

DCD Notes: Ecology Approval of SMP

Upon initial review of the January 26, 2011 approval letter from WA Department of Ecology, with attachments A, B and C, staff has identified numerous 'inadvertencies' and provides some clarification below:

ITEM	Ecology: DRAFT SMP Provision (Cite)	DCD Clarification: LA-SMP Citation & Page #	
Attachment B. Required Changes			
1	Article 1.7.E		1-6
2	Article 1.6.A.2		1-5
3	Appendix A: Official Shoreline Map, add note to Page A-1 notes for Map #18 (West end of Jefferson County)	Article 4.1.D; and Appendix A	4-1 Map #18
4	Article 2.A	Article 2.A.27	2-3
5	Article 2.S	Article 2.S.22	2-39
6	Article 4.1.D		4-1
7	Article 6.1.D.1		6-4
8	Article 6.1.D.3		6-5
9	Article 6.D.3	<i>Duplicate of #8 above</i>	6-5
10	Article 7(C)(3)	Article 7.C.3	7-18
11	Article 7.5	Article 7.2.F.5	7-10
12	Article 8.2(A)(10)	Article 8.2.A.10	8-4
13	Use Table	Article 4.3 – Use Table	4-6
14	Article 8.2 (B)(1) and (2)	Article 8.2.B.1 and 2	8-4
15	Article 8.2.A.12 and 13		8-4
16	Article 8.3.F 1 (iii) and (iv)	Article 8.3.F.1.iii and iv	8-10
17	Article 8.4.C.4	Article 8.4.C.3	8-12
18	Article 8.5	Article 8.2.D.4	8-5
19	Article 8.9	Article 8.7.B.5	8-22
20	Use Table/ P8-27	Article 4.3 – Use Table	4-7
21	Article 8.11.F 1 (iii) Page 8-10	<i>Duplicate of #16 above</i>	
22	Article 9.3.9	Article 9.3.A.9	9-4
23	Article 9.5.C		9-7
24	Article 10.6.A.4.H Page 10-7	Article 10.6.H.1	

ITEM	Ecology: DRAFT SMP Provision (Cite)	DCD Clarification: LA-SMP Citation & Page #	
	25	Inadvertently omitted from Attachment B.	Article 6.1.E.2.i
Attachment C. Recommended Changes			
1	Article 1(2)(D)(f)	Article 1.2.F	1-4
2	Article 2.B	Article 2.B.22	2-7
3	Article 2.C	Article 2.C.13	2-10
4	Article 2.F	Article 2.F.24 and 25	2-19
5	Article 2.S	Article 2.S.9	2-37
6	Article 2.N	Article 2.N.8	2-29
7	Article 6.1.4.e.iii	Article 6.1.E.1.iii	6-7
8	Article 6.1.B.8		6-3
9	Article 6.4.B.4	Article 6.4.B.4.iii	6-20
10	Article 6.7.8	Article 6.1.E.2.iii	6-8
11	7-2-F-9	Article 7.2.F.9	7-11
12	Article 8.8D.2	Article 8.8.D.2	8-26
13	Article 8.2.D.5		8-6
14	Article 10.20.A.3.B	Article 10.20.B	10-16

In addition, numerous clarifying revisions are suggested to address various scrivener errors and other minor edits:

ITEM	LA-SMP Citation	LA-SMP Page #	Topic	Proposed Clarification
Additional Revisions Proposed for Clarification				
1	Article 6.1.A.3	6-1	SPAADs and vesting	Add text to read as follows: The County should recognize and honor buffers and setbacks established by existing plats, <u>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.

ITEM	LA-SMP Citation	LA-SMP Page #	Topic	Proposed Clarification
2	Article 6.1.D.7	6-5	SPAADs and vesting	Add text to read as follows: The County shall recognize and apply a buffer or setback established by an existing plat, <u>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	Line 28: Delete ‘than’
4	Article 2.N.8	2-29	Definitions – Nonconforming lot	Line 27: Revise 'as' to 'a'
5	Article 2.R.9	2-35	Definitions – Recreation, shoreline	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	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	Line 3: Revise asterisk notation to indicate source = ‘***’ WAC, not ‘***’ RCW
8	Article 6.1.E.1.i	6-6	Critical Areas – Regulations - Buffer Exceptions – Non-conforming Lots	Line 34: Revise text to read as follows: '6.1.D. <u>6</u> '
9	Article 6.4.B.3.i	6-19	Vegetation Conservation – Regulations – View Maintenance	Add text to read as follows: 'Tree topping is prohibited <u>when main stem/trunk is over 3" diameter.</u> '
10	Article 6.6	6-22	Shoreline Setbacks and Height	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	Line 19: Add comma to read as follows: ...'piers, floats...'
12	Article 7.2.G.3.vii	7-13	Boating Facilities – Marina Regulations	Line 31: Revise text to read as follows: ...'Washington Department <u>of</u> Health guidelines and National Shellfish...'

ITEM	LA-SMP Citation	LA-SMP Page #	Topic	Proposed Clarification
13	Article 7.2.H.2	7-16	Boating Facilities – Mooring Buoy Regulations	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	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	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	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	Delete 'Old' to read 'Fort Townsend State Park
18	Article 2.A.4	2-1	Definitions – Accessory structure	Delete, add and reformat text to read as follows: ' Garages, Boathouses, barns, decks , storage sheds...'
19	Article 7.8.E.2.iv	7-32	Shore Armor – Regulations – New or Expanded	Revise text to read as follows: iv. When necessary to protect <u>an existing, lawfully established primary water-oriented use , including a residence, but not 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	Add new item 'iii' to read as follows: 'Be prepared by a licensed professional engineer or geologist or other qualified professional with appropriate credentials.'

ITEM	LA-SMP Citation	LA-SMP Page #	Topic	Proposed Clarification
21	Article 8.2.D.2	8-5	Aquaculture – Regulations – General	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, and shall not require a new substantial development permit (SDP), unless or until:</u>
22	Article 6.1.E.4	6-11	Critical Areas – Regulations - Buffer Exceptions – Water-oriented Use/Development	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