

**BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON**

Ordinance-TLS 14-04-08

Adoption of amendments to Section 5.13 Shoreline)
bulk and dimensional standards of the Douglas) **LAND SERVICES**
County Regional Shoreline Master Program)

WHEREAS, Douglas County has adopted a Regional Shoreline Master Program as required under the Washington State Shoreline Management Act of 1971, Chapter 90.58 RCW; and

WHEREAS, on February 12, 2014 the Planning Commissions of Douglas County, City of East Wenatchee and City of Bridgeport held a joint public hearing to address six proposed limited amendments to the Regional Shoreline Master Program; and

WHEREAS, the Douglas County Planning Commission transmitted a recommendation of denial to this Board regarding the adoption of the amendment to Section 5.13 Shoreline bulk and dimensional standards; and

WHEREAS, on March 18, 2014 this Board held a public meeting to consider the Planning Commission recommendation for denial of the amendment; and

WHEREAS, this Board rejected the Planning Commission recommendation for denial and set a hearing to allow for further analysis and public participation; and

WHEREAS, notice of all public hearings and public meetings on this matter have been published according to law; and

NOW, THEREFORE, the Board of County Commissioners hereby adopts the Findings of Fact and Conclusions as set forth in Exhibit A and incorporate them in this ordinance by this reference as though fully set forth herein.

BE IT FURTHER, hereby resolved and ordained that the Board of Commissioners adopt the amendment to Section 5.13 Shoreline bulk and dimensional standards of the Douglas County Regional Shoreline Master Program, attached as Exhibit B, effective concurrent with the adoption of the amendment by the Washington State Department of Ecology.

Dated this 22nd day of April 2014 in Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON



Dale Snyder
Dale Snyder, Chair

Ken Stanton
Ken Stanton, Vice Chair

Steven D. Jenkins
Steven D. Jenkins, Member

ATTEST:

Dayna Prewitt
Dayna Prewitt, Clerk of the Board

EXHIBIT A

Findings of Fact:

1. The Washington State Legislature passed the Washington State Shoreline Management Act (RCW 90.58 [SMA]) in June 1971 and it was passed by public initiative in 1972. Under the SMA, each county and city is required to adopt and administer a local shoreline master program to carry out the provisions of the Act.
2. The Shoreline Master Program Guidelines (WAC 173-26) are the standards and guidance that have been adopted by the Department of Ecology which local governments must follow in drafting their local shoreline management programs.
3. Douglas County and the cities of Bridgeport, East Wenatchee, and Rock Island initiated a joint 60-day review on September 26, 2013 as required by WAC 173-26-100 and RCW 36.70A.106.
4. The comment period concluded on November 26, 2012.
5. On September 26, 2013, Douglas County submitted environmental documentation to the Washington State Department of Ecology SEPA Register and issued threshold determinations.
6. Douglas County issued a Determination of Non-significance for the proposed amendments on September 26, 2012, pursuant to WAC 197-11.
7. Workshops were held on November 13, 2013 with the Douglas County Planning Commission, on January 7, 2014 with the City of East Wenatchee Planning Commission, on January 9, 2014 with the City of Rock Island City Council, and on January 15, 2014 with the City of Bridgeport City Council and Planning Commission.
8. The Notice of Public hearing was published on January 30, 2014 in the Wenatchee World and Empire Press.
9. The Planning Commissions of Douglas County and the Cities of Bridgeport, East Wenatchee conducted a joint public hearing on February 12, 2014. The Planning Commissions entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
10. The participating jurisdictions of the Douglas County Regional Shoreline Master Program are not currently conducting a comprehensive update to the Regional Shoreline Master Program.
11. The proposed amendment will not foster uncoordinated and piecemeal development of the state's shorelines.
12. The amendment is consistent with all applicable policies and standards of the Shoreline Management Act.
13. The Regional Shoreline Master Program includes the common line buffer/setback averaging tool. The tool has not been used since the adoption of the program in 2009.
14. Similar amendments have been adopted by jurisdictions in both Eastern and Western Washington.

15. The draft amendments achieve the standard of "no net loss of ecological functions" with the submittal and implementation of a fish and wildlife management and mitigation plan by a qualified biologist.
16. Written public testimony was received in favor of the amendments.
17. The limited amendment to Section 5.13 is consistent with WAC 173-26-201(1)(c)(D) in order to improve consistency with the Acts goals and implementing rules.

Conclusions:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The procedural requirements of WAC 173-26-100 have been complied with.
4. The proposed amendments are consistent with the Douglas County Regional Policy Plan, the Shoreline Master Program, and the Douglas County Countywide Comprehensive Plan, the City of Bridgeport Comprehensive Plan, and the Greater East Wenatchee Area Comprehensive Plan.
5. The proposed amendment is consistent with the requirements of Revised Code of Washington and the Washington Administrative Code.

EXHIBIT B

7. Common line buffer/setback:

A common line wetland or riparian buffer/setback may be utilized for the construction of a single-family residence on an undeveloped lot to accommodate shoreline views that are similar, yet not necessarily equal, to those from adjoining properties. Common line setbacks may be allowed on lots that are adjacent to lots that have a single family residence on one or both adjoining shoreline lots within an urban growth area, a Rural Service Center, the Rural Conservancy shoreline environment or the Shoreline Residential shoreline environment.

~~A common line wetland or riparian buffer/setback may be utilized for the development of a single family dwelling on an undeveloped lot, where the lot is a legal lot of record in place at the time of adoption of this Program and is located adjacent to existing residential dwelling units on both adjacent shoreline lots. The common line buffer/setback shall be determined by: averaging the buffers/setback, as measured landward from the delineated wetland or riparian boundary, for each of the adjacent residential dwelling units on the shoreline.~~

~~a. Common line buffers/setbacks shall apply when:~~

- ~~(1) The width of the undeveloped lot is less than 150 feet;~~
- ~~(2) The lot is located within an Urban Growth Area, Planned Development, Rural Service Center or Rural Recreation zoning districts, or is a cluster lot.~~

~~a. The common line buffer/setback shall be determined by: averaging the buffers/setback, as measured landward from the delineated wetland or riparian boundary, for each of the adjacent residential dwelling units on the shoreline.~~

- ~~i. Existing residential dwelling units on both sides: Where there are existing residences on both sides of the proposed residence, the setback shall be calculated the average of adjacent residences' existing setback from the OHWM.~~
- ~~ii. Existing residential dwelling unit on one side: Where there is an existing residence within 150 feet of one side the proposed residence, the setback shall be determined as a common line calculated by the adjacent residences' buffer/setback, as measured landward from the OHWM and the default buffer for the adjacent vacant lot.~~

~~b. Common line buffers/setbacks shall not apply when:~~

- ~~(1) The elevation of adjacent structures on adjacent lots are 15' higher or lower from the natural grade on the vacant center lot.~~
- ~~(2) One of the adjacent lots is undeveloped.~~
- ~~(3) Either of the adjacent lots has been developed since the date of adoption of this Program.~~

~~(4) Greater than 250 cubic yards of grade or fill needs to occur in order to accommodate utilizing the common line buffer/setback.~~

A management and mitigation plan prepared by a qualified professional biologist shall be submitted and approved which demonstrates no net loss of ecological functions for the site in conformance with the applicable appendices of the jurisdiction in Appendix H.