

**STAFF REPORT
KIRBY BILLINGSLEY HYDRO PARK
BOAT LAUNCH EXTENSION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Billingsley, SP-14-04
DATE: June 13, 2014

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit for the extension of an existing boat launch to facilitate water access due to reduced pool elevation.

Location: The subject property is described as Kirby Billingsley Hydro Park. The property is further described as being located within the Northeast Quarter of Section 24, Township 22N., Range 20 E., W.M., Douglas County, Washington.

Background:

On January 19, 1981, Douglas County issued SP-81-20 which approved the development of Kirby Billingsley Hydro Park. This permit included the construction of a day use park with frontage road, irrigated day use area, restroom, parking spaces, two-lane boat launch ram, pile secured floats and a waterside walkway. On December 7 1987, a Recreational Overlay designation was established on the subject property.

II. SITE INFORMATION

Site Characteristics: The subject property is significantly developed as a public access park. Public amenities at the upriver portion of the park consist of a boat launch, parking area, restrooms, loop trail and picnic areas. The existing vegetation on the subject property consists almost entirely of mowed and maintained lawngrass. There is a narrow strip of native riparian vegetation located immediately landward of the OHWM. The habitat below the OHWM is limited as well due to the heavy use of the shoreline associated with the boat launch. The substrates below the OHWM consist of a combination of sand, gravel and cobble. The area is virtually devoid of aquatic vegetation. A more 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 zoned as Recreational Overlay. The purpose of the 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.

III. COMPREHENSIVE PLAN:

Kirby Billingsley Hydro Park is considered a Regional Park by the comprehensive plan. The following goals and policies set forth in the Greater East Wenatchee Area Comprehensive Plan are relevant to this development:

OPEN SPACE/RECREATION:

GOAL: Provide recreational opportunities, facilities, and experiences which will allow all individuals the opportunity to improve the quality of their lives, while preserving and enhancing the existing resources of the area.

GOAL: To protect and preserve open spaces that are environmentally sensitive; serve as buffers between uses and link open space and park uses; and have scenic historical or cultural value.

POLICY OS-21: Provide public access to shoreline areas when possible.

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-14: 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-15: 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-16: 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-19: Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.

POLICY CA-20: 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-21: 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 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.

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
WA Dept of Natural Resources	N/R	Army Corps of Engineers	N/R

* N/R = No Reply

No agency comments have been received at the writing of this staff report.

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 and public access 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. 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

NOTE: The applicant has provided an analysis of how the application meets the applicable goals, policies and regulations from the SMP.

Urban Conservancy Policies

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

The project is to modify the boat launch to facilitate public access to the water during the reduced pool levels necessitated by the Wanapum Reservoir draw down. The fish and wildlife habitat management and mitigation plan included with the application materials document that significant ecological impacts can be mitigated.

Public launch ramps are a permitted use in the Urban Conservancy shoreline environment.

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 minimize damage and to fully mitigate pursuant to adopted mitigation ratios.

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 through design by extending only one of the two boat ramps. Additionally the proponent is changing the proposed work window from July 1st to July 15th to allow for water temperatures to be within ranges required by the National Marine Fisheries Service.

- 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 a new structure to be placed in the aquatic environment, therefore rectifying the impact is not possible.

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

The project is for a new structure to be placed in the aquatic environment, therefore reducing or eliminating the impact over time via this permit is not possible. The possibility does exist that a future dock design would reduce impacts however implementation of that new design would require a future permit and analysis.

- e. 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 approved mitigation.

- f. 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 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.

The application materials include an erosion control plan.

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.

Ramp materials are proposed to be pre-cast concrete, steel and clean gravels.

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.

4.6 Public access

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

The applicant has provided responses to the public access section of the SMP. These responses are included in the application materials. The applicant has submitted a Fish and Wildlife Habitat Management and Mitigation Plan in which the biologist of record details that the project will not create a net loss of shoreline ecological functions and values.

5.3 Boating facilities: marinas and launch ramps

REGULATION 29: Launch ramps shall not be permitted within the following shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative locations is feasible, the project would result in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this Program:

- a. Wetlands with emergent vegetation (marsh type areas);
- b. Spawning and holding areas for anadromous fish;
- c. Alkaline lakes

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials. The biologist of record has indicated that there are no wetlands present in the project area nor any spawning and holding areas for anadromous fish. The project is located on the Columbia River, therefore an alkaline lake cannot be present in the project area.

