

Attachment C: Revised Department of Ecology Recommended Changes to the Jefferson County Shoreline Master Program, Resolution #77-09, locally adopted December 7, 2009, Approved by Ecology with Required & Recommended Changes January 26, 2011/ Jefferson County Response/Alternatives as adopted December 16, 2013 by Ordinance #07-1216-13

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strike through = deletions)	Jefferson County response (Acceptance or Alternative Language)	Ecology Rationale
1		Applicability – Quinault Tribe	F. The provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals. Add: <u>Where Tribal concerns are expressed in relation to SMP jurisdiction, those shall be resolved through appropriate government to government consultation in accordance with Washington State Centennial Accord and the RCW.</u>	Accept-Add text to read as follows: <u>F. The provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals. Where Tribal concerns are expressed in relation to SMP jurisdiction, those shall be resolved through appropriate government to government consultation in accordance with Washington State Centennial Accord and the RCW.</u>	Consistent with RCW 90.58. the SMP Guidelines, and the Ocean Resources Management Act
2	Article 2.B.22 Page 2-7	Definitions, Buffer	22. Buffer or buffer zone, strip, or area means the area adjacent to a shoreline or critical area that separates and protects the area from adverse impacts associated with adjacent land uses. A buffer is measured horizontally and perpendicularly from the ordinary high water mark <u>to the foundation of a structure,</u> and includes the three-dimensional airspace above.	Decline-no change to SMP	Consistent with RCW 90.58 and the SMP Guidelines
3	Article 2.C.13 Page 2-10	Definitions- Community Dock	<u>Community dock means a dock that serves multiple residential properties including upland and waterfront lots in a subdivision or similar community setting. See also “shared use.”</u>	Accept- Add text to read as follows: <u>Community dock means a dock that serves multiple residential properties including upland and waterfront lots in a subdivision or similar community setting. See also “Shared use.”</u>	Consistent with RCW 90.58 and the SMP Guidelines
4	Article 2.F.24 and 25 Page 2-19	Definitions- Frontage setback	<u>Frontage Setback: For purposes of determining setback locations relative to Ordinary High Water Mark on a site, perpendicular measurements shall be made from the nearest waterward edge of the foundation.</u>	Decline-no change to SMP	Consistent with RCW 90.58 and the SMP Guidelines
5	Article 2.S.9 Page 2-37	Definitions- Shared Use	<u>Shared Use means water access facilities for residential use, such as docks, which are shared by two or more owners. This can apply to adjoining waterfront lots or waterfront lots sharing access with upland properties.</u>	Alternative language-Add new text and reformat numbering to read as follows: 9. Shared use means a facility shared by two or more lots/parcels. This can apply to facilities for adjoining lots or facilities shared between waterfront and upland properties; comparable to ‘Community Structure’ per JCC 18.10.030. See also ‘Community dock’.	Revised language is consistent with RCW 90.58 and the SMP Guidelines

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6	Article 2.N.8 Page 2-29	Definitions- Non-conforming Lots	Nonconforming lot means a legal lot of record in existence prior to the effective date of this Program and any amendments thereto, on which it is not possible to construct as structure outside of/landward of the shoreline buffer or which does not otherwise meet the minimum lot size requirements as set forth in this Program. <u>For building envelope location purposes, frontage line shall be measured perpendicular to the ordinary high water mark as measured from the waterward foundation corners of adjacent structures.</u>	Alternative language-add text to read as follows: 1. Nonconforming lot means a legal lot of record in existence prior to the effective date of this Program and any amendments thereto, on which it is not possible to construct as structure outside of/landward of the shoreline buffer or which does not otherwise meet the minimum lot size requirements as set forth in this Program. <u>Depth of lot is measured as the distance from ordinary high water mark to the inside edge of the frontage setback.</u> [Note: See also Proposed Clarification # 4.]	Revised language consistent with RCW 90.58 and the SMP Guidelines
7	Article 6.1.E.1.iii Page 6-7	Critical Areas – Regulations - Buffer Exceptions – Non-conforming Lots	iii. All single family residences approved under this section shall not extend waterward of the common-line buffer; as measured in accordance with 6.7.B; and	Accept- delete text to read as follows: iii. All single family residences approved under this section shall not extend waterward of the common-line buffer; as measured in accordance with 6.7.B; and	Consistent with RCW 90.58 and the SMP Guidelines
8	Article 6.4.B.4.iii Page 6-3	Critical Areas – Regulations - No Net Loss & Mitigation	Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternative location within the same watershed or appropriate section of marine shoreline (e.g., reach or drift cell) that provides greater and more sustainable ecological benefits. When determining whether offsite mitigation provides greater and more sustainable benefits, the County shall consider limiting factors, critical habitat needs, and other factors identified by the locally adopted shoreline restoration plan [insert date of adoption or resolution number], or an approved watershed or comprehensive resource management plan.	Accepted-add text to include appropriate reference date upon final adoption of restoration plan; [anticipated to be same date as final adoption of SMP by local ordinance].	Consistent with RCW 90.58 and the SMP Guidelines
9	Article 6.4.B.4.iii Page 6-20	Vegetation Conservation- Regulations-	iii. Maintenance trimming of vegetation with main stem or supporting structures less than three (3) inches in diameter, except tree topping, Vegetation removal is not included;	Alternative language- delete redundant text and delete 's' to read as follows: iii. Maintenance trimming of vegetation with main	Revised language is consistent with RCW 90.58. the SMP Guidelines

