



CITY OF EAST WENATCHEE

HEARING EXAMINER

271 9TH STREET NE * EAST WENATCHEE, WA 98802
PHONE (509) 884-5396 * FAX (509) 884-6233

Andrew L. Kottkamp, Hearing Examiner

AGENDA

PUBLIC HEARING

Wednesday, October 26, 2022 – 6:00 p.m.

Notice: The Hearing will be held in person with a Zoom option for participation using the following link:

<https://us02web.zoom.us/j/89445312931?pwd=NHBjaFlnMXgxcXlXWEpFS1YzVS9wZz09> or one tap mobile 1+(253) 215-8782 Meeting ID: 894 4531 2931.

Location: East Wenatchee City Hall, Council Chambers
271 9th Street NE, East Wenatchee, WA

- I. **CALL TO ORDER - 6:00 PM**
- II. **ADMINISTRATIVE PROCEDURES – Public hearing instructions**
- III. **CONTINUATIONS OR WITHDRAWALS**
- IV. **NEW BUSINESS**
 - SDP-2022-01 / SCUP-2022-01:** 19th Street NW / Cascade Ave. green retrofit and stormwater facility. New curb, gutter storm drains both sides of 19th St NW and Cascade Ave. Low Impact Development Stormwater Facility, upgrade existing pedestrian trail to paved trail from 19th St NW to existing trailhead, interpretive signage, and native plantings. The property is located where 19th St NW turns into Cascade Ave. The Assessor's Parcel Numbers are 22200310007 and 22200310006. The property is described as being located in portion of the NE Quarter of Section 3, Township 22N, Range 20 E.W.M., Douglas County, Washington.
- V. **OTHER BUSINESS**
- VI. **ADJOURNMENT**

Americans with Disabilities Act (ADA) accommodations will be provided upon request. If you need special assistance to participate in this meeting, please contact Wendy Lane at 509-884-5396 at least 3 working days prior to the meeting.



CITY OF EAST WENATCHEE

COMMUNITY DEVELOPMENT DEPARTMENT

271 9th Street NE * East Wenatchee, WA 98802

Phone (509) 884-5396 * Fax (509) 884-6233

STAFF REPORT

FROM: EAST WENATCHEE COMMUNITY DEVELOPMENT DEPARTMENT
DATE: OCTOBER 14, 2022
SUBJECT: SDP-SCUP 2022-01: 19TH ST NW/CASCADE AVE CORRIDOR
GREEN RETROFIT AND LID STORMWATER FACILITY

I. GENERAL INFORMATION

Applicant: City of East Wenatchee Public Works
Garren Melton
271 9th St. NE
East Wenatchee, WA 98802

Property Owner: City of East Wenatchee
271 9th St NE
East Wenatchee, WA 98802

Project Planner: Curtis Lillquist AICP, Community Development Director
509.884.5396

- A. Proposal:** An application for a shoreline substantial development permit (SDP) and Shoreline Conditional Use permit (SCUP) to construct the 19th Street NW/Cascade Ave. green retrofit and stormwater facility. New curb, gutter storm drains both sides of 19th St NW and Cascade Ave. Low Impact Development stormwater facility, upgrade existing pedestrian trail to paved trail from 19th St NW to existing trailhead, interpretive signage, and native plantings. All work is landward of the ordinary high-water mark for the Columbia River. The bulk of this project is located outside of shoreline jurisdiction. Portions of the stormwater facility and the overflow outfall are located within the shoreline.
- B. Location:** The property is located where 19th St NW turns into Cascade Ave. The Assessor's Parcel Numbers are 22200310007 and 22200310006. The property is described as being located in portion of the NE Quarter of Section 3, Township 22N, Range 20 E.W.M., Douglas County, Washington.

II. SITE INFORMATION

- A. Site Characteristics:** The project site includes city and county right-of-way (19th St NW and Cascade Ave.) and property that is currently used as undeveloped recreational property. Development is limited to the paved Apple Capital Loop Trail. The remainder of the site is comprised of informal dirt foot paths and the vegetated shoreline of the Columbia River. Three wetlands are located on the project site. A vicinity map is included as **Exhibit A** showing existing improvements and vegetation.

B. Neighborhood Characteristics: Adjacent land uses include:

- North: Single family dwellings
- South: Apple Capital Loop Trail
- East: Single family dwellings, Douglas County Public Services Bldg.
- West: The Columbia River and Apple Capital Loop Trail

The subject property is a riparian area with upland habitat consisting of native and non-native shrubs, trees, and ground cover.

