

Okanogan County Regional Planning Commission  
Okanogan County, WASHINGTON

Resolution No. 2010-2

**A resolution to recommend Adoption of the Okanogan County Shoreline Master Program to the Okanogan County Board of Commissioners by the Planning Commission and to adopt Attachment A, the findings of fact and Attachment B, conclusions of law.**

WHEREAS, RCW 90.58.080(2)(a)(v) establishes that on or before December 1, 2014, Okanogan County must develop or amend its shoreline master program in accordance with the provisions of the Shoreline Management Act; and

WHEREAS, the current Shoreline Master Program was adopted on July 7, 1987 and amended on May 20, 1996, and has not been revised since that date; and

WHEREAS, In December 2003 the Department of Ecology adopted new, revised Shoreline Master Program Guidelines (WAC 173-26); and

WHEREAS, Okanogan County entered into a grant contract with the Washington State Department of Ecology effective on July 1, 2005 to complete a Regional Shoreline Master Program in compliance with the Shoreline Management Act and, with consideration of the Shoreline Master Program Guidelines; and

WHEREAS, a SEPA Determination of Significance was issued and an EIS is being prepared concurrent with public review of the SMP

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

BE IT THEREFORE RESOLVED, that the Okanogan County Regional Planning Commission recommends adoption of the Regional Shoreline Master Program to the Okanogan Board of County Commissioners.

BE IT FURTHER, resolved that the Okanogan County Regional Planning Commission hereby adopts Attachment A, the Findings of Fact and Attachment B, the Conclusions of Law set forth in Exhibit A.

Dated this 20th day of December 2010 in Okanogan, Washington.

~~Planning Commission Members~~

A handwritten signature in black ink, appearing to read 'Becki Andrist', written over a horizontal line.

Becki Andrist , Vice-Chair

ATTEST:

  
Sharon McKenzie, Clerk of the Planning Commission

## **EXHIBIT A**

### **Findings of Fact**

The following are findings of fact which support the Planning Commissions recommendation of adoption for the Okanogan County Regional Shoreline Master Program update to the Okanogan Board of County Commissioners:

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 consider in drafting their local shoreline management programs.
3. The Okanogan County Shoreline Master program was adopted on July 7, 1987 and amended on May 20, 1996.
4. Pursuant to the SMA, RCW 90.58.050, Okanogan County and the State Department of Ecology share joint authority and responsibility for the administration of the Okanogan County Regional Shoreline Master Program (RSMP). Because the Okanogan County RSMP is approved and adopted by the Department of Ecology, it has the authority of state law.
5. In December 2003, the Department of Ecology adopted new, revised Shoreline Master Program Guidelines (WAC 173-26).
6. Pursuant to RCW 90.58.080, Okanogan County is required to review and update its existing 1996 Shoreline Master Program to ensure conformance with the required elements of the 2003 Shoreline Master Program Guidelines.
7. Legislation passed in 2003 (ESHB 1933) identified that critical areas within shorelines are to be “designated” under the GMA, but “protected” by the SMP at a level that is “at least equal to” the County’s adopted critical areas ordinance.
8. In 2010 Washington State Legislature passed Substitute House Bill 1653. The bill clarifies that, with certain exceptions, critical area regulations adopted under the Growth Management Act apply within Shoreline areas. These regulations apply until Ecology approves either a comprehensive new SMP that meets Ecology’s guidelines, or a SMP amendment specifically related to critical areas.
9. Okanogan County entered into a grant contract with the Washington State Department of Ecology effective on July 1, 2005 to complete a RSMP consistent with the Shoreline Management Act and Shoreline Master Program Guidelines.
10. A public participation plan was prepared consistent with the grant contract with the Department of Ecology.

