

December 4, 2019

To: Polly Stoker
Copy: Andrew Deffobis
Brad Murphy

From: Doug Karman

Re: Key Issue Areas

Per Staff request, below are my “Key Issue Areas”. Please pass them on to the other commissioners.

1. As you are aware, I have submitted many specific comments on the Draft SMP. A few of them have shown up in the strike through version but many have not. All of those issues are still a concern and need further discussion. When will we receive second revision/strike through version of chapter 400 & 500. I do not consider work sessions like we had last night, 12/4 as productive. They are too general in nature and all of the information provided was either in the meeting material provided the Friday before the meeting or in previous meetings/material.
2. We need more specifics on the companion pamphlet you have promised to develop to assist the public in conforming to the SMP. As we discussed, we need to make it easy for shoreline residents to comply with the SMP. This must be developed alongside the Draft SMP.
3. I need to know the specific areas where the “Draft SMP” is more restrictive than the Act and why.
4. I need to know what definitions in the “Draft SMP” are more restrictive than the Act and why.
5. I need to know what areas in the proposed characterization map have changed from the previous map and why. The proposed map is more restrictive and counter to the direction given by the BoCC. It represents a net gain vs “no net loss”. Most, if not all of the Natural areas mapped prior to the current draft were owned by the government and the Rural and Urban Conservancy areas were privately owned. Under the current draft you have taken the privately held Conservancy parcels and made them Natural.

6. The shellfish industry is a preferred use as is Shoreline Residential. Why does Shoreline Residential have more restrictions? Why doesn't Shoreline Residential get the same exclusions that the shellfish industry has? See the Attorney General's clarification on Substantial Development for the shellfish industry.
7. Nonconforming vs legally nonconforming vs conforming. This issue is not settled and there is no reason to brand a legally conforming home or appurtenant structure nonconforming. The option provided in the second draft is to consider legally nonconforming vs nonconforming. Both of these terms are more restrictive than required in the Act or Ecology Hand Book. I prefer the word conforming as allowed by the Act. In fact the residences that are constructed within the original footprint are conforming as no mitigation or changes are required by the SMP. Even the Critical Area Ordinance uses the softer term "legally established nonconforming".
8. While we have included remodel and/or reconstruction in chapter 300 we have not included it under exemptions in chapter 500. The Critical Area Ordinance refers to this as "discretionary replacement. Perhaps we could use this term to cover remodel and/or reconstruction within the existing footprint.
9. While we have not gotten to wharf, float, and pier construction, we need to separate the requirements for the different shorelines to represent requirements needed for salmon restoration and those that are not needed due to the lack of salmon. What lakes in Thurston County have Salmon? We need to allow piers and floats on lakes with an Administrative SDP as long as it meets the design presented in the "SMP Pamphlet". A public hearing is overkill.
10. Bulkheads common to residential shorelines are exempt in chapter 500 but are significantly regulated elsewhere. We need to understand this strategy. Replacement of existing bulkheads should be easier to do than building new. Bulkhead design needs to be part of the "Pamphlet" referred to above and in our prior meetings. This also should be an Administrative SDP. A public hearing is overkill.
11. Landward development within the buffer across the entire width of a residence: The current draft is more restrictive than the current SMP as well as the Act.

12. Mitigation banking is a key area for me

13. Looking at the positive side of actions vs always the negative impacts needs to be factored in. Sometimes an action has more positives than negatives.

14. Native plants vs highbred/non native plants need to be discussed further. Requiring only native plants is excessive, limiting and in some cases impossible to do.

15. I have other issues in the appendices which I will put forth later.