III. 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	8/25/2022	WA Dept of Fish & Wildlife	N/R
Chelan County PUD	N/R	Army Corps of Engineers	N/R
WA DAHP		Colville Confederated Tribes	8/18/2022

* N/R = No Reply

Agency comments have been included as **Exhibit B**.

Confederated Tribes of the Colville Reservation, comment dated August 18, 2022

Comment email states that the Colville Tribes concur with the project location and concur with the archaeological report and the report recommendations.

The project has been designed to avoid the High Density Precontact Area as recommended by the archaeological report.

WA Department of Ecology, comment dated August 25, 2022

Comment is related to information that a Stormwater Pollution Prevention Plan is required and that shoreline technical staff are available to assist with evaluation of wetland delineation and ratings or determining the Ordinary High Water Mark.

No public comments were received at the writing of this staff report.

IV. ENVIRONMENTAL REVIEW

A completed environmental checklist dated June 29, 2022 was submitted by the Applicant. A threshold determination and environmental review pursuant to RCW 43.21C the State Environmental Policy Act was completed and a Determination of Non-significance was issued on October 12, 2022 with a comment period that expires on October 26, 2022. No comments were received at the writing of this staff report that indicate that the proposed project would have a probable significant adverse impact on the environment.

IV. PROJECT ANALYSIS

The applicant has provided a detailed analysis of the various applicable regulations in a technical memorandum from Grette Associates dated June 9, 2022. This memorandum is included with the application materials

- A. Comprehensive Plan:** The Greater East Wenatchee Area Comprehensive Plan (GEWA Plan) designates this property as Waterfront Mixed Use – Uptown. The Shoreline Master Program works in conjunction with the Comprehensive Plan. By adopting the goals and policies by reference, it is the city’s intent to integrate the shoreline management planning process with its comprehensive plan without the need to create a separate Shoreline Management Element. The following Comprehensive Plan goals and policies are relevant to the proposed project:

Chapter 6 Capital Facilities:

Goal: *Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the Area, in a fair and timely manner.*

Policy CF-6: *Ensure that the location and design of capital facilities creates minimal adverse impacts on the surrounding land use.*

Policy CF-9: *Plan for and provide capital facility improvements to correct existing deficiencies and to accommodate existing and future needs.*

Chapter 7 Utilities:

Goal 5: Provide an efficient surface and stormwater management system that serves community residences and business in a manner that makes efficient use of limited resources and minimizes damage to public and private property from flooding events.

Policy UT-23: *Design, construct, and maintain stormwater facilities in a manner that minimized their impact on adjacent neighborhoods and business.*

Consistency with the Comprehensive Plan: Stormwater collection is accomplished with a combination of private stormwater retention and detention systems for individual development and a series of retention systems constructed and maintained by the City of East Wenatchee. The proposal will collect stormwater runoff along the 19th Street and Cascade Avenue corridors and

provide treatment and retention. The proposed project is consistent with and implements the goals and policies of the GEWA Plan.

- B. Zoning:** The subject property is located within the Waterfront Mixed Use - Uptown (WMU-U) Zoning District. The WMU-U allows a mixture of uses including moderate to high density residential, recreational, and commercial activities to increase the variety of development opportunities where people can enjoy shopping, working, and living in the same area. This district takes advantage of the proximity to the Columbia River. There are three distinct neighborhoods that have been designated as waterfront mixed use. The Uptown District is seen as gradually developing, over time, into a full-scale village, with an array of residential types from low-rise medium density to mid-rise higher density housing; a wide range of neighborhood-oriented retail and services. The project will provide stormwater retention and treatment for the 19th St NW and Cascade Ave. corridors.

EWMC 17.50 LOOP TRAIL OVERLAY DISTRICT (LT-O)

A portion of the waterward slope of the bio infiltration basin and the entire outfall pipe are located within the boundary of the Loop Trail Overlay District. The purpose of the LT-O district is to protect and preserve the character of the Apple Capital Loop Trail, parkland, and trail extension, by ensuring that development within the LT-O district is accomplished in a manner that is compatible with the public's use and enjoyment of the trail and parkland.

No structures or fencing will be constructed within the overlay district. An additional 3,606 sq. feet of native trees, shrubs, grasses and flowers will be planted along the upgraded pedestrian trail. Additionally, jute matting and dryland grass hydroseed will be applied to the bio-infiltration swale and bio-infiltration basin.

The project as conditioned is consistent with this section.

- C. Douglas County Regional Shoreline Master Program (RSMP):** The proposed project is located within 200 feet of the Columbia River. The RSMP classifies this portion of the Columbia River shoreline as a natural environment. The natural shoreline designation is intended to protect or restore shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes.

