

original

RECEIVED

NOV 20 2020

GROWTH MANAGEMENT
HEARINGS BOARD

BEFORE THE
GROWTH MANAGEMENT HEARINGS BOARD
EASTERN WASHINGTON REGION
STATE OF WASHINGTON

JEANIE WAGENMAN AND
LARSON BEACH NEIGHBORS

Case No. 20-1-0008

Petitioner,

PETITION FOR REVIEW

v.

STEVENS COUNTY and the
WASHINGTON STATE DEPARTMENT OF
ECOLOGY

Respondents

Comes now Petitioner Jeanie Wagenman and Larson Beach Neighbors, to hereby submit this
Petition for Review to the Growth Management Hearings Board as authorized by RCW 90.58.190.

PETITIONERS

The mailing address of the Petitioners is:

Jeanie Wagenman & LBN
529 E. Tieton
Spokane, WA 99218
(509) 881-1617
jeanie.wagenman@yahoo.com

ACTIONS FOR WHICH REVIEW IS SOUGHT

1. On September 9th 2020 the Department of Ecology gave notice to the Board of County Commissioners its approval of Stevens County's Shoreline Master Program. A copy of this letter is attached.

2. On April 29th 2019, Stevens County's Board of County Commissioners signed Ordinance 2019-05, adopting Title 12, Shoreline Master Program, repealing Resolution 78-1999, which is attached. Page 46, of county ordinance Title 12, is attached, subject of stormwater review. Full copy of Title 12 will be mailed as per WAC 242-03-210 (3) within 30 days of filing.

3. These documents are Stevens County's "comprehensive master program update" required by RCW 90.58.030(3)(c) and RCW 90.58.080

4. Ecology published a notice of adoption for SMP update on September 24th 2020 copy is attached of notice in the newspaper, Chewelah Independent, newspaper of county record .

ISSUES PRESENTED FOR REVIEW

1. Does the adoption of the Stevens County's Shoreline Master Program and its provisions for shoreline and critical areas protection violate RCW 90.58.020, RCW 98.58.030, RCW 90.58.610, RCW 90.58.340, RCW36.70A480, WAC 173-26-201, WAC 173-26-221, (6) WAC 173-26-241 (3) (j) and WAC 173-26-241 (3) (j) , WAC 173-26-181, WAC 173-26-186, WAC 173-26-191(2), RCW 36.70A.480.

2. Does the adoption of the Stevens County's Shoreline Master Program fail as 90.58.020 requires to provide protection of the shorelines against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, by adequately addressing and requiring stormwater review and mitigating those impacts.

3 Does the adoption of the Stevens County's Shoreline Master Program fail to protect and address

and mitigate the effects of stormwater run-off on the shorelines of the state, found in WAC 173-26-181, WAC 173-26-186, WAC 173-26-191, WAC 173-26-201, WAC 173-26-221, WAC 173-26-241(3)j WAC 173-26-020, and RCW 36.70A.480

4 Does Stevens County's Shoreline Master Program fail to address and prevent impacts to water quality and stormwater quality that may result in a net loss of shoreline ecological functions or a significant impact to recreational opportunities? WAC 173-26-221, WAC 173-26-186, WAC 173-26-181, WAC 173-26-19,1WAC 173-26-221, WAC 173-26-231, WAC 173-26-241, WAC 173-26-221(6) (a) (b) (i) (ii) WAC 173-26-251, RCW 36.70A.480

Does Stevens County's Shoreline Master Program fail to require that shorelines of the state will be reviewed on a consistent, and clear basis for stormwater review and require mitigation for those impacts. WAC173-26-181. WAC 173-26-186, WAC 173-26-191, WAC 173-26-176

STANDING

Petitioners have participated and commented on the Shoreline Master Program, submitting comments to both the Department of Ecology and Stevens County. Petitioner is a property owner in Stevens County and has resided at Loon Lake since 1954. Jeanie Wagenman and members of Larson Beach Neighbors will be aggrieved and affected by the County's adoption of Resolution 2019-05. Petitioners have standing to challenge the actions of the county pursuant to RCW 98.58.190 and RCW 36.70A.280.

ESTIMATED LENGHT OF HEARING

Petitioners estimates that the Hearing on the Merits for this matter will last approximately 2 hours.

RELIEF SOUGHT

The Petitioners request the Board to find that the challenged provisions of Stevens County's Shoreline Master Program fails to comply with the policy and requirement of the Shoreline

Management Act and the Shoreline Master Program Guideline and for the Board to remand the matter back to Stevens County and the Washington State Department of Ecology for action consistent with the Growth Management Act.

The Petitioners have read this Petition for Review and believe the contents to be true.

DATED this 20th.....day of Novemember 2020 and respectfully submitted

Jeanie Wagenman +LBN

Jeanie Wagenman & LBN