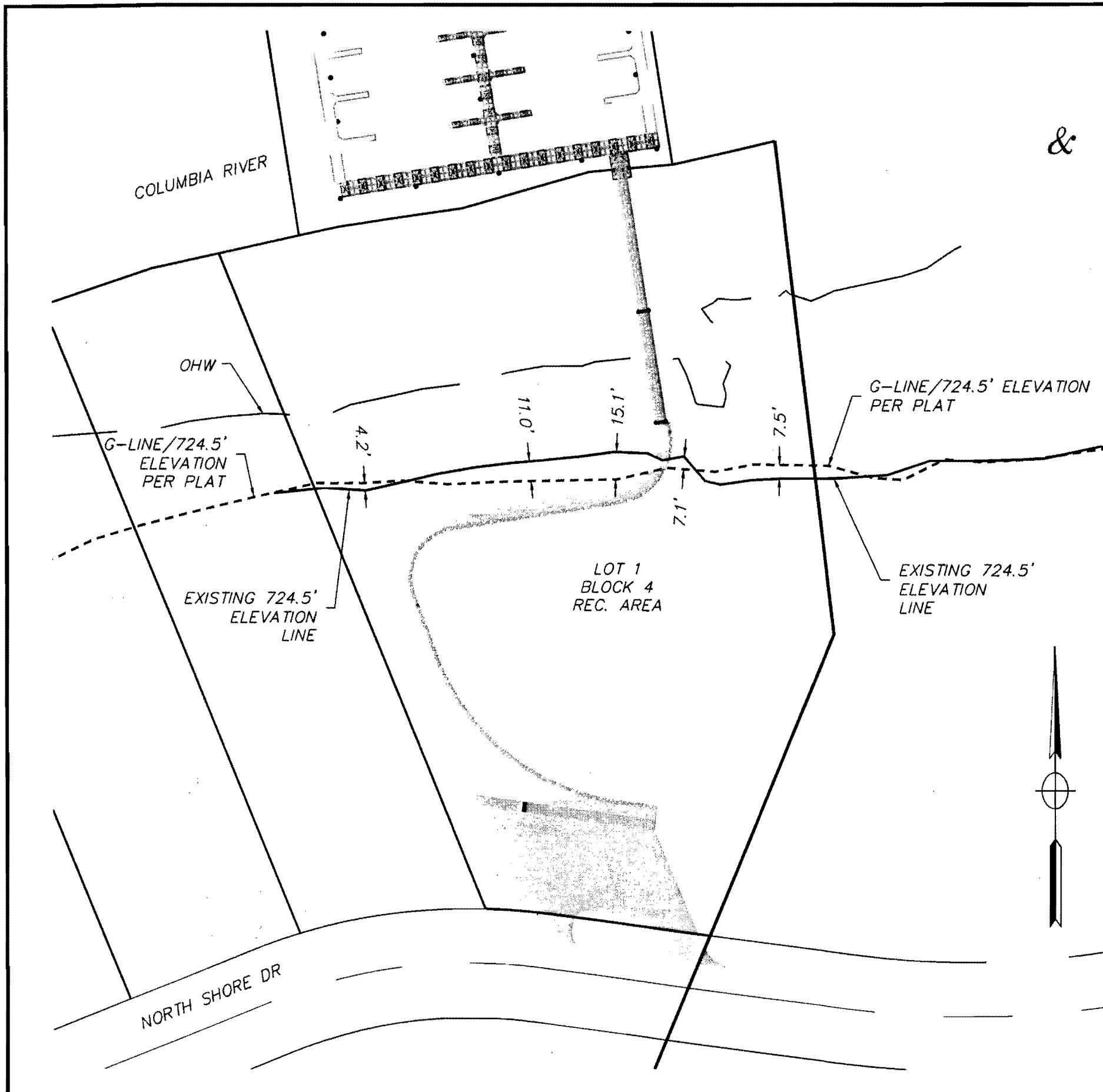
EXISTING 724.5'
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; SHOWN PER THE
; CONDITIONS AS OF



BEEBE RANCH

PLATTED G-LINE & 724.5 ELEVATION EXHIBIT



THE "G-LINE" SHOWN IS BASED ON THE PLAT OF BEEBE ORCHARD TRACTS ORIGINALLY DETERMINED TO BE AT THE 724.5' CONTOUR LINE. THE NEW 724.5' ELEVATION LINE IS SHOWN PER THE CURRENT EXISTING CONDITIONS AS OF 1/15/2014.

Erlandsen
SURVEYING | PLANNING | ENGINEERING | GIS

SHEET 1

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DRAWN BY: CJD

LAYOUT: GLINEEX

DATE: 01/17/2014

FILE NO: -G-LINESTAKING1-14-14

SCALE: 1"=60'

JOB NO: 20100047.0000

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