



DOUGLAS COUNTY TRANSPORTATION & LAND SERVICES

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STAFF REPORT VANDIVER BOATLIFT

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2017-13
DATE: January 8, 2018

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit to install one ground-based boatlift on the Columbia River.

Location: The project will serve Lot 2 of the Blue Heron Shores Short Plat, 18 Dewie Drive, Orondo, WA. The project area is located within the shoreline residential shoreline environment and is further described as being located within the NW Quarter of Section 32, Township 25N, Range 22E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Number is: 25213210046.

II. SITE INFORMATION

Site Characteristics: The area was historically used as an orchard and subsequently, the majority of the property has been disturbed and is mowed and maintained. There is a 2-5 ft strip of native vegetation and an existing mowed and maintained area along the Ordinary High Water Mark (OHWM).

Project Proposal: The applicant proposes to install one ground-based boatlift. An access trail is not proposed since the applicant's agent states that the existing mowed and maintained area of the property will be used to access the boatlift (see sheets 2-3 of the application drawings).

The ground-based boatlift will be installed approximately 180 ft from the OHWM in a water depth of approximately 11 ft below the OHWM. The boatlift would have a maximum footprint of 125 sq ft although the boatlift consist of open steel framing. The installation will take place within the in-water work window to minimize potential effects on migrating juvenile salmonids.

A total of 305 sq ft of mitigation is required, which will be planted within the riparian buffer near the OHWM and the north property line in an area currently devoid of native trees and shrubs.

Zoning and Development Standards: The subject property is located within the Rural Service Center (RSC) Zoning District. The purpose of the RSC district is to preserve the multi-use function and mixed land use pattern in the historic and unincorporated communities in Douglas County, as identified in the comprehensive plan. The RSC

district is significant in that it provides support to the surrounding area by offering limited commercial services, lands for resource-based commercial and industrial activities, housing options primarily for persons employed in resource-based industries and services for the traveling public. Rural service centers also provide, to a much smaller degree, limited services such as rest areas, fuel, emergency services and convenience goods to the general public traveling on rural, federal, state and county roads between urban areas. Rural levels of service provide limits to the density and intensity of uses and constrain the size of rural service centers so that they do not adversely impact surrounding resource-based uses, transportation systems or the natural environment.

III. COMPREHENSIVE PLAN:

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

RURAL DEVELOPMENT:

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.

POLICY RD-7: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and sections of the comprehensive plan, including but not limited to, the Resource Lands Element and Resource and Critical Areas Conservation Element.

CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

GOAL 1: 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 Regional Shoreline Master Program classifies this reach of the Columbia River shoreline as shoreline residential. The purpose of the shoreline residential environment is to accommodate residential development and accessory structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational 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. 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 these regulations; and
- The applicable master program adopted or approved for the area.

V. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-Significance on December 27, 2017 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
WA Department of Ecology - Shorelines	N/R	Army Corps of Engineers	N/R
Chelan County PUD	11-08-2017	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.	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, agency comments, the Douglas County Countywide Comprehensive Plan, the Douglas County Regional Shoreline

Master Program and other 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 Service Center 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

Watercraft lifts are permitted uses in the shoreline residential 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.

Analysis: *The project cannot avoid damage to the aquatic environments, and the applicant states the project will not affect water quality, water supply, recreation or aesthetics of the Columbia River. The project has been designed to minimize damage and to fully mitigate per the standards set forth by the United States Army Corp of Engineers, Washington Department of Fish & Wildlife and County 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;

Analysis: *The project is located in the aquatic environment and therefore cannot avoid impacts, although it is designed to minimize 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;

Analysis: *The project is designed to minimize impacts by utilizing current state and federal boatlift design.*

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

Analysis: The project includes only a new structure to be placed in the aquatic environment, therefore rectifying the impact is not possible. The new boatlift has been designed following mitigation sequencing.

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

Analysis: The project includes 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 future designs 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

Analysis: The project is proposing mitigation per the USACE and NMFS mitigation ratios, which exceed ratios required in the Douglas County SMP and will compensate for the impacts. Suggested conditions of approval require installation of mitigation per the approved plan.

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

Analysis: 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 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.

Analysis: The boatlift's structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.

4.3 VEGETATION CONSERVATION

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

Analysis: A Fish & Wildlife Management and Mitigation Plan prepared by Grette Associates was submitted in the application materials.

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

Analysis: No vegetation is proposed to be removed for the project. Aquatic impacts will be mitigated through the installation of native plantings close to the OHWM in an area currently devoid of vegetation.

4.7 RESTORATION

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

Analysis: A Fish & 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 through proper mitigation.

5.10 MOORAGE: DOCKS, PIERS, WATERCRAFT LIFTS, MOORING BUOYS, FLOATS

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

Analysis: The proposed ground-based boatlift will have a maximum footprint of approximately 125 sq ft and will be constructed of open steel framing. The addition of the boatlift will not pose a hazard to navigation.

