

Attachment C: Jefferson County March 1, 2010 SMP

Ecology Recommended Changes

The following changes are recommended:

| ITEM | DRAFT SMP Provision (Cite) | TOPIC | BILL FORMAT CHANGES (underline = additions; strikethrough = deletions) | DISCUSSION/RATIONALE |
|------|----------------------------|-----------------------------|---|--|
| 1 | Article 1(2)(D)(f) | Quinault Tribe relationship | <p>F. The provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals.</p> <p>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></p> | Response to Tribal concern about County not addressing likely conflicts as the Tribe foresees. |
| 2 | Article 2.B | Definitions | <p>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.</p> | Needed to clarify where measurements are taken from and avoid disputes. |

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| 3 | ARTICLE 2.C | Definitions | Community dock means a dock that serves multiple residential properties including upland and waterfront lots in a subdivision or similar community setting. <u>See also "shared use."</u> | Reference and clarification. |
| 4 | Article 2.F | Definitions | <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> | Needed to clarify where measurements are made from in relation to the OHWM. NOTE: When discrepancy between the text and the graphic exists, the text shall govern. |
| 5 | Article 2.S | Definitions | <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> | Clarifies relation of shared use and community dock terms, both of which are used in the LA-SMP, and have closely related meanings. |
| 6 | Article 2.N | Definitions | 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> | Added language is to clarify where the common line setback is measured from. |
| 7 | Article 6.1.4.e.iii | Non conforming Lots regulations | 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 | This citation does not appear to exist. |

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| 8 | Article 6.1.B.8 | No Net Loss and Mitigation regulations | 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. | Please add dated reference |
| 9 | Article 6.4.B.4 | Vegetation pruning | <p>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;</p> <p>Maintenance trimming of the limbs or branches on a trees or shrub that has a main stem less than three (3) inches in diameter;</p> | <p>Delete as redundant</p> <p>Remove "s" to indicate singular</p> |
| 10 | Article 6.7.8 | Common Line Setback | 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 | To clarify where the setback is measured from. |
| 11 | 7-2-F-9 | Shared dock provision for subdivisions | <p>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.</p> <p>Single-user docks, piers and floats for individual residential lots may be</p> | <p>For greater clarity it was agreed to split paragraph #9 in two, starting at "single user docks...."</p> <p>WAC 173-26-231(3)(b)</p> |

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| | | | 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: | |
| 12 | Article 8.8.D.2 | Boathouses | 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 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> | The recommended change appeared to be already implicit in general regulations but was added to make this responsibility/requirement clearer to applicants and administrators. WAC 173-26-231(3)(a)(iii)(A) WAC 173-76-241(3)(j) |
| 13 | Article 8.2.D.5 | Regulations, criteria for permits | 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 (SDP) or conditional use permit (CUP), and shall be subject to all of the following regulations: | Apparent incorrect citation. |
| 14 | Article 10.20.A.3.B | Remedies | 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. | Questionable authority under SMA |