

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-14-04 Billingsley Hydro Park
Administering Agency: Douglas County Transportation and Land Services

Type of Permit: ■ Shoreline Substantial Development
Action: ■ Approved □ Denied

Date of Action: July 1, 2014

Date Mailed to DOE/AG

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of Douglas County, a permit is hereby granted to:

**Public Utility District No. 1 of Chelan County
PO Box 1231
Wenatchee, WA 98801**

To undertake the following development: 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.

Upon the following property: Kirby Billingsley Hydro Park, located within the Northeast Quarter of Section 24, Township 22N., Range 20 E., W.M., Douglas County, Washington.

Within 200 feet of Columbia River and/or its associated wetlands.

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a Urban conservancy designation. The Douglas County Shoreline Master Program is applicable to this development.

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. 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.
3. The applicant shall comply with all applicable local, state and federal regulations.
4. A copy of this permit and attached conditions shall be kept on-site and provided to the contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery

operators and all others working within the shoreline area shall have read this permit and attached conditions and shall follow its conditions at all times.

5. 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.
6. Irrigation shall be installed, as necessary, for the survival of the mitigation plantings. Said design shall address the specific needs of riparian vegetation.
7. A five year monitoring period shall commence upon placement of the planting materials.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

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.
18. The Douglas County Department of Land Services recommended approval of the requested permit, subject to recommended conditions of approval.
19. An open record public hearing after legal notice was held on June 26, 2014. Appearing and testifying at the hearing on behalf of the applicant was Waikele Frantz. Ms. Frantz testified that she

was an agent, authorized to appear and speak on behalf of the applicant. Ms. Frantz testified that the applicant had no objection to any of the proposed conditions of approval.

20. No member of the public appeared at the hearing.
21. At the open record public hearing, the entire planning staff file was admitted into the record.
22. Public agencies with potential jurisdiction over this project were given an opportunity to review the proposal. Agencies that responded with comments were admitted into the record and considered by the Hearing Examiner in rendering this Decision.
23. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

CONCLUSIONS

1. The Hearing Examiner has been granted authority to render this Decision.
2. 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.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As proposed, revised, and conditioned, potential impacts of the project can be mitigated.
5. Public interests will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

This permit is granted pursuant to the Shoreline Master Program of Douglas County, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit.

Approved this 1st day of July, 2014.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the “date of receipt” as defined in RCW 43.21B.001 to file a petition for review with the Shorelines Hearings Board as provided for in Washington law.

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A
CONDITIONAL USE OR VARIANCE PERMIT**

Date received by the Department _____

Approved _____

Denied _____

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

Date

Signature of Authorized Department Official