



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Staff Report Thayer Shoreline Variance Permit (SV-19-00001)

TO: Kittitas County Hearing Examiner
FROM: Jeremy Johnston, Staff Planner
RE: Thayer Shoreline Variance (SV-19-00001)
DATE: March 12, 2020 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: The applicant is proposing to remove an existing bridge across an irrigation canal and construct a new bridge to serve as the primary access for their proposed residence. The proposed structure is approximately 480 square feet in size. Construction of the bridge will include updating/ expanding the existing access to the property and constructing additional driveway from the new bridge to the proposed home. This work is proposed within the Rural Conservancy Shoreline of the State of Manastash Creek.

Location: Barnes Rd. Ellensburg, PTN SE1/4 (PARCEL 2, B32/P222- 223); SEC 05; TWP 17; RGE 18, WM in Kittitas County; Parcel number 951877.

II. SITE INFORMATION

Total Property Size:	14.94 Acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Fire District 2 (KVFR)
Irrigation District:	KRD

Site Characteristics:

North: Primarily agriculture and residential uses

South: Primarily agriculture and residential uses

East: Primarily agriculture and residential uses

West: Primarily agriculture and residential uses

Access: The site is accessed from Barnes Road, approximately 1.5 miles west of the City of Ellensburg.

III. ZONING AND DEVELOPMENT STANDARDS

The project parcel is zoned Agriculture 20 within a Rural Working Land Use designation. The parcel abuts the Manastash Creek which is designated as a shoreline of statewide significance and has a shoreline designation of Rural Conservancy. The purpose of the rural conservancy environment is to protect ecological functions, natural resources, and valuable historic and cultural areas in order to provide for sustained resource use, natural flood

plain processes, and recreational opportunities. The proposed project will widen a section of driveway to KCC Title 12 standards and replace an existing bridge for future residential access. After unsuccessfully seeking permission from an adjacent landowner to relocate the access easement outside of the shoreline zone, the applicant had no other option but to seek a shoreline variance to obtain access to their future residence. This bridge replacement and a section of the driveway expansion will take place within the shoreline buffer zone. KCC Title 17B.07.020(C)(iii) requires a shoreline variance for this action.

IV. ADMINISTRATIVE REVIEW

Deem Complete: A shoreline variance application (See Index #2) (SV-19-00001) was submitted by Paul Tappel, agent for Ray and Sharon Thayer, landowner, to Kittitas County Community Development Services department on September 12, 2019. The application was deemed complete (See Index #11) on October 18, 2019. CDS received an affidavit of posting from the applicant in accordance with KCC 15A.03.110 on October 18, 2019 (See Index #12).

Notice of Application: A notice of application (See Index #13) for the Thayer Shoreline Variance (SV-19-00001) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & applicable agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on October 31, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #14).

V. SHORELINE MASTER PROGRAM

The Kittitas County Shoreline Master Program is designated as part of the Comprehensive Plan under RCW 36.70A.480(1). The purpose and intent of the SMP is to “promote the public health, safety and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of shorelines within Kittitas County.” The following Goals and Objectives from the Shoreline Master Program have been identified as applicable to this application:

SMP 3.2(A) Goals:

- (1) Consider the use and development of shorelines and adjacent land areas for public and private land uses in relation to the natural environment.
- (2) Ensure no net loss of ecological function.

Staff Consistency Statement: The proposed project has been reviewed for ecological impacts. The wetlands onsite were delineated to verify boundaries and category. A Riparian Enhancement Plan was submitted by the applicant and reviewed for consistency with KC Title 17B. The project was designed to create minimum ecological disruption while ensuring consistency with Kittitas County access requirements. As conditioned, the proposed project will ensure no net loss of ecological function.

SMP 3.2(B) Objectives:

- (1) Give shoreline use preference to single-family residential uses, ports, shoreline recreational uses, and water-dependent commercial or industrial developments that are consistent with preservation of shoreline ecological processes and functions.
- (4) Locate, design, and manage shoreline uses to prevent a net loss of shoreline ecological functions and process over time. Where adverse impacts are unavoidable, require mitigation to ensure no net loss of shoreline ecological functions.

- (5) Ensure proposed residential developments are compatible with or enhance the aesthetic quality of the shoreline area.