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. This criteria states that a substantial development permit shall be granted only when the proposed development is consistent with:

- The policies and procedures of the Act;
- The provisions of this regulations; and
- The applicable master program adopted or approved for the area.

WAC 173-27-160, establishes minimum review criteria for conditional use permits. This criteria states that uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
- That the proposed use will not interfere with the normal public use of public shorelines;
- That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
- That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
That the public interest suffers no substantial detrimental effect.

Consistency with the Douglas County Regional Shoreline Master Program:

Local utility distribution facilities are a shoreline conditional use in the natural shoreline environment.

4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS

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

The project will minimize damage to shoreline and environment. All impacts to the riparian buffer are proposed to be mitigated for.

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;

The topography directs stormwater flow towards the River. The project must have an emergency outfall to the Columbia River. Avoiding impacts to the shoreline environment is not possible.

- 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;

The project is designed to minimize impacts by utilizing current best design practices for stormwater facilities and shifting the location of the facility as far away from critical areas as possible.

- 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;

The project includes constructing a new stormwater facility within the shoreline environment therefore rectifying the impact is not possible.

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

The project includes constructing a new stormwater facility in the shoreline environment therefore reducing or eliminating the impact over time via this permit is not possible. The possibility does exist that future stormwater design standards or combining this facility with another stormwater facility could 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

The project is proposing mitigation per the adopted mitigation ratios that will compensate for the impact. 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.

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 3: Best management practices (BMP's) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control plan, identified in the Stormwater Management Manual for Eastern Washington, as amended.

The project includes a temporary erosion and sediment control plan.

REGULATION 7: Permanent stormwater management systems serving property within the shoreline shall be designed using best management practices ensuring

water quality treatment in compliance with the Stormwater Management Manual for Eastern Washington to prevent stormwater runoff from degrading or adding to the pollution of recipient waters or adjacent properties. Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and/or improvement plans.

The proposed stormwater system is designed in accordance with the Stormwater Management Manual for Eastern Washington and Best Management Practices.

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.

A wetland and shoreline habitat management and mitigation plan prepared by Grette Associates was submitted with the application materials which identifies impacts and provides a mitigation plan.

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

Native vegetation damage/removal has been minimized to the greatest extent possible.

4.4 ARCHAEOLOGICAL AND HISTORICAL RESOURCES

REGULATION 3: If a cultural resource site assessment identifies the presence of significant historic or archaeological resources, a cultural resource management plan shall be prepared by a professional archaeologist or historic preservation professional. In addition, a permit or other requirements administered by the Washington State Department of Archaeology and Historic Preservation pursuant to RCW 27.44 and RCW 27.53 may apply.

A cultural resource report by Cultural Resource Consultants dated October 18, 2021 was generated and submitted with the application. The report identifies historical and precontact resources that were found at the site. After excavation and archaeological analysis the report identifies the locus of precontact activity on the site and labels it a High Density Precontact Area (HDPa). The report states that "while precontact material was found adjacent to the this area, it is very low density, and the survey and excavations thus far are sufficient to

properly characterize it without additional data recovery.” The report recommends that proposed development activities avoid the portion of the precontact component identified as the High Density Precontact Area.

The project has been designed to avoid the HDPA.

During the permit comment period, the Confederated Tribes of the Colville Reservation provided comment dated August 18, 2022. Comments state that the Colville Tribes concur with the report and its recommendations.

4.6 PUBLIC ACCESS

REGULATION 3: Shoreline development by public entities, port districts, state agencies, and public utility districts shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

The project proposes to improve access to the Apple Capital Loop Trail by formalizing the various footpaths across the property into a defined trail from 19th Street NW. In addition interpretive signage will be constructed along the trail.

4.7 RESTORATION

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

Mitigation measures proposed in the management and mitigation plan document that there will be no net loss of shoreline ecological functions and values.

5.17 UTILITIES

REGULATION 1: All applicants shall document that the facility cannot be feasibly located outside of shoreline jurisdiction due to uses served or the need to cross shorelands to connect specific end points.

The existing topography directs stormwater flow towards the Columbia River. Topography and existing development patterns require a portion of the stormwater facility to be located within the shoreline environment. The system must provide an emergency overflow discharge to the Columbia River. The 19th Street/Cascade Ave outfall is an emergency outfall for the retention facility and will operate only under an emergency overflow situation

REGULATION 3: All applicants shall document how the location, design and use achieves no net loss of shoreline ecological functions and incorporates appropriate mitigation.

The wetland and shoreline habitat management and mitigation plan provides an analysis of the impacts to ecological function and documents that with mitigation, there will be no net loss.

