

GMA

2968

Jeanie Orr

From: Jeanie Orr
Sent: Monday, April 06, 2009 8:34 AM
To: Ashley Bullitt; Barbara Nightingale; Henry Werch; Patricia Farmer; Peter Downey (peterdowney@cablespeed.com); Tom Brotherton; Tom Giske; William Miller
Cc: Michelle McConnell; Al Scalf; Stacie Hoskins
Subject: FW: Considerations for Article 6.1 of PDSMP
Importance: High
Attachments: JCPCpdsmp8apr09.doc

PC members; Please print the attached for your 4/8/09 mtg.

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Please note that DCD hours changed as of December 1, 2008.
 Our office is open to the public 9:00 a.m. – 4:30 p.m. Monday to Thursday, closed Fridays.

From: WILLIAM A MILLER [mailto:aliberal14@msn.com]
Sent: Monday, April 06, 2009 7:35 AM
To: Jeanie Orr
Subject: Considerations for Article 6.1 of PDSMP
Importance: High

Jeanie -
 Per Planning Commission agreement of the 1 April 2009 meeting, the attachment (5 pages in Word) contains my suggestions for consideration.
 Please forward to the other Planning Commission members.
 I expect to submit my input for Article 8 Section 3, on Commercial use later today.
 Thank you.
 Bill Miller

4/6/2009

JCPCpdsmp8apr09

Items to consider for change submitted by Bill Miller page 1/5
PDSMP Article 6. 1.C Regulations – Cumulative Impacts

(page 6-4)

Line 7

Consider replacing the word “cause” with “**contribute to**”

Line 11

Consider deleting the word “aesthetics” – believe we are already concerned with the size or scale of the new development with respect to an unacceptable loss of visible access.

Line 12

Consider replacing the words “Proponents of” with “**Proposals for**” --

Line 13

Consider replacing the word “Current” with “**Existing**”

Line 16

Consider rewording of item ii as:--“**Suspected likelihood the submitted proposal would contribute to an adverse impact that could not be mitigated;**”

Line 20

Consider rewording item iv as:--“**Mitigation measures in the proposal that would preclude the development of being a factor in a cumulative impact issue.**”

Line 22

Never Mind!

Line 33

Item 3. ??? Is it clear that this SMP has its basis only on the SMA directives of the RCW and is not linked to GMA directives of the RCW? See also page 1-4 of Article 1 of this PDSMP

End of review of page 6-4

(page 6-5)

Items to consider for change submitted by Bill Miller page 2/5

Line 1

Consider replacing the words “that are processed according” with the word “Subject” so item number 4 would read: “Development applications **subject** to a Reasonable Economic Use Variance ...”

Line 13

Replace the word “all” with “a”

Change the word “directions” to “direction” (plural to singular)

Replace the word “from” with the words “perpendicular to” so the last sentence reads:

“The standard buffer shall be measured landward, in **a horizontal direction perpendicular to** the ordinary high water mark (OHWM) of the shoreline water body, as follows:”

Line 15

Edit item i to read: “Marine shores. **The standard buffer is 150 feet.**”

Line 17

Edit item ii to read: “Lake shores. **The standard buffer is 100 feet.**”

Line 19

Edit item iii to read: “Stream/River shores. **The standard buffer is 150 feet.**”

Lines 24, 25 26 Because standard buffer “depths” may legitimately be reduced by as much as 25% Consider edit to first sentence in item 8 to read

“8. **Buffer Condition:** The area within a required shoreline buffer shall be kept in a sufficiently vegetated condition so as to ensure it protects and maintains the existing ecological functions.

Line 26

Consider assigning a separate title and item number addressing and rewording the last two sentences of Item number 8.-- to read:

8A?. Buffer Usage: When located to avoid areas of noted sensitivity and habitat, an area shall be permitted: for “active use” within an approved buffer that does not exceed twenty (20) percent of the required buffer area; or for at least fifteen (15) linear feet of the water frontage, whichever is greater. This regulation shall not apply retroactively to existing uses.

Line 36 thru 39 (end of page 6-5) and then on page 6-6 lines 1 and 2

Consider rewording item 10 to read:

“10. **Increased Buffers:** An increase in buffer depth shall be required upon determination that the development would be:

- i. Susceptible to and unable to prevent severe erosion resulting in adverse impacts to the shoreline; or
- ii. Susceptible to and unable to prevent harm from a stream or river migration; or
- iii. Susceptible to and unable to prevent harm from flooding - from sea, river/stream; or
- iv. On steeply sloped ($\geq 25\%$) land adjacent to the ordinary high water mark.