Staff Consistency Statement: The proposed project will allow for access to a future residential use. The existing access road requires an expansion from 12' to 16' to meet KCC Title 12 requirements. This requires encroachment into wetland buffers and the shoreline buffer zone. The encroachment into the 100-foot shoreline buffer zone requires a shoreline variance. The applicant submitted a mitigation plan to offset any impacts to the associated wetlands through riparian planting along Manastash Creek. The applicant has worked with CDS and the Washington State Department of Ecology throughout the project review process to ensure the riparian planting mitigation is sufficient to offset wetland and wetland buffer impacts. DOE reviewed the riparian planting mitigation plan and found it acceptable to offset wetland impacts with the addition of an irrigation plan (See Index #31). The applicant amended the plan to include an irrigation element and submitted it to CDS on February 19, 2020 (See Index #29) The aesthetic quality of the shoreline area will be enhanced by replacement of an existing bridge with a more stable and aesthetically pleasing structure. As conditioned, the proposed project is consistent with the objectives of the Kittitas County Shoreline Master Program.

This application is consistent with the goals and objectives of the Kittitas County Shoreline Master Program as outlined above.

VI. ENVIRONMENTAL REVIEW

Kittitas County CDS issued a Mitigated Determination of Nonsignificance (MDNS) (See Index #26) for this shoreline variance project on February 20, 2020. As of the writing of this staff report, the determination has not been appealed. The appeal period ends on March 5, 2020 at 5pm.

CDS performed a critical area review of the project parcel. A type 9 (unknown) stream and Type 1 stream (Manastash Creek) were discovered on the parcel. The type 9 stream is a West Side Canal irrigation ditch which does not require a setback under Kittitas County Code. During the public comment period the Washington State Department of Ecology provided comments suggesting that wetlands may be present on the property. Following a site visit and subsequent third-party wetland review, three (3) wetlands were discovered and delineated along the project area. Two of these wetlands are situated closely along the access road that requires expansion to become compliant with Kittitas County Code Title 12, Table 4-4B, Driveway Design Standards. These include a category 3 wetland (approximately .03 acres) and a category 4 wetland (approximately .15 acres). After consultation with Kittitas County CDS and the Washington State Department of Ecology, the applicant submitted a riparian planting plan along Manastash Creek to offset wetland buffer impacts that will result from expansion of the access driveway into the buffers of these two wetlands. This plan was prepared to be consistent with the wetland buffer mitigation standards and replacement ratios outlined in Kittitas County Code Title 17B Shorelines. Kittitas County CDS and the Department of Ecology reviewed the plans and found them sufficient to offset wetland buffer impacts.

VII. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. The following agencies provided comment during the comment period: Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Transportation, Kittitas County Public Works, Kittitas County Public Health, Kittitas Reclamation District, Kittitas Valley Fire and Rescue, and the Kittitas County Fire Marshal. All comments are on file and available for public review. The following are a summary of the substantive comments submitted.

- Washington State Department of Ecology submitted a comment letter on November 25, 2019. Ecology

noted concerns regarding sediment pollution and stormwater discharge. In addition, Ecology requested a site visit and wetland delineation to verify any wetlands in the project area. (See Index #21).

- Washington State Department of Fish and Wildlife submitted comment requesting the access driveway improvements be located landward of Manastash Creek. WDFW also expressed concerns about stormwater runoff and suggested improvements to the riparian areas along the creek (See Index #22).
- Kittitas County Public Works submitted comments noting the requirement for a floodplain permit for any access work within the floodplain boundary. KCPW also noted that the applicant must submit for a private bridge permit through their office and allow for final inspections (see index #17).
- Kittitas Valley Fire and Rescue provided comments noting the requirement of the bridge and access to meet Kittitas County weight and width standards (See Index #19).
- The Kittitas County Fire Marshal provided comments noting bridge requirements provided during the pre-application meeting (See Index #15).
- No public comments were submitted during the comment period.

VIII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the Shoreline Master Program, which is consistent with the Kittitas County Comprehensive Plan, applicable county code, public and agency comments, and any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the Shoreline Master Program:

The proposal is consistent with the goals and policies of the Kittitas County Shoreline Master Program. As referenced above in Section V of this staff report, the following Goals and Objectives apply to this proposal: SMP 3.2(A)(1), SMP 3.2(A)(2), SMP 3.2(B)(1), SMP 3.2(B)(4), and SMP 3.2(B)(5).

Provided the applicant follows and maintains the Goals and Objectives noted in Section V of this staff report, they shall be in compliance with the Kittitas County Shoreline Master Program. The applicant is proposing a bridge replacement slightly larger than the original and expansion of the existing access driveway to meet KC Title 12 requirements within the Rural Conservancy zone. The current use of the access driveway is agriculture. The bridge replacement and access expansion are being proposed to service a new residential use. This change of use along with the addition of proposing non-residential structures within the shoreline buffer each require a shoreline variance under the Shoreline Master Program. This shoreline variance proposal, as conditioned, is consistent with the goals and policies noted in Section V of this staff report. Therefore, the project is in compliance with the Kittitas County Shoreline Master Program.