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		View Maintenance	Maintenance trimming of the limbs or branches on a trees or shrub that has a main stem less than three (3) inches in diameter;	stem or supporting structures less than three (3) inches in diameter, except tree topping, Vegetation removal is not included; v. Maintenance trimming of the limbs or branches on a trees or shrub that has a main stem less than three (3) inches in diameter; [Note: See also Proposed Clarification # 9.]	
10	Article 6.1.E.2.iii Page 6-8	Critical Areas – Regulations - Buffer Exceptions – Common Line Buffer	iii. Existing Home on One Side: Where there is only one existing residence adjacent to the proposed residence, the standard buffer shall be determined as the greater of either 1) a common line drawn between nearest corner <u>of the foundation for the</u> adjacent residence and the nearest point of the standard buffer	Revise and add text to read as follows: iii. Existing Home on One Side: Where there is only one existing residence adjacent to the proposed residence, the standard <u>common line</u> buffer shall be determined as the greater of either 1) a common line drawn between nearest corner <u>of the foundation for the</u> adjacent residence and the nearest point of the standard buffer...	Revised language is consistent with RCW 90.58. the SMP Guidelines
11	Article 7.2.F.9 Page 7-11	Boating Facilities – Regulations - Residential Docks	9. Residential developments with more than four (4) lots or dwelling units may be granted permits for community docks that are shared by at least one other owner. No more than one (1) dock/pier or float may be permitted for each three (3) adjoining waterfront lots, with necessary access easements to be recorded at the time of permitting. Single-user docks, piers and floats for individual residential lots may be permitted in existing subdivisions approved on or before January 28, 1993, only where a shared facility has not already been developed. Prior to development of a new single-user dock/pier/float for a single residential lot, the applicant shall demonstrate that:	Accept-revise formatting to read as follows: 9. Residential developments with more than four (4) lots or dwelling units may be granted permits for community docks that are shared by at least one other owner. No more than one (1) dock/pier or float may be permitted for each three (3) adjoining waterfront lots, with necessary access easements to be recorded at the time of permitting. 10. Single-user docks, piers and floats for individual residential lots may be permitted in existing subdivisions approved on or before January 28, 1993, only where a shared facility has not already been developed. Prior to development of a new single-user dock/pier/float for a single residential lot, the applicant shall demonstrate that:	Consistent with RCW 90.58 and the SMP Guidelines
12	Article 8.8.D.2 Page 8-26	Residential – Regulations – Primary Residences	2. The buffer requirements in Article 6 of this Program apply to residences, normal appurtenances, and accessory dwelling units, except that docks, floats, and pedestrian beach access structures and other water-dependent and water related structures	Alternative language-delete and add text to read as follows: 2. The buffer requirements in Article 6 of this Program apply to residences, normal appurtenances, and	Revised language is consistent with RCW 90.58. the SMP Guidelines

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			<p>accessory to residential use may be permitted to encroach into the buffer in accordance with the applicable provisions of this Program. <u>Accessory residential structures must be sited and designed to not require shoreline armoring within 100 years.</u></p>	<p>accessory dwelling units, except that docks, floats, and pedestrian beach access structures and other water-dependent and water related structures accessory to residential use may be permitted to encroach into the buffer in accordance with the applicable provisions of this Program. <u>Accessory structures must be sited and designed to not require shoreline armoring within 100 years.</u></p>	
13	<p>Article 8.2.D.5 Page 8-6</p>	<p>Aquaculture regulations</p>	<p>Aquaculture activities not listed in 8.2.D.3 and listed activities that fail to meet any of the criteria in 8.2.C.4 <u>8.2.A.2</u> shall require a shoreline substantial development permit (<u>SDP</u>) or conditional use permit (<u>CUP</u>), and shall be subject to all of the following regulations:</p>	<p>Accept-revise text to read as follows: 5. Aquaculture activities not listed in 8.2.D.3 and listed activities that fail to meet any of the criteria in 8.2.C.4 <u>8.2.A.2</u> shall require a shoreline substantial development permit (<u>SDP</u>) or conditional use permit (<u>CUP</u>), and shall be subject to all of the following regulations:</p>	<p>Consistent with RCW 90.58 and the SMP Guidelines</p>
14	<p>Article 8.2.D.5 Page 10-16</p>	<p>Violations and penalties</p>	<p>B. Any person who willfully violates any court order or regulatory order of injunction issued pursuant to this Program shall be subject to a fine of not more than five thousand dollars (\$5,000), imprisonment in the county jail for not more than ninety (90) days, or both.</p>	<p>Alternative language- Add and delete text to read as follows: B. Any person who willfully violates any court order or regulatory order of injunction issued pursuant to this Program shall be subject to a fine of not more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than ninety (90) days, or both, neither of which shall exceed the maximum fine or imprisonment stated in RCW 9.92.020 as currently enacted or as may hereafter be amended.</p>	<p>Revised language is consistent with RCW 90.58. the SMP Guidelines</p>