REGULATION 4: Applicants shall document that facilities will avoid adverse impacts to public recreation areas and significant natural, historic, archaeological or cultural sites, and that all feasible measures to minimize adverse impacts to such resources have been incorporated into the proposal.

The stormwater facility will either be buried underground or will be designed to blend in with the existing vegetation to reduce the aesthetic impact. As stated in the analysis in Section 4.4 Archaeological and Historic Resources, a archaeological report has been created for the project which analyzes archaeological and cultural resources and provides management recommendations which will protect and minimize impacts to those resources. The project will provide a formalized path connection from 19th street to the Apple Capital Loop Trail. This formalized path will reduce scattered walkways through the vegetation thereby reducing native vegetation damage.

REGULATION 8: Facilities shall not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access and archaeological, historic, and cultural resource, and aesthetic resources.

Mitigation measures proposed in the management and mitigation plan document that there will be no net loss of shoreline ecological functions and values. The stormwater facility will either be buried underground or will be designed to blend in with the existing vegetation to reduce the aesthetic impact. As stated in the analysis in Section 4.4 Archaeological and Historic Resources, a archaeological report has been created for the project which analyzes archaeological and cultural resources and provides management recommendations which will protect and minimize impacts to those resources. The project will provide a formalized path connection from 19th street to the Apple Capital Loop Trail. This formalized path will reduce scattered walkways through the vegetation thereby reducing native vegetation damage.

APPENDIX H, CHAPTER 1B: CRITICAL AREAS – WETLANDS

A Wetland Delineation and Rating dated April 25, 2019 from Grette Associates was performed for the subject property. Two Category II wetlands have been delineated in close proximity to the project impact area. The project will not impact the wetlands themselves but will impact the associated buffer.

Wetland and Fish and Wildlife Habitat Buffers overlap on this site. In both circumstances the mitigation ratios for buffer disturbance are the same (1:1). Buffer mitigation will not be ‘double charged’ because the impact occurs to both buffers. The discussion regarding buffer disturbance and compensatory mitigation can be found in the fish and wildlife habitat analysis below.

As conditioned, the proposal is consistent with this section.

APPENDIX H, CHAPTER 1C: CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

The application uses the 150 foot habitat buffer for the Natural Shoreline Environment.

The installation of the stormwater facility will impact the riparian environment. The fish and wildlife habitat and wetland buffers overlap and cover the project area. A Wetland and Shoreline Habitat Management and Mitigation Plan dated June 2022, created by Grette Associates was submitted for the project. The plan has determined that a total of 2,796 sq feet of buffer area will be disturbed by the project. The project proposes to mitigate for this impact by planting 2,796 sq. feet of trees and shrubs in areas previously dominated by weedy herbaceous species and grasses. A planting plan is proposed on pages 4 of 5 and 5 of 5, of the diagrams in the Fish & Wildlife Habitat Management and Mitigation Plan.

As conditioned, the proposal is consistent with this section.

APPENDIX H, CHAPTER 1E: CRITICAL AREAS – AQUIFER RECHARGE AREAS

The subject property is located within the protection area for the 19th Street Wellhead and is designated as a aquifer recharge area. A Critical Aquifer Recharge Area Hydrogeological Report dated August 18, 2020 from Aspect Consulting was submitted with the application. The report analyzed the proposed project and it's potential impacts on the wellhead protection area and provided recommendations for project implementation. The recommendations are as follows:

- Construct all stormwater facilities in accordance with the SMMEW and implement applicable BMP's and the EWMC.
- Design the stormwater infiltration facility to properly treat runoff before infiltration into the soil.
- Continue groundwater quality monitoring at the City's Well No. 7 using existing parameters and frequencies as required by Washington DOH.
- Wells 2A-B and 2C should remain inactive if the infiltration pond is constructed at the proposed location at the west end of 19th Street. We recommend decommissioning these wells in accordance with WAC 173-160-381.
- For the dispersed infiltration alternative, infiltration facilities should be located 500 feet or greater from Well No. 7 to prevent infiltrate from flowing toward the pumping well. This will ensure the infiltration facility remains a greater distance from the well than the recharge boundary formed by the Columbia River.
- An installed oil-water separator would further reduce long-term cumulative contamination from petroleum products and would provide an added measure of protection in case of a spill on the roadway.

