

**STAFF REPORT
BEEBE BRIDGE PARK
TWO DOCK REPLACEMENTS**

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2017-11
DATE: June 28, 2018

I. GENERAL INFORMATION

Requested Action: An application submitted by the Chelan County PUD for a shoreline substantial development permit to replace two public docks at the Beebe Bridge Park, north of Orondo.

Location: The project area is located within the rural conservancy shoreline environment and is further described as being located within the NW Quarter of Section 29, Township 27N, Range 23E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Number is 27232910002.

II. SITE INFORMATION

Site Characteristics: The project is located in an actively used park consisting of paved areas, turf grass and other landscape vegetation with little shelter or refuge. The park contains amenities consistent with day-use recreation such as boating, picnic shelters, tennis courts and a playground. It also offers overnight camping with RV camp sites, RV dump station and shower facilities. Habitat available within the park is of limited quality due to human use and modification. The shoreline consists of a heavily eroded bank and patches of riparian vegetation, including willows, cottonwood and elm. There is very little large woody material.

Project Proposal: The applicant proposes to replace two existing public moorage docks made of wood and rubber tire floats (installed in 1993) with modern docks composed of aluminum frames, fiberglass molded grating and white polystyrene tub floats.

The project would result in a slight increase in square footage of over-water structures, but the effective cover is reduced because the proposed materials increase the light penetration to the water below. The north dock would be replaced in the same location and orientation as the existing dock. The south dock would be replaced in the same location, but would be oriented parallel to the shoreline to create safer conditions for boaters within this area of faster current. The dock sections closest to the land would be replaced with an aluminum gangway to eliminate docks from abutting the shoreline. To accommodate this improved design, three existing galvanized pilings would be removed and three new pilings would be installed.

Zoning and Development Standards: The subject property is located within the Rural Recreation (R-REC) district. The purpose of the Rural Recreation (R-REC) district is to provide the opportunity for the development, redevelopment, and infill of existing intensely developed rural recreational areas for residential, recreation, and tourist-related development consistent with the rural character in the vicinity. These areas

provide a distinct rural lifestyle closely associated with the many natural amenities found within Douglas County. These areas are clearly identifiable as existing intensely developed rural recreational developments where a logical boundary can be delineated and as set by the built environment. Such boundary shall not permit or encourage a new pattern of sprawling low density. The predominate parcel size is generally less than one acre in size. Uses may include intensification of existing residential development or new development of residential, small scale recreational or tourist uses, provided uses rely on a rural location and do not encourage urban type development or services.

Beebe Bridge Park is also located in a Recreation Overlay (R-O) District.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Recreation (R-REC). The purpose of this designation is to provide the opportunity for the development, redevelopment, and infill of existing intensely developed rural recreational areas for residential, recreation, and tourist development consistent with the rural character in the vicinity. These areas provide distinct rural lifestyles closely associated with the many natural amenities found within Douglas County. Uses may include intensification of existing residential development or new development of small scale recreational or tourist uses, provided uses rely on a rural location and setting and do not encourage urban type development or services.

The following goals and policies set forth in the comprehensive plan are relevant to this development:

LAND USE:

Recreational areas are located throughout the County. The Chelan County Public Utility District provides several recreation facilities along the Columbia River.

Beebe Bridge Park is a 56 acre park managed by the Chelan County Public Utility District and provides tent/recreational vehicle camp sites, sports fields, picnicking areas, boat ramps, and short term boat moorage.

GENERAL LAND USE GOALS & POLICIES

GOAL 14: Promote public access to lakes, rivers, creeks and other water bodies through signage, maps, public information programs, trails, scenic overlooks, picnic areas and other mechanisms.

GOAL 15: Encourage efforts to maintain scenic open space, cultural, historic and heritage resources.

GOAL 16: Encourage the operation of rural commercial businesses, natural resource related industries, recreation and tourism activities, cottage industries, small scale business, and home occupations that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.

RURAL LANDS:

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

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.

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

The applicant and SEPA lead agency, Chelan County PUD, issued a Determination of Non-Significance on August 18, 2017 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 Department of Ecology - Shorelines		N/R	Army Corps of Engineers	N/R
Chelan County PUD		N/A	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.		N/R		

* N/R = No Reply

No agency or 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:

Consistency with the Douglas County Countywide Comprehensive Plan:

The rural recreation designation provides the opportunity for the development, redevelopment, and infill of existing intensely developed rural recreational areas for residential, recreation, and tourist development consistent with the rural character in the vicinity.

The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

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 by using the existing dock footprints. The project is expected to increase habitat conditions along the shoreline of the park. The new docks will result in a net decrease of*

13 sq ft of over-water cover and will allow 60% light penetration to the substrate beneath. No additional mitigation plantings are proposed or required.

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 entails replacing existing structures (docks) with a more modern and ecological design that eliminates potential chemical leaching and that allows over 60% light transference to the water below. The project is located in the riparian and aquatic environments 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 dock 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 the removal of outdated docks and new docks to be placed in the riparian and aquatic environments. The new docks have been designed following mitigation sequencing. The old wooden docks will be completely removed and new docks utilizing modern, ecological design will improve light transference and in-water habitat functions. The project will improve site conditions and habitat that existed at the time of the initiation of the original project.

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

Analysis: The project includes replacement of two existing wood docks in the riparian and aquatic environments, therefore eliminating the impact over time via this permit is not possible. The project, as proposed, will reduce the impact due to new materials allowing over 60% light transference and the elimination of rubber tire floats which could leach chemicals into the river. The possibility does exist that future designs would reduce impacts further, 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;

Analysis: The project will result in a decreased impact to the riparian and aquatic habitats through an overall decrease in over-water coverage and through

updated and sustainable dock materials and design. A decrease in impact and over-water coverage exempts the project from providing additional mitigation plantings at Beebe Bridge Park.