REGULATION 31: Launch ramp facilities shall provide public access for as many water-dependent recreational uses and users as possible, commensurate with the scale of the proposal.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials. As noted in 6b of the JARPA this proposal is to extend one of the launch ramps at this location. Due to the reduced Wanapum pool elevation, the Rock Island pool is operating at a reduced level as well. The PUD anticipates that during the reduced summer flows that the three public boat launched on the pool will be partially or totally unusable for public access in their current condition. This project will allow one boat launch to be functional for public use.

REGULATION 32: Launch ramp facilities shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials. As stated in the response to Regulation 31 above; the project will allow the public to access the water during the current low water condition necessitated by the Wanapum Dam repair.

REGULATION 33: Public launch ramps shall not be located near beaches commonly used for swimming unless no alternative location exists, and mitigation is provided to minimize impacts to such areas.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials. There are no swim beaches near the existing launch ramp.

REGULATION 34: Launch ramps shall be located where water depths are adequate to avoid the need for dredging and/or to minimize potential loss of shoreline ecological functions or processes.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials. The applicant has not identified the need for maintenance dredging. The existing boat launch has been in operation for 20+ years, maintenance dredging has not been necessary.

REGULATION 35: Launch ramps shall be located and designed with minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods or destructive storms.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials. Some shoreline stabilization is necessary due to the existing shoreline configuration immediately adjacent to the launch ramp. The amount of stabilization is the minimum necessary.

REGULATION 40: Preferred launch ramp designs, in order of priority, are:

- a. Open grid designs with minimum coverage of substrate.
- b. Seasonal ramps that can be removed and stored upland.
- c. Structures with segmented pads and flexible connections that leave space for natural substrate and can adapt to changes in substrate profile.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials.

REGULATION 41: Launch ramps shall be placed and maintained near flush with the foreshore slope.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials.

REGULATION 44: Applicants for public boat launches shall provide habitat surveys, critical area studies and mitigation plans as required by Section 4.1 Ecological Protection and Critical Areas. A slope bathymetry map may be required when deemed beneficial by the Administrator for the review of the project proposal.

The applicant has provided responses to the launch ramps section of the SMP. These responses are included in the application materials. The FWHMMP submitted by the applicant critical areas study and mitigation required for the project.

REGULATION 45: Applicants shall provide an assessment of existing water-dependent uses in the vicinity including, but not limited to navigation, fishing, hunting, pleasure boating, swimming, beach walking, picnicking and shoreline viewing and document potential impacts and mitigating measures. Impacts on these resources shall be considered in review of proposals and specific conditions to avoid or minimize impacts may be imposed.

As stated in the response to Regulation 31 above; the project will allow the public to access the water during the current low water condition necessitated by the Wanapum Dam repair.

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 amount of grading is the minimum necessary to facilitate the extended launch ramp and to protect the shoreline immediately adjacent to the extended ramp from wave action erosion due to boat traffic.

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 materials considered suitable under, and conducted in accordance with the dredged materials 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 alternative to fill are not feasible.

Some fill is necessary to construct the ramp and to stabilize the shoreline immediately adjacent to the ramp extension.

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.

The filling, grading, and excavation is designed for the construction of the ramp extension and shoreline stabilization. Additional stabilization for the stabilization work will not be necessary.

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.

The proposed work is to facilitate the continued access to the water during the current water conditions. The work is proposed on an existing launch ramp and mostly under water so the existing scenery will not be impacted.

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.

Cut and fill slopes will be steeper than 1:3. However they will be benched and then stabilization rock will be placed to protect this section of the shoreline immediately adjacent to the launch ramp extension from erosion due to wave action.

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.

The nature of the work proposed does not easily lend to a standard TESC Plan. Most of the work will take place in water therefore turbidity and siltation protection is proposed during all work and stabilization. The TESC plan will have to be specifically designed for

this purpose in order to protect water quality and shoreline/aquatic functions designed and monitored by a Certified Erosion and Sediment Control Lead.

5.11 Recreation

REGULATION 1: Recreational development is a priority use of the shoreline. Preference is given to water-dependent uses such as fishing, swimming and boating. Water-related and water-enjoyment uses such as picnicking, hiking and walking are permitted provided they do not displace water-dependent uses and are consistent with the specific shoreline environment. Non-water related recreation facilities and/or support facilities such as parking lots shall be located in upland areas.