11. A shoreline advisory committee was created to provide input on the draft document throughout the process. The development of the Stakeholders Advisory Group consisted of a representative of Okanogan County, and of each city and town, a representative from the Colville Confederated Tribe, a representative from each of the watershed planning units in the County, a representative of each of the following interest groups: agriculture, home owners, natural resources, business and recreation, conservation and the environment.
12. WAC 173-26-201(3)(c) and (3)(d) require Okanogan County to document existing shoreline conditions and compile a shoreline inventory and characterization of ecosystem-wide processes and shoreline ecological functions. A shoreline inventory and analysis and characterization have been developed in association with the Okanogan County Regional Shoreline Master Program and are incorporated into the SMP as Appendix A.
13. The Okanogan County shoreline inventory and analysis document was prepared by Entrix Inc., in consultation with a technical advisory committee.
14. The inventory and analysis indicated that the shorelines are currently functioning at a high level overall. The Planning Commission determined the removal of the prohibition to subdivide combined with increasing the required lot frontage and setbacks will achieve no net loss. A frontage requirement will be applied to subdivide parcels. Lot size will be determined by the underlying zoning.
15. Natural, Conservancy, and Riverine/Lacustrine account for approximately 80% of the shoreline area designations which require larger setback which will counteract leaving the Rural Resource and Rural Residential with the current setback of 50' that is currently required in our existing SMP.

16. On Lake Osoyoos, the setback was increased from the current setback of 25' to 50' now required for Shoreline Residential and Shoreline Recreation. The Planning Commission determined the function of the Lake is very low. In order to avoid further degradation of shoreline function considering the potential for future build-out including small lot frontages and small lot sizes, increasing the setback in that area to 50' is the best way to achieve no net loss of function. During the December 20, 2010 Planning Commission meeting members discussed whether the 50' setback was truly necessary to avoid degradation of shoreline function. A motion to reconsider the vote of November 29, 2010 was considered but failed on a 2 ayes and 3 nays and 0 abstaining.
17. The area around Wells Pool and in between the cities of Pateros and Brewster was previously designated conservancy in the first draft SMP based on ownership by a public agency. The Planning Commission determined that ownership should not be the basis for designation. This particular area lends itself to future development due to the close proximity of two cities and possible future city expansion area. The area has already been greatly modified as part of the development of the Wells Dam impoundment. The entire shoreline has been stabilized with rip rap and supports a narrow band of riparian species. The lower wells pool encompasses an area parallel to US 97 and the BNSF rail road. The shoreline through this section has been highly altered from hydroelectric development and includes heavy armoring to support and protect the vital transportation corridor for the railroad and highway. The Planning Commission determined that changing the designation from Conservancy to Shoreline Recreation including a few areas as Shoreline Residential will not result in loss of function.
18. The Planning Commission determined that Riverine/Lacustrine is not an appropriate designation for Lakes and therefore, should be changed to Rural Resource or in some cases Shoreline Recreation.

19. The Planning Commission determined that the draft document for the SMP was too long and cumbersome for effective review. The current SMP was never codified. The Planning Commission instructed staff to create a code section 14.15 with the supporting scientific analysis and map books as appendices. The goals and policies will be integrated into the Comprehensive Plan Update.
20. The Planning Commission found that requiring public access for all subdivisions is not supported by law. However, public access should be considered and encouraged during the application process.
21. The Planning Commission members found that the current process to obtain a permit for a seasonal dock was onerous for the landowner. Therefore, the Planning Commission determined there should be provisions for those docks that are of seasonal use and under 120 square feet that should not have to go through a permit with the County but would be required to go through the permitting of all the other agencies if applicable such as DNR, WDFW, or DOE.
22. The Planning Commission determined that trees which are hazardous to safety are allowed to be cut down. Pruning of riparian shrubs no lower than 6 feet in height and pruning of trees where no more than half of the live crown is permitted and a view corridor of no more than 15 feet wide is allowed.
23. On January 14, 2009 Notice of threshold SEPA determination published in Omak-Okanogan County Chronicle initiating the scoping period ending on February 20, 2009. (Okanogan County's periodical of record)
24. On March 11, 2009 the Okanogan County SEPA Official issued an Environmental Impact Statement in accordance with WAC 197-11-455 & 510 and WAC 173-26-100.

