

DRAFT Jefferson County Response to Ecology on Changes to the Locally Approved Shoreline Master Program

On January 26, 2011 the Washington Department of Ecology (Ecology) issued its approval of the Jefferson County Locally Approved Shoreline Master Program (LA-SMP) pending some required and recommended changes (see the letter’s Attachment B and C). The County has considered 61 possible changes to the LA-SMP and provides this response to Ecology to indicate what changes are accepted and where alternative and additional changes are proposed. The County’s rationale for each change is included at the end of this document. Changes are shown below in ‘bill format’ with added text shown as underlined, and deleted text shown in ~~striketrough~~:

ITEM	LA-SMP Provision	LA-SMP Page	Topic	Ecology’s Required or Recommended Change	Jefferson County Response	Changes to the Locally Approved SMP
Attachment B. Required Changes						
1	Article 1.7.E	1-6	Applicability - Ocean Resource Management Act	<u>The planning and project review criteria in RCW 43.143 (Ocean Resources Management Act) and WAC 173-26-360 (Ocean Management) shall apply to all ocean uses and activities conducted within Jefferson County’s and the State of Washington’s jurisdiction, including those areas extending to the westernmost boundary of the State of Washington.</u>	Agree	Add new item ‘E’ to read: <u>The planning and project review criteria in RCW 43.143 (Ocean Resources Management Act) and WAC 173-26-360 (Ocean Management) shall apply to all ocean uses and activities conducted within Jefferson County’s and the State of Washington’s jurisdiction, including those areas extending to the westernmost boundary of the State of Washington.</u>
2	Article 1.6.A.2	1-5	Critical Areas - REUV	2. Uses and developments within shoreline jurisdiction that meet the Reasonable Economic Use Variance provisions of JCC Chapter 18.22.090 shall require a shoreline variance in accordance with this Program.	Agree	Delete text as follows: 2. Uses and developments within shoreline jurisdiction that meet the Reasonable Economic Use Variance provisions of JCC Chapter 18.22.090 shall require a shoreline variance in accordance with this Program.

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3	Article 4.1.D Appendix. A -Map 18	4-1 Map #18	SEDs	Add text to page A-1: <u>The shoreline environment designation in ocean coastal areas waterward of the OHWM extending to the westernmost boundary of the State of Washington shall be aquatic.</u>	Alternative Proposal	Add text to Article 4.1.D and to Map #18 to read: <u>The shoreline environment designation in ocean coastal areas waterward of the OHWM extending to the westernmost boundary of the State of Washington shall be Priority Aquatic.</u>
4	Article 2.A.27	2-3	Definitions – Appurtenance, normal	Appurtenance, normal means a structure or use that is necessarily connected to a <u>primary use</u> and is located landward of the ordinary high water mark. <u>Normal appurtenances for residential development are garages (up to 3 cars), utilities, septic tanks, drainfields, as well as driveways, walkways, and fences plus initial clearing and grading for a new residence which does not exceed 250 square feet and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.</u>	Alternative Proposal	Appurtenance, normal means a structure or use that is necessarily connected to a <u>primary use</u> and is located landward of the ordinary high water mark. <u>Normal appurtenances for residential development are garages (up to 3 cars), utilities, septic tanks and drainfields, as well as driveways, walkways, and fences, plus initial clearing and grading for a new residence which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.</u>
5	Article 2.S.22	2-39	Definitions – Shorelines of Statewide Significance	Revise “ Shorelines of statewide significance ” definition to include (add) “ <u>...the area between the ordinary high water mark and the western boundary of the state, within Jefferson County and State of Washington jurisdiction, including harbors, bays, estuaries, and inlets</u> ”.	Agree	Add new item ‘a’ and reformat list to read as follows: a. <u>The area between the ordinary high water mark and the western boundary of the state, within Jefferson County and State of Washington jurisdiction, including harbors, bays, estuaries, and inlets.</u>

