

Public Comment Summary: City of Sumas Shoreline Master Program Comprehensive Update

The following written comments were received during the Ecology Comment Period (November 10 – December 15, 2014)

ITEM	SMP Section	Commenter	Comment / Concern	Local Government Response / Rationale	Ecology Response / Rationale
01	2.7 Historical/Cultural Resources Goals & Policies	Department of Archaeology & Historic Preservation	<p>Recommends adding the term “structures” to the following introductory paragraph:</p> <p>“An element related to the protection and restoration of buildings, <u>structures</u>, sites and areas having archaeological, historic, cultural, scientific or educational values within the shorelines of the City of Sumas.”</p>		
02	2.7 Historical/Cultural Resources Goals & Policies	Department of Archaeology & Historic Preservation	<p>The following policy statement should be added:</p> <p>“Protection and rehabilitation of significant archaeological, historic, and cultural sites is encouraged and when and where appropriate, should be required.”</p>		
03	Policy 2.7A – Historical/Cultural Resources Goals & Policies	Department of Archaeology & Historic Preservation	<p>Recommends the following changes:</p> <p>“Policy 2.7A: Developments <u>that are proposed within shoreline areas should be encouraged and, where appropriate, are</u> required to avoid or minimize impacts to sites having archaeological, historic, cultural, educational or scientific value or significance. <u>Developments with unavoidable impacts on these resources shall be mitigated in consultation with affected Tribes and other interested parties.</u>”</p>		
04	6.1 – Archaeological Areas & Historic Sites	Department of Archaeology & Historic Preservation	<p>Recommends deleting “whenever possible from the following introductory paragraph:</p> <p>“Native American and pioneer villages, military forts, old settlers homes, and trails were often located on shorelines because of the proximity of food resources and because water provided a practical means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational and cultural links they provide to our past, these locations should be preserved whenever possible.”</p>		
05	Policy 6.1B – Archaeological & Historic Sites	Department of Archaeology & Historic Preservation	<p>Recommends the following changes:</p> <p>“Policy 6.1B: In areas <u>known to have/potential to have documented to contain</u> archaeological or cultural resources, developers should be <u>are</u> required to have the <u>site project area inspected surveyed</u> by a professional archaeologist in consultation</p>		

			with affected Indian tribes prior to permit issuance.”		
06	Policy 6.1C – Archaeological & Historic Sites	Department of Archaeology & Historic Preservation	<p>Recommends deleting “should be” and capitalization of agency name:</p> <p>“Policy 6.1C: Developers should be <u>are</u> required to stop work immediately and notify City officials, affected Indian tribes and the sState dDepartment of aArchaeology and hHistoric pPreservation if sites containing archaeological or cultural resources are uncovered during excavation.”</p>		
07	Policy 6.1.D – Archaeological & Historic Sites	Department of Archaeology & Historic Preservation	<p>Recommends deleting “should be” as follows:</p> <p>“Policy 6.1D: Developers should be <u>are</u> required to obtain all legal permits regarding archaeological areas and historic sites.”</p>		
08	Policy 6.1E – Archaeological & Historic Sites	Department of Archaeology & Historic Preservation	<p>Add RCW 68.50 and RCW 68.60 to the list of required laws and rules:</p> <p>“Policy 6.1E: In accordance with state law, all activities and development within shoreline jurisdiction shall comply with the applicable requirements of RCW 27.44, RCW 27.53, <u>RCW 68.50, RCW 68.60</u> and WAC 25-48-060.”</p>		
09	15.04.460.A – Archaeological & Historic Sites General Requirements	Department of Archaeology & Historic Preservation	<p>Recommends the following language be added:</p> <p>“The National Historic Preservation Act of 1966 and Chapter 27.53 RCW provide for the protection, rehabilitation, restoration and reconstruction of areas and structures in American and Washington State history. The <u>policies and implementing</u> regulations in these acts shall be followed.”</p>		
10	General – Data Sharing	Department of Archaeology & Historic Preservation	Recommends that the City of Sumas enter into a data sharing agreement so that identification and protection of known cultural resources can be improved.		
11	General – DAHP Model Language	Department of Archaeology & Historic Preservation	The archaeological and historic sites language in the Sumas SMP is too broad. It is recommended that the City adopt DAHP’s model SMP language to provide more specificity and guidance when dealing with these resources.		
12	5.0 – Shoreline Jurisdiction and Environment Designations	Dannon Traxler on behalf of Margo Dornan	<p>Inconsistencies exist between the shoreline environment designations and the applicable policies and regulations. Concerned that such inconsistencies could be used to severely and illegally limit the development on Ms. Dornan’s property.</p> <p>Ms. Dornan’s property is designated Urban Conservancy. The property is zoned for commercial use and is located in an area surrounded by existing commercial and industrial developments.</p>		

			<p>The policies of the Urban Conservancy environment designation are not consistent with commercial use even though such uses are outright permitted in these areas according to the SMP. There is concern that the policies could be used to override the use regulations at the time of permit review.</p> <p>These inconsistencies should be corrected on the Dornan property by creating a new Urban Environment designation. WAC 173-26-211(4)(c) allows local governments to establish different designations systems. Such an alternative system is a sensible choice for Sumas, since there are large areas of the City within shoreline jurisdiction that flank the downtown core.</p>		
13	Policy 5.7.3C – Urban Conservancy Environment Designation	Dannon Traxler on behalf of Margo Dornan	Concerned about the emphasis on public access across private property. Suggests adding language stating that any required public access must comply with established constitutional and legal limitations on the regulation of private property.		
14	5.0 – Shoreline Jurisdiction and Environment Designations	Dannon Traxler on behalf of Margo Dornan	None of the shoreline environment designations within the SMP are consistent with commercial and industrial uses.		
15	5.7 – Urban Conservancy Environment Designation	Dannon Traxler on behalf of Margo Dornan	The language in WAC 173-26-241(3)(d) relating to commercial development is not necessarily consistent with the language in WAC 173-26-211(5)(e) relating to Urban Conservancy designations. The current policy language in the SMP should be softened to ensure that non-water-oriented commercial and industrial development is supported without a public access requirement in areas that are not conducive to water-oriented development.		
16	5.7 – Urban Conservancy Environment Designation	Dannon Traxler on behalf of Margo Dornan	Policy language should be clarified to ensure that areas outside of shoreline buffers are not subject to the same level of protection and restoration so that development can locate more freely and the code language cannot be misconstrued to unreasonably limit development.		
17	15.04.478 – Fish and wildlife habitat conservation area standard buffers	Dannon Traxler on behalf of Margo Dornan	The stream and non-stream buffer and setback requirements are unreasonable and must be reduced. Ms. Dornan’s property is subject to a 100-foot buffer plus a 10-foot building setback. This is an onerous requirement, which is not based in any sort of scientific rationale. It takes a large portion of Ms. Dornan’s property and renders it undevelopable in violation of state and constitutional		

			laws.		
18	15-04.478.C.2 – Non-Stream Habitat Performance Requirements	Dannon Traxler on behalf of Margo Dornan	Concerned about the non-stream habitat buffers which allow the Administrator extraordinary discretion to determine buffer widths without a clear method for such application. This approach leaves property owners unaware of requirements that may be imposed on their land and is unacceptable. Codes should be written in a manner such that a person with reasonable intelligence doesn't have to guess at its meaning.		