(page 6-6)

Items to consider for change submitted by Bill Miller page 3/5

Line 13

Consider edit only the first sentence of the text

After the words “modify the” and preceding the acronym “SMA-regulated” replace the words “buffer width of an” with the words “standard buffer requirement for a”

First sentence to read: “If a proponent of a shoreline use or development proposes to modify the **standard buffer requirement for a** SMA-regulated waterbody using the CASP standards described in Article IX of JCC Chapter 18.22, such buffer modification shall require a shoreline variance.”

Line 22 (“May” is not the word for a regulation)

Consider replacing the word “may” with “**shall**” and the word “allowed” with “**permitted**”

Line 23

Consider inserting text from item iv (below) after the word “when” so the end of the sentence reads: “**...without a shoreline variance when the nonconforming lot was created prior to August 27, 1976 or** when:”

Line 33

Question the use of the word “Consideration” in the context of a regulation

Consider rewrite the text of item iii to read –“**The view impact shall not extend waterward of the common-line setback as measured in accordance with Article 6. Section 7 paragraph B; and**

Line 36

Delete this line and its item number (iv) if the text was inserted into line 23 above

Line 37

Consider rewrite of the text to read: “**Measures are undertaken to mitigate adverse impacts; and**”

Lines 38 & 38 Delete

(page 6-7)

Items to consider for change submitted by Bill Miller page 4/5

Line 1

Consider replacing the words “Opportunities to vary” with “Changes to”

Lines 5 & 6

Consider deleting this item vii (doesn't escape the “no-net-loss idea)

Lines 7 & 8

Consider deleting item viii

Would think this should be reworded for a sub-item in #2 below

(Though I may encourage this - Not convinced proponent has to be required to consolidate non-conforming lots to create a conforming lot to be allowed to develop without a variance)

Appears this would be an option for someone to undertake to be relieved of the development requiring a Variance see item #2 below?

Lines 9

Consider deleting item ix

Would think this should be reworded for a sub-item in #2 below

Lines 12, 13, 14

Consider rewording of the text to read: “At least seventy-five (75) percent of the buffer area, calculated from the depth of the buffer (shoreline to the structures) and the width(s) of the lot (from shoreline to structures), is maintained at the level existing at the time of the permit application.

Lines 15 thru 19

[Please re-explain this regulation](#)

and how it applies to lines 7, 8, 9 (items viii and ix) above

Lines 20 on

This is the last issue under “Regulations” I felt there were only two regulations in the section One, in the introductory paragraph, regarding the reduction of the buffer size and another in the original sub-paragraph iii a. thru d – as four regulations for “boathouses”

Consider new text for Article 6, Section 1 Paragraph E item 3 What have I left out?

3. **Water-Oriented Uses/Development.** Primary uses and those water-dependent and water-related uses/developments (as defined in Article 2) within shoreline buffers that are permitted without a variance shall be consistent with this Program, and JCC Chapter 18.22.
 - i .Primary uses include (items “b.” and “c.” are from page 6-8)
 - a. Pedestrian beach access structures, such as paths, walkways and stairs;
 - b. Public access structures such as docks, piers, and floats;
 - c. Utilities and essential public facilities as identified in Article 8;
 - d. Boating facilities accessory to single-family residential development and associated boathouses, rails, docks piers and floats. .
 - ii The primary uses and water oriented uses/developments shall meet the regulations noted below.

Items to consider for change submitted by Bill Miller page 5/5
(item 3 continued)

- a. Reduction of the buffer area shall be the minimum necessary to accommodate the permitted use/development; and
- b. Boathouses as an accessory to a single-family residential development shall meet all of the following:
 - (A) It shall only be used to store watercraft and not used or converted, to a dwelling unit; and
 - (B) It shall have a maximum footprint of 300 square feet and a maximum height of 15 feet above average grade; and
 - (C) The primary doorway/entryway shall face the water; and
 - (D) The structure is located entirely landward of the ordinary high water mark

END OF COMMENTS ON ARTICLE 6 SECTION 1 CRITICAL AREAS, SHORELINE BUFFERS

Items submitted for consideration by Bill Miller page 1/
FOR
Article 8 Use Specific Policies and Regulations
Section 3 Commercial Use (page 8-8)