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6	Article 4.1.D	4-1	SEDs – Quinault Reservation	D. All areas within shoreline jurisdiction that are not mapped and/or not designated shall be designated Conservancy until the area is redesignated through a Master Program amendment, <u>except within the Quinault Indian Nation reservation where the upland designation shall be Natural and the waterward designation shall be Priority Aquatic.</u>	Agree	Add text to read: D. All areas within shoreline jurisdiction that are not mapped and/or not designated shall be designated Conservancy until the area is redesignated through a Master Program amendment, <u>except within the Quinault Indian Nation reservation where the upland designation shall be Natural and the waterward designation shall be Priority Aquatic.</u>
7	Article 6.1.D.1	6-4	Critical Areas - REUV	1. Subject to the exceptions listed below, the Critical Areas provisions of JCC Chapter 18.22, dated March 17, 2008, Ordinance #03-0317-08, and further amended on May 11, 2009 as Ordinance # 06-0511-09, are incorporated by reference, except that permit, nonconforming use, appeal, <u>Reasonable Economic Use Variance</u> , and enforcement decisions within shoreline jurisdiction shall be governed by this Program and not JCC Chapter 18.22.	Alternative Proposal	Revise text to read as follows: <u>1. The Critical Areas provisions of JCC Chapter 18.22, dated March 17, 2008 [Ordinance #03-0317-08], and further amended on May 11, 2009 [Ordinance #06-0511-09], are incorporated by reference, however, the following exceptions shall prevail for actions occurring within shoreline jurisdiction:</u> <u>i. All provisions listed in Sections D.2 - 13 and E.1 - 4 below (e.g. building setback, buffers, CASPs, reasonable use, non-conforming lots, water-oriented use/development) and provisions found in Article 10.6 of this Program (i.e. non-conforming development), shall be governed by this Program and not JCC Chapter 18.22; and</u> <u>ii. Sections of JCC Chapter 18.22 Article II and other sections of JCC Chapter 18 regarding permit process, administrative, nonconforming use, appeal, and enforcement provisions within shoreline jurisdiction shall be governed by this Program and not JCC Chapter 18.22.</u>

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8	Article 6.1.D.3	6-5	Critical Areas - REUV	3. Development applications that are processed according to the Reasonable Required deletion to avoid confusion Economic Use Variance provisions of JCC Chapter 18.22.090 shall be processed as a shoreline variance according to the provisions of this Program and WAC 173-27.	Agree	Delete text as follow: 3. Development applications that are processed according to the Reasonable Economic Use Variance provisions of JCC Chapter 18.22.090 shall be processed as a shoreline variance according to the provisions of this Program and WAC 173-27.
9	Article 6.D.3	6-5		DUPLICATE OF #8 ABOVE		
10	Article 7.C.3	7-18?	Dredging	Add: <u>Maintenance dredging may not be approved under exemption except within the existing footprint in accordance with previous approved plans.</u>	Agree	Add new item '7' to read: <u>Maintenance dredging may not be approved under exemption except within the existing footprint in accordance with previous approved plans.</u>
11	Article 7.2.F.5	7-10	Boating Facilities – Regulations - Residential Docks	5. The length of docks and piers accessory to residential use/development shall be no greater than that required <u>the minimum demonstrated necessary</u> for safety and practicality for the residential use. The maximum length for residential docks or piers shall be limited to sixty (60) <u>100</u> feet as measured horizontally from the ordinary high water mark. The Administrator may approve a different dock or pier length when needed to: i. Avoid known eelgrass beds, forage fish habitats, or other sensitive nearshore resources; or ii. Reach adequate depths to accommodate watercraft; or iii. Accommodate shared use.	Agree	Revise to read as follows: 5. The length of docks and piers accessory to residential use/development shall be no greater than that required <u>the minimum demonstrated necessary</u> for safety and practicality for the residential use. The maximum length for residential docks or piers shall be limited to sixty (60) <u>one hundred (100)</u> feet as measured horizontally from the ordinary high water mark. The Administrator may approve a different dock or pier length when needed to: i. Avoid known eelgrass beds, forage fish habitats, or other sensitive nearshore resources; or ii. Reach adequate depths to accommodate watercraft; or iii. <u>ii.</u> Accommodate shared use.