The proposed stormwater facility is designed in accordance with the Stormwater Management Manual for Eastern Washington, Best Management Practices and

the East Wenatchee Municipal Code. The facility is designed to treat runoff before infiltration. The proposed facility is approximately 930 feet from Well No. 7 nearly twice the distance recommended by the report. Well No. 7 is owned and operated by the East Wenatchee Water District and is operated in accordance with Washington DOH requirements. Wells 2A and B are owned by the East Wenatchee Water District but are inoperative and are closed off from the regional water system.

As conditioned the project is consistent with this section.

CONSISTENCY WITH WAC 173-27 AND RCW 90.58:

The applicant has provided a detailed analysis of the compliance of the project with WAC 173-27 and RCW 90.58 in a technical memorandum from Grette Associates, dated June 9, 2022.

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

V. SUMMARY

Staff recommends approval of SDP-SCUP 2022-01 subject to the conditions enumerated in Section VI below. Staff offers suggested Findings of Fact and Conclusions in Section VII of this report.

VI. SUGGESTED CONDITIONS

1. All conditions imposed by the Administrator 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 substantially in compliance with the plans and application materials on file with the East Wenatchee Community Development Department except as modified by any conditions below.
3. The applicant shall comply with the requirements of Shoreline Management Act (RCW 90.58), the Washington Administrative Code, the Douglas County Regional Shoreline Master Program and the East Wenatchee Municipal Code (EWMC).
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. To prevent erosion and prevent silt or other materials from being carried off-site, the Applicant shall install temporary erosion/sedimentation control measures in substantial compliance with chapter 13.30 EWMC.

6. All temporary erosion control devices shall be maintained during all phases of construction until the development site is stabilized. All temporary erosion control devices shall be removed, and properly disposed of, once they are no longer necessary.
7. The applicant shall comply with all applicable local, state and federal regulations and the applicant is responsible for securing any and all state and federal agency permits, as may be required.
8. Construction pursuant to this shoreline permit shall not begin and is not authorized until 21 days from the date of filing with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of such filing have been terminated.
9. The project mitigation shall proceed consistent with the Wetland and Shoreline Habitat Management and Mitigation Plan prepared by Grette & Associates, dated June 2022, including the mitigation planting plan, sheets 4 and 5 of 5 dated 6/16/22.
10. Irrigation shall be installed, as necessary, for the survival of the mitigation plantings. Said design shall address the specific needs of riparian vegetation.
11. A five-year monitoring period shall commence upon placement of the planting materials. Mitigation shall be installed no later than the next growing season after completion of site improvements, unless otherwise approved by the Administrator.
12. 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.
13. Monitoring reports shall be submitted to East Wenatchee Community Development Department 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 East Wenatchee Municipal Code. The biologist must verify that the conditions of approval and provisions in the Wetland and Shoreline Habitat Management and Mitigation Plan prepared by Grette & Associates dated June 2022, sheets 4 and 5 of 5 dated 6/16/22 have been satisfied.
14. 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.
15. Prior to entering the project area, all equipment shall be checked for leaks and cleaned to remove any external petroleum products, hydraulic fluid, machinery

coolant, dirt, weeds both aquatic and terrestrial, weed seeds, and/or any other deleterious materials.

16. Construction activities related to this permit shall begin within two years of the effective date of this permit. The City may grant a one-year extension based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology.
17. Authorization to construct the improvements subject to this permit shall terminate five years after the effective date of this permit. The City may grant a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date of the permit and notice of the proposed extension is given to parties of record and to the Department of Ecology.

VII. SUGGESTED FINDINGS OF FACT AND CONCLUSIONS

A. FINDINGS OF FACT

1. The applicant is City of East Wenatchee Public Works, 271 9th St. NE, East Wenatchee, WA 98802.
2. An application for a shoreline substantial development permit (SDP) and Shoreline Conditional Use permit (SCUP) to construct the 19th Street NW/Cascade Ave. green retrofit and stormwater facility. New curb, gutter storm drains both sides of 19th St NW and Cascade Ave. Low Impact Development stormwater facility, upgrade existing pedestrian trail to paved trail from 19th St NW to existing trailhead, interpretive signage, and native plantings. All work is landward of the ordinary high-water mark for the Columbia River. The bulk of this project is located outside of shoreline jurisdiction. Portions of the stormwater facility and the overflow outfall are located within the shoreline.
3. The proposed work is landward of the ordinary high-water mark for the Columbia River.
4. The property is located where 19th St NW turns into Cascade Ave. The Assessor's Parcel Numbers are 22200310007 and 22200310006. The property is described as being located in portion of the NE Quarter of Section 3, Township 22N, Range 20 E.W.M., Douglas County, Washington.
5. The Greater East Wenatchee Area Comprehensive Plan designates the subject property as Waterfront Mixed Use.
6. The subject property is in the Waterfront Mixed Use- Uptown Zoning District.
7. The Columbia River Shoreline section of the subject property is designated as "Natural" by the Douglas County Regional Shoreline Master Program (RSMP).
8. Local utility distribution facilities are a shoreline conditional use in the natural shoreline environment.