Consistency with the provisions of KCC 17B.07.060(4), Review Criteria:

KCC 17B.07.060 (4) provides the following review criteria to be considered in a shoreline variance analysis:

- General provisions. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Variances from the use regulations of the Master Program are prohibited.*

Applicant Response: Yes, proposed use is consistent with the policies of RCW 90.58.020 and the Master Program.

Staff Response: Staff have reviewed the proposal for consistency with the RCW 90.58.020 and the Kittitas County Shoreline Master Program (SMP). The applicant has demonstrated that extraordinary circumstances exist and that they have made reasonable attempts to avoid a shoreline variance (see staff response for item “b.” below). The proposal will not be detrimental to the public interest. The proposal is consistent with RCW 90.58.020 by mitigating ecological impacts to the shoreline through riparian plantings and preserving the natural character of the shoreline. The riparian plantings will result in a long term benefit to the shoreline. As conditioned, the proposal is consistent with the Kittitas County Shoreline Master Program and RCW 90.58.020.

- b. *Review criteria for all variances. Variance permits for uses and/or development that will be located landward of the OHWM and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:*
- i. *That the strict application of the bulk, dimensional or performance standards set forth in the applicable Master Program precludes, or significantly interferes with, reasonable use of the property;*

Applicant Response: “This Shoreline Variance application is for widening the existing access road (1/4-mile long) from about 12’ wide to 16’ wide to meet county requirements for residential access (i.e. Emergency Vehicle Access), and to replace an old wood bridge of West Side Canal with a new weathering steel bridge to meet county code requirements (e.g. HL-93 live load). Parcel No. 951877 only has one access route to the county road system, thru a long-term easement recorded across an adjacent private parcel. The existing wood bridge (to be replaced) and 800’ length of the existing road are within 115’ of OHWM for Manastash Creek, see Drawing 2. Thayer has investigated, and Agent has surveyed and designed, a possible alternate access road further landward from Manastash Creek and outside the 115’ setback recommended for shoreline considerations. The private owner on the adjacent parcel has rejected this alternative access road (and a different easement alignment) because he has other plans in-place for the subject land area.”

Staff Response: The existing access easement and bridge have historically serviced an agricultural use. Converting the use to residential requires adherence to current residential access standards. Options to relocate the existing easement would require permission from an adjacent landowner. The adjacent landowner would not consent to a relocation of the easement. Current SMP standards do not allow expansion of the easement or bridge within the shoreline buffer zone without a shoreline variance. The existing bridge and approximately 800 feet of the access easement fall within the shoreline buffer zone, leaving the applicant no option under the current SMP standards to establish legal access to their future residence without a shoreline variance. As such, CDS finds the application consistent with KCC 17B.07.060(4)(b)(i).

- ii. *That the hardship is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions;*

Applicant Response: “The existing parcel access (see Drawing 2) was established before the Shoreline Management Act (1971), and this road is considered the only viable route for access to this parcel, which is otherwise isolated from the county road system.”

Staff Response: As stated by the applicant’s agent, the existing access easement and bridge were established prior to enactment of the Washington State Shoreline Management Act and the statutory restrictions under the Kittitas County SMP. Due to the inability to relocate the easement, the proposed

project is the result of unique conditions specific to the project parcel. CDS finds the application consistent with KCC 17B.07.060(4)(b)(ii).

- iii. *That the 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 SMP and will not cause adverse impacts to the shoreline environment;*

Applicant Response: “The subject parcel is surrounded by private parcels which are a similar mix of residential and agricultural uses. These uses are authorized by zoning (AG 20) and the comprehensive plan.”

Staff Response: As conditioned, shoreline wetland impacts associated with the proposed project will be mitigated through a riparian planting plan along Manastash Creek. The proposal does not include any notable grade changes to the existing access easement and is not anticipated to impact current stormwater patterns or flows. The access easement will be expanded from the existing 12’ to 16’ with compacted gravel and the replacement bridge will be approximately one foot (1’) wider than the existing bridge. CDS does not anticipate these minor expansions to adversely impact the shoreline environment beyond minor wetland buffer encroachments. As conditioned, these minor wetland buffer encroachments would be adequately mitigated through riparian plantings along Manastash Creek consistent with wetland replacement ratios established in KCC 17B.05.0201-1.

