

**STAFF REPORT
CALVIN WHITE
GROUND-BASED BOATLIFT AND ANCHOR PILES**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2018-08
DATE: October 18, 2018

I. GENERAL INFORMATION

Requested Action: An application submitted by Calvin White for a shoreline substantial development permit to install four (4) anchor piles for the existing dock and install one ground-based boatlift.

Location: The subject properties are zoned Rural Resource 2 (RR-2) under Douglas County Code. The project will serve 4000 SR 28, Rock Island, WA and will be located on Chelan County PUD shoreline property. The project is located within the Rural Conservancy shoreline environment and is further described as being located within the NW quarter of Section 27, Township 22N, Range 21E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Numbers are 22212710008 (CCPUD) and 22212230003 (White).

II. SITE INFORMATION

Site Characteristics: The majority of the residential property and portion of the CCPUD property have been disturbed and developed as part of the residential and recreational uses of the property and the resolution of the shoreline violation. The shoreline violation, File #SP-99-69A, was resolved and closed on December 23, 2010.

Project Proposal: The applicant proposes to install one ground-based boatlift and four (4) anchor piles for the existing single-use dock (File #SP-98-69). The installation of the 4 piles is required in order to eliminate the existing cross-chain anchoring system. The anchoring system needs to be replaced based on the movement of the existing floats. The project would completely remove the concrete anchors, cross chains and rope. Two (2) pile will be located at the landward end of the float approximately 27 ft. waterward of the OHWM at a depth of approx. 9 ft. The other two (2) pile will be installed at the waterward end of the dock and approx. 67 ft waterward of the OHWM at a depth of approx. 20 ft. All four (4) piles will be fitted with anti-perching caps.

The proposed boatlift will be installed on the downriver side of the existing dock in a water depth of approximately 11 ft. below the Ordinary High Water Mark (OHWM). The boatlift will have a maximum footprint of 125 sq. ft. and will consist of open steel framing.

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

Zoning and Development Standards: The subject properties are located within the Rural Resource 2 (RR-2) Zoning District. The purpose of the Rural Resource 2 (RR-2) district is to provide an area for low density, rural residential lifestyles that require only rural

levels of service for utilities and infrastructure. This district may accommodate some agricultural activities, however the more intensive agricultural support activities, such as large-scale warehousing and/or processing or packaging facilities would not be allowed due to the potential for inclusion into an urban growth area at a future date. Clustering of residential lots will be permitted. If encompassed in the future within an urban growth area, the lands in reserve parcels may be available for further development depending on the nature of the open space designations, critical areas and other similar factors. Typically, domestic water will be obtained through individual wells and sewage disposal will be on-site, but occasionally public water supplies may be available.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates these properties as Rural Resource 2 (RR-2). 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 “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. Examples of appropriate uses include but are not limited to low impact outdoor recreation uses, agricultural uses, aquaculture, low intensity residential development, and other natural resource based low intensity uses.

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 October 3, 2018 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	7/13/2018	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 Resource 2 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

Analysis: Watercraft lifts and the repair of existing docks are permitted uses 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.

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 USACE, 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 design standards and materials. The four piles will meet current standards and will safely anchor the floats and eliminate the movement of the floats that occurs with the cross-chain anchoring system. The four new piles will

improve the safety and stability of the existing dock. The four (4) anchor pile will be installed at the footprint of the existing dock and will result in the removal of the cross-chain anchoring system.

- 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 new structures to be placed in the aquatic environment, therefore rectifying the impact is not possible. The new boatlift has been designed following mitigation sequencing. The four anchor piles will meet current standards and will improve the safety and stability of the existing dock. The pile will be installed at the footprint of the existing dock and will result in the removal of the cross-chain anchoring system.

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

Analysis: The project includes new structures 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 (2.44:1) that 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 four (4) anchor piles, boatlift and any 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: Vegetation clearing is not proposed for this project. Only new structures will be placed in the aquatic environment.