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. WAC 173-27-160 establishes minimum review criteria for Shoreline Conditional Use Permits. This criteria states that a conditional use permit shall be granted only when the uses are set forth by the local master program and demonstrates that the proposal is consistent with the policies and procedures of the Act; will not interfere with normal public use of public shorelines; the site and design is compatible with other authorized uses; will not cause any significant adverse effects; and the public interest suffers no substantial detrimental effect.
11. A Wetland Delineation and Rating dated April 25, 2019 from Grette Associates was performed for the subject property. Two Category II wetlands have been delineated in close proximity to the project impact area. The project will not impact the wetlands themselves but will impact the associated buffer.
12. The installation of the stormwater facility will impact the riparian environment. A Wetland and Shoreline Habitat Management and Mitigation plan dated June 2022, created by Grette Associates was submitted for the project.
13. The mitigation proposed in the Wetland and Shoreline Habitat Management and Mitigation Plan meets the requirements of the City of East Wenatchee Shoreline Master Program.
14. The subject property is located within the protection area for the 19th Street Wellhead and is designated as a aquifer recharge area. A Critical Aquifer Recharge Area Hydrogeological Report dated August 18, 2020 from Aspect Consulting was submitted with the application. The report analyzed the proposed project and it's potential impacts on the wellhead protection area and provided recommendations for project implementation.
15. The project shall be consistent with the conclusions and recommendations included in the Report for Archaeological Testing at 45DO1278 for the 19th Street/Cascade Avenue Corridor Green Retrofit and LID Stormwater Facility Design Project dated October 18, 2021, prepared by Cultural Resource Consultants.
16. A threshold determination and environmental review pursuant to RCW 43.21C the State Environmental Policy Act was completed and a Determination of Non-significance was issued on October 12, 2022 with a comment period that expires on October 26, 2022.
17. On July 28, 2022 a Notice of Application was mailed to property owners within 300 feet of the project boundaries with a comment period ending on August 29, 2022. No comments were received.
18. On July 28, 2022 a Notice of Application and Request for Agency Comment was sent to the Department of Ecology, Department of Fish & Wildlife, Department of Archaeology and Historic Preservation, Chelan County PUD, Confederated Tribes of the Colville Nation, and the Army Corps of Engineers. Comments were received from the Department of Ecology and the Confederated Tribes of the Colville Nation during the comment period.

