

**STAFF REPORT
CHELAN FRUIT BUILDING ADDITION**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Chelan Fruit, SP-14-08
DATE: September 30, 2014

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit to expand and enclose the existing covered and uncovered concrete storage areas located on the west side of the existing main building. The expansion of the storage area will result in the construction of a new 2,750 sq. ft. addition.

Location: The addition will be located at 80 McNeil Canyon Road, Orondo. The property is further described as located in the Southwest Quarter of Section 21, Township 27N, Range 23 EWM, Douglas County, Washington. The Douglas County Assessor's numbers is 27232110001.

II. SITE INFORMATION

Site Characteristics: The property is currently used for the fruit industry, including: sorting, processing, packing, shipping, and storage. The existing structures on the property consist of buildings used for fruit handling. The buildings used in fruit handling consist of several structures that include enclosed buildings, loading docks, and covered and uncovered storage areas. Structures on the property cover greater than 230,000 sq. ft. In addition, a large portion of the property consists of concrete, asphalt, and gravel parking and storage areas.

The majority of the property is currently developed and devoid of vegetation. The property is located to the east of McNeil Canyon Road. The majority of the property consists of nearly flat topography where all the development is located. The only vegetation present on the property is located on the steep slopes east of the existing development. Vegetation present on the east portion of the property is dominated by native shrub steppe vegetation. The habitat conditions associated with the native shrub steppe vegetation is moderate due to connectivity to large tracts of native shrub steppe habitat to the east; however, the steep slopes limit the quality of the habitat. The native vegetation is dominated by big sagebrush, bitterbrush, gray rabbitbrush, and upland grasses.

Native shrub steppe vegetation is located on the steep slope between McNeil Canyon Road and the OHWM of the Columbia River.

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 resource characteristics in the vicinity. The district provides an opportunity for compatible rural land uses, and is sensitive to the site's physical characteristics. Areas may be located adjacent to urban growth area or existing

development of higher densities and, where appropriate, may serve as transition and buffer area between commercial agricultural areas and other land uses. This district is also appropriate for areas that are currently have a range of rural densities or land parcel sizes generally less than twenty acres in size and/or having adequate rural levels of services available such as roads, schools, and fire protection, that the density does not encourage urban levels of service and provides 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:

RESOURCE LANDS:

POLICY A-10: Facilitate resource-based economic activities throughout Douglas County in areas that have poor soils, or are not otherwise suitable for agriculture and that minimize conflicts with agriculture and adjacent agricultural resource lands.

POLICY A-11: Encourage the location and siting of agricultural support activities, such as commercial granaries, storage buildings, packing sheds and chemical fertilizer operations, within agricultural areas, rural service centers and resource industrial areas.

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-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.

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. The 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 September 30, 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	9/26/2014	Yakama Tribes	N/R
Colville Tribes	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:

Residential development and recreational opportunities in shoreline areas of the Rural Resource 5 acres land use designation can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently addressed. Critical area policies place preference on the protection of and

preservation of wetlands over the alteration and mitigation of impacts to wetlands. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

Agricultural buildings are a permitted use in the Rural Conservancy shoreline designation.

4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS

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

The project would increase the size of the existing building within an area that is already developed. No net loss of existing ecological function will occur.

4.2 WATER QUALITY

REGULATION 1: Shoreline development and use shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws.

The building addition will be incorporated into the entire facilities approved, existing, and maintained stormwater management system.

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.

The project would increase the size of the existing building within an area that is already developed and will have no impact on existing vegetation. The project will occur outside the default 150 foot buffer required by the shoreline designation. No fish and wildlife habitat and mitigation plan is required for the project.

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

No native vegetation is being proposed to be cleared.

5.1 AGRICULTURE

POLICY 2: Appropriate vegetation management and Natural Resources Conservation Service conservation practices should be used to avoid and minimize water quality impacts from agricultural activities.

The building addition will be incorporated into the entire facilities approved, existing, and maintained stormwater management system.

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

The proposed project uses the 150 ft. default riparian buffer as designated for the Rural Conservancy shoreline environment designation.

In total, the project would increase the size of the existing building by approximately 2,750 sq. ft. This will not result in the increase of impervious surfaces or disturbance at the site, as the increase would occur within an area already developed. The entire area of the proposed addition is covered by covered and uncovered concrete. The concrete will remain. There is no new impervious surface proposed. As proposed the project will occur outside the default 150 foot buffer as required by the Rural Conservancy shoreline designation. As no new impact is proposed in the riparian buffer or aquatic environment, no mitigation is required for the project.

As conditioned, the proposal is consistent with this section.

Consistency with WAC 173-27 and RCW 90.58:

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

VIII. RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 and 19 of the Douglas County Code, the Douglas County Countywide Comprehensive Plan, and the Douglas County Shoreline Master Program. Staff recommends approval of SP#14-08, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. The applicants are Rick Lancaster, Director of Operations, Trout – Blue Chelan – Magi Inc. (Chelan Fruit), P.O. Box 669, Chelan, WA 98816
2. General Description: An application for a shoreline substantial development permit to expand and enclose the existing covered and uncovered concrete storage areas located on the west side of the existing main building. The expansion of the storage area will result in the construction of a new 2,750 sq. ft. addition.
3. The addition will be located at 80 McNeil Canyon Road, Orondo. The property is further described as located in the Southwest Quarter of Section 21, Township 27N, Range 23 EWM, Douglas County, Washington.
4. The Douglas County Assessor's numbers is 27232110001.
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. The project utilizes the default 150 ft. riparian buffer for the Rural Conservancy shoreline designation.
10. The project would increase the size of the existing building by approximately 2,750 sq. ft. This will not result in the increase of impervious surfaces or disturbance at the site, as the increase would occur within an area already developed. As no new impact is proposed in the riparian buffer or aquatic environment, the Douglas County Regional Shoreline Master Program does not require any mitigation for the project.
11. As proposed the project addition is outside of the 150 ft. default buffer and the 15 ft. structural setback from the buffer as required by the Rural Conservancy shoreline designation.
12. Comments from reviewing agencies have been considered and addressed where appropriate.
13. Douglas County issued a Determination of Non-significance on September 30, 2014 in accordance with WAC 197-11-355 (Optional DNS).
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.

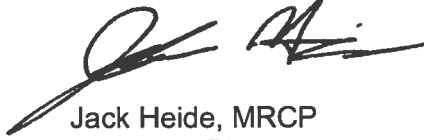
Suggested Conditions of Approval

1. The project shall proceed in substantial conformance with the plans and application materials of file submitted on August 29, 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. Concurrent with the submittal of the building permit, a temporary erosion and sediment control plan shall be submitted for approval.
5. 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.
6. 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,



Jack Heide, MRCP
Associate Planner

Attachments

Appendix A
Agency Comments

Jack Heide (x6544)

From: Graves, Lisa <lisa.graves@chelanpud.org>
Sent: Friday, September 26, 2014 1:15 PM
To: Jack Heide (x6544)
Cc: Boushay, Teresa
Subject: Comment on Chelan Fruit - SP-14-08

Jack,

Based upon the information provided, it appears none of the District's interests will be impacted by the proposed project. The drawings indicate the project is outside of the District's Rocky Reach hydroelectric project's boundary, and north of the power utility area that serves the Chelan Fruit property. However, if any construction will occur at or over the power transformer area the applicant needs to consult with Jim Ramella, customer service engineer. Mr. Ramella may be reached at 661-4223.

Thank you for the opportunity to review this application.

Lisa

Lisa Graves

Real Estate Specialist

PUD No. 1 of Chelan County | Wenatchee, Washington

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