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

Analysis: The proposed moorage dock replacements would improve habitat conditions along the shoreline of the park. The new docks would result in a net decrease of 13 square feet of over-water coverage and would allow 60% light penetration to the substrate beneath, increasing vegetation growth and improving fish habitat. Construction impacts are limited to short-term, small-scale vibratory pile removal. Because the proposed action is necessary to ensure safe shoreline access and would result in positive impacts to the aquatic environment, no compensatory mitigation is currently proposed.

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 docks' 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 Anchor QEA was submitted in the application materials.

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

Analysis: The project includes work above and below the OHWM. The shoreline consists of an armored bank with sporadic riparian vegetation of native shrub and tree species. There is no documented aquatic vegetation near the docks. No vegetation will be cleared for this project. The project is expected to improve habitat conditions along the shoreline after completion.

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 Anchor QEA was submitted in the application materials. The plan identifies that the project will result in no net loss of ecological function through a decrease in over-water coverage and a design that will allow over 60% light transference. The project is expected to improve habitat conditions along the shoreline and within the aquatic environment after completion.

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 dock replacements will have a net decrease in overwater coverage of approximately 13 sq ft and be constructed of open aluminum or steel framing. The dock replacements 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 two dock replacements, one (the south dock) reoriented closer to the shoreline for greater human safety, that are the minimum size necessary for safety and requirements established by the USACE.

REGULATION 6: New and substantially expanded piers and docks shall be constructed of materials that are approved by applicable federal and state agencies for use in water to avoid adverse effects on water quality or aquatic plants and animals in the long-term for both submerged portions of the dock and decking and other components. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited.

Analysis: The construction materials proposed will be approved by the applicable federal and state agencies for use in water.

REGULATION 9: In order to minimize impacts on near-shore areas and avoid reduction in ambient light level:

- a. Pier and ramp construction must meet the following standards:
 - 1) The width of piers and ramps shall not exceed 4 feet for single or joint-use docks. Greater widths may be permitted for community, public or commercial docks where use patterns can justify the increase;

- 2) The bottom of the pier or bottom of the landward edge of a ramp, must be elevated at least two (2) feet above the plane of OHWM;
 - 3) Pier and/or ramp surfaces are to consist of either grating or clear translucent material; and
 - 4) Pier and ramp construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.
- b. Float construction must meet the following standards:
- 1) Any float materials that are in contact with the water must be white or translucent;
 - 2) Flotation materials must be permanently encased to prevent breakup and release of small flotation pieces;
 - 3) Decking or surface area of the float must consist of either grating or clear translucent material;
 - 4) Floats cannot be located where they could impede fish passage; and
 - 5) Float construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.

Analysis: The proposed design meets the above listed construction standards.

REGULATION 11: Piers and docks shall use pile supports unless engineering studies demonstrate that pile supports are insufficient to ensure public safety. Rip-rapped or bulk-headed fills may be approved only as a conditional use and only when demonstrated that no feasible alternative is available. Mitigation shall be provided to ensure no net loss of shoreline ecological functions and processes.

Analysis: The project proposes to utilize pile supports.

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 docks 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 dock is designed and secured so that it will not damage shoreline property or natural features.

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 docks be permanently marked for identification.

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 two replacement docks.

The Fish & Wildlife Habitat Management and Mitigation Plan has determined that there will be a net decrease in over-water cover of 13 sq ft. The proposed action is necessary to ensure safe shoreline access and would result in positive impacts to the aquatic environment. The Douglas County Shoreline Master Program does not require mitigation for replacement of existing public docks that result in a decrease in over-water coverage.

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-2017-11, subject to the following findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is The Public Utility District No. 1 of Chelan County, POB 1231, Wenatchee, WA 98807
2. The applicant's agent is: Edrie Risdon, Chelan County PUD
3. General Description: An application for a shoreline substantial development permit to replace two existing public docks at Beebe Bridge Park.
4. The dock will serve Beebe Bridge Park. The properties are described as being Lots 4, 5 & 8 of the Beebe Bridge Park development. The property is further described as being located within the SW Quarter of Section 29, Township 27N, Range 23E., W.M., Douglas County, Washington. The Douglas County Assessor's Parcel Number is 27232910002.
5. The Comprehensive Plan Designation is Rural Recreation (R-REC).
6. The subject property is located in the R-REC zoning district.
7. The Columbia River Shoreline section of the subject properties is designated as "rural conservancy" 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 May 2018 was performed for the project by Anchor QEA, LLC.
10. The existing moorage docks were installed in 1993 and have exceeded their functional lifespan.

11. The installation of the two replacement docks will have minimal impact to the aquatic and riparian environments
12. The Douglas County Regional Shoreline Master Program does not require mitigation plantings for replacement of existing docks with no impact to the surrounding vegetation.
13. The Chelan County PUD (lead agency) issued a Determination of Non-Significance on August 18, 2017 in accordance with WAC 197-11-340(2).
14. No agency or public comments were received at the writing of this staff report.
15. 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.
16. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
17. 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.
18. 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 5, 2017 and May 11, 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 docks 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 docks 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 Anchor QEA, dated May 2018
7. The applicant must obtain building permits for the two new docks.

8. 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.
9. Prior to installation of the project, copies of approval from applicable agencies must be submitted to the County.
10. 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