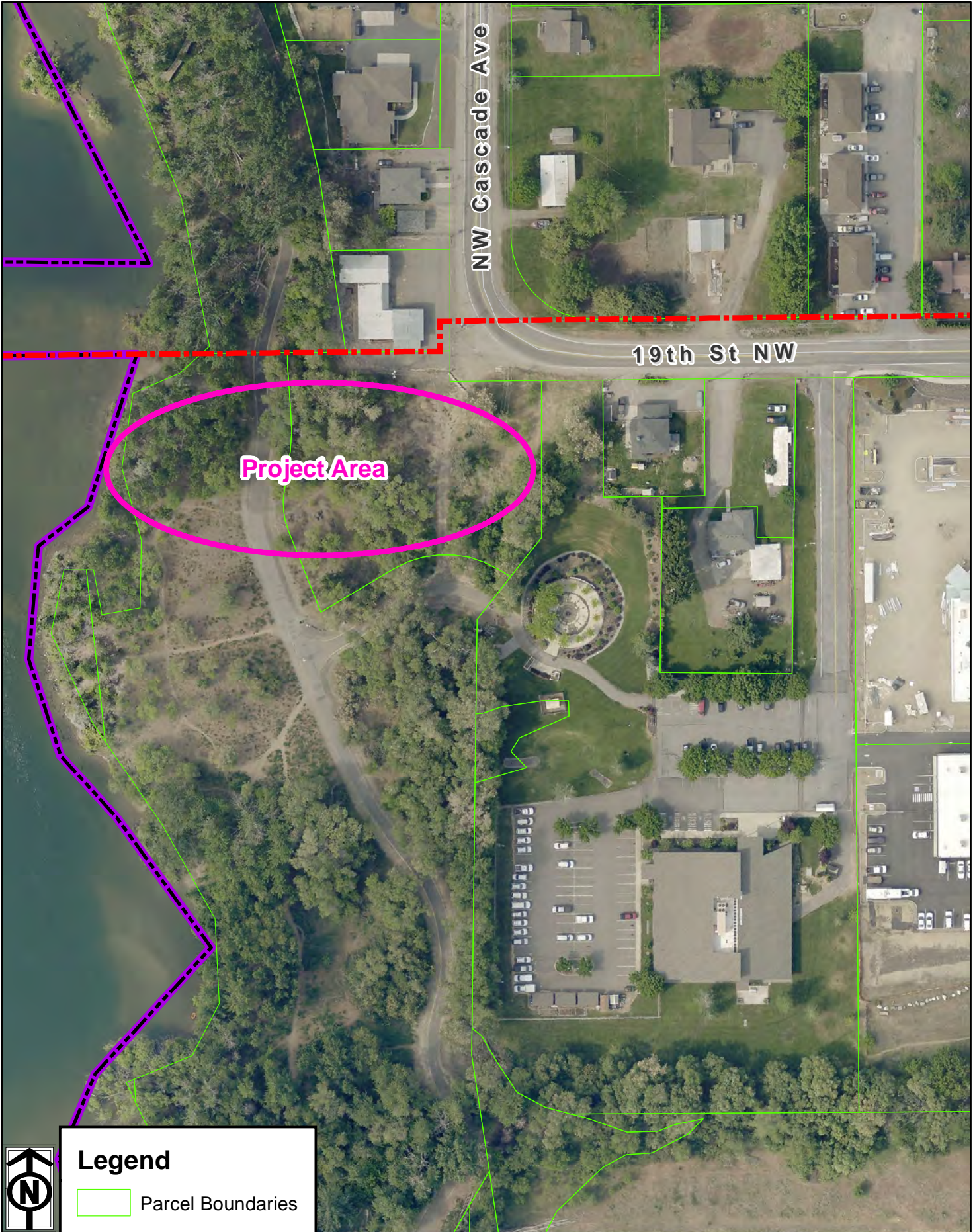
B. CONCLUSIONS

1. As conditioned, the proposed project is consistent with the goals and policies of the Greater East Wenatchee Area Comprehensive Plan.
2. As conditioned, the proposed project conforms to the requirements of the Douglas County Regional Shoreline Master Program for the City of East Wenatchee, the Shoreline Management Act (RCW 90.58) and WAC 173-27 and is consistent with the development standards contained therein.
3. The provisions of the State Environmental Policy Act and chapter 18, chapter 18C and 18.12C of the East Wenatchee Municipal Code for environmental review have been satisfied and the proposal will not detrimentally affect the public health, safety and general welfare of the community.
4. No scientific data or peer reviewed studies have been submitted into the record indicating that the project as designed would result in a net loss of functions and values or have a negative cumulative impact on the Columbia River for wetlands or fish and wildlife habitat.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Public interests will be served by approval of this proposal.
7. As conditioned, the proposal is consistent with Title 17 “Zoning” of the East Wenatchee Municipal Code.
8. As conditioned, the development will not adversely affect the general public, health, safety and welfare.


Exhibits:

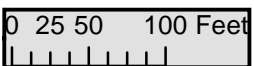
- A. Vicinity Map
- B. Agency Comments

City of East Wenatchee



Legend

 Parcel Boundaries



10/14/2022

This map is intended for general purposes only. The City of East Wenatchee makes no representation as to the accuracy or current condition of the data shown on this map.

EXHIBIT A



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

August 25, 2022

Curtis Lillquist
Community Development Planning Manager
271 9th Street NE
East Wenatchee, WA 98802

RE: SDP-2022-01, SCUP-2022-01

Dear Curtis Lillquist,

Thank you for the opportunity to comment on the Notice of Application for the 19th Street NW/Cascade Avenue Corridor Green Retrofit and LID Stormwater Facility. We have reviewed the application and have the following comment.

WATER QUALITY

Project with Potential to Discharge Off-Site

The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

If you decide that your project does not need to acquire an NPDES Construction Stormwater General Permit, and the project has a discharge to waters of the state. There is a potential that this could result in a RCW 90.48 violation. This violation carries the potential of a penalty of up to \$10,000 per day, per violation.

EXHIBIT B

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Wendy Neet at the Dept. of Ecology, (509) 571-6733 or email at wendy.neet@ecy.wa.gov with questions about this permit.

SHORELANDS

Thank you for the opportunity to provide comments to this project as it pertains to the Shoreline Management Act of 1971, RCW 90.58; State master program approval/amendment procedures and master program guidelines, WAC 173-26; Wetlands 90.48; and Shoreline management permit and enforcement procedures, Chapter 173-27 WAC.