As stated in the response to Regulation 31 above; the project will allow the public to access the water during the current low water condition necessitated by the Wanapum Dam repair.

Appendix H, Chapter 3: Critical Areas – Fish and Wildlife Habitat Conservation Areas
The expansion of the launch ramp will impact the aquatic environment.

The Fish and Wildlife Habitat Management and Mitigation plan proposes to utilize the default 150 foot buffer on the subject property consistent with Appendix H, Chapter 3 of the SMP. For this situation most of the buffer is existing lawn grass and actively managed park and boat launching facility and is proposed to be maintained in its current condition.

A fish and wildlife habitat management and mitigation plan has determined that a total of 1,986 square feet aquatic disturbance will result from the project. The plan proposes 2,000 square feet of riparian vegetation plantings to meet the mitigation requirement for disturbance of aquatic habitat. A planting plan is proposed on page 1 of 1, date 6/13/14 a supplemental diagram to the Fish & Wildlife Habitat Management and Mitigation Plan.

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#14-04, 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 extension of an existing boat launch to facilitate water access due to reduced pool elevation.
3. The subject property is described as Kirby Billingsley Hydro Park. The property is further described as being located within the Northeast Quarter of Section 24, Township 22N., Range 20 E., W.M., Douglas County, Washington.
4. The property is located within the East Wenatchee Urban Growth Area.
5. The subject property is zoned Recreation Overland District.
6. The Columbia River Shoreline section of the subject property is designated as "Urban Conservancy" by the Douglas County Shoreline Master Program.
7. Public launch ramps are a permitted use in the urban conservancy shoreline environment.
8. On January 19, 1981, Douglas County issued SP-81-20 which approved the development of Kirby Billingsley Hydro Park. This permit included the construction of a day use park with frontage road, irrigated day use area, restroom, parking spaces, two-lane boat launch ram, pile secured floats and a waterside walkway. On December 7 1987, a Recreational Overlay designation was established on the subject property.
9. WAC 173-27-150 establishes minimum review criteria for Shoreline Management Substantial Development Permits. This criteria states that a substantial development permit shall be granted only when the development proposed is consistent with the policies and procedures of the Act; the provisions of this regulation; and the applicable master program adopted or approved for the area.
10. A fish and wildlife habitat management and mitigation plan dated May 2014 was performed for the project by Grette & Associates.
11. The mitigation proposed in the Fish and Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
12. No agency or public comments were received.
13. 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).
14. 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.
15. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
16. 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.
17. 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.

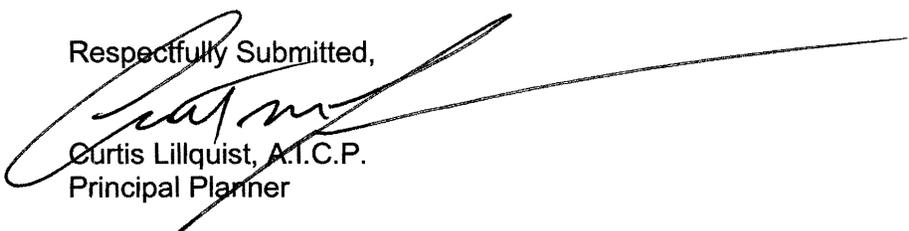
Suggested Conditions of Approval

1. The project shall proceed in substantial conformance with the plans and application materials of file submitted on May 13, 2014 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal regulations.
3. A copy of this permit and attached conditions shall be kept on-site and provided to the contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall have read this permit and attached conditions and shall follow its conditions at all times.
4. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates, dated May 2014, including a supplemental mitigation planting plan, sheet 1 of 1 dated 6/13/14.
5. Irrigation shall be installed, as necessary, for the survival of the mitigation plantings. Said design shall address the specific needs of riparian vegetation.
6. A five year monitoring period shall commence upon placement of the planting materials.
7. The mitigation sites shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall ensure 100% survival for the first year and 80% survival during years 2 thru 5 of the 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.
8. 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 and Wildlife Habitat Management and Mitigation Plan prepared by Grette & Associates dated May 2014 and supplemental mitigation planting plan, sheet 1 of 1 dated 6/13/14 have been satisfied.
9. If at the conclusion of the 5 year monitoring period, 80% survivability is not achieved, then corrective actions as outlined in Condition #7 shall be taken and yearly monitoring shall continue until 80% survivability can be demonstrated from the previous year.
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,



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

~~Attachments~~