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

Analysis: The project proposes a boatlift structure that is the minimum size necessary for safety and requirements established by the USACE.

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

- a. If allowed, only one private dock with one accessory float, and two watercraft lifts (the combination of one boat and one jet ski or other watercraft together) shall be permitted on a shoreline lot owned for residential or private recreational use.

Analysis: The proposed project is for one ground-based boatlift to serve one lot.

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

Analysis: The location does not indicate the need for maintenance dredging.

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

Analysis: Suggested conditions of approval require that the boatlift be marked with reflectors or otherwise identified.

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

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

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

Analysis: Suggested conditions of approval require that the boatlift be permanently marked for identification.

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

Analysis: The proposed boatlift is designed to minimize shadows cast over shallow waters and will be installed at a depth required by the USACE (11 ft).

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

A Fish & Wildlife Habitat Management and Mitigation Plan has determined that there will be approximately 125 sq ft of impact from the boatlift to the aquatic environment. The plan proposes approximately 305 sq ft of riparian vegetation plantings to meet the mitigation requirements for disturbance of the project.

In order to compensate for the placement of the proposed boatlift in a water depth greater than 11 feet, the proposed project will require the installation of a 305 sq ft mitigation planting area. The 305 square foot mitigation planting area will include the installation of native riparian trees and shrubs, based on the USACE mitigation ratio for boatlifts (2.44:1) proposed to be installed at a water depth of greater than 11 feet. The proposed boatlift will be installed at approximately 11 feet below OHWM and approximately 180 ft from the OHWM.

All mitigation would be located adjacent to the OHWM and within an area devoid of vegetation in the riparian buffer.

The Douglas County Regional Shoreline Master Program requires a minimum mitigation ratio of 1:1 for development within aquatic habitat. The more restrictive mitigation ratios determined by the USACE and NMFS are used for this project (2.44:1). A planting plan is proposed on Sheet 6 of 6 of the diagrams in the Fish & Wildlife Habitat Management and Mitigation Plan Sheets.

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 Regional Shoreline Master Program. Staff recommends approval of SP-2017-13, subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is Michael Vandiver, 10325 NE 153rd Pl., Bothell, WA 98011
2. The applicant's agent is: Larry Lehman, Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801
3. General Description: An application for a shoreline substantial development permit for one ground-based boatlift.
4. The project will serve 18 Dewie Drive, Orondo, WA. The property is described as being Lot 2 of the Blue Heron Shores Short Plat and is further described as being located within the NW Quarter of Section 32, Township 25N, Range 22E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Number is 25213210046.
5. The Comprehensive Plan Designation is Rural Service Center (RSC).
6. The subject property is located in the Rural Service Center zoning district.
7. The Columbia River Shoreline section of the subject property is designated as "shoreline residential" by the Douglas County Regional 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. A Fish & Wildlife Habitat Management and Mitigation Plan dated August 2017 was performed for the project by Grette Associates.
10. The installation of the boatlift will impact the aquatic environment. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 125 sq ft of aquatic habitat will be disturbed by the boatlift.
11. The application proposes 305 sq ft of mitigation. A planting plan is proposed on Sheet 6 of 6 of the diagrams in the Fish & Wildlife Habitat Management and Mitigation Plan.
12. The mitigation proposed in the Fish & Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
13. Douglas County issued a Determination of Non-Significance on December 27, 2017 in accordance with WAC 197-11-355 (Optional DNS).
14. Agency comments were received from the Chelan County PUD and are included as Attachment A.
15. No comments have been received from private citizens.
16. 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.

17. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
18. 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.
19. 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 Regional 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 on file submitted on September 19, 2017 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 be 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 boatlift shall be marked with reflectors to prevent unnecessarily hazardous conditions for water surface users during day or night. Documentation shall be provided to the County.
5. The boatlift shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided to the County.
6. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates, dated August 2017.
7. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that is designed by a landscape architect or equivalent professional. Said design shall meet the specific needs of riparian and shrub steppe vegetation.
8. Mitigation planting as shown on the mitigation planting plan sheet 6 of 6, dated 08/01/17 shall be planted upon completion of the project.
9. 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 Douglas County Code shall be entered into between the property owner and Douglas County Transportation and Land Services upon approval of the shoreline permit. Douglas County must approve quotes for the cost of installation, delivery, plant material, soil amendments, irrigation, seed mix and necessary monitoring visits and reports by the biologist of record and Washington State sales tax.

10. The mitigation site 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 for each of the 4 years following 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. 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 Habitat Management and Mitigation Plan submitted by Grette Associates, dated August 2017 have been satisfied.
12. 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.
13. 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.
14. Prior to installation of the project, copies of approval from applicable agencies, including the Chelan County PUD, must be submitted to the County.
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,



Suzanne Austin
Associate Planner