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12	Article 8.2.A.10	8-4	Aquaculture Policies	1. Commercial and recreational shellfish areas including Shellfish Habitat Conservation Areas are critical habitats. Shellfish aquaculture activities within all public and private tidelands and bedlands are allowed uses. Such activities include but are not limited to bed marking, preparation, planting, cultivation, and harvest. Nothing in this program should be construed as to preclude their use.	Agree	Delete text to read as follows: 10. Commercial and recreational shellfish areas including Shellfish Habitat Conservation Areas are critical habitats. Shellfish aquaculture activities within all public and private tidelands and bedlands are allowed uses. Such activities include but are not limited to bed marking, preparation, planting, cultivation, and harvest. Nothing in this program should be construed as to preclude their use.
13	Article 4.3 – Use Table	4-6	Use Table – Net Pens/Finfish	Net Pens/Finfish X* X* X* X* X* X*	Alternative Proposal	Draft language provided under separate cover; Further discussion with Ecology needed

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14	<p>Article 8.2.B.1 and 2</p> <p>Article 8.2.C.1 through 6</p> <p>Article 8.2.D.8 and 9</p>	8-4 to 8-8	<p>Aquaculture – Prohibitions</p> <p>Aquaculture – Shoreline Environment Regulations</p> <p>Aquaculture – Regulations - General</p>	<p>B. Uses and Activities Prohibited Outright</p> <p>1. Net pens, as defined in Article 2, are prohibited.</p> <p>2. Finfish aquaculture <u>requires conditional use approval.</u></p> <p>3. Applicants for aquaculture activities that use or release herbicides, pesticides, antibiotics, fertilizers, non-indigenous species, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be harmful into surrounding waters is prohibited. <u>must demonstrate all significant impacts have been mitigated.</u></p>	Alternative Proposal	Draft language provided under separate cover; Further discussion with Ecology needed

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15	Article 8.2.A.12 and 13	8-4	Aquaculture - Policies	<p>12. Net pens, as defined in Article 2, should not be allowed.</p> <p>13. Finfish aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, pharmaceuticals, non-indigenous species, parasites, genetically modified organisms, or feed into surrounding waters <u>must demonstrate all significant impacts have been mitigated.</u>should not be allowed.</p>	Alternative Proposal	Draft language provided under separate cover; Further discussion with Ecology needed
16	Article 8.3.F.1.iii and iv	8-10	Commercial Use – Regulations for Non-water-oriented	<p>F. Regulations – Non-water-oriented Use/Development</p> <p>Non-water-oriented commercial uses are prohibited on the shoreline unless they meet the following criteria:</p> <p>ii. The use is part of a mixed-use project that includes an associated water-dependent use or <u>and</u>- The commercial use provides a significant public benefit in the form of public access and/or ecological restoration.</p> <p>OR</p> <p>iii. Navigability is severely limited at the proposed site; or <u>and</u> The commercial use provides a significant public benefit in the form of public access and/or ecological restoration.</p>	Alternative Proposal	<p>Revise to include language provided in WAC 173-27-241(3)(d) to read as follows:</p> <p>1. Non-water-oriented commercial uses are prohibited on the shoreline unless they meet the following criteria:</p> <p><u>i. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or</u></p> <p><u>ii. Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.</u></p>
17	Article 8.4.C.3	8-12	Forest Practices – Shoreline Environment Regulations	<p>In the Natural Environment, Conservancy: Forest practices may be allowed <u>with Conditional Use approval</u>, subject to the policies and regulations of this Program</p>	Alternative Proposal	<p>Revise language specific to the Natural Shoreline Environment Regulations to read as follows:</p> <p>3. Natural: Forest practices may be allowed <u>with Conditional Use approval</u>, subject to the policies and regulations of this Program.</p>

