Amendment 1:
Revisions to Section 5.10 Moorage

Purpose:
The purpose of this amendment is to avoid potentially conflicting federal or state standards/regulations with the Douglas County Regional SMP. Conflict could occur should state or federal moorage standards change and be contrary to section 5.10. The amendment would require piers, ramps, and floats to be consistent with state and federal standards without including local requirements. In general, the SMP does not include specific standards for moorage facilities as their design and dimensions are already regulated by several state or federal agencies.

Limited Administrative Criteria (WAC 173-26-201):
This limited amendment is allowable under subsection (1)(c)(A) in order to comply with state and federal laws and implementing rules.

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, piers, 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 floatation 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.
Amendment 2:
Revisions to Section 5.12 Residential

Purpose:
The State Legislature approved SSB 5451 that allows new or amended SMPs approved by Ecology after September 1, 2011 to include provisions that allow:

(a) Legally established residential structures and appurtenant structures that are used for a conforming use to be considered a conforming structure even though they do not meet SMP standards for setbacks, buffers, yards, area, bulk, height or density;
(b) Redevelopment, expansion, change with the class of occupancy or replacement of the residential structure if consistent with the SMP, including the provisions for no net loss of shoreline ecological functions.

The bill defines appurtenant structures as garages, sheds and other legally established structures, but does not include bulkheads and other shoreline modifications and over-water structures.

Limited Administrative Criteria (WAC 173-26-201):
This limited amendment is allowable under subsection (1)(c)(A) in order to comply with state and federal laws and implementing rules.

5.12 Residential
Regulations:

8. Legally-established existing residential structures and appurtenances located landward of the OHWM, not within the Natural Shoreline Environment, and that do not meet the standards of this Program are considered to be conforming. A one-time expansion is allowed, as follows:
   a. the area of expansion is no more than twenty-five percent (25%) of the habitable floor area of the existing residence;
   b. the expansion does not exceed the allowed height limit;
   c. the expansion is no further waterward of the existing structure; and
   d. a management and mitigation plan is prepared by a qualified professional biologist that demonstrates that the expansion will result in no net loss of shoreline ecological functions; and
   e. an exemption is issued for the project based on the request by the applicant that is accompanied by a site plan and construction plans sufficient to depict the expansion.
Amendment 3:
Revisions to Section 5.13 Shoreline bulk and dimensional standards

Purpose:
Several jurisdictions, both in eastern and western Washington, have adopted Shoreline Master Programs with common line buffer/setback standards that ensure no net loss of ecological functions, preserve and protect shoreline views and allow the tool to be used on lots that are bounded on one side with another vacant lot. Amendments to this section would include:

- Allowing vacant lots with residences on either side or only on one side to use the tool. The current SMP allows only vacant lots with residences on both sides to utilize the tool.
- Re-evaluate the shoreline environments that the tool is available.
- Remove the elevation, fill and timeframe of adjacent developments restrictions.

Limited Administrative Criteria (WAC 173-26-201):
This limited amendment is allowable under subsection (1)(c)(D) in order to improve consistency with the Acts goals and implementing rules.

5.13 Shoreline bulk and dimensional standards
Regulations

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, 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.

c. 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.
Amendment 4:
Revisions to Section 6.7 Exemptions

Purpose:
Not all development exempt from a shoreline substantial development permit require a written letter of exemption. WAC 173-27-050 does authorize local government to specify developments that do require the issuance of a written letter of exemption. For restoration and remediation projects, a written letter of exemption would assist in the requirements for SMP monitoring and establishing a timeframe for the completion of the project. Land Services staff suggests a 5 year timeframe, which is consistent with permit timeframes for shoreline permits. A limited change to Section 6.7.4 to specifically include remediation and restoration projects as requiring a written letter of exemption.

Limited Administrative Criteria (WAC 173-26-201):
This change meets the criteria for a limited amendment by WAC 173-26-201(1)(c)(i)(D) by improving consistency with the act's goals and policies and implementing rules.

6.7 Shoreline exemptions
1. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the Master Program, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this Program and the Shoreline Management Act.

2. Exempt developments are those set forth in WAC 173-27-040; RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, as amended.

3. Letters of exemption shall be issued by a jurisdiction when required by the provisions of WAC 173-27-050.

4. Letters of exemption for shoreline remediation and restoration projects shall be conditioned to establish a five-year monitoring period to ensure plant survivability.

3.5. No statement of exemption shall be required for other uses or developments exempt pursuant to WAC 173-27-050 unless the Administrator has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption or the Administrator determines there is a likelihood of adverse impacts to shoreline ecological functions.
Amendment 5:
Revisions to Section 6.18 Amendments to the Shoreline Master Program

Purpose:
To change the amendment process to remove the ability of the planning commission to initiate an amendment to the SMP. The decision of amending the SMP should rest solely with the legislative authority of the County or City. Shoreline Master Program amendments are lengthy and consume significant staff and financial resources of the local jurisdiction.

Limited Administrative Criteria (WAC 173-26-201):
This limited amendment is allowable under subsection (1)(c)(E) in order to correct and error in the processing procedures of the SMP.

6.18 Amendments
1. Amendments to the Program shall be processed in accordance with WAC 173-26-100, as amended.

2. The board of county commissioners, or city council, or planning commission may initiate an amendment to this Program according to the procedures prescribed in WAC 173-26-100. Where established, the planning commission shall conduct a public hearing on any amendment proposed by a city council or the board of county commissioners.

3. Any person may petition the city council or, board of county commissioners, or planning commission to amend this Program. Petitions shall specify the changes requested and any and all reasons therefore. The board of county commissioners or city council or planning commission may schedule a public hearing on said petition(s) if it deems the proposed amendment would make this Program more consistent with the Act and/or any applicable Department of Ecology Guidelines, or more equitable in its application to persons or property due to changed conditions in an area.
Amendment 6:
Revisions to Appendix H, Section 4 Douglas County shoreline critical areas regulations, subsection 3.060(E)(1)(d).

Purpose:
To remove the subsection (d) which refers to a code section removed during the adoption of the Regional SMP. The Douglas County adopted SMP included a provision for a shoreline access or dock corridor. This provision was required to be removed by the Department of Ecology as part of their adoption process. Keeping section (d) in the SMP causes confusion as it refers to a non-existent SMP provision and should be removed.

Limited Administrative Criteria (WAC 173-26-201):
This limited amendment is allowable under subsection (1)(c)(E) in order to correct an error in the processing procedures of the SMP.

3.060 Specific Standards
E. View Corridors.
The development or maintenance of view corridors can provide the general public and property owners of single family residences, opportunities for visual access to water bodies associated with shoreline lots. One view corridor may be permitted per lot, when consistent with the provisions of this Chapter. A mitigation and management plan consistent with Section 3.037 of Appendix H must be submitted for review and approval; either with a complete building permit application for a new single family residence or associated with an existing single family residence.

1. In addition to the submittal of a complete mitigation and management plan, an applicant must submit the following materials:
   a. A signed Douglas County Master Application form by the property owner of the shoreline proposed for vegetation alterations.
   b. A scaled graphic which demonstrates a side, top and bottom parameter for the view corridor with existing vegetation and proposed alterations. The view corridor shall be limited to 25% of the width of the lot, or 25 feet, whichever distance is less.
   c. A graphic and/or site photos for the entire shoreline frontage which demonstrates that the homesite and proposed or existing home does or will not when constructed have a view corridor of the water body, taking into account site topography and the location of shoreline vegetation on the parcel.
   d. Demonstration that the applicant does not have an existing or proposed shoreline access corridor or dock access corridor.