- iv. *That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;*

Applicant Response: “Multiple developments (houses, yards, barns, roads, county bridges, etc.) exist within shoreline areas in Kittitas County, that were constructed before the Shoreline Management Act was enacted. Other properties with similar pre-existing infrastructure or buildings within shoreline areas have not been required to abandon and/or remove these pre-existing (before 1971) developments.”

Staff Response: The applicant is seeking the minimum development required to provide safe, legal access to their future residence. Approval of this variance will allow the applicants to utilize their property for residential purposes, similar to many property owners in the area. Approval of this shoreline variance would not constitute a special privilege not enjoyed by other property owners in the area.

- v. *That the variance requested is the minimum necessary to afford relief;*

Applicant Response: “The existing road and bridge are the only viable access route for Parcel No. 951877, as explained above.”

Staff Response: The proposed changes to the access road and bridge are required to meet legal access standards as outlined in KCC Title 12 and fire life safety standards. The proposal involves the minimum necessary development to ensure compliance with Kittitas County standards.

- vi. *That the public interest will suffer no substantial detrimental effect; and*

Applicant Response: “Variance approval would allow a road and bridge that have been established for multiple decades, to be maintained long-term for access to private Parcel No. 951877.”

Staff Response: Minimal impacts to wetlands will be mitigated through a riparian planting plan submitted by the applicant. The riparian plantings will benefit the shoreline of Manastash Creek through erosion control and habitat enhancement. This will have a positive impact to the creek and no detrimental impacts on the public.

- vii. *That the cumulative impact of additional requests for variances in the area where similar circumstances exist would not produce substantial adverse effects to the shoreline environment.*

Applicant Response: “Allowance of structures, transportation infrastructure, and other near-shore developments that existed prior to passage of the Shoreline Management Act seems like a practical necessity. It is presumed (for example) that the county would be allowed to replace the existing bridge over Manastash Creek along Barnes Road, even though this existing bridge is within shoreline management area.”

Staff Response: CDS believes the impacts associated with this development will have a net positive impact on the shoreline environment due to the riparian enhancement plan. If similar developments were approved in the area it would not produce substantial adverse effects.

- c. *Additional review criteria for variances waterward of the OHWM. In addition to the criteria established under KCC 17B.07.060(4)(b) above, applicants for variance permits for uses and/or development that will be located waterward of the OHWM must also demonstrate:*

i. *That the strict application of the bulk, dimensional or performance standards set forth in the applicable Master Program precludes all reasonable use of the property; and*

ii. *That the public rights of navigation and use of the shorelines will not be adversely affected.*

Applicant Response: “No development is proposed waterward of OHW, see Drawings.”

Staff Response: The project proposal does not include any work waterward of the OHWM.

Staff Conclusions:

This proposal, as conditioned, is consistent with Kittitas County Code 17B.07.060(4), as described above.

Consistency with the provisions of the KCC Title 17A, Critical Areas:

CDS performed a critical area review of the project parcel. A type 9 (unknown) stream and Type 1 stream (Manastash Creek) were discovered on the parcel. The type 9 stream is a West Side Canal irrigation ditch which carries no Kittitas County setback requirement. Manastash Creek is a Type 1 stream and shoreline of statewide significance. As such, this stream along with associated wetlands are managed under the criteria outlined in Title 17B Shorelines.

Consistency with the provisions of the KCC Title 17B.05.020G-Wetland Buffers, and 17B05.020I-1- Wetland Mitigation Ratios:

During the public comment period the Washington State Department of Ecology provided comments suggesting that wetlands may be present on the property. Following a site visit and subsequent third-party wetland review, three (3) wetlands were discovered and delineated along the project area. Two of these wetlands are situated closely along the access road that requires expansion to become compliant with Kittitas County Code Title 12, Table 4-4B, Driveway Design Standards. These include a category 3 wetland (approximately .03 acres) and a category 4 wetland (approximately .15 acres). After consultation with Kittitas County CDS and the Washington State Department of Ecology, the applicant submitted a riparian planting plan along Manastash Creek to offset wetland buffer impacts that will result from expansion of the access driveway into the buffers of these two wetlands. This plan was prepared to be consistent with the wetland buffer mitigation standards and replacement

ratios outlined in Kittitas County Code Title 17B Shorelines. Kittitas County CDS and the Department of Ecology reviewed the plans and found them sufficient to offset wetland buffer impacts.

Consistency with the provisions of the KCC Title 14.04, Building Code:

The proposal is consistent with the provisions of Title 14.04. No building permits will be required for this project.