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18	Article 8.2.D.4	8-5	Aquaculture – Regulations	Activities shall not be considered to substantially interfere with normal public use of surface waters, unless: i. They occur in, adjacent to or in the immediate vicinity of public waters including public tidelands; and	Agree	Delete text to read as follows: Activities shall not be considered to substantially interfere with normal public use of surface waters, unless: i. They occur in, adjacent to or in the immediate vicinity of public waters including public tidelands; and
19	Article 4.3 - Use Table Article 8.7.B.5	4-7 8-22	Recreation - Shoreline Environment Regulations for Non-water-oriented	Article 8.9: Shoreline Residential: Water-oriented commercial use and development may be allowed subject to policies and regulations of this Program. Non-water-oriented commercial uses may be allowed as a conditional use. Shoreline Residential: Water-oriented recreational use and development is allowed subject to the policies and regulations of this Master Program. Non water-oriented recreation is prohibited. <u>may be allowed as a conditional use.</u>	Alternative Proposal	Revise Use Table to show Recreation use/development in Shoreline Residential designation allowed as conditional use discretionary (C(d)). Revise text to read as follows: Shoreline Residential: Water-oriented recreational use and development is allowed subject to the policies and regulations of this Master Program. Non water-oriented recreation is prohibited. <u>may be allowed as a conditional use.</u>
20	Article 4.3 – Use Table	4-7	Use Table – Residential Boathouses	Boathouses accessory to single family residences XXX C(a) P P XXXC(a) C(a) C(a) “A single water-dependent boathouse, as defined in Article 2, accessory to single family residential development may be allowed with a conditional use permit and in accordance with Article 6 section 1.E.4.iii and other provisions of this Program.”	Agree	Revise Table 1 to be consistent with Article 8.8.E.3 to read as follows: Boathouses accessory to single family residences XXX C(a) P P <u>X X X C(a) C(a) C(a)</u> (Note: This will make the use a C(a) in the Shoreline Residential and High Intensity designations.)
21	Article 8.3.F.1.iii	8-10		DUPLICATE OF #16 ABOVE		

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22	Article 9.3.A.9	9-4	Exemptions – Residential Docks	<p>Residential Docks - Construction of an individual/single-user or shared dock for private non-commercial pleasure craft, for use by the owner, lessee, or contract purchaser of a single-family or multi-family residences. The private dock exemption applies <u>to dock construction cost as specified in RCW 90.58.030(3)(e)</u>. if either:</p> <p>i. In saltwater, the fair market value of the dock does not exceed two thousand five hundred dollars (\$2,500). For the purpose of this section saltwater shall include the tidally influenced marine and estuarine water areas of the state including local marine waters and all associated bays, inlets and estuaries;</p> <p>ii. In fresh waters the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five (5) years of the completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Program.</p>	Agree	<p>Revise text to read as follows:</p> <p>Residential Docks - Construction of an individual/single-user or shared dock for private non-commercial pleasure craft, for use by the owner, lessee, or contract purchaser of a single-family or multi-family residences. The private dock exemption applies <u>to dock construction cost as specified in RCW 90.58.030(3)(e)</u>. if either:</p> <p>i. In saltwater, the fair market value of the dock does not exceed two thousand five hundred dollars (\$2,500). For the purpose of this section saltwater shall include the tidally influenced marine and estuarine water areas of the state including local marine waters and all associated bays, inlets and estuaries;</p> <p>ii. In fresh waters the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five (5) years of the completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Program.</p>
23	Article 9.5.C	9-7	Critical Areas - REUV	<p>C. Proposals that qualify as a Reasonable Economic Use Variance pursuant to JCC Chapter 18.15.220 shall require a shoreline variance.</p>	Agree	<p>Delete text to read as follows:</p> <p>C. Proposals that qualify as a Reasonable Economic Use Variance pursuant to JCC Chapter 18.15.220 shall require a shoreline variance.</p>

