

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

Ordinance-TLS 14-03-08

Adoption of amendments to Section 5.10)
of the Douglas County Regional Shoreline)
Master Program) **LAND SERVICES**

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 DC Planning Commission transmitted a recommendation of denial to this Board regarding the adoption of the amendment to Section 5.10 Moorage; 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, the Board rejected the Planning Commission recommendation for denial and scheduled a public 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 into 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 amendments to Section 5.10 of the Douglas County Regional Shoreline Master Program, attached as Exhibit B, effective concurrent with the adoption of the amendments 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, Chair


Ken Stantop, Vice Chair


Steven D. Jenkins, Member

ATTEST:

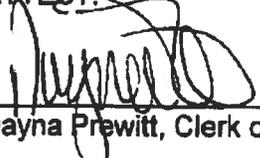

Dayna Prewitt, Clerk of the Board

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 and 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. Various state and federal agencies have regulations and permit conditions relevant to the construction of piers and docks.
14. State and federal agencies have expertise in the biological impact of docks, piers and similar structures.
15. No net loss of ecological functions is achieved through the submittal and implementation of a management and mitigation plan prepared by a qualified biologist.

16. The limited amendment to Section 5.10 is consistent with WAC 173-26-201(1)(c)(A) in order to comply with state and federal laws 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

5.10 Moorage: docks, piers, watercraft lifts, mooring buoys, floats Regulations:

~~9. In order to minimize impacts on near shore areas and avoid reduction in ambient light level Pier, ramp, and float constructions shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers to minimize impacts on near shore areas and avoid reduction in ambient light level.:~~

~~a. Pier and ramp construction must meet the following standards:~~

- ~~1) The width of piers and ramps shall not exceed 4 feet for single or joint use docks. Greater widths may be permitted for community, public or commercial docks where use patterns can justify the increase;~~
- ~~2) The bottom of the pier or bottom of the landward edge of a ramp, must be elevated at least two (2) feet above the plane of OHWM;~~
- ~~3) Pier and/or ramp surfaces are to consist of either grating or clear translucent material; and~~
- ~~4) Pier and ramp construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.~~

~~b. Float construction must meet the following standards:~~

- ~~1) Any float materials that are in contact with the water must be white or translucent;~~
- ~~2) Flotation materials must be permanently encased to prevent breakup and release of small flotation pieces;~~
- ~~3) Decking or surface area of the float must consist of either grating or clear translucent material;~~
- ~~4) Floats cannot be located where they could impede fish passage; and~~
- ~~5) Float construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.~~