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 boatlift will have a net increase in overwater coverage of 125 sq ft and be constructed of open steel framing. The four pile will be installed at opposite ends of the existing floats and will replace the cross-chain anchoring system. The project 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 safety upgrades to an existing dock and for one 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 and dock 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 will be secured so that it will not damage shoreline property or natural features. The four piles will meet current standards and will safely anchor the floats and eliminate the movement of the floats that occurs with the cross-chain anchoring system. The four new piles will improve the safety and stability of the existing dock.

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

Analysis: Suggested conditions of approval require that the boatlift and dock 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 will be placed adjacent to the existing dock at a depth required by the USACE.

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

The Fish & Wildlife Habitat Management and Mitigation Plan has determined that the riparian buffer will not be adversely affected by the installation of the ground-based boatlift below the OHWM.

A Fish & Wildlife Habitat Management and Mitigation Plan has determined that there will be approximately 125 square feet of impact from the boatlift to the aquatic environment.

The four (4) anchor pile will be installed at the footprint of the existing dock and will result in the removal of the cross-chain anchoring system; this will provide greater stability of the dock. The plan proposes approximately 305 square feet of riparian vegetation plantings to meet the mitigation for disturbance of the project. USACE regulations require that the proposed boatlift be placed in a water depth greater than 11 feet and be mitigated for at a ratio of 2.44:1. The 305 square foot mitigation planting area will entail the installation of native riparian trees and shrubs.

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. 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-2018-08, subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is Calvin White, 4000 SR 28, Rock Island, WA 98850
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 to install four (4) anchor piles for the existing dock and install one ground-based boatlift.
4. The boatlift will serve 4000 SR 28, Rock Island, WA. and will be located on Chelan County PUD shoreline property. The project is located within the Rural Conservancy shoreline environment and is further described as being located within the NW quarter of Section 27, Township 22N, Range 21E., W.M., Douglas County, Washington.
5. The Douglas County Assessor's Parcel Numbers are 22212710008 (CCPUD) and 22212230003 (White).
6. The Comprehensive Plan Designation is Rural Resource 2 (RR-2).
7. The subject property is located in the Rural Resource 2 (RR-2) zoning district.
8. The Columbia River Shoreline section of the subject property is designated as "Rural Conservancy" by the Douglas County Regional Shoreline Master Program.
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 & Wildlife Habitat Management and Mitigation Plan dated April 2018 was performed for the project by Grette Associates.
11. The existing single-use dock was permitted under file #SP-98-69. The dock was installed with a cross-chain anchoring system which consists of four concrete anchors, chains and lines that extend to the shoreline. It was installed with the plan to replace it with pile once affected agencies allowed for a larger pile size.
12. The installation of the anchor piles and boatlift will impact the aquatic environment. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 125 square feet of aquatic habitat will be disturbed by the project.
13. The four (4) anchor piles will replace the existing cross-chain anchoring system. The boatlift will be constructed of open steel framing.
14. The application proposes 305 square feet of mitigation (2.44:1 mitigation ratio). A planting plan is proposed on Sheet 6 of 6 of the diagrams in the Fish & Wildlife Habitat Management and Mitigation Plan.
15. The mitigation proposed in the Fish & Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
16. Douglas County issued a Determination of Non-Significance on October 3, 2018 in accordance with WAC 197-11-355 (Optional DNS).
17. Agency comments were received from the Chelan County PUD.
18. No comments have been received from private citizens.
19. 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.
20. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
21. 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.
22. 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 June 1, 2018 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 and dock 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 and dock 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 April 2018.
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 04/11/2018 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 April 2018 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

ATTACHMENT A

AGENCY COMMENTS

Suzanne Austin (x6534)

From: Graves, Lisa <lisa.graves@chelanpud.org>
Sent: Friday, July 13, 2018 9:31 AM
To: Suzanne Austin (x6534)
Cc: Juchmes, Lisa
Subject: Comment on White application - SP-2018-08

RECEIVED
JUL 13 2018
DOUGLAS COUNTY TLS

Ms. Austin,

The applicant, Calvin White, has certain rights of use of the District's parcel where this project will occur. The District does not have any concerns with this project as long as the applicant receives approvals from all other jurisdictional agencies. The District requests the county condition final approval on the applicant receiving a license from the District for the boatlift.

Thank you for the opportunity to review and comment.

Lisa

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

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