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24	Article 10.6.H.1	10-7	Non-conforming Development – Expansion w/o CUP or Variance	H. Expansion/Enlargement without Conditional Use Permit or Shoreline Variance: 1. Single Family Residential: The Administrator may allow <u>a one time</u> landward enlargement or expansion of non-conforming single family residences by the addition of space to the exterior of the main structure or the addition of normal appurtenances without a shoreline conditional use permit or shoreline variance provided, and subject to, the following:	Agree	Add text to read as follows: 1. Single Family Residential: The Administrator may allow <u>a one-time</u> landward enlargement or expansion of non-conforming single family residences by the addition of space to the exterior of the main structure or the addition of normal appurtenances without a shoreline conditional use permit or shoreline variance provided, and subject to, the following:
25	Article 6.1.E.2.i	6-7	Critical Areas – Regulations - Buffer Exceptions – Common Line Buffer	The proposed residence must be located within 300 <u>100</u> feet of an...	Alternative Proposal	Decline; no text change: 'The proposed residence must be located within 300 feet of an...' (Note: This required change was indicated by Ecology Findings and Conclusions (page 40) but inadvertently omitted from Attachment B. Required Changes.)
Attachment C. Recommended Changes						
1	Article 1.2.F	1-4	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>	Agree	Add text to read as follows: F. The provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals. <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>

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2	Article 2.B.22	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	None
3	Article 2.C.13	2-10	Definitions – Community Dock	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>	Agree	Add text to read as follows: 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>
4	Article 2.F.24 and 25	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	None Note: See also Recommended Change #6.
5	Article 2.S.9	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 Proposal	Add new text and reformat numbering to read as follows: 9. Shared use means a facility shared by two or more <u>lots/parcels</u> . This can apply to facilities for adjoining lots or facilities shared between waterfront and upland properties; <u>comparable to ‘Community Structure’ per JCC 18.10.030. See also ‘Community dock’.</u>

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6	Article 2.N.8	2-29	Definitions – Non-conforming Lot	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 Proposal	<p>Add text to read as follows:</p> <p>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></p> <p>Note: See also Additional Revision # 4.</p>
7	Article 6.1.E.1.iii	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	Agree	<p>Delete text to read as follows:</p> <p>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</p>

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8	Article 6.1.B.8	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.	Agree	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].
9	Article 6.4.B.4.iii	6-20	Vegetation Conservation – Regulations – View Maintenance	<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>	Alternative Proposal	<p>Delete redundant text and delete 's' to read as follows:</p> <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>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;</p> <p>Note: See also Proposed Clarification # 9.</p>

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10	Article 6.1.E.2.iii	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	Alternative Proposal	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...
11	Article 7.2.F.9	7-11	Boating Facilities – Regulations - Residential Docks	<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 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:</p>	Agree	<p>Revise formatting to read as follows:</p> <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>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:</p>

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12	Article 8.8.D.2	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 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>	Alternative Proposal	Delete and add text to read as follows: 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 structures must be sited and designed to not require shoreline armoring within 100 years.</u>
13	Article 8.2.D.5	8-6	Aquaculture - Regulations	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:	Agree	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:
14	Article 10.20.B	10-16	Violations & Penalties	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.	Alternative Proposal	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), <u>or</u> imprisonment in the county jail for not more than ninety (90) days, <u>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.</u>