Ecology staff is available to provide technical assistance to the local jurisdiction by reviewing wetland delineations, ratings, and verifying provided wetland and ordinary high water mark determinations in the field.

Waters of the United States may be subject to Army Corps of Engineers permit and a jurisdictional determination will be necessary. For non-federally regulated wetlands, applicants must submit a pre-filing meeting request for an Administrative Order to comply with the state Water Pollution Control Act (Chapter 90.48 RCW). Ecology may issue Administrative Orders under this act for impacts to wetlands that are not jurisdictional under the federal regulations (e.g., non-federally regulated wetlands or NFRs). These wetlands remain protected under state and local laws and rules. For more information see Ecology's webpage for [State regulations & applicant resources - Washington State Department of Ecology](https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations/State-wetland-regulations) at <https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations/State-wetland-regulations>.

Please contact Alicia Schulz, Shorelands and Environmental Assistance, alicia.schulz@ecy.wa.gov or 509-379-4541 if you have any questions about the comments provided.

Sincerely,

Lucila Cornejo

Lucila Cornejo
SEPA Coordinator
Central Regional Office
(509) 208-4590
crosepacoordinator@ecy.wa.gov

202203867

Curtis Lillquist

From: Rebecca Gordon <rebecca.gordon.hsy@colvilletribes.com>
Sent: Thursday, August 18, 2022 4:33 PM
To: Curtis Lillquist
Cc: Guy Moura; DAHP SEPA (DAHP)
Subject: Re: Request for Comments SDP-2022-01, SCUP-2022-01

Good Afternoon-

We have completed our review of application SDP-2022-01 and SCUP-2022-01 for the proposed upgrade to stormwater facilities along 19th St NW and Cascade Avenue.

The proposed project lies within the traditional territory of the *šnp'əšq'aw' səx'* (people in between) or *p'squosa* or Wenatchi Tribe, one of the 12 constituent tribes of the Confederated Tribes of the Colville Reservation (CTCR), which is governed by the Colville Business Council (CBC). The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CTCR with regard to cultural resources management issues throughout the traditional territories of all of the constituent tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, the Palus territory in Idaho, and south-central British Columbia.

We concur with the project location as presented.

We concur with the methods employed to identify and evaluate cultural resources that may be impacted by the proposed project.

We concur with the recommendation that the Pre-Contact component of 45DO1278 is Eligible for listing on the National Register of Historic Places.

We concur with the recommendation that the historic component of 45DO1278 is Not Eligible for listing on the National Register of Historic Places.

We concur with the following recommendations from the excavation report:

"CRC recommends that proposed development activities avoid the portion of the precontact component identified as the High Density Precontact Area (HDP A). This area represents the locus of precontact activity at the site. While precontact material was found adjacent to this area, it is very low density, and the survey and excavations thus far are sufficient to properly characterize it without additional data recovery. If impacts to the HDP A are not avoidable, the project proponent should initiate consultation with the Department of Archaeology and Historic Preservation (DAHP) and affected Tribes regarding data recovery to mitigate impacts to this portion of the site. It should be noted that in the State of Washington any alteration to an archaeological site requires a permit from DAHP (RCW 27.44 and RCW 27.53)."

Thank you for consulting with the Confederated Tribes of the Colville Reservation. These comments are based on the information as currently presented. We reserve the right to revise our comments as additional information becomes available. If you have any questions, please contact me at the number below.

Lamlamt (Thank you),
Rebecca L. Gordon MA, RPA

Archaeologist Senior
READ/REAF/BAES
History/Archaeology Program
Confederated Tribes of the Colville Reservation
P.O. Box 150
21 Colville Street
Nespelem, WA 99155
509-634-2789 office
509-631-1173 cell
Rebecca.Gordon.HSY@colvilletribes.com

Office Hours: Monday-Thursday 0630-1700

On Thu, Jul 28, 2022 at 2:58 PM Curtis Lillquist <CLillquist@eastwenatcheewa.gov> wrote:

Good afternoon,

Attached please find application materials and a request for comments for SDP-2022-01 and SCUP-2022-01. This project is a city sponsored project to upgrade stormwater facilities along 19th St NW and Cascade Avenue and to construct a LID stormwater detention facility.

Comment deadline is August 29, 2022.

Thank you,



Curtis Lillquist, AICP

Planning Manager | Community Development

City of East Wenatchee *"A great place to land!"*

271 9th Street NE, East Wenatchee, WA 98802

Phone: (509) 884-5396 Fax: (509) 884-6233



EastWenatcheeWA.gov

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