Consistency with the provisions of KCC Title 12, Roads and Bridges:

As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

As conditioned, the proposal is consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Transportation, Kittitas County Public Works, Kittitas County Public Health, Kittitas Reclamation District, Kittitas Valley Fire and Rescue, and the Kittitas County Fire Marshal.

Public Comments: No public comments were received during the comment period.

IX. Findings of Fact

1. The applicant is proposing to remove an existing bridge across an irrigation canal and construct a new bridge to serve as the primary access for their proposed residence. The proposed structure is approximately 480 square feet in size. Construction of the bridge will include updating/expanding the existing access to the property and constructing additional driveway from the new bridge to the proposed home. This work is proposed within the Rural Conservancy Shoreline of the State of Manastash Creek.

2. Site Information

Total Property Size:	14.94 Acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Fire District 2 (KVFR)
Irrigation District:	KRD

3. Site Characteristics:

North: Primarily agriculture and residential uses
South: Primarily agriculture and residential uses
East: Primarily agriculture and residential uses
West: Primarily agriculture and residential uses

4. Access: The site is accessed from Barnes Road, approximately 1.5 miles west of the City of Ellensburg.
5. The SMP shoreline designation of the site is Rural Conservancy.
6. The project is within the Agriculture 20 zoning designation.

7. A shoreline variance application (See Index #2) (SV-19-00001) was submitted by Paul Tappel, agent for Ray and Sharon Thayer, landowner, to Kittitas County Community Development Services department on September 12, 2019. The application was deemed complete (See Index #11) on October 18, 2019. CDS received an affidavit of posting from the applicant in accordance with KCC 15A.03.110 on October 18, 2019 (See Index #12).

8. A notice of application (See Index #13) for the Thayer Shoreline Variance (SV-19-00001) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & applicable agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on October 31, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #14).

9. Kittitas County CDS issued a Mitigated Determination of Nonsignificance (MDNS) (See Index #26) for this Shoreline Variance project on February 20, 2020. As of the writing of this staff report, the determination has not been appealed. The appeal deadline is March 5, 2020 at 5pm.

10. The proposal is consistent with the goals and policies of the Kittitas County Shoreline Management Program and by extension the Kittitas Comprehensive Plan. As referenced above in Section V of this staff report, the following Shoreline Master Program Goals and Objectives apply to this proposal: SMP 3.2(A)(1), SMP 3.2(A)(2), SMP 3.2(B)(1), and SMP 3.2(B)(4).

11. The following agencies provided comments during the comment period: Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Transportation, Kittitas County Public Works, Kittitas County Public Health, Kittitas Reclamation District, Kittitas Valley Fire and Rescue, and the Kittitas County Fire Marshal

12. No public comments were received during the comment period.

13. The proposal is consistent with the goals and policies of the Kittitas County Shoreline Master Program.

14. The proposal is consistent with Kittitas County Review Criteria 17B.07.060(4), as described in section VIII "Project Analysis" of this determination.

15. This proposal is consistent with the provisions of KCC Title 17B, Shorelines.

16. This proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.

17. This proposal is consistent with the provisions of KCC Title 14, Buildings and Construction.

18. This proposal, as conditioned, is consistent with the provisions of KCC 17A, Critical Areas as described in Section VIII "Project Analysis" of this staff report.

19. This proposal is consistent with KCC 20, Fire Life and Safety.

X. Conclusions:

1. As conditioned, the development meets the goals, objectives and implementation recommendations as set forth in the Kittitas County Shoreline Master Program.

2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 17B Shorelines, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

XI. Recommendation and Recommended Conditions of Approval:

Kittitas County recommends *preliminary approval* of the Thayer Shoreline Variance SV-19-00001 based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated September 12, 2019 and subsequent information included in the complete file index except as amended by the conditions herein.
2. Applicant must meet all applicable local, state and federal permitting requirements and regulations.
3. The applicant shall obtain a private bridge permit from Kittitas County Public Works.
4. The applicant shall work with Kittitas County Public Works to obtain any necessary floodplain development permits.
5. The applicant shall adhere to riparian enhancement plan including the addition of the irrigation plan submitted to CDS on February 19, 2020.
6. Future residential development shall require a shoreline exemption, if proposed within 115 feet and 200 feet of the OHWM of Manastash Creek.

MDNS Condition

7. Encroachment into wetlands and wetland buffers shall be mitigated in accordance with the Riparian Enhancement Plan submitted to CDS by GG Environmental on February 11, 2020, including all annual monitoring reports to be submitted to CDS for a period of three (3) years.