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Additional Revisions Proposed for Clarification						
1	Article 6.1.A.3	6-1	SPAADs and vesting	None	Proposed Clarification	Add text to read as follows: The County should recognize and honor buffers and setbacks established by existing plats, <u>preliminary plats, issued permits, binding site plans (BSPs) and site plan approval advance determinations (SPAADs)</u> , and by development agreements that are consistent with RCW 36.70B.
2	Article 6.1.D.7	6-5	SPAADs and vesting	None	Proposed Clarification	Add text to read as follows: The County shall recognize and apply a buffer or setback established by existing plats, <u>preliminary plats, issued permits, binding site plans (BSPs) and site plan approval advance determinations (SPAADs)</u> , or a development agreement that is consistent with RCW 36.70B.
3	Article 2.F.5	2-16	Definitions – Fill	None	Proposed Clarification	Line 28: Delete 'than'
4	Article 2.N.8	2-29	Definitions – Nonconforming lot	None	Proposed Clarification	Line 27: Revise 'as' to 'a'
5	Article 2.R.9	2-35	Definitions – Recreation, shoreline	None	Proposed Clarification	Line 5: Revise text to read as follows: '...means <u>a commercial or public</u> activity intended for personal enjoyment...'
6	Article 2.R.14	2-35	Definitions – Residential development	None	Proposed Clarification	Line 35: Add text to read as follows: '...non-transient occupancy <u>including single-family, multi-family, and creation of new residential lots by land division.</u> '
7	Article 2.W.3	2-44	Definitions – Water-dependent use	None	Proposed Clarification	Line 3: Revise asterisk notation to indicate source = '**' WAC, not '***' RCW

ITEM	LA-SMP Provision	LA-SMP Page	Topic	Ecology's Required or Recommended Change	Jefferson County Response	Changes to the Locally Approved SMP
8	Article 6.1.E.1.i	6-6	Critical Areas – Regulations - Buffer Exceptions – Non-conforming Lots	None	Proposed Clarification	Line 34: Revise text to read as follows: '6.1.D.6'
9	Article 2.D.10 Article 6.4.B.3.i and 6.4.B.4	2-12 6-19 6-20	Definitions – DBH Vegetation Conservation – Regulations – View Maintenance	None	Proposed Clarification	Add new definition and reformat numbering to read as follows: 10. Diameter at breast height (DBH) means the diameter of a tree at 4 ½ feet above the ground measured from the uphill side. Add text to read as follows: 3. i. '...hazard tree as defined by the Program. Tree topping is prohibited <u>when main stem/trunk is over 3" diameter at breast height (DBH).</u> ' 4.v. Maintenance trimming of the limbs or branches on a tree or shrub that has a main stem less than three (3) inches in diameter <u>at breast height (DBH);</u> Note: See Also Recommended Change #9.
10	Article 6.6	6-22	Shoreline Setbacks and Height	None	Proposed Clarification	Move section and renumber accordingly to occur alphabetically between 'Public Access' and 'Vegetation Conservation'
11	Article 7.2.B.2.ii	7-6	Boating Facilities – Shoreline Environment Regulations – Aquatic	None	Proposed Clarification	Line 19: Add comma to read as follows: ...'piers, floats...'

ITEM	LA-SMP Provision	LA-SMP Page	Topic	Ecology's Required or Recommended Change	Jefferson County Response	Changes to the Locally Approved SMP
12	Article 7.2.G.3.vii	7-13	Boating Facilities – Marina Regulations	None	Proposed Clarification	Line 31: Revise text to read as follows: ...'Washington Department <u>of</u> Health guidelines and National Shellfish...'
13	Article 7.2.H.2	7-16	Boating Facilities – Mooring Buoy Regulations	None	Proposed Clarification	Line 6: Revise text to read as follows: '...(NSSP) standards, and other state Departments...'
14	Article 7.2.H.8	7-16	Boating Facilities – Mooring Buoy Regulations	None	Proposed Clarification	Line 23: Revise text to read as follows: '...no circumstances shall mooring buoy density exceed state Department of Health...'
15	Article 8.8.B.4	8-25	Residential – Uses & Activities Prohibited Outright	None	Proposed Clarification	Line 28: Move 'or' to end of 4.iv. and capitalize 'Result' for 4.v.
16	Article 10.6.I.1.i	10-8	Non-conforming Development – Expansion/Enlargement with a CUP	None	Proposed Clarification	Line 28 - 29: Add text to read as follows: '...or the expansion/enlargement occurs <u>vertically</u> , laterally or landward, but not waterward, of the structure.'
17	Appendix A		Maps #2,3 and 4	None	Proposed Clarification	Delete 'Old' to read 'Fort Townsend State Park
18	Article 2.A.4	2-1	Definitions – Accessory structure	None	Proposed Clarification	Delete, add and reformat text to read as follows: ' Garages, <u>Boathouses</u> , barns, <u>decks</u> , storage sheds...'