25. A Draft Shoreline Master Program was released for public review and comment on October 1, 2009 and the public was invited to submit comments and /or recommend changes.
26. On October 1, 2009, public notice of the proposed Shoreline Master Program update and public hearing was published in the Gazette Tribune, Okanogan County's legal periodical of record.
27. On October 26, 2009, the Okanogan County Regional Planning Commission conducted a public hearing for the proposed Shoreline Master Program.
28. On November 30, 2009 the Okanogan County Regional Planning Commission conducted a public hearing and heard verbal testimony for the proposed Shoreline Master Program.
29. On September 2, 2010 public notice of the proposed Shoreline Master Program update and public hearing was published in the Gazette Tribune, Okanogan County's legal periodical of record and the Methow Valley Newspaper.
30. On September 1, 2010 interested parties and agencies were emailed and mailed notices of the revised Draft Shoreline Master Program available for comment and notice of the public hearing scheduled on September 27, 2010.
31. On September 1, 2010 a revised Draft Shoreline Master Program was released for public review and comment and the public was invited to submit comments and /or recommend changes.
32. It is anticipated that the issuance of the final EIS will occur concurrent with the adoption of the Okanogan County Regional Shoreline Master Program, consistent with WAC 197-11.

33. On September 27, 2010 the Okanogan County Regional Planning Commission conducted a public hearing and took public testimony for the proposed Shoreline Master Program.
34. On November 29, 2010 the Okanogan County Regional Planning Commission conducted a public hearing to deliberate and make a recommendation to the county commissioners on the proposed Okanogan County Regional Shoreline Master Program.
35. On December 20, 2010 the Okanogan Regional Planning Commission conducted a public hearing to adopt Resolution 2010-2 including the findings of fact and conclusions of law in exhibit A.

## **Exhibit B**

### **Conclusions of Law**

The following are conclusions of law, which support the Planning Department's recommendation of adoption of Okanogan County Shoreline Master Program update to the Okanogan Board of County Commissioners:

1. The proposed goals, objectives, shoreline environment designations, policies, regulations, and procedures are in compliance with applicable statute and protect the overall functionality of the regulated shorelines in Okanogan County resulting in no net loss of shoreline function.
2. The proposed goals, objectives, shoreline environment designations, policies, regulations, and procedures set forth in this Shoreline Master Program are essential to the protection of the public health, safety and general welfare of the people of Okanogan County.
3. The proposed amendment applies to all property designated under the "Okanogan County Comprehensive Plan". The proposed code amendment is consistent with the goals and policies of these plans.
4. The proposed amendment applies to all zoning districts within Okanogan County Code (OCC) Chapter 17, "Zoning".
5. The proposed Okanogan County Regional Shoreline Master Program (Attachment A) is consistent with and implements the goals, policies, and requirements of the Washington State Shoreline Management Act, Washington State Shoreline Master Program Guidelines, and Okanogan County Comprehensive Plan.
6. Pursuant to RCW 36.70, Planning Enabling Act, the Okanogan County Regional Planning Commission is created to assist the Okanogan County Board of Commissioners to create and implement land use controls.

7. The Okanogan County Regional Planning Commission conducted a series of properly noticed public meetings and public hearing to gather input regarding the proposed revisions to the Shoreline Master Program. After deliberation, the Regional Planning Commission moved to recommend approval of the revised Shoreline Master Program to the Okanogan County Board of Commissioners.

8. On December 20, 2010 the Okanogan Regional Planning Commission adopted by Resolution the recommendation for approval along with findings of fact and conclusions of law. By this action their recommendation and supporting record is transmitted to the Okanogan Board of County Commissioners for their review and adoption.

**Exhibit C**  
**Okanogan County Proposed Regional Shoreline Master Program**