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June 18, 2015

DEPT OF ECOLOGY Received JUL 17 2015 CENTRAL REGION OFFICE

Lennard Jordan
Department of Ecology
Central Regional Office
1250 West Alder St
Union Gap, WA 98903-0009

RE: Douglas County Shoreline Master Program – Limited Amendments – Local Government Response

Dear Mr. Jordan,

Please find enclosed the completed Attachment B – Summary of Public Comments with the Douglas County response to each identified issue.

Douglas County looks forward to working with you on the conclusion of the adoption process for the amendments to the Douglas County Regional Shoreline Master Program. If you should have any questions on the submittal packet, please do not hesitate to give me a call at (509) 884-7173.

Sincerely,

Stephen Neuenschwander
Principal Planner

Attachment B - Summary of Public Comments: Douglas County Locally Adopted SMP

Ecology Public Comment Period, March 30 – April 30, 2015

Douglas County has submitted to the Washington State Department of Ecology for approval three locally adopted amendments to their Shoreline Master Program (SMP). As part of Ecology's review and approval process, a public comment period was held from March 30 – April 30, 2015. Approximately 50 comments were received. Below is a summary of the issues raised during the comment period. Ecology is requesting that Douglas County review the issues raised by the public, interested parties, groups, agencies, and tribes and provide a written response as to how their proposal addresses the identified issues consistent with RCW 90.58.020 and the applicable guidelines.

Issue Number	Issues Summary	Local Government Response and Rationale
1	Multiple comments received that simply expressed support approval of all proposed SMP amendments.	Douglas County appreciates the time and effort by so many residents, property owners, and other interested individuals to participate in and comment on the proposed amendments.
2	Note that the proposed amendments have been unanimously approved by: The Shoreline Committee chaired by Commissioner Ken Stanton; Douglas County Planning Commissioners; Chelan County Commissioners; Okanogan County Commissioners; Senator Linda Evans Parlette; Representative Brad Hawkins; Representative Carl Condotta and several other legislators	Douglas County is unaware of any official adoption, ratification, or concurrence by any elected official, legislative body, or volunteer group other than the Douglas County Board of Commissioners, the Douglas County Planning Commission and the shoreline advisory committee.
3	Proposed amendments provide environmental protection while ensuring that property owners' rights are protected as well. Without the proposed amendments, portions of a legally constructed home would be deemed non-conforming. This is unfair and unjust to retroactively change the requirements associated with existing, and legally approved, structures and home sites.	The central purpose of the amendments to Section 5.12 Residential is to include the legislative fix, approved by the Legislature as SSB 5451 and incorporated in the Shoreline Management Act in Section 90.58.602 RCW, to consider residential structures and their appurtenant structures that were legally established but that no longer meet the standards of the Shoreline Master Program as legally conforming.
4	Changing buffers after a subdivision or short plat has been approved severely can impact the buildability of a lot. Landowners need certainty when subdividing and developing property, and purchasers need certainty when considering purchasing a lot within a subdivision.	The Revised Code of Washington in Section 58.17.170 establishes the vesting timeframes associated with plats. These timeframes have been revised several times over the last couple of years except for subdivisions located within the jurisdiction of the Shoreline Management Act (RCW 90.58). The purpose of the amendments to Section 5.13 intended to

		provide further certainty to the vesting of short plats and plats within the shoreline jurisdiction.
5	The 150-foot buffer will reduce property value.	The comments submitted did not provide any documentation of the impact to property values directly related to the width of a wetland or fish and wildlife habitat conservation buffer.
6	Without the proposed amendments, existing properties will become non-conforming. This will reduce property values and ability to sell property in future.	The central purpose of the amendments to Section 5.12 Residential is to include the legislative fix, approved by the Legislature as SSB 5451 and incorporated in the Shoreline Management Act in Section 90.58.602 RCW, to consider residential structures and their appurtenant structures that were legally established but that no longer meet the standards of the Shoreline Master Program as legally conforming. The comments submitted did not provide any documentation of the impact to property values directly related to the width of a wetland or fish and wildlife habitat conservation buffer nor the future ability to sell property.
7	Platted properties have already been cleared for future development. Maintaining existing buffers will not harm the environment.	No new environmental analysis was completed with the current amendments. The amendments rely on previously completed environmental documents approved prior to the adoption of the shoreline master program in 2009. Documents used to evaluate the subdivisions of land at the time of approval included wetland boundary surveys, wetland delineations, and fish and wildlife habitat surveys.
8	Proposal is based on language that was taken from other SMPs that have been approved by Ecology.	The proposed amendments are based on text from other shoreline master programs, as modified by the shoreline advisory committee.
9	Without the proposed amendments, lots will be unbuildable because of increased buffers.	The current shoreline master program includes several administrative tools such as setback reductions, buffer reductions, commonline setback provisions, and buffer width averaging to assist in siting development on the shoreline. The shoreline master program also includes procedures for variances in order to grant relief from specific bulk and dimensional requirements of the shoreline master program. Variances to the shoreline master program are approved by the County Hearing Examiner and the Department of Ecology.

10	Structures and uses that do not conform to current standards should be deemed "legally nonconforming" rather than "conforming."	The central purpose of the amendments to Section 5.12 Residential is to include the legislative fix, approved by the Legislature as SSB 5451 and incorporated in the Shoreline Management Act in Section 90.58.602, to consider residential structures and their appurtenant structures that were legally established but that no longer meet the standards of the Shoreline Master Program to be legally conforming.
11	Nonconforming uses should not be grandfathered after being abandoned.	The amendments in Section 5.12 regulation 9 do not address the issue of abandonment or discontinuance. In this instance the minimum standards in WAC 173-27-080 nonconforming use and development standards remain applicable per the proposed amendment to Section 1.11.
12	Nonconforming development should not automatically be grandfathered if they are destroyed	The amendments in Section 5.12 regulation 9 do not automatically "grandfather" development if destroyed. The minimum standards in WAC 173-27-080 nonconforming use and development standards remain applicable per the proposed amendment to Section 1.11.
13	Best available science does not support the reduction of stream buffers from 100 feet to 50 feet within short plats and subdivisions.	The amendments rely on previously completed environmental documents approved prior to the adoption of the shoreline master program in 2009. Documents used to evaluate subdivisions of land at the time of approval included wetland boundary surveys, wetland delineations, and fish and wildlife habitat surveys.
14	The Washington State Department of Archaeology and Historic Preservation had multiple suggested changes to language related to archaeological issues.	The WSDAHP provided general comments on recommended revisions to the shoreline master program as a whole and not specifically to the limited amendments currently under review.