ITEM	LA-SMP Provision	LA-SMP Page	Topic	Ecology's Required or Recommended Change	Jefferson County Response	Changes to the Locally Approved SMP
19	Article 7.8.E.2.iv	7-32	Shore Armor – Regulations – New or Expanded	None	Proposed Clarification	Revise text to read as follows: iv. When necessary to protect <u>an existing, lawfully established primary water-oriented use</u> , including a residence, but not <u>including a boathouse or other accessory structure</u> , that is in imminent danger of loss or substantial damage from erosion caused by tidal action, currents, or waves.
20	Article 7.8.E.5.iii	7-33	Shore Armor – Regulations – New or Expanded	None	Proposed Clarification	Add new item 'iii' to read as follows: 'Be prepared by a licensed professional engineer or geologist or other qualified professional with appropriate credentials.'
21	Article 8.2.D.2	8-5	Aquaculture – Regulations – General	None	Proposed Clarification	Add text to read as follows: Ongoing maintenance, harvest, replanting, restocking <u>of</u> , or changing the species cultivated in any existing or permitted aquaculture operation <u>is not considered development</u> , and shall not require a new substantial development permit (SDP), unless or until:
22	Article 6.1.E.4	6-11	Critical Areas – Regulations - Buffer Exceptions – Water-oriented Use/Development	None	Proposed Clarification	Lines 17 – 2: Revise text to eliminate redundancy on to read as follows: iv. <u>Public or private</u> beach access structures accessory to residential, commercial, industrial, port or other allowed use/development; and v. Public access structures, including but not limited to docks, piers, and floats; and

Jefferson County Rationale:

Attachment B. Required Changes

1. County supports consistency with RCW and WAC provisions of the Ocean Resources Management Act.
2. County supports consistency with RCW and WAC provisions of the Ocean Resources Management Act.
3. County supports a change for consistency with RCW and WAC provisions of the Ocean Resources Management Act, and recommends the Priority Aquatic designation as more appropriate than Aquatic based on the protected status of National Marine Sanctuary and National Park coastal resources.
4. County supports most of the required revision, but excludes the 'up to 3 cars' threshold for garages because impervious surface requirements are adequately addressed in JCC 18.30.070.
5. County supports consistency with RCW and WAC provisions of the Ocean Resources Management Act
6. County supports the change to provide better alignment with Quinault Indian Nation Wilderness designation of Ocean Coast resources.
7. County supports a change to avoid confusion about jurisdictional authority and proposes alternate text revisions to improve clarity.
8. County supports the change to avoid confusion about jurisdictional authority.
9. *Skipped as duplicate.*
10. County supports the change to ensure exemption is appropriately applied.
11. County supports the change to ensure dock lengths are appropriate to a demonstrated need and to specific site conditions while ensuring adequate protection of shoreline resources. We recognize the utility of having dimensional standards and that this provision allows administrative adjustment. Further, should a situation deem it, the Shoreline Variance option could allow deviation from the standard if criteria are satisfied.
12. County supports the change to ensure provision is not misconstrued.
13. County recognizes the legal limitations for a complete prohibition of a water-dependent, preferred shoreline use and proposes alternate provisions to allow the use only in appropriate areas to ensure adequate protection of shoreline resources and minimize use conflicts.
14. County recognizes the legal limitations for a complete prohibition of a water-dependent, preferred shoreline use and proposes alternate provisions to allow the use only in appropriate areas to ensure adequate protection of shoreline resources and minimize use conflicts.
15. County recognizes the legal limitations for a complete prohibition of a water-dependent, preferred shoreline use and proposes alternate provisions to allow the use only in appropriate areas to ensure adequate protection of shoreline resources and minimize use conflicts.
16. County supports a change for consistency with WAC requirements and proposes alternate text revisions to improve clarity.
17. County supports a change for consistency with WAC requirements and proposes alternate text revisions to improve clarity.
18. County supports the change to ensure provision is not misconstrued.
19. County supports the change to ensure document consistency between non-water oriented commercial and recreational uses and with the purpose and criteria for the Shoreline Residential environment designation.
20. County supports the change for consistency with WAC requirements.

21. *Skipped as duplicate.*
22. County supports the change for consistency with RCW requirements where dollar amounts are periodically adjusted.
23. County supports the change to avoid confusion about jurisdictional authority.
24. County supports the change to ensure consistency with statewide policy on non-conforming uses.
25. County proposes to maintain a 300' separation for this provision because it is already limited for view purposes and only allowed on non-conforming lots.

Attachment C. Recommended Changes

1. County supports the change to assuage Quinault Indian Nation concerns about conflict resolution.
2. County declines the change because buffer depth does not depend on presence/absence of a structure.
3. County supports the change to include internal referencing for better clarity.
4. County declines the change because frontage setback is measured from road or adjacent parcel, not from OHWM. A related issue is addressed in Recommended Change #6.
5. County supports a change for clarity and proposes alternate text revisions to improve clarity between related terms, internal consistency, and consistency with similar terms used in the Jefferson County Code.

Additional Revisions Proposed for Clarification

1. County proposes text revision to further specify intent for vesting.
2. County proposes text revision to further specify intent for vesting.
3. Typo

Cumulative Impacts Analysis shows that some 750 of the approximately 6,200 shoreline parcels will become non-conforming to the new buffers making this provision applicable to just 12% of the parcels, or ~3% of the land area. Further, of the parcels anticipated to become non-conforming, only some 225 (30%) are vacant leaving the provision most likely used on a mere 4% of all shoreline parcels or ~1% of the land area. Given the limited applicability of this provision, the County affirms the 300' separation is appropriate.

6. County supports a change for clarity and proposes alternate text revisions to improve clarity and internal consistency between definitions and regulatory provisions.
7. County supports the change for clarity.
8. County supports the change and will add the appropriate date as soon as possible.
9. County supports the change to eliminate text redundancy and to correct grammatical error. A related issue is addressed in Proposed Clarification #9.
10. County supports a change for clarity and proposes alternate text revisions for clarity.
11. County supports the change for clarity.
12. County supports a change for clarity and proposes alternate text revisions for clarity.
13. County supports the change for accuracy.
14. County supports a change for clarity and proposes alternate text revisions for better consistency with RCW requirements.

4. Typo
5. County proposes text revision for clarity.
6. County proposes text revision for clarity.

7. County proposes text revision for accuracy.
8. County proposes text revision for accuracy.
9. County proposes text revision for clarity. New definition is consistent with WAC 222-16-010 Forest Practices Board.
10. County proposes formatting revision for internal consistency.
11. Typo
12. Typo
13. Typo
14. County proposes text revision for clarity and for consistency with RCW requirements.

15. County proposes formatting revision for accuracy.
16. County proposes text revision for clarity.
17. County proposes text revision for accuracy.
18. County proposes text revision for internal consistency.
19. County proposes text revision for clarity.
20. County proposes text revision for clarity and internal consistency.
21. County proposes text revision for clarity.
22. County proposes text revision to eliminate redundancy and for clarity.